



REPUBLIC OF KENYA

THE EXECUTIVE OFFICE OF THE PRESIDENT

11th Annual Report
on
Progress Made in Fulfilling the International
Obligations of the Republic of Kenya

H.E. Hon. William Samoei Ruto, (PhD.), C.G.H.
President of the Republic of Kenya and
Commander-in-Chief of the Defence Forces

2024

PRINTED BY THE GOVERNMENT PRINTER, NAIROBI

11th Annual Report
on
Progress Made in Fulfilling the International
Obligations of the Republic of Kenya

H.E. Hon. William Samoei Ruto, (PhD.), C.G.H.
President of the Republic of Kenya and
Commander-in-Chief of the Defence Forces

2024



H.E. Hon. William Samoei Ruto, (PhD.) C.G.H.
President of the Republic of Kenya and
Commander-in-Chief of the Defence Forces

TABLE OF CONTENTS

LIST OF ABBREVIATIONS	xv
PREFACE.....	xvii
EXECUTIVE SUMMARY	xix
PART I	1
INTRODUCTION AND BACKGROUND	1
1.0 INTRODUCTION	3
1.1 KENYA’S POLICY ON TREATY MAKING AND RATIFICATION OF INTERNATIONAL TREATIES AND CONVENTIONS.....	3
1.2 RELEVANCE OF TREATIES TO THE ACHIEVEMENT OF NATIONAL DEVELOPMENT GOALS	4
1.3 POLITICAL COMMITMENTS AT HIGH-LEVEL INTERNATIONAL CONFERENCES AND MEETINGS	6
1.3.1 2030 Agenda for Sustainable Development and the Sustainable Development Goals (SDGs).....	6
1.3.2 African Union (AU) Agenda, 2063	11
PART II	13
MEMBERSHIP TO INTERNATIONAL, REGIONAL AND SUB-REGIONAL ORGANIZATIONS.....	13
2.0 MEMBERSHIP TO INTERNATIONAL, REGIONAL AND SUB-REGIONAL ORGANIZATIONS.....	15
2.1 INTERNATIONAL ORGANIZATIONS.....	15
2.1.1 United Nations (UN).....	15
2.1.2 International Court of Justice (ICJ).....	16
2.1.3 World Trade Organization (WTO).....	16
2.1.4 Inter-Governmental Oceanographic Commission of UNESCO (UNESCO-IOC).....	17
2.1.5 Food and Agriculture Organization (FAO).....	18
2.1.6 United Nations Agency for Human Settlement and Urban Development (UN-Habitat).....	19
2.1.7 United Nations Industrial Development Organization (UNIDO)	20
2.1.8 International Maritime Organization (IMO)	21
2.1.9 Inter-Governmental Standing Committee on Shipping (ISCOS).....	22
2.1.10 United Nations Tourism (UN Tourism).....	22
2.1.11 THE WORLD TRAVEL AND TOURISM COUNCIL.....	24
2.1.12 Commonwealth of Nations	25
2.1.13 International Civil Aviation Organization (ICAO).....	26
2.1.14 International Atomic Energy Agency (IAEA).....	27
2.1.15 The International Renewable Energy Agency (IRENA)	27
2.1.16 Indian Ocean Tuna Commission (IOTC).....	28
2.1.17 South West Indian Ocean Fisheries Commission (SWIOFC).....	29
2.1.18 Indian Ocean Rim Association (IORA).....	30
2.1.19 The International Seabed Authority.....	30
2.1.20 Common Fund for Commodities (CFC).....	31
2.1.21 World Association of Public Employment Services (WAPES)	31
2.1.22 World Organization for Animal Health (OIE).....	32
2.1.23 Organization of African, Caribbean and Pacific States (OACPS).....	33
2.1.24 Forum on China Africa Cooperation (FOCAC)	34
2.1.25 Tokyo International Conference on African Development (TICAD)	34
2.1.26 Codex Alimentarius Commission (CAC).....	35
2.1.27 International Accreditation Forum (IAF)	35
2.1.28 International Laboratory Accreditation Co-operation (ILAC)	36



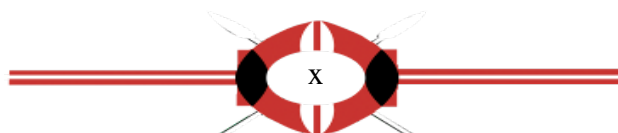
2.1.29	International Measurement Confederation (IMEKO)	36
2.1.30	International Organization for Standardization (ISO).....	37
2.1.31	International Electro-Technical Commission (IEC)	37
2.1.32	Asia Pacific Metrology Programme (APMP)	38
2.1.33	World Intellectual Property Organization (WIPO)	38
2.1.34	World Health Organization Framework Convention on Tobacco Control (WHO-FCTC) ..	39
2.1.35	World Health Organization (WHO).....	40
2.1.36	International Seed Testing Association (ISTA)	41
2.1.37	International Fund for Agricultural Development (IFAD)	42
2.1.38	International Red Locust Control Organization for Central and Southern Africa (IRLCO-CSA).....	42
2.1.39	Organization for Economic Cooperation and Development (OECD) Seed Schemes, Fruits and Vegetables Schemes and Forestry Seed Schemes.....	43
2.1.40	International Network for Bamboo and Rattan (INBAR).....	44
2.1.41	World Meteorological Organization (WMO)	45
2.1.42	African Centre of Meteorological Application for Development (ACMAD).....	45
2.1.43	International Labour Organization (ILO).....	46
2.1.44	International Telecommunications Union (ITU).....	47
2.1.45	Universal Postal Union (UPU).....	48
2.1.46	Smart Africa Initiative.....	49
2.1.47	Commonwealth Telecommunications Organizations (CTO).....	50
2.1.48	International Mobile Satellite Organization (IMSO 1976)	51
2.1.49	International Telecommunications Satellite Organization (ITSO 1971)	51
2.1.50	International Centre for Settlement of Investments Disputes Convention (ICSID).....	52
2.1.51	Global Alliance for Buildings and Construction.....	53
2.1.52	World Anti-Doping Agency (WADA).....	54
2.2	REGIONAL ORGANIZATIONS.....	57
2.2.1	African Union (AU)	57
2.2.2	The African Continental Free Trade Area (AfCFTA).....	57
2.2.3	Tripartite Free Trade Area (COMESA-EAC-SADC)-TFTA.....	58
2.2.4	The African Energy Commission (AFREC)	59
2.2.5	New Partnership for Africa's Development (AUDA-NEPAD).....	60
2.2.6	Pan African University Institute of Basic Sciences, Technology and Innovation (PAUSTI)	60
2.2.7	International Centre for Genetic Engineering and Biotechnology (ICGEB)	61
2.2.8	African Court on Human and Peoples' Rights (ACHPR).....	62
2.2.9	Africa Union Mechanism for Police Cooperation (AFRIPOL)	63
2.2.10	Common Market for Eastern and Southern Africa (COMESA).....	63
2.2.11	COMESA Court of Justice (CCJ).....	64
2.2.12	Gaming Regulators Africa Forum (GRAF).....	65
2.2.13	Inter-African Bureau for Animal Resources (AU-IBAR)	65
2.2.14	African Accreditation Co-operation (AFRAC)	67
2.2.15	African Electro-Technical Standardization Commission (AFSEC).....	68
2.2.16	African Organization for Standardisation (ARSO)	68
2.2.17	Intra-Africa Metrology System (AFRIMETS)	69
2.2.18	Africa Minerals and Geoscience Centre	69
2.2.19	Association of African Maritime Administration (AAMA).....	71
2.2.20	Africa Travel Association (ATA)	71
2.2.21	Global Tourism Resilience and Crisis Management Centre—Eastern Africa	72
2.2.22	African Telecommunications Union (ATU).....	73

2.2.23	Internet Corporation for Assigned Names and Numbers (ICANN)	74
2.2.24	International Association of Science Parks and areas of innovation (IASP).....	75
2.2.25	Association of Regulators of Information and Communications in Eastern Africa (ARICEA)	76
2.2.26	Pan African Postal Union (PAPU).....	76
2.2.27	African Advanced Level Telecommunications Institute (AFRALTI).....	77
2.2.28	African Regional Intellectual Property Organization (ARIPO)	78
2.2.29	The African Regional Labour Administration Centre (ARLAC).....	78
2.3	SUB-REGIONAL ORGANIZATIONS	80
2.3.1	East African Community (EAC).....	80
2.3.2	East African Court of Justice (EACJ)	81
2.3.3	The East African Communications Organization (EACO).....	81
2.3.4	Inter-Governmental Authority on Development (IGAD)	82
2.3.5	International Conference on the Great Lakes Region (ICGLR)	83
PART III	.....	85
TREATIES AND CONVENTIONS	.....	85
3.0	TREATIES AND CONVENTIONS.....	87
3.1	DIPLOMACY, PRIVILEGES AND IMMUNITIES	87
3.1.1	The 1961 Vienna Convention on Diplomatic Relations	87
3.1.2	Optional Protocol to the Vienna Convention on Diplomatic Relations concerning Acquisition of Nationality.....	89
3.1.3	The 1963 Vienna Convention on Consular Relations.....	89
3.1.4	1963 Vienna Convention on Consular Relations and the Optional Protocol Concerning the Acquisition of Nationality.....	90
3.1.5	Optional Protocol to the Vienna Convention on the Compulsory Settlement of Disputes.....	91
3.1.6	The 1946 Convention on the Privileges and Immunities of the United Nations	91
3.1.7	The 1948 Convention on the Privileges and Immunities of the UN Specialized Agencies.....	92
3.1.8	Agreement on Privileges and Immunities of the Organization for the Prohibition of Chemical Weapons (OPCW)	93
3.1.9	General Convention on Privileges and Immunities of the OAU.....	94
3.1.10	EAC Protocol on Foreign Policy Co-ordination.....	95
3.1.11	EAC Protocol on Privileges and Immunities.....	96
3.2	PEACE AND SECURITY	97
3.2.1	Geneva Convention I for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field; Geneva Convention II for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; Geneva Convention III relative to the Treatment of Prisoners of War; Geneva Convention IV relative to the Protection of Civilian Persons in Time of War; Additional Protocol I to the Geneva Conventions relating to the Protection of Victims of International Armed Conflicts; Additional Protocol II to the Geneva Conventions relating to the Protection of Victims of Non-International Armed Conflicts; Additional Protocol III to the Geneva Conventions relating to the Adoption of an Additional Distinctive Emblem.....	97
3.2.2	Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC), 1997.....	99
3.2.3	The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BTWC).....	100
3.2.4	Protocol for the Prohibition of the use of Asphyxiating, Poisonous or other Gases and of Bacteriological Methods of Warfare.....	100
3.2.5	Comprehensive Nuclear Test Ban Treaty (CTBT)	101

3.2.6	Treaty on the Non-Proliferation of Nuclear Weapons (NPT)	102
3.2.7	The African Nuclear Weapon Free Zone Treaty (Treaty of Pelindaba).....	103
3.2.8	The Hague Code of Conduct against Ballistic Missile Proliferation (HCoC)	104
3.2.9	Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction	104
3.2.10	Protocol Relating to the Establishment of the Peace and Security Council of the African Union.....	105
3.2.11	East African Community Protocol on Cooperation in Defence Affairs.....	106
3.2.12	East African Community Protocol on Peace and Security.....	107
3.2.13	Protocol on Combating Drug Trafficking in the East African Region	108
3.2.14	Mutual Defence Pact between Kenya, Uganda and Rwanda	109
3.2.15	Optional Protocol to the UN Convention on the Rights of the Child on Involvement of Children in Armed Conflict.....	110
3.2.16	UN Convention against Transnational Organized Crime (also known as Palermo Convention). The Convention has three Protocols namely: Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UNTOC; Protocol against the Smuggling of Migrants by Land, Sea and Air; and Protocol against the Illicit Manufacturing and Trafficking in Firearms, their Parts, Components and Ammunition (also known as the Palermo Protocols).....	111
3.2.17	International Convention for the Suppression of Terrorist Bombings	112
3.2.18	International Convention for the Suppression of Acts of Nuclear Terrorism	113
3.2.19	International Convention for the Suppression of the Financing of Terrorism	114
3.2.20	International Convention against Taking of Hostages	116
3.2.21	OUA Convention on the Prevention and Combating of Terrorism	116
3.2.22	Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents	117
3.2.23	Convention on the Safety of United Nations and Associated Personnel	118
3.2.24	Convention on the Physical Protection of Nuclear Material (CPPNM) and the Amendment to the Convention on the Physical Protection of Nuclear Material	119
3.2.25	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.....	120
3.2.26	Protocol on the Establishment of a Conflict Early Warning and Response Mechanism for IGAD Member States (CEWARN)	121
3.2.27	Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water	122
3.3	HUMAN RIGHTS AND SOCIAL PROTECTION	123
3.4	INTERNATIONAL TRADE AND INVESTMENT	168
3.4.1	Protocol Amending the Marrakesh Agreement Establishing the World Trade Organization	168
3.4.2	General Agreement on Tariffs and Trade 1994 (GATT 1994)	169
3.4.3	General Agreement on Trade and Services (GATS).....	170
3.4.4	The WTO Trade Facilitation Agreement (TFA)	171
3.4.5	World Trade Organization Technical Barriers to Trade (WTO/TBT) Agreement	172
3.4.6	World Trade Organization Agreement on Trade Related Investment Measures (TRIMS) .	173
3.4.7	World Trade Organization Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS).....	174
3.4.8	Protocol Amending the TRIPS Agreement	174
3.4.9	The World Trade Organization Dispute Settlement System	175
3.4.10	World Trade Organization (WTO) Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement)	176
3.4.11	East African Community Protocol on Sanitary and Phyto-sanitary Measures	177

3.4.12	EAC Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income	178
3.4.13	Cotonou Partnership Agreement (ACP-EU Partnership Agreement).....	178
3.4.14	East African Community (EAC)/European Union (EU) Economic Partnership Agreements (EPAs).....	180
3.4.15	Protocol on the Establishment of the East African Community Common Market.....	181
3.4.16	Protocol on the Establishment of the East African Community Customs Union	182
3.4.17	Protocol on the Establishment of the East African Community Monetary Union.....	185
3.4.18	Marking of Weights (Packages Transported by Vessels Convention), No. 27 of 1929 ...	186
3.5	STANDARDIZATION.....	188
3.5.1	The Metre Convention	188
3.5.2	East Africa Community Protocol on Standardization, Quality Assurance Metrology and Testing (EAC SQMT)	189
3.6	INTELLECTUAL PROPERTY	190
3.6.1	Paris Convention for the Protection of Industrial Property.....	190
3.6.2	Berne Convention for the Protection of Artistic and Literary Works.....	191
3.6.3	Madrid Agreement Concerning the International Registration of Marks (Madrid, 1891)	191
3.6.4	Patent Co-operation Treaty (PCT)	192
3.6.5	Brussels Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite	193
3.6.6	Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or Otherwise Print Disabled.....	193
3.6.7	Beijing Treaty on Audio-visual Performances.....	194
3.6.8	Nairobi Treaty on the Protection of the Olympic Symbol.....	194
3.6.9	Geneva Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of their Phonograms, 1971	195
3.7	EDUCATION, SCIENCE AND TECHNOLOGY	196
3.7.1	Dakar Framework for Action, Education for All (EFA) Agreement.....	196
3.7.2	The Djibouti Declaration on Regional Conference on Refugee Education in IGAD Member States.....	199
3.7.3	Protocol on the Establishment of the Inter-University Council for East Africa (IUCEA)	199
3.7.4	Protocol on the Establishment of the East African Kiswahili Commission.....	200
3.7.5	Protocol on the Establishment of the East African Science and Technology Commission	201
3.7.6	The Africa Regional Cooperative Agreement for Research Development and Training Related to Nuclear Science and Technology (AFRA).....	201
3.8	OUTER SPACE	203
3.8.1	Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.....	203
3.8.2	Convention on International Liability for Damage caused by Space Objects (Liability Convention).....	203
3.8.3	Agreement on the African Resource and Environment Management Satellite Constellation Initiative (ARMC)	204
3.9	ELECTIONS, DEMOCRACY AND GOVERNANCE	205
3.9.1	The African Charter on Democracy, Elections and Governance (ACDEG)	205
3.10	HEALTH.....	206
3.10.1	WHO Framework Convention on Tobacco Control (FCTC)	206
3.10.2	Protocol to Eliminate Illicit Trade in Tobacco Products (ITP).....	207
3.10.3	The Single Convention on Narcotic Drugs, 1961	207
3.10.4	The Convention on Psychotropic Substances, 1971	208

3.10.5	United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.....	209
3.10.6	Protocol for the Establishment of the East African Health Research Commission (EAHRC)	210
3.11	TRANSPORT	212
3.11.1	Air Transport.....	212
3.11.1.1	Convention for the Unification of Certain Rules of International Carriage by Air (1999 Montreal Convention).....	212
3.11.1.2	Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991 Montreal).....	212
3.11.1.3	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.....	213
3.11.1.4	Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971 Montreal Convention).....	214
3.11.1.5	Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (1988 Montreal).....	215
3.11.1.6	Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface (1952 Rome Convention).....	217
3.11.1.7	Protocol to amend the Rome Convention of 1952 on Damage Caused by Foreign Aircraft to Third Parties on the Surface (1978 Montreal).....	217
3.11.1.8	Protocol on the Establishment of the East African Community Civil Aviation Safety and Security Oversight Agency (CASSOA).....	218
3.11.1.9	Search and Rescue Agreement Co-operation in Air Accident Investigations	219
3.11.1.10	EAC Multilateral Agreement on Aircraft Accident and Incident Investigations.....	220
3.11.1.11	Convention on the International Recognition of Rights in Aircraft (1948 Geneva Convention).....	221
3.11.1.12	Convention for Unification of Certain Rules Relating to International Carriage by Air (1929 Warsaw).....	222
3.11.1.13	Protocol to amend the Convention for the Unification of Certain Rules relating to International Carriage by Air (1955 Hague Protocol).....	223
3.11.1.14	Convention on Offences and Certain other Acts Committed on Board Aircraft (1963 Tokyo).....	224
3.11.1.15	Convention for the Suppression of Unlawful Seizure of Aircraft (1970 Hague)	225
3.11.1.16	International Civil Aviation Organization (1944 Chicago Convention).....	226
3.11.1.17	Protocols Relating to Articles 50(A) and 56 of the Chicago Convention on International Civil Aviation	227
3.11.1.18	Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft (Montreal Protocol 2014)	228
3.11.2	Road Transport.....	229
3.11.2.1	Geneva Convention on Road Traffic Accident.....	229
3.11.2.2	Vienna Convention on Road Traffic, 1968	230
3.11.2.3	The Northern Corridor Transit and Transport Agreement, 2007	231
3.11.2.4	Northern Corridor Integration Projects (NCIP)	232
3.11.2.5	Lamu Port- South Sudan-Ethiopia Transport Corridor Project.....	233
3.11.2.6	1993 COMESA Protocol for the Establishment of Third-Party Motor Vehicle Insurance Scheme Road Transport Market Liberalisation.....	234
3.11.2.7	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	235
3.11.2.8	Regional Customs Transit Guarantee (RCTG) Agreement	236
3.11.3	Rail Transport	237
3.11.3.1	Protocol for the Development and Operation of the Standard Gauge Railway (SGR).....	237



3.12	LAW OF THE SEA	238
3.12.1	United Nations Convention on the Law of the Sea (UNCLOS).....	238
3.12.2	Maritime Transport.....	240
3.12.2.1	Maritime Labour Convention (MLC), 2006 as amended.....	240
3.12.2.2	International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS 1974)	240
3.12.2.3	Protocol of 1978 Relating to the International Convention for the Safety of Life at Sea 1974 as amended (SOLAS PROT., 78).....	242
3.12.2.4	Protocol of 1988 Relating to the International Convention for the Safety of Life at Sea, 1974 as amended (SOLAS PROT., 1988)	242
3.12.2.5	International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and by the Protocol of 1997 as amended (MARPOL/MARPOL PROT., 1997)	243
3.12.2.6	International Convention on Standards of Training, Certification and Watch-Keeping for Seafarers, 1978, as Amended (STCW 1978).....	245
3.12.2.7	International Convention on Load Lines, 1966 (LL 1966) as Amended by the 1988 Protocol to the Load Lines Convention (1988 Protocol)	246
3.12.2.8	International Convention on Tonnage Measurement of Ships, 1969 as Amended (TONNAGE 1969).....	247
3.12.2.9	Convention on the International Regulations for Preventing Collisions at Sea, 1972, as Amended (COLREG 1972)	247
3.12.2.10	International Convention for Safe Containers as Amended (CSC), 1972	249
3.12.2.11	International Convention on Maritime Search and Rescue (SAR) 1979 as amended	249
3.12.2.12	Convention on Facilitation of International Maritime Traffic, 1965, as Amended (FAL 1965)	250
3.12.2.13	Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, as Amended by the London Protocol (London Convention 1972).....	252
3.12.2.14	Protocol of 1992 to Amend the International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC Prot 1992).....	253
3.12.2.15	Protocol of 1992 to Amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 (FUND PROT., 1992)	254
3.12.2.16	Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA, 1988) as amended by the Protocol for the Suppression of unlawful acts against the safety of fixed platforms located on the continental shelf, 1988 (SUA PROT. 1988)	254
3.12.2.17	International Convention on Salvage, 1989 (Salvage 1989).....	256
3.12.2.18	International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC 1990).....	257
3.12.2.19	International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM 2004)	258
3.12.2.20	International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (Bunkers 2001).....	259
3.12.2.21	Protocol of 1996 to Amend the Convention on Limitation of Liability for Maritime Claims, 1976 (LLMC PROT., 1996)	260
3.12.2.22	International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001 (AFS 2001).....	260
3.12.2.23	African Maritime Transport Charter, 2010 (Rev. 2014)	261
3.12.2.24	Nairobi International Convention on Removal of Wrecks, 2007 (NAIROBI WRC 2007)	262
3.12.2.25	Dock Work Convention, No. 137 of 1973	262
3.12.2.26	Seafarers' Identity Documents Convention (Revised), 2003, as Amended (No. 185)	263
3.12.2.27	Convention C188 on Work in Fishing Convention 2007	264

3.12.2.28	Cape Town Agreement of 2012 on Safety of Fishing Vessels	264
3.12.2.29	International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (STCW-F)	265
3.12.3	FISHERIES.....	266
3.12.3.1	United Nations Fish Stock Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA).....	266
3.12.3.2	Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IUU)	267
3.12.3.3	International Convention for Regulation of Whaling, 1946	268
3.12.3.4	FAO Code of Conduct for Responsible Fisheries (CCRF).....	269
3.12.3.5	UN 1993 FAO Fishing Vessel Compliance Agreement	270
3.12.3.6	UN 2009 FAO Port State Measures Agreement	271
3.12.3.7	The Common Market for Eastern and Southern Africa Fisheries Strategy (COMESAFS).....	272
3.12.3.8	The Convention for the Establishment of the Lake Victoria Fisheries Organization (LVFO).....	272
3.13	ENVIRONMENT, CLIMATE CHANGE AND FORESTRY	275
3.13.1	Minamata Convention on Mercury	275
3.13.2	United Nations Framework Convention on Climate Change (UNFCCC)	276
3.13.3	United Nations Convention to Combat Desertification (UNCCD)	278
3.13.4	United Nations Convention on Biological Diversity (CBD).....	279
3.13.5	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.....	281
3.13.6	The Cartagena Protocol on Biosafety	281
3.13.7	Vienna Convention for the Protection of the Ozone Layer	282
3.13.8	Montreal Protocol on Substances that Deplete the Ozone Layer	283
3.13.9	The Basel Convention on the Control of Trans-boundary Movement of Hazardous Waste and their Disposal.....	284
3.13.10	Stockholm Convention on Persistent Organic Pollutants (POPS).....	284
3.13.11	Rotterdam Convention on Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade	285
3.13.12	Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)-.....	286
3.13.13	Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention) (CMS).....	287
3.13.14	Convention on Wetlands of International Importance especially as Waterfowl Habitats (RAMSAR Convention)	288
3.13.15	Convention on the Law of the Non-Navigational Uses of International Watercourses (1997 UN Watercourses Convention).....	289
3.13.16	Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Western Indian Ocean (Nairobi Convention) and its Protocols.....	290
3.13.17	Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora.....	291
3.13.18	Revised African Convention on the Conservation of Nature and Natural Resources (The Algiers Convention)	292
3.13.19	East Africa Community Protocol on Environment and Natural Resources Management	293
3.13.20	East African Community Protocol on Cooperation in Meteorological Services	294
3.13.21	East Africa Community Protocol for the Sustainable Development of Lake Victoria Basin.....	295
3.14	AGRICULTURE.....	297

3.14.1	International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) .	297
3.14.2	International Convention for the Protection of New Varieties of Plants (UPOV)	298
3.14.3	International Plant Protection Convention (IPPC).....	298
3.14.4	International Grains Agreement, 1995.....	299
3.14.5	International Sugar Agreement (ISA), 1969	300
3.14.6	International Coffee Agreement (ICA).....	301
3.14.7	Convention on the African Migratory Locust.....	302
3.15	ICT, RADIO REGULATIONS AND TELECOMMUNICATIONS	304
3.15.1	East African Community Protocol on Information, Communications and Technology ...	304
3.15.2	Dubai Convention on International Telecommunication Regulations, 2012	304
3.16	ETHICS, INTEGRITY AND PUBLIC ADMINISTRATION	308
3.16.1	United Nations Convention Against Corruption (UNCAC).....	308
3.16.2	African Convention on Preventing and Combating Corruption	309
3.16.3	African Charter on Values and Principles of Public Service and Administration.....	310
3.17	LABOUR AND EMPLOYMENT	313
3.17.1	Fundamental Conventions	313
3.17.1.1	Forced Labour Convention, No. 29 of 1930	313
3.17.1.2	Right to Organize and Collective Bargaining Convention, No. 98 of 1949	314
3.17.1.3	Equal Remuneration Convention, No. 100 of 1951	314
3.17.1.4	Abolition of Forced Labour Convention No. 105 of 1957	315
3.17.1.5	Discrimination (Employment and Occupation) Convention No. 111 of 1958	316
3.17.1.6	Minimum Age Convention, No. 138 of 1973	317
3.17.1.7	Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, No. 182 of 1999.....	318
3.17.2	Governance Conventions	320
3.17.2.1	Labour Inspection (Industry) Convention, No. 81 of 1947.....	320
3.17.2.2	Labour Inspection (Agriculture) Convention, No. 129 of 1969.....	321
3.17.2.3	Tripartite Consultation (International Labour Standards) Convention, No. 144 of 1976.	322
3.17.3	Technical Conventions	323
3.17.3.1	Unemployment Convention, No. 2 of 1919	323
3.17.3.2	Right of Association (Agriculture) Convention, No. 11 of 1921.....	324
3.17.3.3	Weekly Rest (Industry) Convention, 1921.....	324
3.17.3.4	Protection Against Accidents (Dockers) Convention (Revised), No. 32 of 1932	325
3.17.3.5	Labour Clauses (Public Contracts) Convention, No. 94 of 1949.....	326
3.17.3.6	Migration for Employment Convention No. 97 of 1949	327
3.17.3.7	Minimum Wage Fixing Machinery (Agriculture) Convention, No. 99 of 1951.....	328
3.17.3.8	Dock Work Convention, No. 137 of 1973	329
3.17.3.9	Migrant Workers (Supplementary Provisions) Convention, No. 143 of 1975	329
3.17.3.10	Workmen's Compensation (Accidents) Convention, No. 19 of 1925	331
3.17.3.11	Minimum Wage-Fixing Machinery Convention, No. 26 of 1928	331
3.17.3.12	Convention Concerning Statistics of Wages and Hours of Work, No. 63 of 1938.....	332
3.17.3.13	Employment Service Convention, No. 88 of 1948	333
3.17.3.14	Night Work (Women) Convention (Revised), No. 89 of 1948.....	334
3.17.3.15	Equality of Treatment (Social Security) Convention, No. 118 of 1962.....	334
3.17.3.16	Minimum Wage Fixing Convention, No. 131 of 1970.....	335
3.17.3.17	Holidays with Pay Convention (Rev.) No. 132 of 1970.....	336
3.17.3.18	Workers' Representatives Convention, No. 135 of 1971	336
3.17.3.19	Paid Educational Leave Convention, No. 140 of 1974.....	337
3.17.3.20	Rural Workers Organizations' Convention, No. 141 of 1975	337
3.17.3.21	Human Resources Development Convention, No. 142 of 1975	338

3.17.3.22	Nursing Personnel Convention, No. 149 of 1977	339
3.18	SPORTS, ARTS AND CULTURE.....	341
3.18.1	United Nations Educational, Scientific, and Cultural Organization (UNESCO) Convention on the Fight against Doping in Sport.....	341
3.18.2	The 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (ICH)	342
3.18.3	The UNESCO 2005 Convention on the Protection and Promotion of Diversity of Cultural Expressions	344
3.18.4	The Convention concerning the Protection of the World Cultural and Natural Heritage—The World Heritage Convention (WHC).....	344
3.19	DELIMITATION AND DEMARCATION OF INTERNATIONAL BOUNDARIES ...	347
3.19.1	Declaration on the African Union Border Programme (AUBP)	347
3.19.2	Addis Ababa Declaration on Geospatial Information Management.....	349
3.19.3	African Union Strategy for Enhancing Border Management in Africa, 2012.....	350
3.20	LANDS AND PUBLIC WORKS	352
3.21	PUBLIC WORKS, BUILDINGS AND RELATED INFRASTRUCTURE	356
PART IV	.....	359
TREATIES SIGNED BY KENYA	.....	359
4.0	INTRODUCTION: INTERNATIONAL OBLIGATIONS OF SIGNATORIES TO AN UNRATIFIED TREATY	360
4.1	TREATIES SIGNED BY KENYA.....	360
4.1.1	Convention on Cluster Munitions	360
4.1.2	OAU Convention on Elimination of Mercenarism in Africa.....	361
4.1.3	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.....	361
4.1.4	International Convention for the Protection of all Persons from Enforced Disappearance	362
4.1.5	WIPO Copyright Treaty (WCT)	363
4.1.6	WIPO Performances and Phonograms Treaty (WPPT).....	363
4.1.7	Locarno Agreement establishing an International Classification for Industrial Designs .	364
4.1.8	The Trademark Law Treaty	365
4.1.9	The Energy Charter Treaty.....	365
4.1.10	The African Charter on Statistics.....	366
4.1.11	The 2010 Nile Basin Cooperative Framework Agreement (CFA).....	367
MATRIX TABLE OF CONTENTS	.....	369
PART VI	.....	619
ANNEXES	.....	619
ANNEX I	—INBOUND AND OUTBOUND HIGH-LEVEL VISITS (JULY, 2023 - JUNE, 2024).....	621
ANNEX II	—KENYA'S INTERNATIONAL CANDIDATURES (2022–2023)	627
ANNEX III	—KENYA'S ANNUAL SUBSCRIPTIONS TO INTERNATIONAL ORGANIZATIONS (2023–2024).....	633
ANNEX IV	—SECRETARIAT OF THE REPORT FROM OFFICE OF THE REGISTRAR OF TREATIES	641
ANNEX V	—PARTICIPANTS/ FOCAL POINTS OF THE REPORT.....	643
AFRICA CALLS FOR GLOBAL ACTION TO COMBAT CLIMATE CHANGE AT AFRICA CLIMATE SUMMIT IN NAIROBI, KENYA ON 6 TH SEPTEMBER, 2023	.....	646

LIST OF ABBREVIATIONS

ADB	African Development Bank
ADAK	Anti-Doping Agency of Kenya
ATMIS	African Union Transition Mission in Somalia
APRM	Africa Union Peer Review Mechanism
AU	African Union
AU-IBAR	African Union International Bureau on Animal Resources
AUBP	African Union Border Programme
BETA	Bottom-up Economic Transformation Agenda
CA	Communications Authority of Kenya
CBRN	Chemical Biological Radiological and Nuclear
CIDP	County Integrated Development Plans
COMESA	Common Market for Eastern and Southern Africa
COVID-19	Coronavirus Disease
EAC	East African Community
EAPP	Eastern Africa Power Pool
EDE	Ending Drought Emergency
EEZ	Exclusive Economic Zone
GMDSS	Global Maritime Distress and Safety System
HLPF	High-Level Political Forum on Sustainable Development
IBED	Inter-African Bureau of Epizootic Diseases
ICSID	International Centre for Settlement of Investments Disputes
ICT	Information and Communication Technologies
IHL	International Humanitarian Law
IPR	Intellectual Property Right
ISPS	International Ship Port Security
IUU	Illegal, Unreported and Unregulated
KCAA	Kenya Civil Aviation Authority
KEBS	Kenya Bureau of Standards
KEPHIS	Kenya Plant Health Inspectorate Service
KEMRI	Kenya Medical Research Institute
KENAS	Kenya Accreditation Service
KIPI	Kenya Intellectual Property Institute
KMA	Kenya Maritime Authority
KMFRI	Kenya Marine and Fisheries Research Institute
KNBS	Kenya National Bureau of Statistics
KPA	Kenya Ports Authority

KRA	Kenya Revenue Authority
MRA	Mutual Recognition Arrangement
MTP	Medium-Term Plan
NACADA	National Authority for the Campaign Against Alcohol and Drug Abuse
NACOSTI	National Commission for Science, Technology and Innovation
NDMA	National Drought Management Authority
NEMA	National Environmental Management Authority
NWS	Nuclear Weapon States
NuPEA	Nuclear Power & Energy Agency
OAU	Organization of African Unity
OIE	Office International des Epizooties
OSBP	One-Stop Border Post
OPRC	Oil Pollution Preparedness, Response and Co-operation
PCK	Postal Corporation of Kenya
PWD	Persons with Disability
SACCOs	Savings and Credit Co-operatives
SADC	Southern African Development Community
SDG	Sustainable Development Goal
SGR	Standard Gauge Railway
SQMT	Standardization Quality Assurance Metrology and Testing
SGBV	Sexual and Gender Based Violence
TICAD	Tokyo International Conference on African Development
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNDP	United Nations Development Programme
UNHCR	United Nations High Commission for Refugees
UNSC	United Nations Security Council
USOAP	Universal Safety Oversight Audit Programme
UNECA	United Nations Economic Commission for Africa
UNEP	United Nations Environment Programme
UN-HABITAT	United Nations Human Settlements Programme
UNFPA	United Nations Population Fund
UNODC	United Nations Office on Drugs and Crime
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNIDO	United Nations Industrial Development Organization
UNEA	United Nations Environmental Assembly

PREFACE

I am pleased to present the Eleventh (11th) Annual Report to the National Assembly on the Progress Made in Fulfilling Kenya's International Obligations pursuant to Article 132 (1) (c) (iii) of the Constitution of Kenya, 2010. These obligations arise from Treaties, Conventions, and other International Commitments Kenya is party to.

The international community, over the years has developed international law in form of treaties or customary international law to address issues of mutual concern and enhance global cooperation. State parties to international treaties, assume obligations to develop domestic measures and legislation compatible with their treaty obligations and duties.

The Foreign Policy of Kenya is guided by the fundamental principles of Peaceful co-existence with its neighbors and other nations; Resolution of conflicts by peaceful means; Promotion of regional integration; Respect for the equality, sovereignty and territorial integrity of states; and Respect for international norms, customs and laws. In addition, the Government has made deliberate efforts to harness the immense potential of Kenya's diaspora.

To fulfill Kenya's international obligations, my administration has revamped our foreign policy through the **Bottom-Up Economic Transformation Agenda (BETA)** under the pillars of agricultural transformation and inclusive growth; micro, small and medium enterprises growth; housing and settlement; healthcare; digital superhighway and the growth of the creative industry.

This is demonstrated by the high-level summits Kenya has hosted and participated in the financial year 2023–2024. On 29th April, 2024, Kenya hosted 19 African Heads of State, for the African Heads of State Summit for the World Bank International Development Association 21 (IDA 21). The agenda for the summit was to improve lives and create new opportunities and position the World Bank's International Development Association (IDA) as a cornerstone for success. In the month of May, 2024 between 7th and 9th we hosted the Africa Fertilizer and Soil Health (AFSH) Summit which developed a ten-year action plan for sustainable productivity growth in African agriculture. The Bank Group's 2024 Annual Meetings were held from May 27th to 31st in Nairobi, Kenya. The theme for the meetings, which comprise the 59th Annual Assembly of the African Development Bank and the 50th meeting of the African Development Fund is "*Africa's Transformation, African Development Bank Group, and Reform of the Global Financial Architecture*".

Under my administration, Kenya has cemented its role as a just, responsible and responsive champion of Climate Change Initiatives globally. During the twenty-eighth Conference of Parties (COP28) of the United Nations Framework Convention on Climate Change (UNFCCC) that was held in Dubai, United Arab Emirates, from 30th November to 12th December, 2023, the Summit discussed a package of ambitious energy transition and investment goals and initiatives aligned with a commitment to maintaining global temperatures within 1.5°C. The headline outcome of the conference was an agreement to "*transition away from fossil fuels*" as part of the global stocktake.

While we take all our international obligations seriously, we place special interest and emphasis on our regional and sub-regional obligations in tandem with our commitment to Pan-Africanism and regional integration. Kenya is at the forefront in the promotion of regional integration, ensuring good neighborliness and peaceful resolutions of conflicts. To this end, after the adoption of the IGAD Treaty, I signed the Treaty on 12th June, 2023, in Djibouti. Kenya is in the process of ratifying the IGAD Treaty. In addition, Kenya is an active member of various Regional Economic Communities (RECs) including, *inter alia*, East African Community (EAC), Common Market for Eastern and Southern Africa (COMESA); and Indian Ocean Rim Association (IORA).

We reaffirm the principle of multilateralism and the values of the Charters of the African Union and of the United Nations that embrace a common humanity, safeguards a rule-based international order, and underscores equality and respect for all humanity. Kenya has fashioned its profile as a regional multilateral and diplomatic hub. Kenya has sixty-six (66) established Diplomatic Missions, and one (1) Permanent Delegation to UNESCO in Paris. Kenya Missions to Sudan, UNEP and UN-HABITAT are based in Nairobi. There are thirty-six (36) Honorary Consuls spread across the globe. Nairobi hosts One Hundred and Nine (109) Foreign Diplomatic Missions resident in Nairobi and one hundred

and forty-eight (148) Inter-Governmental and International Organizations hosted in the country. The United Nations Office in Nairobi (UNON) is the only UN Office in the Global South.

Kenya continues to formulate and review various policies and legislations, and implementing programs that aim at ensuring that Kenyans live in dignity and exploit their human capabilities for social and economic development. It is, therefore, my pleasure to present to you this Report which is a public awareness tool on Kenya's International Obligations.

I wish to commend the various Ministries Departments and Agencies (MDAs) for participating in the preparation of this Report. I, further, applaud the Ministry of Foreign and Diaspora Affairs for facilitating the preparation of the Report and the continued diligence in managing Kenya's ratification and implementation of Treaties.

H.E. Hon. William Samoei Ruto (PhD.), C.G.H.

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

EXECUTIVE SUMMARY

This Eleventh (11th) Annual Report provides progress made in fulfilling Kenya's International Obligations pursuant to Article 132 (1) (c) (iii) of the constitution of Kenya, 2010, which requires H.E. the President to report on once every year in the State of the Nation Address. Articles 2 (5) and (6) of the Constitution of Kenya, 2010, 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.

Kenya is party to various international treaties, thus assuming obligations and duties under international law. It is therefore obligated to put into place domestic measures and legislation compatible with treaty obligations subject to the Treaty Making and Ratification Act, CAP. 4D of the Laws of Kenya.

Ratification of treaties enables the Government to achieve its national development priorities by implementing the **Bottom-Up Economic Transformation Agenda (BETA)** which is aimed at improving the welfare of all Kenyans. The Government continues to leverage international engagements to create opportunities for its citizens and investors. This has raised Kenya's profile as a regional anchor state and strengthened Kenya's partnership globally.

In this regard, Kenya plays a key role in providing leadership in the continent. Kenya hosted the African Heads of State Summit for the World Bank International Development Association 21 (IDA 21) in Nairobi on 29th April, 2024, under the theme: *'Africa's Transformation, the African Development Bank Group, and the Reform of the Global Financial Architecture'*. The Summit was attended by 19 African Heads of State and Government, bank governors, executive directors, senior government leaders, development partners, academia and civil society representatives. The Summit ended with the African Development Bank (ADB) Group having an enhanced mandate and capital boost of USD 318 Billion. Kenya pledged USD 20 Million to the African Development Fund, the concessional window of the Bank Group serving 37 low-income countries making Kenya the largest regional member country contributor to the Fund.

During the State visit to the United States of America, H.E. the President was hosted by the President of the United States of America on official US-Kenya Partnership which is founded on shared values, deep corporation and common vision for the future. During this visit, the United States pledged the following: Shared Climate Solutions (USD 184.9 Million), Trade and Investments (USD 390.5 Million), Debt, Development and Sustainable Finance (USD 4.4 Billion), Peace Security Corporation (USD 18.7 Million), Democracy, Governance and Human Rights (USD 58 Million), Health Partnership (USD 42.3 Million), and People to People Ties (USD 34.8 Million).

This Report highlights obligations arising from treaties that Kenya is party to and Kenya's membership to international bodies such as the United Nations (UN), the African Union (AU) and the East African Community (EAC), among others. This Report comprises of specific measures undertaken, and progress achieved by the Government. The Report also has five (5) Annexes covering inbound and outbound state visits, Kenya's candidatures to International Organizations, and Kenya's subscriptions to International Organizations and Events and Conferences held in Kenya.

In the reporting period, Kenya has Co-ordinated 19 inbound visits and 31 outbound visits. These visits have resulted in signing of Memoranda of Understanding that speak to Kenya's international commitment to strengthening bilateral relations and fostering trade. In the spirit of multilateralism, Kenya has received scholarships from various countries, namely Thailand, Malaysia, China, Commonwealth UK, Hungary, Serbia, Brunei, Russia, Morocco, Cuba, Algeria, Mauritius, Slovak and Azerbaijan.

During the reporting period, Kenya ratified fourteen (14) treaties, namely The African Union Convention Cross-border Corporation (Niamey Convention); Agreement Establishing the International Vaccine Institute (IVI); the Economic Partnership Agreement (EPA) between the European Union of the one part and the Republic of Kenya, a member of the East African Community, of the the other part; Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Sharing; 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property; the East

African Community (EAC) Multilateral Agreement on Aircraft Accident and Incident Investigations; Protocol Amending Article 50 A and Article 56 of the Convention on International Civil Aviation (2016); Minamata Convention on Mercury; African Union Treaty for the Establishment of the African Medicines Agency (AMA); The Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer; The Bamako Convention on the Ban on the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes Within Africa and The Amended Nairobi Convention and The Protocol On the Protection of the Marine and Coastal Environment of the Western Indian Ocean from Land Based Resources and Activities. The Report is expected to enhance public awareness on the Government's implementation of Kenya's treaty obligations.

The Report is presented in both the **Narrative** (*Paragraph style*) and **Matrix** (*Table format*) and is divided into six (6) parts:

Part I—Introduction and Background—provides an overview on the importance of treaties and Kenya's policy on treaty making and ratification;

Part II—Membership to International, Regional and Sub Regional Organizations—outlines the implementation measures of obligations arising from membership to these organizations;

Part III—Treaties and Conventions—outlines measures undertaken on the obligations arising from treaties ratified by Kenya. These treaties are categorized under twenty (20) thematic areas;

Part IV—Treaties Signed—highlights measures undertaken on the obligations arising from treaties signed by Kenya but not ratified. It is important to note that while the signing of a treaty by a State does not impose legal obligations, a Signatory State is required to refrain from acts that would defeat the object and purpose of the treaty. In line with this spirit of international law, Kenya is implementing these treaties;

Part V—Matrix in table form summarizing Parts III and IV of the Report; and

Part VI—contains six (6) Annexes covering Inbound and Outbound State Visits; Kenya's candidatures to International Organizations; Kenya's subscriptions to International Organizations; Events and Conferences held in Kenya and; Secretariat and Focal Point Persons from the Ministries, Departments and Agencies.



PART I

INTRODUCTION AND BACKGROUND





1.0 INTRODUCTION

1. International Obligations arise from Treaties and International Customary Law. These obligations are necessary for securing stability, global cooperation, and regulating by consent issues of mutual importance.
2. Treaties are the foundation for the formation of all relations between subjects of international law, and their role in international law has increased progressively. States assume their rights and duties in international law directly from particular instruments through various treaty actions in the form of ratification, accession, and acceptance.
3. The Vienna Convention on the Law of Treaties, 1969, as one of the most important sources of international law is the most comprehensive set of rules governing treaties. Its inherent principles represent the first codification of principles governing treaties, which previously relied on rules of International Customary Law.
4. The Convention ensures sufficient freedom for States to adhere to treaties, but at the same time, guarantees respect for the common standards in treaty drafting. It regulates treaties concluded among states. However, another very important subject of international public law is international organizations which are central to the development of norms and international relations.
5. The most important principle of international law is that of good faith. It governs the creation and performance of legal obligations and is the foundation of treaty law. Another general principle is that of equity, which permits international law to have a degree of flexibility in its application and enforcement.
6. Treaties can be referred to by several different names such as Conventions, Agreements, Covenants, Final Acts, Charters, Memoranda of Understanding (MoUs), Protocols, Pacts and Accords, including Constitutions establishing Inter-Governmental Organizations.
7. Treaties can be bilateral, multilateral, or plurilateral—Bilateral treaties are those between two subjects of international law; multilateral treaties are those between three or more subjects of international law, generally developed under the auspices of International Organizations and plurilateral treaties are between groups of States that come together to formulate, influence or negotiate outside multilateral frameworks.
8. Customary international law is a component of international law. It refers to international obligations arising from established international practices, as opposed to obligations arising from formal written conventions and treaties. Once a practice becomes a custom, all states in the international community are bound by it, whether or not individual states have expressly consented—except in cases where a state has objected from the start of the custom. Two examples of customary international law are the doctrine of non-refoulment and the granting of immunity for visiting heads of state.
9. Kenya's International Obligations are intended to project, promote and protect national interests, prestige and image globally as well as enhance cooperation with the rest of the world. Kenya's ratification of Treaties and membership to international organizations is based on the need to address issues of global mutual concern with other states through common principles and values, which are codified in Treaties.

1.1 KENYA'S POLICY ON TREATY MAKING AND RATIFICATION OF INTERNATIONAL TREATIES AND CONVENTIONS

10. The treaty making and ratification process in Kenya is governed by the Constitution of Kenya, 2010, the Treaty Making and Ratification Act, CAP. 4D of the Laws of Kenya as well as case law.
11. Articles 2 (5) and (6) of the Constitution provide that the general rules of international law shall form part of the law of Kenya and any treaty or convention ratified by Kenya shall form part of the law of Kenya under the Constitution. Articles 2(5) and (6) give full effect to the implementation of Kenya's International Obligations.



12. Article 2 (6) of the Constitution introduced a new paradigm to applying treaties in Kenya, such that any treaty that Kenya ratifies automatically becomes part of Kenyan law. Upon ratification of treaties, Kenya undertakes to put into place policies and legislation that are compatible with treaty obligations. These domestic mechanisms ensure that international obligations are indeed respected, implemented, and enforced nationally.
13. The Treaty Making and Ratification Act, CAP. 4D gives effect to Article 2 (6) of the Constitution and provides the procedure for the making and ratification of treaties in Kenya and connected purposes. It mandates the Government to prescribe to the treaty making and ratification process in Kenya and further elaborates on the role of Parliament in the treaty making and ratification process.
14. Notably, the treaty making and ratification process in Kenya is a law-making process that involves the approval of the Cabinet and the National Assembly before Kenya's formal notification expressing its consent to be bound by any treaty, agreement, or convention governed by international law.
15. The Act gives the Cabinet Secretary for Foreign and Diaspora Affairs responsibility for its implementation in consultation with other relevant state departments. Under the Act, for a treaty to be ratified, the Cabinet Secretary of the relevant State Department in consultation with the Attorney-General submits the text of the treaty to Cabinet together with a Cabinet Memorandum for approval. If approved, the Cabinet Secretary for Foreign and Diaspora Affairs submits the treaty together with the Memorandum to the Speaker of the National Assembly. The Act applies to all multilateral treaties and specific bilateral treaties that touch on the following:
 - (a) The 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 Organization or similar body; and
 - (e) The environment and natural resources.
16. To implement the Constitution, the courts in Kenya consider treaties that Kenya has ratified as directly applicable in specific cases before them.
17. The President and the Cabinet Secretary for the Ministry of Foreign and Diaspora Affairs are empowered to enter into treaties and agreements on behalf of the Republic of Kenya. Similarly, the President and Cabinet Secretary responsible for Foreign Affairs may delegate Authority for treaty-making through an Instrument of Full Powers to a State Officer to conclude treaties and agreements on behalf of the Republic of Kenya.

1.2 RELEVANCE OF TREATIES TO THE ACHIEVEMENT OF NATIONAL DEVELOPMENT GOALS

18. The implementation of bilateral and multilateral treaties that Kenya is a party to contribute to the national achievement of milestones under the Kenya Vision 2030 and the Bottom-Up Economic Transformation Agenda (BETA) espouses five priority sectors of **Agriculture, Medium, Small & Medium Enterprises (MSMEs), Housing & Settlement, Healthcare and Digital Superhighway & Creative Economy**. To achieve the growth in the 5 priority sectors, several programmes and projects are lined up for implementation with an objective of bringing down the cost of living, eradicating hunger, creating jobs, expanding tax base and improving foreign exchange balance for inclusive growth of the Economy as envisaged in the Government Manifesto.
19. *The Digital Superhighway and Creative Economy* provides an integrated ICT eco-system for improved productivity and efficiency to all the other sectors of the economy. Further, the digitalisation of government processes and systems and digitizing government records is at an advanced stage to enable Ministries, Departments and Agencies (MDAs) provide services through digital platforms as an efficiency and productivity improvement measure.

20. As of 31st July, 2023, the Government had identified 9,362 Government services, covering 179 MCDAs for digitalization. Of this number, the Government had fully digitalized 5,084 services. Another 2,555 services are partially digitalized. To enhance e-commerce, the Government has installed 421 free public Wi-Fi hotspots in markets and County Industrial Parks 31st July, 2023.
21. The Government is committed to provide an enabling business environment that enhances access to information and affordable national ICT infrastructure. To meet this goal, the digital superhighway is supporting all the other pillars through rollout of ICT infrastructure, digitization of records and digitalisation of processes for efficient service delivery.
22. The preparation of the 11th Annual Presidential Report leveraged on ICT and the Office of the Registrar of Treaties has digitized the treaties database to improve accessibility of Kenya's treaties to other Government Departments and support review and tracking of implementation of the set obligations.
23. **Micro, Small and Medium Enterprises (MSMEs)**—the MSME sector is considered crucial for the country's growth as it contributes to the GDP and provides opportunities for income generation and employment, particularly for marginalized individuals in society.
24. The transformation of the Micro, Small and Medium Enterprise (MSMEs) Economy to improve the livelihoods and welfare of Kenyans through employment and wealth creation is one of the key pillars of the Government's Bottom Up Economic Transformative Agenda, expected to have the highest impact at the bottom of the economy. In this respect, the Government is implementing the following programmes, policies, and reforms:-
- a) In decriminalization of MSMEs, the Government has registered a total of 720, 821 MSMEs and 195,498 MSME Associations and groups have been registered. The refurbishment of 20 Constituency Industrial Development Centers has been undertaken creating 5,600 jobs both directly and indirectly.
 - b) To facilitate access to finance to the underserved population, the Financial Inclusion Fund is operational, with 18 Million Kenyan accessing the Hustler Fund Personal Financing Loan, Kshs. 10 Billion Revolving Fund having been disbursed, Micro and Small Group loan products through existing co-operative infrastructures have benefited over 16,480 groups, with Kshs. 111, 559,814 having been disbursed. In addition, Kshs. 162,180,000 has been disbursed to 1,438 groups of youth, women, and people living with disabilities through Uwezo Fund.
 - c) In aggregation and market access of MSMEs to enable access to sustainable markets, the registration of MSMEs is ongoing across the country, with a total of 720,821 data on MSME captured and 195,498 MSMEs associations and groups registered. In addition, Uwezo Fund is undertaking the digitalization of MSMEs commercial market infrastructure.
 - d) The inculcation of culture of saving and investment has resulted to savings of Kshs. 1,659,096,012 through the Financial Inclusion Fund, Personal Loan Product and Kshs. 5,577,990 has been saved through the Micro and Small Group Loan product.
25. **Agriculture**—Kenya has made significant efforts to address food security and nutrition. The Government through the Bottom-Up Economic Transformation Agenda (BETA) has prioritized Agriculture to improve food security with key intervention being: provision of fertilizer subsidy program to farmers; Climate smart agriculture; and Agricultural insurance programme among others. The Government has prioritized on leather park development, whose construction is currently going on in Athi-river. We recently validated dairy value chains, milk coolers which are being distributed to reduce post-harvest losses. On meat value chains, beef strategy is being finalized and value proposition is being prepared for feed value chains.
26. **Affordable Housing**—The Government through the BETA approach is committed to implement the affordable housing program. The program creates employment by directly generating jobs in the construction and real estate sectors, as well as indirectly stimulating economic activities in related industries. It provides job opportunities for both skilled and unskilled workers and

contributes to the overall economic growth and development of the country. The Government is implementing the following programs: -

- a) Planning to undertake affordable housing projects in all constituencies. The projects are expected to stimulate local economic growth through integration of Jua Kali Artisans and other local communities in the project implementation. These groups will benefit from skills transfer as well as supply of building materials and products, such as windows and doors.
- b) Drafting Physical and Land use Planning (Affordable Housing) Regulations, which are expected to be finalized by December, 2023, and later on be subjected to public participation.

27. **Health**—health sector goals are to improve the overall livelihoods of Kenyans by providing an efficient integrated and high-quality affordable healthcare system and to give priority to preventive care at the community and household level, through a decentralized national health-care system. This will be achieved by:

- a) Supporting local pharmaceutical manufacturing by enabling legislation and a conducive business environment to increase their competitiveness. This will lead to access and affordability of health products in the country, job creation, and economic growth. So far to achieve this the Kenya Biovax Institute has been operationalized to enhance local manufacturing of essential Health products and technologies;
- b) Health Financing- Social Health Insurance: The Programme aims to increase the number of households with health insurance under the new Social Health Insurance (SHI) Package. The SHI package will focus on the *Afya Bora Mashinani* (Primary Health Care) model targeting 80% (8.2 million) of Households (HHs) – Target 5.2 Million Indigent HHs paid for by National and county governments. A health benefits package will also be defined for the new SHI product, reducing Out-of-pocket spending from 24% to 14%. Cabinet has approved three crucial bills that promote primary health care, specifically, the Primary HealthCare Bill, 2023, The Facility Improvement Financing Bill, 2023 and The Social Health Insurance Bill 2023. These bills will establish the Primary Health Care Fund, the Social Health Insurance fund, and The Emergency, Chronic and Critical Illness Fund;
- c) Digitization: Cabinet has also approved the Digital Health Bill, 2023 which addresses the existing legal and regulatory gaps in the framework for the E-health eco system and its data lifecycle, enabling the development of standards towards the provision of m-health, telemedicine, and e-learning in healthcare; and
- d) Community Health High Impact Interventions: The Government has equipped a workforce of 100,000 dedicated Community Health Promoters with kits that will enable them to serve around 100 households each further emphasizing preventive and promotive healthcare.

1.3 POLITICAL COMMITMENTS AT HIGH-LEVEL INTERNATIONAL CONFERENCES AND MEETINGS

1.3.1 2030 Agenda for Sustainable Development and the Sustainable Development Goals (SDGs)

28. The Sustainable Development Goals (SDGs), also known as the Global Goals, were adopted by the United Nations in 2015 as a universal call to action to end poverty, protect the planet, and ensure that by 2030 all people enjoy peace and prosperity. Seventeen (17) SDGs and 169 targets were launched to eradicate poverty, fight inequality and tackle climate change by 2030. Through the pledge to Leave No One Behind, countries have committed to fast-track progress for those furthest behind.
29. Kenya has made significant milestones since the SDGs came into effect in January 2016. These include:

- a) Preparation of SDGs Road map;



- b) Mainstream SDGs into the planning and budgeting frameworks;
 - c) Undertaking policy gaps analysis and preparation of report;
 - d) Assessment of SDGs awareness across the country;
 - e) Capacity building; and
 - f) Preparation of SDGs status reports, Voluntary National Reviews (VNRs), Voluntary Local Reviews (VLRs), Voluntary Sub-National Reviews (VSRs) and Country position papers on SDGs.
30. The SDGs in Kenya is being implemented through (7) thematic areas, namely: Stakeholders Collaboration and Partnerships; Advocacy and Awareness creation; Domestication and Localization; Mainstreaming the 2030 agenda into Planning Frameworks; Capacity Building; Resource Mobilization; and Tracking and Reporting. The coordination between the National Government and County Governments has been enhanced with the establishment of an SDGs Unit at the Council of Governors and the National SDGs Coordination Directorate at the State Department for Economic Planning.
31. Progress Report on Goals:
- a) **No poverty:** According to the Kenya Economic Survey 2022, the poverty index is at 37.7 down from 45.1 in 2020. The Government has put in place interventions to reduce the poverty levels in the country which include; Cash Transfer Programs, and Affirmative Action Funds to address the plight of vulnerable groups by reducing poverty and inequality among women, youth, Persons with Disabilities, needy children and elderly persons in the country;
 - b) **Zero Hunger:** Kenya has made significant efforts to address food security and nutrition. The Government through the Bottom-Up Economic Transformation Agenda (BETA) has prioritized Agriculture to improve food security with key intervention being: provision of fertilizer subsidy program to farmers; Climate smart agriculture; and Agricultural insurance program among others. The Government has prioritized dairy value chains, leather tannery and meat value chains;
 - c) **Good Health and Well Being:** The total number of health facilities increased by 2.2 per cent to 16,517 in 2022, mainly attributed to the increase in the number of level 3 facilities;

The Government has put in place the following interventions to achieve Universal Healthcare: Provide National Health Insurance Fund Coverage for all; Health financing; Digitization; Expand existing health infrastructure and enhance supply chain management for efficiency and accountability (medical supplies); and Recruitment of additional healthcare workers;
 - d) **Quality Education:** Total enrolment in primary schools rose by 0.8 percent to 10,364.5 thousand in 2022 schools year while enrolment in secondary schools grew by 5.4 per cent to 3.9 million in 2022. Enrolment in teacher training colleges increased by 3.9 per cent to 124,992 in 2022. Enrolment in Technical and Vocational Education and Training (TVET) institutions grew by 11.7 per cent to 562.5 thousand in 2022;

The number of public universities increased to thirty-five (35) following the awarding of charters to Kaimosi Friends University, Tom Mboya and Tharaka-Nithi University. In 2023, the Government employed more than 35,000 teachers to help in the implementation of the Competent Based Curriculum (CBC). The Government has increased the number of Technical and Vocational Education and training (TVET) across the country to equip the youth with relevant skills and qualification, increasing their employability and job prospects in the country;
 - e) **Gender Equality:** Kenya has made progress in increasing women's political representation, including the adoption of a constitutional provision requiring at least one-

third of elective and appointive positions to be reserved for women. The number of female County Governors more than doubled from three (3) in 2021 to seven (7) in 2022. The number of female Cabinet Secretaries increased from five (5) in 2021 to eight (8) in 2022 while female Principal Secretaries increased from ten (10) in 2021 to twelve (12) in 2022. On the other hand, the number of Female Deputy County commissioners increased from forty-three (43) to fifty-one (51) over the same period;

There was an increase in the positions held by women in the County Assemblies from 695 in 2021 to 725 in 2022. In the counties, the two-third gender rule was only achieved by Member of the County Assembly (MCAs). The number of female judges in the High court and Magistrate court increased by fourteen (14) and forty one (41) women to seventy nine (79) and two hundred and ninety eight (298) women, respectively, in 2022. Overall, Judicial officers achieved the two-third gender rule during the review period;

Some of the key interventions been undertaken to promote gender equality include: Access to Government Procurement services, operationalization of Women Enterprise Fund and Affirmative Actions;

- f)* **Clean Water and Sanitation:** Access to clean water has improved in Kenya over the years. There was a notable increase in the number of boreholes drilled in 2021/22 as an alternative source of water following unreliable water supply;
- g)* **Affordable and Clean Energy:** Kenya has connected over 8.6 million households to electricity in 2022, up from 7.3 million in 2020. The sector's real Gross Value Added (GVA) grew by 4.9 per cent in 2022 compared to a growth of 5.3 percent in 2021. This growth was mainly attributed to increase in total electricity generated from 12,126.7-Gigawatt Hour (GWh) in 2021 to 12669.4 GWh in 2022. The growth was mainly supported by generation of electricity from geothermal and wind sources that rose by 9.5 percent and 8.0 percent to stand at 5,517.5 GWh and 2,143.0 GWh, respectively in the same period;
- h)* **Descent Work and Economic Growth:** Real Gross Domestic Product (GDP) expanded by 4.8 per cent 2022, compared to a revised growth of 7.6 per cent in 2021. The growth was spread across all sectors of the economy but was more pronounced in service-oriented activities;

Some of the key sectors that supported the growth in 2022, were Transportation and Storage (5.6%), Financial and Insurance (12.8%), Information and Communication (9.9%) and Accommodation and Food Service activities (26.2%);

Employment in the informal sector rose by 4.6 per cent to 16.0 million jobs. Wage employment in the private sector recorded a growth of 4.8 per cent from 1,983.0 thousand jobs in 2021 to 2,077.5 thousand jobs in 2022. Within the public sector, wage employment increased from 923.1 thousand jobs in 2021 to 937.9 thousand jobs in 2022;

The Government through the BETA approach is committed to implement the affordable housing program. The program creates employment by directly generating jobs in the construction and real estate sectors, as well as indirectly stimulating economic activities in related industries. It provides job opportunities for both skilled and unskilled workers and contributes to the overall economic growth and development of the country;

- i)* **Industry, Innovation and Infrastructure:** The manufacturing sector remained on a growth path in 2022, though the performance was relatively subdued compared to that of 2021. The sector's growth slowed down to 2.7 per cent in 2022 compared to 7.3 per cent in 2021. The decelerated growth was partly attributed to low agricultural production especially food crops that are the main inputs to agro-processing;

Proportion of medium and high-tech industry value added in total value added increased from 10.9 in 2019 to 11.9 in 2021. The proportion of population covered by a mobile network is at 96% in the year 2022;

The Government has prioritized the sector by putting the following interventions: Extension of National Optic Fiber Backbone infrastructure to enhance reliable and affordable ICT connectivity across the Country; Enhance Government service delivery through digitization and automation; Promote investment in Konza City Technopolis; Establish E-Waste Management centers for safe disposal of electrical and electronic waste (e-Waste); and Expand space for creativity including arts and culture infrastructure;

- j)* **Reduced Inequalities:** The labor share of GDP, comprising wages and social protection transfers stood at 29.1 percent in 2021. The Government have developed various initiatives and policies aimed at reducing inequalities and promoting inclusive growth. Kenya has been working on policy reforms, including the National Social Protection Policy Framework, which aims to improve access to social protection programs for vulnerable groups. The country has also made efforts to strengthen its tax system and enhance revenue collection to fund social programs;

Furthermore, Kenya has prioritized the implementation of affirmative action program and policies to promote gender equality and empower marginalized groups;

- k)* **Sustainable Cities and Communities:** The proportion for urban population living in slums, informal settlements or inadequate housing stood at 6.9 percent in 2021. Kenya has made significant progress in four priority areas of the Sendai Framework for Disaster Risk Reduction namely: understanding disaster risk; strengthening disaster risk governance to manage disaster risk; investing in disaster risk reduction for resilience; and enhancing disaster preparedness for effective response and to “Build Back Better” in recovery, rehabilitation and reconstruction;

Bottom-Up Economic Transformation Agenda (BETA) prioritizes Housing and decent dwellings for all Kenyans. The following interventions have been put in place to ensure access to decent and affordable houses in Kenya: Facilitate delivery of 250,000 houses per annum; enabling low-cost housing mortgages; Provide incentives to developers to build more affordable houses; and strengthen local capacity to produce high quality construction materials;

- l)* **Responsible Consumption and Production:** Kenya has been experiencing food loss which has contributed to food insecurity in the country. The food loss index has been decreasing and stands at 1,446 metric tonnes. The Government is investing in improved storage infrastructure, such as warehouses, silos, and cold storage facilities, to minimize post-harvest losses. Kenya committed to the Oceans Plastics Charter in 2019, that focuses on making all plastics recyclable by 2030, reducing the use of single-use plastics and promoting the use of recycled plastics;

The Government encourages the use of energy-efficient technologies and appliances in households, businesses, and industries. In addition, the Government support the development and utilization of renewable energy sources like solar, wind, and hydropower, reducing reliance on fossils fuels;

- m)* **Climate Action:** Kenya adopted the National Disaster Reduction Strategy and Policy of 2010, and its guidelines to provide a holistic approach to disaster preparedness and handling in the Country. In addition, all County Governments have mainstreamed Disaster Risk Managements Planning through the CIDPs. The Government, with the support of the UN Environment, developed the Green Economy Strategy and Implementation Plan (2016-2030) that seeks a low-carbon resources efficient and inclusive socio-economic transformation in the Country. Several policies have been enacted to support adaption and mitigation to Climate Change Act 2016; National Climate Change Framework Policy 2016; and Kenya National Adaption Plan (2015-2030);

- n)* **Life below Water:** The total quantity of fish landed increased by 5.9 per cent to 173.6 thousand tonnes in 2022. Fish production from fresh water sources increased from 135.0

thousand tonnes in 2021 to 141.4 thousand tonnes in 2022. Lake Victoria, the biggest producer of fresh water fish, recorded a 3.4 per cent increase to 97.5 thousand tonnes in 2022. Fish production from marine sources also increased from 29.1 thousand tonnes in 2021 to 32.2 thousand tonnes in 2022;

Kenya has implemented measures to promote sustainable fishing practices and address overfishing. These include regulations on fishing gear, fishing quotas and closed seasons to allow fish stocks to replenish. Efforts have also been made to strengthen the capacity of local fishing communities and promote alternative livelihoods. The Government has also banned the use of plastic bags to reduce plastic waste to curb water pollution;

- o)* **Life on Land:** Kenya has undertaken efforts to conserve and restore its forests, including indigenous forests, plantations forest and mangrove forests. Initiatives such as reforestation programs, community-led forest management, and sustainable logging practices have been implemented to protect forest ecosystems and ensure their sustainable use. The total Forest area as a proportion of total land area increased from 7.28 percent in 2020 to 8.83 in 2022;

In order to address and mitigate the challenges emanating from climate change, Kenya has put in place various measures that include: Establish 5 million acres (20,000 km²) agroforestry woodlots in dry lands and Promote youth-owned and operated briquette-making enterprises where agriculture waste is available in commercially viable quantities (coffee waste, rice husks, maize cobs and coconut husks);

- p)* **Peace, Justice and Strong Institutions:** Good governance plays a key role in achievement of social and economic development. Kenya has been working to address corruption and enhance transparency and accountability. The value of assets traced by the Ethics and Anti-Corruption Commission in 2021/22 more than doubled from KSh 5.1 billion in 2020/21 to KSh 11.2 billion in 2021/22;

In an effort to promote access to justice, the number of judicial officers increased by 8.7 per cent to 771 in 2022, while that of practicing lawyers increased by 12.7 per cent to 13,906 during the same period. The total number of persons committed to prison increased from 160,121 in 2021 to 169,579 in 2022 out of whom, 60.8 per cent were un-convicted prisoners. The number of child protection cases reported to the Department of Children Services declined by 13.1 per cent to 166,957 in 2022;

The Government of Kenya continues to increase budget allocation for the judiciary to enhance its independence and autonomy and improve access to justice;

- q)* **Partnerships:** In Kenya, progress has been made in establishing partnerships and enhancing cooperation for sustainable development. Kenya recognizes the importance of involving various stakeholders, including Government agencies, civil society organizations, the private sector, and international partners, foster collaboration and achieve sustainable development. Efforts have been made to facilitate dialogue, consultation, and coordination among the stakeholders;

The Kenyan Governance has promoted the establishment of public-private partnership to drive sustainable development initiatives. These partnerships aim to leverage the resources and expertise of the private sector to address developmental gaps and achieve shared goals; and

Enhancing data collection, analysis, and monitoring systems is crucial for effective decision-making and tracking progress towards the SDGs. Kenya has been working on strengthening its statistical capacity and data management to inform evidence-based policies and monitor the implementation of sustainable development initiatives.

32. **Leaving no one behind:** In Kenya, significant efforts have been made to ensure that vulnerable groups are not left behind, and one of the key strategies employed is providing them with access to Government procurement services. Another strategy that Kenyan Government has implemented is the *Inua Jamii* Program, which provides cash transfers to vulnerable individuals,

including the elderly, persons with disabilities and orphans. These approaches aim at enhancing inclusivity, economic empowerment, and social integration among these groups.

1.3.2 African Union (AU) Agenda, 2063

33. The AU Agenda 2063 is Africa's blueprint and master plan for transforming Africa into the global powerhouse of the future. It is the continent's strategic framework that aims to deliver on its goal for inclusive and sustainable development and is a concrete manifestation of the Pan-African drive for unity, self-determination, freedom, progress and collective prosperity pursued under Pan-Africanism and African Renaissance.
34. Agenda 2063 has twenty (20) goals aiming to transform the nations of the continent into democratic, peaceful and innovative powerhouses whose objective is to be global players in the next 50 years. Included in Agenda 2063 are the Seven Aspirations which identify priority areas to be implemented at the regional and national level to ensure that collectively, Africa achieves its developmental objectives. The aspirations are as follows:
 - a) A prosperous Africa based on inclusive growth and sustainable development;
 - b) An integrated continent politically united and based on the ideals of Pan-Africanism and the vision of African Renaissance;
 - c) An Africa of good governance, democracy, respect for human rights, justice and the rule of law;
 - d) A peaceful and secure Africa;
 - e) An Africa with a strong cultural identity common heritage, values and ethics;
 - f) An Africa whose development is people-driven, relying on the potential offered by the African people, especially its women and youth, and caring for children; and
 - g) An Africa as a strong, united, resilient and influential global player and partner.
35. The Agenda 2063 Flagship Projects/Initiatives are: Integrated High-Speed Train Network; Africa Virtual and E-University; African Commodity Strategy; Annual African Forum; Continental Free Trade Area; African Passport and free movement of people; Grand Inga Dam Project; Pan African E-Network; Silencing the Guns; African Outer Space Strategy; Single Air-Transport Network; and the Continental Financial Institutions.

I. Specific Measures Taken by the Government:

36. The Government has integrated the Agenda 2063 into its National Development Plan, which is implemented within the Medium-Term Plan (MTP) Framework;

PART II

MEMBERSHIP TO INTERNATIONAL, REGIONAL AND SUB-REGIONAL ORGANIZATIONS

2.0 MEMBERSHIP TO INTERNATIONAL, REGIONAL AND SUB-REGIONAL ORGANIZATIONS

37. Kenya is a member of several international and regional inter-governmental organizations established through constitutive treaties. These organizations foster cooperation, friendly and peaceful relations, social, economic, and political integration among its member states.
38. This section outlines Kenya's membership to international, regional, and sub-regional organizations. The report details objectives, relevance and highlights measures undertaken and progress made in fulfilling Kenya's International Obligations.

2.1 INTERNATIONAL ORGANIZATIONS

2.1.1 United Nations (UN)

39. The United Nations (UN) is an inter-governmental organization established by the Charter of the United Nations adopted on 26th June, 1945, and entered into force on 24th October, 1945. The main objective of the organization is to promote international peace and security while fostering and promoting international cooperation. Kenya was admitted to the United Nations membership on 16th December, 1963, the same year the country attained independence.
40. Kenya's commitment to the principles and ideals of the UN has been resolute and consistent— This is particularly on matters of peace and security, sustainable development, global environmental and climate change issues.

I. Key Obligations for State Parties/Kenya under the United Nations:

- a) Maintain international peace and security;
- b) Uphold international law;
- c) Achieve higher standards of living for their citizens;
- d) Address economic, social, health, and related problems; and
- e) Promote universal respect for, and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

41. The Government has undertaken/is undertaking the following:
- a) Hosts the United Nations Office at Nairobi (UNON)—one of the four global UN headquarters worldwide and the only UN headquarters in Africa. The United Nations presence in Kenya was expanded when the country hosted the United Nations Environment Programme (UNEP) and thereafter hosted the UN Human Settlements Programme (UN HABITAT) headquarters;
 - b) Also hosts other UN agencies in Nairobi including the Food and Agriculture Organization (FAO); International Fund for Agricultural Development (IFAD); International Civil Aviation Organization (ICAO); International Labour Organization (ILO); International Maritime Organization (IMO); International Monetary Fund (IMF); UN Entity for Gender Equality and the Empowerment of Women (UN Women); UN Population Fund (UNFPA); UN Development Programme (UNDP); UN Office on Drugs and Crime (UNODC); UN Educational, Scientific and Cultural Organization (UNESCO); UN High Commissioner for Refugees (UNHCR); UN In PEACE Industrial Development Organization (UNIDO); UN International Children's Fund (UNICEF); UN Political Office for Somalia (UNPOS); UN Peacekeeping Force (UNPF); UN Programme on HIV/AIDS (UNAIDS); World Bank; World Food Programme (WFP); World Health Organization (WHO); UN Centre for Regional Development (UNCRD) and International Organization for Migration (IOM-UN Migration);

- c) Accredited its Missions to the various UN Headquarters and Offices for effective engagement on global issues; and
- d) Successfully hosted the 6th Session of the United Nations Environment Assembly (UNEA 6) from 26th February to 1st March, 2024. The session discussed climate change, biodiversity and nature loss as well as waste and pollution management under the theme: “*Effective, Inclusive and Sustainable Multilateral Actions to Tackle Climate Change, Biodiversity Loss and Pollution*”.

III. Existing Legal and Policy Framework:

Privileges and Immunities Act, CAP. 179.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Mission to UNEP and UN-Habitat.

2.1.2 International Court of Justice (ICJ)

- 42. The International Court of Justice (ICJ) is the principal judicial organ of the United Nations where UN member states refer legal disputes for adjudication and settlement. According to Article 93 of the UN Charter, all members of the UN are parties to the Statute of the International Court of Justice.
- 43. Kenya recognized and submitted to the compulsory jurisdiction of the Court on 19th April, 1965. Kenya, therefore, had recourse to the Court in case of any dispute with another member state.

I. Key Obligations for State Parties/Kenya under the Court:

- a) Co-operate with the Court in the performance of its role; and
- b) Comply with the decision of the Court in any case to which it is a party, pursuant to Article 59 of the Statute.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

None.

III. Existing Legal and Policy Framework:

There is no obligation to formulate national legislation.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

There is no obligation to establish an institution.

2.1.3 World Trade Organization (WTO)

- 44. The World Trade Organization (WTO) is an inter-governmental organization that deals with global rules of trade between member states. The WTO was established on 1st January, 1995, under the Marrakesh Agreement, which was signed by 123 nations on 15th April, 1994.
- 45. Its functions include administering WTO trade agreements; a forum for trade negotiations; handling trade disputes; monitoring national trade policies; technical assistance and training for developing countries; and cooperation with other international organizations, as well as ensuring that trade flows smoothly, predictably, and freely.

I. Key Obligations for State Parties/Kenya under the WTO:

- a) *Most Favoured Nation Treatment*—Accord the most favourable tariff and regulatory treatment is given to the product of any WTO member at the time of import or export of like products to all members.

- b) *Transparency*—Publish all relevant measures of general application which pertain to or affect the operation of the WTO.
- c) *Economic Integration*—Notwithstanding the Marrakesh Agreement, liberalize trade in services between or among the parties to such an agreement.
- d) *Confidentiality*—Refrain from disclosing confidential information, disclosure of which could impede law enforcement, be contrary to the public interest, or could prejudice legitimate commercial interests of particular enterprises.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

46. The Government has undertaken/is undertaking the following:

- a) Participated in the 13th WTO Ministerial Conference held in Abu Dhabi, United Arab Emirates (UAE) from 26th February to 2nd March, 2024. The Ministers across the world reviewed the functioning of the multilateral treaty system and to act on the future work of the WTO;
- b) Currently reviewing the services scheduled under the EAC Common Market Framework; and
- c) Submitted its goods schedule to the WTO at the time of accession which is in line with the EAC Common Market principles and objectives.

III. Existing Legal and Policy Framework:

- (i) National Trade Policy, 2017;
- (ii) Excise Act, CAP. 472;
- (iii) Kenya Trade Remedies Act, CAP. 524;
- (iv) Miscellaneous Fees and Levies Act, CAP. 469C; and
- (v) Value Added Tax Act, CAP. 476.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Export Processing Zones Authority (EPZA);
- (ii) Kenya Bureau of Standards (KEBS);
- (iii) Kenya Export Promotion and Branding Agency (KEPROBA);
- (iv) Kenya Investment Authority (KenInvest);
- (v) Kenya Revenue Authority (KRA); and
- (vi) Kenya Trade Network Agency (KenTrade).

2.1.4 Inter-Governmental Oceanographic Commission of UNESCO (UNESCO-IOC)

47. The UNESCO-IOC was established in 1960. The objective is to improve the governance, and institutional capacity of its member states with respect to marine resources and climate variability to foster sustainable development of the marine environment.

I. Key Obligations for State Parties/Kenya under the Commission:

- a) Undertake joint research/observations in other countries' waters;
- b) Promote application of best practices (technical and political), standards reference materials, guidelines and nomenclature;
- c) Share scientific data and information relevant to research in oceanography;

- d) Facilitate marine science expert's interaction on a regular basis enabling consensus, ensuring that national investment in major infrastructure for priority areas for research can be Co-ordinated with partner nations;
- e) Acquire expertise and or capacity to carry out nationally relevant marine research and management;
- f) Participate in global programmes in marine research, observation and management where global issues/risks impact also at the regional level;
- g) Organize and collaborate regionally to jointly build capacity based on regional needs, but in a global framework; and
- h) Establish and maintain Disaster Risk Reduction Systems e.g. tsunami warning.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

48. The Government has undertaken/is undertaking the following:

- a) Developed ocean data and information exchange on ocean observation and hazard warning systems;
- b) Developing Kenya's Marine Spatial Plan in the context of the UN Decade of Ocean Sciences for Sustainable Development to support decision-making in blue economy development;
- c) Has two sea level observation stations (Mombasa and Lamu) linked to the Global Sea Level Observing System as part of the Indian Ocean Tsunami Early Warning and Mitigation System (IOTWS); and
- d) Through the IGAD Climate Prediction and Application Centre (ICPAC), is working with UNESCO/IOC and Western Indian Ocean Marine Science Association to enhance collaboration between climate and ocean scientists to improve climate predictions.

III. Existing Legal and Policy Framework:

- (i) Environmental Management and Coordination Act, CAP. 387.
- (ii) Fisheries Management and Development Act, CAP. 378;
- (iii) Kenya Coast Guard Service Act, CAP. 200;
- (iv) Maritime Zones Act, CAP.371; and
- (v) Science, Technology and Innovation Act, CAP.511.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Marine and Fisheries Research Institute (KMFRI);
- (ii) Kenya Meteorological Department;
- (iii) National Commission for Science, Technology and Innovation (NACOSTI); and
- (iv) National Environment Management Authority (NEMA).

2.1.5 Food and Agriculture Organization (FAO)

- 49. Kenya is a member of FAO, an UN-specialized agency, tasked with handling issues of food security, water, and the environment. Programmes under FAO are supposed to lead to the eradication of hunger, poverty, and the conservation of the environment for sustainable development.
- 50. Kenya is working with FAO to implement projects on crops, livestock, forestry, fisheries, and land management.

51. FAO has assisted in developing sector strategies such as the Agricultural Sector Transformation and Growth Strategy (ASTGS), 2019–2029, to ensure agricultural growth, transformation, and sustainable food and nutrition security.

I. Key Obligations for State Parties/Kenya under FAO:

- a) Participate in FAO Council Membership including annual conventions; and
- b) Grant FAO certain rights as enumerated in the Host Country Agreement e.g., facilitation of non-payment of tax on imported items and provision of diplomatic status to the Agency.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

52. The Government has undertaken/is undertaking the following:

- a) In collaboration with FAO, is implementing the Green Cities Action Programme for Africa with Nairobi and Kisumu Counties;
- b) Contributes to FAO AGROSTAT, the world’s most comprehensive agricultural information and statistics source and has mandated Kenya National Bureau of Statistics (KNBS) to annually validate the National Agricultural Data; and
- c) Observes World Food Day on 16th October; World Food Safety Day on 7th June, and World Fisheries Day on the 21st of November every year.

III. Existing Legal and Policy Framework:

- (i) Agricultural Development Corporation Act, CAP. 444; and
- (ii) Agricultural Finance Corporation Act, CAP. 323;
- (iii) Agriculture and Food Authority Act, CAP. 317;
- (iv) Statistics Act, CAP. 112.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Agricultural Development Corporation;
- (ii) Agricultural Finance Corporation;
- (iii) Agriculture and Food Authority; and
- (iv) Kenya National Bureau of Statistics (KNBS).

2.1.6 United Nations Agency for Human Settlement and Urban Development (UN-Habitat)

53. The UN-Habitat is a UN Agency for human settlements and sustainable urban development. It was established in 1978, after the 1976 Vancouver meeting held in Canada. The objective of the Agency is to promote sustainable urbanization with the development of adequate and affordable shelter for all, as a priority.

54. The Executive Order No. 2 of 2023 designated the State Department for Housing and Urban Development as the National Focal Point on housing and human settlement.

I. Key Obligations for State Parties/Kenya under UN-HABITAT:

- a) Undertake economic, social, and ecological functions of land, with a view to progressively achieving the full realization of the right to adequate and affordable housing for all;
- b) Facilitate access to safe and affordable drinking water and sanitation for urban residential settlements; and

- c) Enhance equal access for all to public goods and quality services in areas such as food security and nutrition, health, education, infrastructure, and air quality.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

55. The Government has undertaken/is undertaking the following:

- a) Construction of affordable houses in all constituencies. The projects are expected to stimulate local economic growth through integration of *Jua Kali* Artisans and other local communities. These groups will benefit from skills transfer as well as supply of building materials and products, such as windows and doors;
- b) Drafting Physical and Land Use Planning (Affordable Housing) Regulations, and is due to be subjected to public participation;
- c) Projects to progressively deliver 200,000 housing units per year. This will be achieved through a mixture of approaches involving active participation of both levels of Government, as well as private sector players. There are 376 projects set to deliver over 599,000 housing units across the country. These projects are at various stages of development. The overall status is as summarized below:

Current Ongoing Projects:

- (i) Pangani Affordable Housing—1,562 units;
- (ii) Nakuru Bondeni Affordable Housing—605 units;
- (iii) Buxton Point Mombasa Affordable Housing—1,850 units;
- (iv) Bachelors Jeevanjee Estate Affordable Housing—1,800 units; and
- (v) Moke Gardens Affordable Housing—4,118 units.

Recently launched by H.E the President and ongoing:

- (i) Mukuru Met Site Social Housing—13,076 units;
- (ii) Kibera Soweto B Social Housing—4,054 units;
- (iii) Mavoko Affordable Housing—5,360 units;
- (iv) Starehe Affordable Housing—6,704 units;
- (v) Shauri Moyo A Affordable Housing Project—3,248 units;
- (vi) Ruiru Affordable Housing Project—1,050 units;
- (vii) Homa Bay Affordable Housing (NHC)—2,000 units;

Projects Contracted and Ready for Launch:

- (i) Makongeni Affordable Housing—30,000 units;
- (ii) Thika Affordable Housing Project—360 units; and
- (iii) Kerugoya – Kutus Affordable Housing Project—200 units.

2.1.7 United Nations Industrial Development Organization (UNIDO)

56. The UNIDO Constitution was adopted in Vienna on 8th April, 1979. It entered into force on 21st June, 1985. Kenya ratified the UNIDO's Constitution on 13th November, 1981.
57. The objective of UNIDO is to promote industrial development for poverty reduction, including globalization, and environmental sustainability.

I. Key Obligations for State Parties/Kenya under UNIDO:

- a) Exercise rights and privileges of membership to the UNIDO;

- b) Attend Industrial Development Board Meetings and General Conferences; and
- c) Align the Country's Agenda to Sustainable Development Goals.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

58. The Government has undertaken/is undertaking the following:

- a) Adopted and aligned inclusive and sustainable industrial development with the Vision 2030 and Bottom-Up Transformation Agenda (BETA), thus contributing to SDG No. 9; and
- b) Continues to implement the Self-Starter Programme for Country Partnership (PCP).

III. Existing Legal and Policy Framework:

Industrial Property Act, CAP. 509.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Industrial Property Institute (KIPI);
- (ii) PCP National Coordination Mechanism, Secretariat, and PCP Champions.

2.1.8 International Maritime Organization (IMO)

59. The International Maritime Organization (IMO) Convention came into force in 1948, the IMO is a United Nations specialized agency responsible for the safety and security of shipping and the prevention of marine pollution by ships.

60. Kenya became a member of the Convention on 22nd August, 1973. Kenya is a member of the IMO Governing Council. The Government formulates policies, implements programmes, and participates in IMO meetings.

I. Key Obligations for State Parties/Kenya under the Organization:

- a) Adopt recommendations from IMO in terms of regulations and guidelines concerning maritime safety, prevention and control of marine pollution from ships and other matters concerning the effect of shipping on the marine environment;
- b) Attend and participate in the IMO Assembly, Committees and its Sub-committees; and
- c) Discharge its financial obligation to the IMO.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

61. The Government has undertaken/is undertaking the following:

- a) Attended IMO meetings, including the Legal Committee, Marine Environmental protection Committee, Marine Safety Committee, Facilitation Committee, Technical Cooperation Committee, IMSO Advisory Committee, and various sub-committees; and
- b) Implementing the IMSAS Corrective Action Plan following the IMO Member State Audit Scheme (IMSAS).

III. Existing Legal and Policy Framework:

- (i) Kenya Coast Guard Service Act, CAP. 200.
- (ii) Kenya Maritime Authority Act, CAP. 370; and
- (iii) Kenya Ports Authority Act, CAP. 391.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Coast Guard Service;
- (ii) Kenya Maritime Authority (KMA); and
- (iii) Kenya Ports Authority (KPA).

2.1.9 Inter-Governmental Standing Committee on Shipping (ISCOS)

62. The Inter-Governmental Standing Committee on Shipping (ISCOS) is an inter-governmental body established in 1967 by the Governments of the Republic of Kenya, the United Republic of Tanzania, the Republic of Uganda, and the Republic of Zambia to promote the Region's shipping, logistics, and maritime interests.

I. Key Obligations for State Parties/Kenya under the Committee:

- a) Promote and advocate for competitive shipping and maritime services; advise on matters of policy and practices in the industry;
- b) Undertake industry research and disseminate information on emerging contemporary issues;
- c) Advocate for and promote efficiency in logistics and economic competitiveness in shipping and international trade;
- d) Organize and build capacity for importers and exporters; and
- e) Develop strategies that complement regional initiatives on the seamless flow of maritime traffic into the region and generally protect import and export business of the region.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

63. The Government carried out a study on the status of Coastal Shipping in the Region, which will inform the region on the details of destination charges paid by shippers to both local and international service providers.

III. Existing Legal and Policy Framework:

- (i) Kenya Maritime Authority Act, CAP. 370; and
- (ii) Merchant Shipping Act, CAP. 389.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Maritime Authority.

2.1.10 United Nations Tourism (UN Tourism)

64. UN Tourism is a specialized agency of the United Nations which promotes responsible, sustainable and universally accessible tourism. UN Tourism until 15th February, 2024, was previously known as United Nations World Tourism Organization (UNWTO).

65. UNWTO was established in 1975 when Kenya became a member. UN Tourism's headquarters are in Madrid, Spain. Other offices include: Japan for Asia Region and Riyadh for Middle East Region.

I. Key Obligations for State Parties/Kenya under the Organization:

- a) Generates market knowledge;
- b) Promotes competitive and sustainable tourism policies and instruments;
- c) Fosters tourism education and training;



- d) Works to make tourism an effective tool for development through technical assistance projects; and
- e) Encourages tourism competitiveness, innovation, investments and digital transformation.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

66. The Government has undertaken/is undertaking the following:

- a) Reviewing the National Tourism Policy, 2020;
- b) Digitizing tourism products with a view to enhancing tourism marketing;
- c) Participated in the International Tourism Fair (FITUR) between January 24th–28th, 2024, in Madrid, Spain. Kenya was elected the chair of UN Tourism Organisation Committee of Tourism and Competitiveness for a period of 3 years from 2024–2027;
- d) Analyzes tourism data for both international and local tourists and releases tourism reports annually. The 2023 Annual Tourism Sector Performance Report was released on March, 2024. The total international tourist arrivals were 2 million and the receipts of KSh. 353 billion. Bed occupancy rose from 5 million in 2022 to 6.4 million in 2023;
- e) Participated in the International Tourism Bourse (ITB) in Berlin, Germany from March, 5th to 7th 2024. The theme was: *‘Pioneer the Transition in Travel and Tourism’*;
- f) Elected to chair the United Nations Tourism’s Committee on Tourism and Competitiveness, January, 25th 2024, solidifying its position as a leader in the global tourism industry;
- g) Held bilateral discussions on Tourism cooperation with the Government of the Hashemite Kingdom of Jordan on 15th February, 2024;
- h) Participates in the annual celebrations to mark the World Tourism Day in September. The theme for 2024 is *“Tourism and Peace”*;
- i) Implementing digitization of travel and tourism industry to ease ways of doing business in the tourism sector;
- j) Carrying out tourism product and source market diversification to increase the number of international tourists from 2 million in 2023 to 3 million by the end of 2024, with international gross receipts from KSh. 353 Billion to KSh. 500 billion;
- k) Through the National Police Service is operationalizing the Tourism Protection Unit;
- l) Operationalizing the Office of the Tourism Tribunal to arbitrate tourism complaints; and
- m) Establishing the National Tourism Crisis Management Centre to receive information of tourism incidences and to provide timely tourism information to the tourism stakeholders.

III. Existing Legal and Policy Framework:

- (i) National Tourism Policy, 2022; and
- (ii) Tourism Act, CAP. 381.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Tourism Board;
- (ii) Tourism Fund;
- (iii) Tourism Protection Unit (TPU);

- (iv) Tourism Regulatory Authority; and
- (v) Tourism Research Institute.

2.1.11 THE WORLD TRAVEL AND TOURISM COUNCIL

67. The World Travel and Tourism Council (WTTC) is the global authority on economic and social contribution of Travel and Tourism established in 1990. It works together with government and international institutions to promote sustainable growth for the Travel and Tourism sector.
68. WTTC Members includes the entire spectrum of the Travel and Tourism industry—from airlines and airports to hotels and hospitality groups, tour operators and retail travel agents, online distributors, cruise lines, investment companies, insurance groups, and the technology industry. It has played a pivotal role in ensuring sustainable development in the tourism sector.

I. Key Obligations for State Parties/Kenya under the Organization:

- a) To enhance Security and Travel Facilitation;
- b) To ensure Sustainable Growth;
- c) To plan for Crisis Preparedness, Management and Recovery;
- d) Increase the number of Kenyans involved in domestic tourism;
- e) Increase the revenue generated from domestic tourism by increasing expenditure;
- f) Maintain tourism resources and infrastructure by addressing seasonality and equitable geographical spread through domestic tourism; and
- g) Enhance national integration, cohesion and pride through domestic tourism.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

69. The Government has undertaken/is undertaking the following:
- a) Participated in the WTTC Global Summit in Kigali, Rwanda from 1st–3rd November, 2023. The theme of the Summit was “*Building Bridges to a Sustainable Future*”. The annual Summit brought together industry leaders and government representatives to discuss and align efforts for the recovery of the travel and tourism sector;
 - b) Participated in the International Trade Fair (FITUR) in Madrid, Spain from 24th to 28th January, 2024, the tourism fair gave an opportunity to the participating countries to pitch their respective destinations, tourism offerings and products to many patrons; and
 - c) Participated in West Africa Roadshow in Ghana and Nigeria from 5th to 8th February, 2024, and attended by over 400 travel agents from Ghana and Nigerian with media value for Kenya amounting to over 6 million dollars.

III. Existing Legal and Policy Framework:

Tourism Act, CAP. 381.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- a) Kenya Tourism Board;
- b) Kenya Utalii College;
- c) Kenyatta International Convention Center;
- d) Tourism Fund;
- e) Tourism Promotion Fund;
- f) Tourism Protection Service;

- g) Tourism Regulatory Authority; and
- h) Tourism Research Institute.

2.1.12 Commonwealth of Nations

70. The Commonwealth is an international inter-governmental organization whose members are former British colonies. It comprises of fifty-six (56) countries from Africa, Asia, the Americas, Europe, and the Pacific. Kenya joined the Commonwealth in 1963. All member countries subscribe to the Commonwealth values and principles outlined in the Commonwealth Charter.

I. Key Obligations for State Parties/Kenya under the Commonwealth:

- a) Adhere to the principles of respect for the sovereignty of member states; inviolability of state frontiers; refrain from the threat of or use of force; peaceful settlement of disputes; non-interference in the affairs of another state; ensuring human rights and fundamental freedoms for all; and development of mutually beneficial economic and scientific and technical cooperation;
- b) Assist in cooperation and development of links between state organs, public associations, and economic structures;
- c) Employ the mechanism of mutual consultations to coordinate their positions and to undertake measures to eliminate any threat to sovereignty, security and territorial integrity of one or several member states or to international peace and security;
- d) Cooperate in the field of law, in particular, by means of concluding multilateral and bilateral agreements on rendering legal assistance; and
- e) Heads of States and Heads of Governments shall preside at the meetings of the Council of Heads of States and of the Council of Heads of Governments on a rotating basis.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

71. The Government has undertaken/is undertaken the following:

- a) Developed a Youth Mainstreaming Strategy to enable actors in the youth space to embrace a multi-sectoral youth mainstreaming approach to youth development and empowerment as envisaged in the Commonwealth Youth Programme (CYP);
- b) Participates in all meetings of the Commonwealth both at ministerial and expert level;
- c) Hosts a national chapter of the Commonwealth Human Ecology Council (CHEC);
- d) Kenyan athletes participate in regular Commonwealth games and holds eight (8) Commonwealth Games records.
- e) Kenyan athletes participated in the 2023 Youth Commonwealth Game which were held in Trinidad and Tobago from 4th to 11th August, 2023, and finished sixth globally, third in Africa with nine (9) medals; and
- f) Celebrated the Commonwealth Day on 11th March, 2024 and the theme was “*One Resilient Common Future: Transforming our Common Wealth*”.

III. Existing Legal and Policy Framework:

- (i) Sports Act, CAP. 223; and
- (ii) Anti-Doping Act, CAP. 245B.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Anti-Doping Agency of Kenya;
- (ii) Kenya Academy of Sports;

- (iii) National Olympic Committee;
- (iv) Sports and Arts Social Development Fund;
- (v) Sports Federations; and
- (vi) Sports Kenya.

2.1.13 International Civil Aviation Organization (ICAO)

- 72. The Convention on International Civil Aviation was adopted on 7th December, 1944, and entered into force on 4th April, 1947. Kenya acceded to the Convention on 1st May, 1964.
- 73. The Convention aims to ensure the safe and orderly development of international civil aviation throughout the world; encourage the arts of aircraft design and operation for peaceful purposes; prevent economic waste caused by unreasonable competition and promote safety of flights in international air navigation amongst others.
- 74. The Convention establishes the International Civil Aviation Organization (ICAO), which is the specialized UN agency for civil aviation matters. The Convention has nineteen (19) Annexes through which ICAO has developed Standards and Recommended Practices (SARPs), to govern and standardize the conduct of civil aviation amongst states.
- 75. ICAO manages over 12,000 SARPs across the 19 Annexes to the Convention, many of which are constantly evolving in concert with latest developments and innovations.

I. Key Obligations for State Parties/Kenya under the Organization:

- a)* Development of minimum standards to govern the safety and security of international civil aviation;
- b)* Conducting safety and security audits on states, based on the SARPs to establish the level of compliance;
- c)* Implement the ICAO safety and security SARPs;
- d)* Develop aerodromes to be used for international air transport flight operations; and
- e)* Comply with ICAO SARPs.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

- 76. The Government has undertaken/is undertaking the following:
 - a)* Has a Permanent Representative at ICAO Headquarters;
 - b)* Developed a Corrective Action Plan using a Continuous Monitoring Approach (CMA) to address the audit findings of the ICAO USOAP and ICAO USAP;
 - c)* Ratifying an Amendment to Article 50 and 56 of the Chicago Convention to increase the number of seats to the Air Navigation Commission (ANC) and Council, respectively;
 - d)* Deposited the Instrument of Accession to the Montreal Protocol, 2014, that amends the Convention on Offences and Certain Other Acts Committed on Board Aircraft, done in Tokyo on 14th September, 1963; and
 - e)* Reviewing Civil Aviation Regulations.

III. Existing Legal and Policy Framework:

- (i) Civil Aviation Act, CAP. 394; and
- (ii) Kenya Airports Authority Act, CAP. 395.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) East Africa School of Aviation;
- (ii) Kenya Airports Authority;
- (iii) Kenya Civil Aviation Authority (KCAA); and
- (iv) National Civil Aviation Administrative Review Tribunal.

2.1.14 International Atomic Energy Agency (IAEA)

77. The International Atomic Energy Agency (IAEA) was established as an autonomous organization on 29th July, 1957, by the Statute of the IAEA, and reports to both the UN General Assembly and the UN Security Council. Kenya became a member of the IAEA on 12th July, 1965.
78. The main objective of the IAEA is to accelerate and enlarge the contribution of atomic energy to peace, health, and prosperity throughout the world.

I. Key Obligations for State Parties/Kenya under the Agency:

- a) Use nuclear technology for peaceful purposes;
- b) Ensuring the establishment of infrastructure for safe and secure utilization of nuclear energy;
- c) Subjecting all its peaceful nuclear activities or projects to safeguards; and
- d) Establishing a comprehensive legal framework for the safe and secure application of nuclear technology in Kenya.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

79. The Government has undertaken/is undertaking the following:
- a) Implementing the Country Project Framework (CPF) for the period 2023 to 2027. CPF focuses on the six priority areas: Nuclear and Radiation; Safety and Security; Energy and Industry; Health and Nutrition; Food and Agriculture; Water and Environment; and Industrial Application;
 - b) Developing National Nuclear Policy to cover all peaceful nuclear applications; and
 - c) Developing twenty-nine (29) Regulations related to nuclear power development.

III. Existing Legal and Policy Framework:

- (i) Energy Act, CAP. 314; and
- (ii) Nuclear Regulatory Act, CAP. 243.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Nuclear Regulatory Authority (KNRA); and
- (ii) Nuclear Power and Energy Agency (NuPEA).

2.1.15 The International Renewable Energy Agency (IRENA)

80. IRENA facilitates cooperation, advance knowledge, and promote the adoption and sustainable use of renewable energy.
81. Kenya became a member state of IRENA on 2nd May, 2009.

I. Key Obligations for State Parties/Kenya under the Agency:

- a) Reduction of power costs within the region;



- b) Increasing energy availability to citizens of member states;
- c) Increasing the grid security of the member states; and
- d) Facilitation of power trade between the members.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

82. The Government has undertaken/is undertaking the following:

- a) Implementing the Kenya–Tanzania Regional Interconnector Project which will enable the connection of the EAPP power system to the SAPP (South Africa Power Pool);
- b) Implementing the Power Sector Reform Programme which will provide a national and regional pathway towards progressive reduction of power tariffs and facilitate robust manufacturing and industrial growth; and
- c) Establishing the Eastern Africa Power Pool (EAPP) in partnership with the World Bank and the African Development Bank which will comprise of power utilities from Ethiopia, Djibouti, Uganda, Rwanda, the Democratic Republic of Congo, Burundi, Tanzania, and Kenya among other countries. EAPP envisages a change to a hybrid of bilateral contracts and short-term trading platforms.

III. Existing Legal and Policy Framework:

- (i) Energy Act, CAP. 314.
- (ii) Nuclear Regulatory Act, CAP. 243; and

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Energy and Petroleum Regulatory Authority (EPRA);
- (ii) Kenya Nuclear Regulatory Authority (KNRA); and
- (iii) Nuclear Power and Energy Agency (NuPEA).

2.1.16 Indian Ocean Tuna Commission (IOTC)

83. The Indian Ocean Tuna Commission (IOTC) is a Regional Fisheries Management Organization (RFMO) within the framework of the Food and Agriculture Organization of the United Nations (FAO). The Agreement for its establishment was adopted on 25th November, 1993, and entered into force on 27th March, 1996. Kenya acceded to the Agreement on 29th September, 2004.

84. The Indian Ocean Tuna Commission (IOTC) was formed to co-ordinate the regulation and management of the highly migratory and straddling tuna and tuna-like fish species in the Indian Ocean and adjacent seas.

I. Key Obligations for State Parties/Kenya under the Commission:

- a) Cooperate directly or through the Indian Ocean Tuna Commission for the conservation of straddling fish stocks and highly migratory species;
- b) Exchange of available scientific information, catch and fishing effort statistics and other data through the Indian Ocean Tuna Commission;
- c) Participate in negotiations for the adoption of conservation measures for the stocks concerned;
- d) Prevent adverse impact of fishery activities and other human activities on the ecosystem; and
- e) Implement and enforce conservation measures through effective monitoring, control and surveillance.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

85. The Government has undertaken/is undertaking the following:
- a) A marine pelagic fish stock assessment in the Exclusive Economic Zone (EEZ); and
 - b) Consulting on a motion for the reduction in the usage of Fish Aggregating Devices (FADs) in the high seas in the Indian Ocean Tuna Commission area of jurisdiction.

III. Existing Legal and Policy Framework:

- (i) Fisheries Management and Development Act, CAP. 378;
- (ii) Kenya Fisheries Policy, 2023;
- (iii) Maritime Zones Act, CAP. 371; and
- (iv) State Corporations Act, CAP. 446.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Fisheries Advisory Council.

2.1.17 South West Indian Ocean Fisheries Commission (SWIOFC)

86. Kenya is a member of the South West Indian Ocean Fisheries Commission (SWIOFC), established in 2004, by Resolution 1/127 of the FAO Council under Article VI (1) of the FAO Constitution.
87. The Commission aims at promoting sustainable utilization of the living marine resources of the Southwest Indian Ocean (SWIO) Region through proper management and development of the resource without prejudice to the sovereign rights of coastal states.

I. Key Obligations for State Parties/Kenya under the Commission:

- a) Ensuring adequate research and training, sharing of information and experiences;
- b) Establishing coherent, Co-ordinated, and sustainable marine fisheries management, and national and regional fisheries policies or strategies for their own benefit;
- c) Securing greater social and economic benefits;
- d) Joint efforts to guarantee cost-effective monitoring, control and surveillance of fishing fleets; and
- e) Influencing regional and international fisheries processes.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

88. The Government has undertaken/is undertaking the following:
- a) Implementing the Kenya Fishing Industries Corporation Order, 2018 (Rev. 2020); and
 - b) Participates in the technical and scientific committees of the SWIOFC and has benefitted from various capacity-building initiatives, including the development of the Fishing Observer Programme for compliance purposes.

III. Existing Legal and Policy Framework:

State Corporations Act, CAP. 446.

Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Fishing Industries Corporation.



2.1.18 Indian Ocean Rim Association (IORA)

89. The Indian Ocean Rim Association (IORA), formerly referred to as the Indian Ocean Rim Association for Regional Co-operation (IOR-ARC), is an Inter-Governmental Organization established on 7th March, 1997. The IORA Charter was approved on 9th October, 2014, and adopted on 2nd November, 2018.
90. IORA is a dynamic inter-governmental organization aimed at strengthening regional co-operation and sustainable development within the Indian Ocean Region through its twenty-three (23) Member States and nine (9) Dialogue Partners.

I. Key Obligations for State Parties/Kenya under the Association:

- a) Promote sustainable growth and balanced development of the region;
- b) Focus on those areas of economic co-operation which provide maximum opportunities for development, shared interest, and mutual benefits; and
- c) Promote liberalization, remove impediments and lower barriers towards a freer and enhanced flow of goods, services, investment, and technology within the Indian Ocean Rim.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

91. Kenya is implementing Blue Economy Strategic Plan, 2023–2027, to guide the development of the sector.

III. Existing Legal and Policy Framework:

There is no obligation to formulate national legislation.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation

There is no obligation to establish an institution.

2.1.19 The International Seabed Authority

92. The International Seabed Authority came into existence on 16th November, 1994, and became fully operational in 1996.
93. The ISA was established as an autonomous institution under the 1982 United Nations Convention on the Law of the Sea (UNCLOS) to organize and control activities in the Area, particularly with a view to administering the resources of the Area. “The Area” is defined as the seabed and subsoil beyond the limits of national jurisdiction, and its “resources” as all solid, liquid, or gaseous mineral resources *in situ* in the Area at or beneath the seabed.

I. Key Obligations for State Parties/Kenya under the Authority

- a) Cooperation with other ISA Member States on all issues relating to exploration and exploitation of mineral resources in the defined areas;
- b) Support initiatives to protect marine environment and promote the Blue Economy; and
- c) Promote research on marine and the blue economy.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

94. The Government is undertaking the following:
- a) Supports the objectives of ISA through the Blue Economy and launched the “Go Blue Initiative” with the support of EU Member States in Kenya which aims to advance the blue economy agenda in Kenya’s coastal region.

III. Existing Legal and Policy Framework:

- (i) Environmental Management and Coordination Act, CAP. 387;
- (ii) Mining Act, CAP. 306; and
- (iii) Survey Act, CAP. 299.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Survey of Kenya;
- (ii) Kenya International Boundary Organization (KIBO); and
- (iii) National Mining Corporation.

2.1.20 Common Fund for Commodities (CFC)

95. The Common Fund for Commodities (CFC) is an Autonomous Inter-Governmental Financial Institution established within the framework of the United Nations.

96. Its objective is to enhance socio-economic development of commodity producers. The institution also contributes to the development of society through commodity development projects.

I. Key Obligations for State Parties/Kenya under the Fund:

- a)* Establish a Commodities Fund which shall be used to provide sustainable and affordable credit and advances to farmers for all or any of the following purposes—
 - (i) farm improvement;
 - (ii) farm input;
 - (iii) farming operations; and
 - (iv) price stabilization.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

97. The Government has undertaken/is undertaking the following:

- a)* Developing a Concept Paper on Funding Mechanisms for Banana and Sweet Potato Farming; and
- b)* Extended affordable credit to farmers in the coffee, sugarcane and coconut sub-sectors.

III. Existing Legal and Policy Framework:

- (i) Agricultural Development Corporation Act, CAP 444;
- (ii) Agricultural Finance Corporation Act, CAP. 323; and
- (iii) Agriculture and Food Authority Act, CAP. 317.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Agricultural Finance Corporation;
- (ii) Agriculture and Food Authority; and
- (iii) Agricultural Development Corporation.

2.1.21 World Association of Public Employment Services (WAPES)

98. The World Association of Public Employment Services (WAPES) is a Global Association Of Public Employment Services which was founded in 1988. The objective of the Association is to promote knowledge-building, and support capacity building among members to better support, strengthen and modernize public employment services.

I. Key Obligations for State Parties/Kenya under the Association:

- a) Manage labour markets with unemployment rates;
- b) Promote exchanges of information and experiences; and
- c) Improve the cooperation between more developed and less developed public employment services.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

99. The Government has established employment bureaus countrywide that offer services such as registration and placement of job-seekers into jobs; vacancy registration; vocational and career guidance; employment counselling registration; regulation of employment agencies; and advisory services on employment generally.

III. Existing Legal and Policy Framework:

National Employment Authority Act, CAP. 227.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

National Employment Authority.

2.1.22 World Organization for Animal Health (OIE)

100. The World Organization for Animal Health was created in 1924. The objective is to prevent the spread of animal diseases and improve animal health throughout the world. The OIE, is the WTO's Standard Setting Organization to facilitate safe trade in animals and animal products around the world.
101. Kenya joined the organization on 16th December, 1963.

I. Key Obligations for State Parties/Kenya under the Organization:

- a) Report occurrence of notifiable animal diseases to OIE, as soon as any such disease is detected in the territory of Kenya;
- b) Take measures to control any detected notifiable disease of animals;
- c) Report the end of an outbreak of a notifiable disease of animals;
- d) Certify disease freedom for all animals and animal products exported from Kenya; and
- e) Ascertain that all animals and animal products entering the country are free from diseases.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

102. The Government has undertaken/is undertaking the following:

- a) Hosts the Sub-Regional Office for Eastern Africa and the Horn of Africa in Nairobi;
- b) Celebrated the World Antibiotic Awareness Week from 18th to 24th November, 2023, with the theme: "*Preventing Anti-microbial Resistance Together*";
- c) Implements the Terrestrial Animal Health Code issued by the World Animal Health Organization (WAHO);
- d) Formulating the Livestock Bill, 2022;
- e) Promoting trade and access to market for livestock and livestock products, and is building infrastructure for disease free zones at Bachuma and near Lamu Port; and
- f) Continually refurbishing and building capacity ports of entry to improve Sanitary and Phyto-Sanitary (SPS) measures.

III. Existing Policy and Legal Framework:

- (i) Veterinary Policy, 2020;
- (ii) National Livestock Policy, 2020;
- (iii) Anti-Microbial Resistance (AMR) Policy, 2017;
- (iv) Animal Diseases Act, CAP. 364;
- (v) Branding of Stock Act, CAP. 357.
- (vi) Cattle Cleansing Act, CAP. 358;
- (vii) Rabies Act, CAP. 365; and
- (viii) Veterinary Surgeons and Veterinary Para-Professionals Act, CAP. 366.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Veterinary Board; and
- (ii) Kenya Veterinary Vaccines Production Institute.

2.1.23 Organization of African, Caribbean and Pacific States (OACPS)

103. The African, Caribbean and Pacific (ACP), Group of States was established in 1975, under the Georgetown Agreement to which Kenya is a signatory. It comprises seventy-nine (79) countries: forty-seven (47) from Sub-Saharan Africa, sixteen (16) from the Caribbean and fifteen (15) from the Pacific regions.
104. The Georgetown Agreement was revised in 1992, 2003 and 2019. The 2019 Revision was endorsed by the ACP Heads of State and Government during the 9th ACP Summit. The revision led to a change of name from ACP to Organization of African, Caribbean and Pacific States (OACPS). It sought to align the Group to the emerging global dynamics while redefining its vision and role in advancing multilateralism.

I. Key Obligation for State Parties:

- a)* Promote the efforts of member states of the OACPS to eradicate poverty, achieve sustainable development, and fully benefit from the advantages of trade, through their gradual and more effective participation in the world economy;
- b)* Consolidate, strengthen, and maintain peace and stability as a pre-condition for improving the well-being of the people of the OACPS, in a democratic and free environment;
- c)* Promote and reinforce political dialogue within the OACPS to consolidate the unity and solidarity of the OACPS;
- d)* Advocate for a multilateral system that is fair, equitable, and rule-based which contributes to economic growth and sustainable development of the member states of the OACPS;
- e)* Deepen and strengthen economic, political, social and cultural relations among the member states of the OACPS through regional integration; and
- f)* Promote policies, especially in the areas of the environment and the rational management of natural resources, in pursuit of sustainable development of the member states of the OACPS.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

105. The Government participated in the following:

- a) The 116th Session of the OACPS Council of Ministers Meeting from 18th to 20th July, 2023, in Brussels, Belgium;
- b) Signing of the Post-Cotonou Partnership (SAMOA) Agreement on 15th November, 2023, in Apia, Independent State of Samoa; and
- c) The 1st Session of the OACPS and the European Union (EU) Joint Parliamentary Assembly from 17th to 21st February, 2024, Luanda, Angola.

III. Existing Legal and Policy Framework:

None.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

None.

2.1.24 Forum on China Africa Cooperation (FOCAC)

106. The Forum on China-Africa Cooperation (FOCAC) was established in October, 2000, by China and friendly African countries.
107. The Forum promotes political dialogue and economic cooperation with a view to seeking mutual reinforcement and cooperation.

I. Key Obligations for State Parties/Kenya under the Forum:

- a) Cooperation in political, cultural, environmental, social and economic development, based on equality and mutual respect with a view to renewing, developing and expanding China-Africa co-operation in the 21st century.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

None.

III. Existing Legal and Policy Framework:

None.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

None.

2.1.25 Tokyo International Conference on African Development (TICAD)

108. The Tokyo International Conference on African Development (TICAD) was launched by Japan in 1993, to promote high-level policy dialogue between African leaders and development partners mobilizing support for Africa-owned development initiatives.
109. A key objective of TICAD is to mobilize support for Africa's socio-economic development, peace and security, governance and human rights agendas.

I. Key Obligations for State Parties/Kenya under TICAD:

- a) Promote high-level policy dialogue between African leaders and Development Partners mobilizing support for Africa-owned development initiatives.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

110. The Government is embarking on tracking the implementation of TICAD programmes and projects.

III. Existing Legal and Policy Framework:

None.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

None.

2.1.26 Codex Alimentarius Commission (CAC)

111. The Codex Alimentarius Commission (CAC) was established in 1963, in Rome. Kenya became a member of the Commission in 1969.
112. The purpose of the Commission is to develop international science-based food standards aimed at facilitation of fair food trade and protection of consumer health. Codex standards are science-based and are assisted by international risk assessment bodies.

I. Key Obligations for State Parties/Kenya under the Commission:

- a) Development and domestication of international food standards; and
- b) Comply with WTO sanitary and phytosanitary obligations concerning trade in plant and animal products.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

113. The Government has undertaken/is undertaking the following:
- a) Was elected as one of three (3) Vice Chairpersons of the Commission in November, 2021, for a term of five years until 2026;
 - b) Reviewing the following policies and legislations to harmonize with international requirements and the Constitution:
 - (i) Draft Food Safety Policy, 2022;
 - (ii) Food Safety Co-ordination Bill, 2022; and
 - (iii) Guidelines to harmonize Food Law for Coordinating Committee for Africa (CCAFRICA).

III. Existing Policy and Legal Framework:

- (i) National Food and Nutritional Security Policy, 2011;
- (ii) Agriculture Food Authority Act, CAP. 317;
- (iii) Crops Act, CAP. 318;
- (iv) Food, Drugs and Chemical Substance Act, CAP. 254;
- (v) Meat Control Act, CAP. 356;
- (vi) Public Health Act, CAP. 242; and
- (vii) Standards Act, CAP. 496.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Agriculture Food Authority (AFA).
- (ii) Kenya Bureau of Standards (KEBS); and
- (iii) Kenya Meat Commission.

2.1.27 International Accreditation Forum (IAF)

114. International Accreditation Forum (IAF) is a worldwide Organization founded on 8th October, 1932.
115. It is responsible for accreditation and certification of systems, processes, products and persons.

I. Key Obligations for State Parties/Kenya under the Forum:

- a) Maintain conformity to the Peer Evaluation Standard ISO/IEC 17011:2017;
- b) Participate and contribute to the work and decisions of IAF during its mid-term and annual meetings;
- c) Promote the Multilateral Recognition Arrangement (MLA) and provide guidance on the use of IAF symbol and marks in certificates; and
- d) Support the acceptance of the other IAF Mutual Recognition Arrangements Certificate in their economy as equivalent.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

None.

III. Existing Legal and Policy Framework:

Kenya Accreditation Service Act, CAP. 496A.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Accreditation Service (KENAS).

2.1.28 International Laboratory Accreditation Co-operation (ILAC)

116. International Laboratory Accreditation Co-operation (ILAC), established in 1977, is an international umbrella organization that oversees accreditation activities in the field of laboratory testing and inspection. ILAC became a formal corporation with a Charter to establish a network of Mutual Recognition Arrangements among accreditation bodies.
117. Kenya joined ILAC in 2005 and became an associate member in 2009. Kenya is now a full member of the Cooperation.

I. Key Obligations for State Parties/Kenya under the Co-operation:

- a) Maintain conformity to the Peer Evaluation Standard ISO/IEC 17011:2017;
- b) Participating in annual meetings and committees;
- c) Active participation and contribution to the work of IAF and ILAC in the mid-term and annual meetings; and
- d) Promote and support the acceptance of the MRA /MLA Arrangements.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

None.

III. Existing Legal and Policy Framework:

Kenya Accreditation Service Act, CAP. 496A.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Accreditation Service (KENAS).

2.1.29 International Measurement Confederation (IMEKO)

118. International Measurement Confederation (IMEKO) is an Inter-Governmental Federation which was founded in 1958, in Budapest, Hungary.
119. IMEKO's fundamental objectives are the promotion of international interchange of scientific and technical information in the field of measurement and instrumentation.

I. Key Obligations for State Parties/Kenya under the Confederation:

- a) Promote international interchange of scientific and technical information in the field of measurement and instrumentation; and
- b) Promote the enhancement of international co-operation among scientists and engineers from research and industry.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

120. The Government is implementing the Standards Act, CAP. 496 and international standards developed by International Measurement Confederation (IMEKO).

III. Existing Legal and Policy Framework:

Standards Act, CAP. 496.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Bureau of Standards (KEBS).

2.1.30 International Organization for Standardization (ISO)

121. The International Organization for Standardization (ISO) was established in 1947, and is based in Geneva, Switzerland. The role of ISO is to develop international standards that facilitate international trade. The members of ISO are national standards bodies.

122. Kenya Bureau of Standards (KEBS) became a permanent member of ISO to participate in international standardization, to ensure that international standards take into consideration the national interest of the country and to ensure that trade in Kenyan products is protected.

I. Key Obligations for State Parties/Kenya under the Organization:

- a) Adopt relevant ISO standards once they are developed;
- b) Participate in the work being undertaken in the ISO Committees and Sub-Committees;
- c) Vote for the adoption of ISO standards in the relevant Committees; and
- d) Maintain membership via payment of annual subscriptions.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

123. The Government has undertaken/is undertaking the following:

- a) Participates in ISO Technical Committee Meetings; and
- b) Adopted relevant international standards.

III. Existing Legal and Policy Framework:

Standards Act, Cap 496.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Bureau of Standards (KEBS).

2.1.31 International Electro-Technical Commission (IEC)

124. The International Electro-Technical Commission (IEC) was founded on 26th June, 1906. It is responsible for 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.

I. Key Obligations for State Parties/Kenya under the Commission:

- a) Adopt relevant IEC standards once they are developed;
- b) Participate in the work being undertaken in the IEC committees and sub-committees;
- c) Vote for the adoption of IEC standards in the relevant committees; and
- d) Maintain membership via payment of annual subscriptions.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

125. The Government has undertaken/is undertaking the following:

- a) Established IEC Mirror Committees and participated in IEC Technical Committee Meetings; and
- b) Adopted relevant IEC international standards.

III. Existing Legal and Policy Framework:

Standards Act, CAP. 496.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Bureau of Standards (KEBS).

2.1.32 Asia Pacific Metrology Programme (APMP)

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

127. 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.

128. Kenya through KEBS is an associate member of APMP since 2010.

I. Key Obligations for State Parties/Kenya under the Programme:

- a) Promote the coordination of metrological activities and services to achieve greater harmony of measurement and testing within the region;
- b) Ensure that measurement standards are traceable to standards maintained or Co-ordinated by the International Bureau of Weights and Measures (BIPM) in the realisation of the international system (SI) of units; and
- c) Reinforce the objectives of the Metric Treaty.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

129. The Government participated in APMP inter-comparisons, trainings and attachments.

III. Existing Legal and Policy Framework:

Standards Act, CAP. 496.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Bureau of Standards (KEBS).

2.1.33 World Intellectual Property Organization (WIPO)

130. The World Intellectual Property (WIPO) was founded on 19th June, 1967. Kenya became a member to WIPO on 7th July, 1971.

131. The main objective is for the Government to collaborate and partner with the organisation in promoting the protection of intellectual property and receive technical assistance.

I. Key Obligations for State Parties/Kenya under the Organization:

- a) Set norms and standards for the protection and enforcement of intellectual property rights;
- b) Cooperate with state parties to obtain legal and technical assistance in the field of intellectual property;
- c) Cooperate with industrial property offices concerning patent, trademark and industrial design documentation; and
- d) Conduct registration and filing activities, involving services related to international applications for patents for inventions and for the registration of marks and industrial designs.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

132. The Government has undertaken/is undertaking the following:

- a) Through the Madrid System facilitates the International Bureau at the World Intellectual Property Organization; and
- b) The Government continues to participate in the Madrid annual meetings of the Assembly of member states.

III. Existing Legal and Policy Framework:

- (i) Industrial Property Act, CAP. 509; and
- (ii) Trade Marks Act, CAP. 506.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Industrial Property Institute (KIPI).

2.1.34 World Health Organization Framework Convention on Tobacco Control (WHO-FCTC)

133. WHO-FCTC was developed in response to the global tobacco epidemic to protect current and future generations from the adverse health, economic and environmental effects of tobacco production (farming and manufacture) and consumption.

134. The WHO-FCTC was adopted in 2003, came into force in 2005 and currently has 182 parties.

I. Key Obligations for Kenya under the Treaty:

- a) Establishment of a focal point for implementation;
- b) Establish a domestic funding mechanism;
- c) Establishment of mechanisms for multi-sectoral action and reporting;
- d) Protect Public Policy from tobacco industry interference;
- e) Undertake public awareness on the effects of tobacco;
- f) Implement tax and price measures;
- g) Protect public from second-hand tobacco smoke;
- h) Regulate tobacco product content;
- i) Require disclosure of tobacco product content;
- j) Integrate Education, communication and information on tobacco control in health care and education sectors;

- k)* Prohibit tobacco advertising promotion and sponsorship;
- l)* Regulate packaging and labelling including health warnings, product content, and determination of the legal status of the product;
- m)* Prohibit the sale of tobacco products to and by minors;
- n)* Implement measures for addressing nicotine dependence;
- o)* Put in place measures to combat illicit trade in tobacco products;
- p)* Facilitate tobacco farmers to alternative livelihoods;
- q)* Protection of the environment from tobacco (farming, manufacture and disposal of products);
- r)* Establish measures for liability against the tobacco industry;
- s)* Restrict duty-free products;
- t)* Prohibit internet sales of products;
- u)* International cooperation in implementation and reporting; and
- v)* Undertake research to inform policy and decision-making.

II. Specific Measures taken pursuant to the outlined obligations, limited to the period under Review (2023–2024)

135. The Government has undertaken/is undertaking the following:

- a)* Implementing Tobacco Control Act, CAP. 245A;
- b)* Continuous to conduct mass media campaigns on adverse health, social, economic and environmental effects of tobacco production and use;
- c)* Continues to implement the ban on smoking in public places; and
- d)* Implementing integrated tobacco control in the education sector.

III. Existing Legal and Policy Framework:

- (i) Tobacco Control Act, CAP. 245A; and
- (ii) Narcotic Drugs and Psychotropic Substances Control Act, CAP. 245.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Tobacco Control Board; and
- (ii) National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA).

2.1.35 World Health Organization (WHO)

136. The Constitution of the WHO was adopted by the International Health Conference held in New York from 19th June to 22nd July, 1946. The Constitution was signed on 22nd July, 1946, by sixty-one (61) states and entered into force on 7th April, 1948.

137. Kenya became a member state of the WHO on 27th January, 1964.

I. Key Obligations for State Parties/Kenya under the Organization:

- a)* Act as the directing and coordinating authority on international health work;
- b)* Stimulate and advance work to eradicate epidemic, endemic and other diseases;
- c)* Propose conventions, agreements and regulations, and make recommendations with respect to international health matters and to perform such duties as may be assigned thereby to the organization and are consistent with its objective;

- d) Promote and conduct research in the field of health; and
- e) Mitigate on the effects of non-communicable diseases, emerging disease, sexual and reproductive health, maternal health, mental health, human development and aging, nutrition, food security and healthy eating, occupational health, and substance abuse.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

138. The Government, in collaboration with WHO, is developing the WHO-Afro Regional Emergency Operations and Logistics Hub.

III. Existing Legal and Policy Framework:

Health Act, CAP. 241.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenyatta University Teaching and Referral Hospital.

2.1.36 International Seed Testing Association (ISTA)

139. The Treaty Establishing the International Seed Testing Association (ISTA), was adopted in 1924. The Organization was founded with the aim of developing and publishing standard procedures in the field of seed testing. It facilitates seed trading nationally and internationally.

140. Kenya's objective is to produce high quality seeds and ensure that imported seeds meet the required standards. Through its membership, Kenya can source or export high quality seeds internationally.

I. Key Obligations for State Parties/Kenya under the Association:

- a) Follow all the requirements of the ISTA rules when test results are to be reported on an ISTA Seed Lot Certificate; and
- b) Ensure that certificates issued for export are based on accredited methods.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

141. The Government has undertaken/is undertaking the following:

- a) Seed testing following ISTA rules and is regularly audited by ISTA to ensure it meets all requirements;
- b) Maintaining competent staff, relevant equipment and use of ISTA methods in testing; and
- c) Conducted annual management review meetings and ensured participation in proficiency testing.

III. Existing Legal and Policy Framework:

- (i) National Seed Policy, 2010.
- (ii) Kenya Plant Health Inspectorate Service Act, CAP. 349;
- (iii) National Cereals and Produce Board Act, CAP. 338; and
- (iv) Seeds and Plants Variety Act, CAP. 326.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Plant Health Inspectorate Service (KEPHIS);
- (ii) Kenya Seed Company Limited; and

(iii) National Cereals and Produce Board (NCPB).

2.1.37 International Fund for Agricultural Development (IFAD)

142. The Agreement establishing IFAD was adopted in 1977, entered into force in 1979, and Kenya became a state party in 1979.
143. 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.

I. Key Obligations for State Parties/Kenya under the Fund:

- a) Engage in projects and programmes specifically designed to introduce, expand or improve food production systems; and
- b) Strengthen related policies and institutions within the framework of national priorities and strategies.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

144. The Government has undertaken/is undertaking the following:
- a) Collaborating with IFAD in implementing the Programme for Rural Outreach of Financial Innovations and Technologies (PROFIT);
 - b) Implementing programmes funded by IFAD, which include the Kenya Cereal Enhancement Program-Climate Resilient Agricultural Livelihoods (KCEP-CRAL) and European Union COVID-19 Grants implemented under KCEP-CRAL Plus; Aquaculture Business Development Programme (ABDP) and the Upper Tana Catchment Natural Resource Management Programme (UTaNRMP) that are at different stages of implementation; and
 - c) Implementing the Warehouse Receipt System.

III. Existing Legal and Policy Framework:

- (i) Agricultural Development Corporation Act, CAP. 444;
- (ii) Agricultural Finance Corporation Act, CAP. 323;
- (iii) Agriculture and Food Authority Act, CAP. 317; and
- (iv) Warehouse Receipt System Act, CAP. 350.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Agricultural Development Corporation (ADC).
- (ii) Agricultural Finance Corporation (AFC);
- (iii) Agriculture and Food Authority (AFA);
- (iv) Kenya Farmers Association (KFA); and
- (v) National Cereals and Produce Board (NCPB).

2.1.38 International Red Locust Control Organization for Central and Southern Africa (IRLCO-CSA)

145. The Agreement establishing the International Red Locust Control Organization for Central and Southern Africa (IRLCO-CSA) was adopted on 14th September, 1970, in Kampala, Uganda and came into force on 1st January, 1971. The IRLCO-CSA headquarters are in Lusaka, Zambia.

I. Key Obligations for State Parties/Kenya under the Organization:

- a) Facilitate the construction, on their own territory, of buildings necessary for the operation of the organization when necessary;
- b) Give assistance requested by the organization for the destruction of incipient swarms;
- c) Promote and undertake effective control of significant populations of red locusts in recognized outbreak areas; and
- d) Offer services within limits of resources in the coordination and reinforcement of national actions against red locust swarms.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

146. The Government has undertaken/is undertaking the following:

- a) Monitoring and coordinating the management of transboundary invasive and emerging pests and diseases;
- b) Implementing mechanisms through the Locust Control Unit (LCU) to prevent future outbreaks from spiraling out of control;
- c) Implementing the Migratory and Invasive Pests and Weeds Management Strategy, 2022–2027; and
- d) Reviewing the Plant Protection Act, CAP 324.

III. Existing Legal and Policy Framework:

- (i) National Phytosanitary Policy, 2022;
- (ii) Kenya Plant Health Inspectorate Service Act, CAP. 349;
- (iii) Pest Control Product Act, CAP. 346; and
- (iv) Plant Protection Act, CAP. 324.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Plant Health Inspectorate Service (KEPHIS); and
- (ii) Pest Control Products Board (PCPB).

2.1.39 Organization for Economic Cooperation and Development (OECD) Seed Schemes, Fruits and Vegetables Schemes and Forestry Seed Schemes

147. The OECD was formed in 1960 and entered into force in 1961. The objective of the organization is to provide a worldwide reference for the certification and standardization of seeds, agricultural and forestry tractors, forest reproductive materials, fruit and vegetable seeds. The organization provides a platform to compare policy experiences, seeks answers to common problems, identifies good practices and co-ordinates domestic and international policies of its members.

I. Key Obligations for State Parties/Kenya under the Scheme:

- a) Apply OECD standards in inspection and labeling of seeds;
- b) Make financial contribution towards the operations of its schemes;
- c) Participate in meetings for making legal, administrative and technical decisions; and
- d) Share data with other OECD members.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

148. The Government participates in the annual all-countries meetings and reviews the scheme documents and activities, through a standing public private Technical Working Group (TWG) that meets every quarter.

III. Existing Legal and Policy Framework:

- (i) Kenya Plant Health Inspectorate Service Act, CAP. 349;
- (ii) National Cereals and Produce Board Act, CAP. 338; and
- (iii) Seeds and Plant Varieties Act, CAP. 326.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Plant Health Inspectorate Service (KEPHIS);
- (ii) Kenya Seed Company Limited; and
- (iii) National Cereals and Produce Board (NCPB).

2.1.40 International Network for Bamboo and Rattan (INBAR)

149. The International Network for Bamboo and Rattan (INBAR) is an independent inter-governmental organization established in 1997, to develop and promote innovative solutions to poverty and environmental sustainability using bamboo and rattan. INBAR's priority is to work with countries to focus on the use of bamboo and rattan as strategic resources that support sustainable development and their green economy action plans.

150. Kenya became a member of INBAR on 1st March, 2001.

I. Key Obligations for State Parties/Kenya under INBAR:

- a) Disclosing what has been earmarked domestic funds for sustainable bamboo and rattan assessment, management and development;
- b) Support INBAR bilaterally and on relevant international and national platforms to develop relationships with partners that will support the achievement of its goals; and
- c) Fulfil financial obligations as stipulated.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

151. The Government is formulating the National Bamboo Policy, 2024.

III. Existing Legal and Policy Framework:

- (i) Forest Policy, 2014;
- (ii) Climate Change Act, CAP. 387A;
- (iii) Ewaso Ng'iro South River Basin Development Authority Act, CAP. 447; and
- (iv) Forest Conservation and Management Act, CAP. 385.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Ewaso Ng'iro South River Basin Development Authority (ENSDA);
- (ii) Kenya Forest Service (KFS); and
- (iii) Kenya Forestry Research Institute (KEFRI).

2.1.41 World Meteorological Organization (WMO)

152. The Convention of the World Meteorological Organization was adopted on 11th October, 1947, and revised in 2007. It reaffirms the vital importance of the mission of the National Meteorological, Hydro-meteorological and Hydrological Services in observing and understanding weather and climate and in providing meteorological, hydrological and related services in support of relevant national needs.
153. Kenya acceded to the Convention on 2nd June, 1964.

I. Key Obligations for State Parties/Kenya under the Organization:

- a) Safeguard the environment and the global climate for present and future generations of humankind;
- b) Coordinate, standardize, improve and encourage efficiencies in the exchange of meteorological, climatological, hydrological and related information between them, in the aid of human activities; and
- c) Establish an integrated international system for the observation, collection, processing and dissemination of meteorological, hydrological and related data and products.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

154. The Government has undertaken/is undertaking the following:

- a) Commemorated the World Meteorological Day (WMD) on 23rd March, 2024, in Kericho County and the theme was “*At the Frontline of Climate Change*”; and
- b) Formulating the Metreology Bill, 2023.

III. Existing Legal and Policy Framework:

Climate Change Act, CAP. 387A.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Meteorological Department; and

2.1.42 African Centre of Meteorological Application for Development (ACMAD)

155. The Conference of Ministers of the United Nations Economic Commission for Africa on behalf of the member states of the United Nations Economic Commission for Africa by its Resolution 540 (XX) in 1985, resolved that the Africa Centre of Meteorological Application for Development (ACMAD) needs to be established.
156. The objective of ACMAD is to provide capacity building for the fifty-three (53) National Meteorological Services (NMS) of its member states in weather prediction, climate monitoring and transfer technology such as telecommunication, computing and rural communication in research.
157. Kenya became a member to the centre on 29th April, 1991.

I. Key Obligations for State Parties/Kenya under the Centre:

- a) Provision of weather and climate information for the promotion of sustainable development in the fields of agriculture, water resources, health, public safety and renewable energy.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

158. The Government has undertaken/is undertaking the following:

- a) Commemorated the World Meteorological Day (WMD) on 23rd March, 2024, in Kericho County and the theme was “*At the Frontline of Climate Change*”; and
- b) Developing Meteorological Bill, 2021.

III. Existing Legal and Policy Framework:

Climate Change Act, CAP. 387A.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Meteorological Department.

2.1.43 International Labour Organization (ILO)

159. The International Labour Organization (ILO) was the first specialized agency of the UN mandated to advance social justice and promote decent work by setting international labour standards.
160. Kenya became a member of the ILO in 1965, and has since ratified 52 out of 190 ILO conventions. This includes 7 of the 8 fundamental conventions, 3 of the 4 governance conventions and 37 of the 178 technical conventions. Kenya has also denounced 7 conventions and abrogated 6 conventions. The conventions that were ratified are C185 on Seafarers’ Identity Documents and C188 on Work in Fishing Convention.

I. Key Obligations for State Parties/Kenya under the Organization:

- a) Place into operation procedures to ensure effective consultations with representative organisations of workers and employers;
- b) Participate in ILO meetings;
- c) Report on ratified conventions; and
- d) Grant privileges and immunities within its territory to the ILO and its staff.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

161. The Government has undertaken/is undertaking the following:

- a) Sits on the ILO Governing Body and attends the annual meetings in March, June and November every year as well as regional and international Labour conferences of the ILO; and
- b) Implementing the Decent Work Country Programme (DWCP), 2021–2024, on 17th November, 2021, which is the main framework for partnership and funding with ILO. The framework is based on three priority areas which include human capital development, sustainable economic growth and social dialogue and tripartism.

III. Existing Legal and Policy Framework:

- (i) Employment Act, CAP. 226;
- (ii) Labour Institutions Act, CAP. 234;
- (iii) Labour Relations Act, CAP. 233; and
- (iv) National Employment Authority Act, CAP. 227.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Central Organization of Trade Unions (COTU);
- (ii) Employment and Labour Relations Court;
- (iii) Federation of Kenya Employers (FKE);

- (iv) National Employment Authority (NEA); and
- (v) Office of the Registrar of Trade Unions.

2.1.44 International Telecommunications Union (ITU)

162. The International Telecommunication Union (ITU) is the United Nations specialized agency for Information and Communication Technologies (ICTs). It was established on 17th May, 1865, as the International Telegraph Union. ITU adopted its current name in 1934. The Treaty establishing the ITU was opened for signature on 22nd December, 1992, in Geneva, Switzerland, and entered into force on 1st July, 1994.
163. The objectives of ITU are to facilitate international connectivity in communications networks, coordinate the shared global use of the radio spectrum, promote international cooperation in assigning satellite orbits, improve access to ICTs to underserved communities worldwide, and establish worldwide technical standards that foster seamless interconnection of a vast range of communication systems.
164. Kenya joined the ITU on 11th April, 1964, and ratified the Treaty Establishing the ITU on 25th August, 1994. Kenya has been a member of the ITU Council for 40 years since 1982, and will serve a further 4 years, from 2023–2026, having been re-elected at the 2022 ITU Plenipotentiary Conference.

I. Key Obligations for State Parties/Kenya under the Union:

- a) Implement the Child Online Protection Programme—Resolution 67 (*Rev.* Buenos Aires, 2017);
- b) Establishment of National Computer Incident Response Teams (CIRTs), for member states under the ITU’s Global Cybersecurity Agenda (GCA) banner;
- c) Implementation of the resolutions under the Final Acts of the World Radio-Communication Conference of 2019, regarding spectrum allocations to avoid harmful interference;
- d) Adoption of Telecommunications Quality of Service (QoS), and Quality of Experience (QoE), key performance indicators and parameters; and
- e) Implementation of ITU Framework for solutions to combat counterfeit ICT devices, use of stolen mobile devices and addressing mobile devices with a duplicate unique identifier.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

165. The Government has undertaken/is undertaking the following:
- a) Implementing its National Plan for Action on Child Online Sexual Exploitation and Abuse;
 - b) Participated in the World Radio-communications Conference in November, 2023, (WRC-23) held in Dubai, United Arab Emirates;
 - c) Developing indicators to collect data on Child Online Protection. This initiative enables Kenya to collect data that is comparable at international level as it shall leverage the International Telecommunications Union (ITU), Child Online Protection Statistical Framework and Indicators, 2010;
 - d) Pledged to spend a total of USD 258.8 Million under the Universal Service Fund (USF) on ITU Partner2Connect (P2C) Programme over a five-year period, beginning 2022 to incentivize deployment of appropriate ICT infrastructure and build specific network for critical public service delivery systems such as e-Education and e-Health.

III. Existing Legal and Policy Framework:

- (i) The National Spectrum Policy, 2021;
- (ii) Kenya Information and Communication Act, CAP. 411;
- (iii) Children Act, CAP. 141.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Communications Authority of Kenya (CA).

2.1.45 Universal Postal Union (UPU)

166. The Universal Postal Union (UPU) is a specialized agency of the United Nations formed in 1874 to organize and improve postal services throughout the world and to ensure international collaboration in this area.

167. Kenya became a member on 27th October, 1964. The Postal Corporation of Kenya is the designated operator. Kenya ratified the Constitution and the ten Protocols as adopted during the 27th Universal Postal Congress held in Abidjan, Cote d'Ivoire in 2021, where the outgoing Secretary-General from Kenya handed over to the incoming Secretary-General from Japan, Mr. Masaiko Metoki.

I. Key Obligations for State Parties/Kenya under the Union

Implement the Abidjan Postal Strategy, 2021–2025, to achieve the following:

- a)* Decrease gaps in postal development through increased investment and focused policies, and promote various ways to utilize the postal network for socio-economic development;
- b)* Harmonization and enhancement of the sector's regulatory framework;
- c)* Enhance operator's performance by implementing diversified strategies and operation improvement; and
- d)* Ensure stakeholders from the private sector and public institutions pursue integration into the sector by engaging with traditional stakeholders, and vice versa. This means opening the market, fostering partnerships and enhancing the role of the UPU.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

168. The Government has undertaken/is undertaking the following:

- a)* Implementing the findings of the Continental Study Report on "Improving the Digitalization of Postal Services in Africa", done in 2019;
- b)* Developed the National E-commerce Strategy, in collaboration with the United Nations Conference on Trade and Development (UNCTAD) and GIZ, under its E-commerce and Digital Economy (ECDE) Programme;
- c)* Installed the Global Monitoring System (GMS) aimed at improving international mail delivery standards to overcome bottlenecks in postal supply chain by bringing different outlets to same level of operational performance;
- d)* Developed modern products such as a mobile delivery application in support of last mile delivery for e-commerce parcels;
- e)* Modernized processing of the traditional Money Order services by adopting the International Financial System for financial inclusion;
- f)* Enhancing the Electronic Funds transfer solution (Posta Pay) to promote financial inclusion and e-commerce;

- g) Signed the technical and funding support with Trademark East Africa (TMEA) to enhance PCK e-commerce;
- h) Fulfils the Universal Service Obligation through its robust geographical network that ensures basic exchange of goods and documents;
- i) Submitted its Annual Postal Statistics, which facilitates exchange and provision of data that contribute to improving operational efficiency, market response and development;
- j) Participated in the 4th UPU Extra-Ordinary Congress that took place in Riyadh, Saudi Arabia, from 1st to 5th October, 2023; and
- k) Participates annually in the Postal Operations Council and Council of Administration activities.

III. Existing Legal and Policy Framework:

- (i) Kenya Information and Communications Act, CAP. 411A; and
- (ii) Postal Corporation of Kenya Act, CAP. 411.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Communications Authority of Kenya (CA); and
- (ii) Postal Corporation of Kenya (PCK).

2.1.46 Smart Africa Initiative

169. Smart Africa is a bold and innovative commitment from African heads of state and Government to accelerate sustainable socio-economic development in the continent. It seeks to usher Africa into a knowledge economy through affordable access to Broadband and the usage of Information and Communication Technologies. The Smart Africa Manifesto document was adopted during the Transform Africa Summit held in Kigali, Rwanda from 28th to 31st October, 2013, by heads of state from seven countries.

I. Key Obligations for State Parties/Kenya under the Initiative:

170. The Government of Kenya was given the responsibility to champion for the Digital Economy Project in Smart Africa Alliance and Smart Africa. The Ministry of Information, Communications and the Digital Economy represents Kenya to champion activities that include the following:

- a) Advisory role in Digital Economy Policy and Digital Economy Strategy development;
- b) Experiential learning and sharing of Digital Economy transformation in member countries; and
- c) Accelerate sustainable socio-economic development at national and continental level through usage of Information and Communications Technologies (ICTs) and better access to broadband services.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

171. The Government has undertaken/is undertaking the following:

- a) Preparing to host the strategic Pan-African ICT event in August, 2024 after winning the bid;
- b) Implementing the Kenya Digital Economy Acceleration Programme (KDEAP) with USD. 570M funding from the World Bank;
- c) Implementing the partnership agreement with the United Nations Development Programme (UNDP) on Information, Communication, and Technology that was approved by the Cabinet on 18th July, 2023; and

- d) Establishing a fibre optic cable and associated ductwork, in partnership with the Government of South Sudan, on either side of the two countries to provide internet connectivity to South Sudan. This will enable Kenya to sell excess capacity to South Sudan and open opportunities for digital commerce and associated business opportunities between the two countries.

III. Existing Legal and Policy Framework:

- (i) National Information, Communications and Technology (ICT) Policy, 2019;
- (ii) Kenya Information and Communications Act, CAP. 411A; and
- (iii) Universities Act, CAP. 210.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Communications Authority of Kenya (CA);
- (ii) Kenya Advanced Institute of Science and Technology (KAIST);
- (iii) Konza Technopolis Development Authority (KoTDA).

2.1.47 Commonwealth Telecommunications Organizations (CTO)

172. The Commonwealth Telecommunications Organization (CTO) is an international organization subject to a Headquarters Agreement with the UK Government, and with its offices located in London. The CTO connects government and non-government entities to enhance cooperation in Information and Communications Technology (ICT).

173. Kenya is a full member of CTO and ratified the Constitution and Rules of Procedure in 2002.

I. Key Obligations for State Parties/Kenya under the Organization:

- a) To meet the needs and aspirations of citizens and consumers;
- b) To support the social and economic development objectives of Governments and civil society;
- c) To facilitate the successful development of ICTs and other businesses; and
- d) Participate in CTO meetings and forums.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

174. The Government has undertaken/is undertaking the following:

- a) Participated in the 61st CTO Council meeting held in October, 2023, in Yaounde, Cameroon on enhancement of universal access to ICTs; and
- b) Implementing the recommendations of the study on Over-the-Top Technologies to eventually facilitate licensing and taxation.

III. Existing Legal and Policy Framework:

- (i) National Information, Communications and Technology (ICT) Policy, 2019; and
- (ii) Kenya Information and Communications Act, CAP. 411A.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Communications Authority of Kenya (CA); and
- (ii) Information Communication and Technology Authority (ICTA).

2.1.48 International Mobile Satellite Organization (IMSO 1976)

175. The Convention establishing the International Mobile Satellite Organization was opened for signature on 3rd September, 1976, in London and entered into force on 16th July, 1979.
176. The objective of IMSO is to provide oversight of public satellite safety and security communication service provided by mobile satellite communication systems.
177. Kenya acceded to the Convention on 21st July, 1998. Kenya became a member of the Advisory Committee of IMSO.

I. Key Obligations for State Parties/Kenya under the Organization:

- a) Provide Maritime Mobile Satellite Communications Services for the Global Maritime Distress and Safety System (GMDSS), according to the legal framework set up by the International Maritime Organization (IMO);
- b) Fulfilment of INMARSAT's Public Service Obligations and, in particular, GMDSS services;
- c) Provide advisory services to the organization; and
- d) Ensure public safety in the improvement of marine networks and provide advisory services to the organization.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

178. The Government has undertaken/is undertaking the following:
- a) Facilitated agreements to enhance efficiency and effective implementation of the convention; and
 - b) Provides necessary facilities and arrangements through the 24/7 Mombasa Regional Maritime Rescue Coordination Centre (RMRCC) serving the Eastern Africa Search and Rescue Region comprising Seychelles, Somalia, Tanzania and Kenya.

III. Existing Legal and Policy Framework:

- (i) Kenya Information and Communications Act, CAP. 411A;
- (ii) Kenya Maritime Authority Act, CAP. 370; and
- (iii) Merchant Shipping Act, CAP. 389.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Communications Authority of Kenya (CA); and
- (ii) Kenya Maritime Authority (KMA).

2.1.49 International Telecommunications Satellite Organization (ITSO 1971)

179. The Agreement establishing the International Telecommunications Satellite Organization (INTELSAT) was concluded in Washington, D.C., USA on 20th August, 1971, and came into force on 12th February, 1973. INTELSAT was restructured in 2001, to create a private entity—INTELSAT S.A. (ITSO).
180. ITSO's mission is to monitor the performance of INTELSAT's public service obligations and to safeguard the Parties' Common Heritage.
181. Kenya signed the Agreement establishing INTELSAT on 26th November, 1971.

I. Key Obligations for State Parties/Kenya under the Organization:

- a) Support the protection of the common heritage orbital locations and associated frequencies; and

- b) Promotion of a global communication and information infrastructure.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

182. The Government has undertaken/is undertaking the following:

- a) Licensing of satellite operators; and
b) Implement the Space Strategy to safeguard the spatial frequency and orbital resources.

III. Existing Legal and Policy Framework:

- (i) National Information, Communications and Technology (ICT) Policy, 2019; and
(ii) Kenya Information and Communications Act, CAP. 411A.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Communications Authority of Kenya (CA).

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

183. The ICSID Convention entered into force on 14th October, 1966. ICSID has its headquarters in Washington, D.C., USA.

184. Kenya signed the Convention on 24th May, 1966 and deposited the Instrument of Ratification on 3rd January, 1967. The Convention entered into force for Kenya on 2nd February, 1967.

I. Key Obligations for State Parties/Kenya under the Centre:

- a) Participate in the Administrative Council to determine the general directions of the organization;
b) Designate persons to the ICSID Panels of Arbitrators and Conciliators; and
c) Make designations and notifications under the Convention.

II. Specific measures taken by the Government pursuant to the outlined obligations, limited to the period under Review (2023–2024)

185. The Government has undertaken/is undertaking the following:

- a) Developing the Investment Promotion and Facilitation Bill, 2024;
b) Implementing the National Investment Policy and the Kenya Investment Policy (KIP), 2019, which contain specific measures intended to safeguard foreign and local investor interests; and
c) Implementing the Kenya Investment Mechanism Programme at a cost of USD. 400 million.

III. Existing Legal and Policy Framework:

- (i) Constitution of Kenya, 2010;
(ii) Kenya Investment Policy, 2019;
(iii) Arbitration Act, CAP. 49;
(iv) Central Bank of Kenya CAP. 491;
(v) Investment Promotion Act, CAP. 485;
(vi) Kenya Revenue Authority Act, CAP. 469;
(vii) Nairobi Centre for International Arbitration Act, CAP. 49A;
(viii) Small Claims Court Act, CAP. 10A; and

- (ix) Societies Act, CAP. 108.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Central Bank of Kenya (CBK);
- (ii) Kenya Investment Authority (KenInvest);
- (iii) Kenya National Innovation Agency (KeNIA);
- (iv) Kenya Revenue Authority (KRA);
- (v) Nairobi Centre for International Arbitration (NCIA); and
- (vi) Small Claims Court.

2.1.51 Global Alliance for Buildings and Construction

186. Global Alliance for Buildings and Construction (Global ABC) is an initiative of UNEP member countries established in December, 2015 and is committed to a common vision: A zero-emission, efficient and resilient buildings and construction sector.

187. Global ABC advocates for market transformation, focuses on catalyzing action by defining a carbon neutrality strategy for the built environment and supports member countries in setting priorities and measures based on their situation. The Alliance further supports the private sector transition with priorities and strategies towards business models focused on decarbonizing and increasing the resilience of buildings.

188. Kenya joined the Global ABC in March, 2022.

I. Key Obligations for State Parties/Kenya under the Initiative:

- a) Work towards a fair and harmonized measurement system to close the information gap and support buildings, construction policy and investment with measurable, reportable and verifiable data;
- b) Provide reliable information for investors to reduce risk, create value of more efficient buildings, develop tools and methods for green buildings portfolios, whole-life carbon financing as well as explore collaboration on digital data for financing;
- c) Engage business and other stakeholders in the decarbonization of entire building value chain, and provide an opportunity to companies to shape the dialogue with national and sub-national policy makers about the enabling framework for private sector action;
- d) Unite the numerous independent and scattered buildings and construction sectors stakeholders, in particular, public authorities through facilitating consistent, effective regulations, especially the building codes, nationally determined contributions, norms, financial and fiscal incentives; and
- e) Raise awareness among stakeholders and support building capacity to promote the transition towards a zero emission and resilient built environment globally as well as raising awareness of the potential and urgency of transforming the sector.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

189. The Government has undertaken/is undertaking the following:

- a) Participated in the launch of the Buildings Breakthrough Priority International Actions for 2024–2025, during the buildings and climate global forum held from 7th to 8th March, 2024, in Paris, France;
- b) Co-leading demand creation, a global thematic area which seeks to scale up existing public and private sector low carbon procurement alliances and commitments for whole-building procurement; defines minimum model technical requirements and

establishes a “*lead by example policy*” for procurement and whole building Net Zero Energy Residential Building (NZERB) deployment in buildings occupied by government;

- c) Participates, as a member of the Sub-Committee on Landscape Coordination of the Global ABC, to enhance the coordination and transparency mechanisms of international collaboration on near-zero emission and resilient buildings; and
- d) Hosted the national stakeholder’s consultative forum on buildings and climate change held in Nairobi on 8th April, 2024, to develop a general sector roadmap towards achieving decarbonized and sustainable futures in the buildings sector by 2050, agree on policy recommendations and adopt global calls and efforts to promote climate resilient, green and sustainable buildings in Kenya.

III. Existing Legal and Policy Framework:

- (i) Climate Change Act, CAP. 387A;
- (ii) Environmental Management and Co-ordination Act, CAP. 387; and
- (iii) National Construction Authority Act, CAP. 118.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) National Construction Authority; and
- (ii) National Environment Management Authority (NEMA).

2.1.52 World Anti-Doping Agency (WADA)

- 190. The International Convention against Doping in Sport was adopted on 19th October, 2005, and entered into force on 1st February, 2007.
- 191. The objective of the convention is to promote prevention and the fight against doping in sports by restricting the availability and use of prohibited substances or methods to athletes except for legitimate medical purposes.
- 192. Kenya became a state party to the convention on 28th August, 2009.

I. Specific Measures Taken by the Ministry pursuant to the outlined obligations limited to the period under review (2023-2024)

- 193. The Government has undertaken/is undertaking the following:
 - a) Carries out the fight against doping in sports through anti-doping values-based education, sensitization and awareness campaigns, and upholding integrity of sport through intelligence gathering, investigations and results management;
 - b) Enforces Anti-Doping Rules Violations (ADRVs) to protect the “clean athlete” by carrying out effective doping tests among all Kenyan athletes;
 - c) Complies with the World Anti-Doping Code—this allows Kenyan athletes to continue participating in local, regional and international competitions in line with the United Nations, Education, Science and Cultural Organization (UNESCO) Convention against Doping in Sports;
 - d) Collects samples from Team Kenya athletes, likely to participate in the Olympic and Paralympic Games. Each athlete and athlete support personnel undergo at least two (2) Anti-Doping education sessions;
 - e) Carried out several programmes, including anti-doping education, value-based education, sensitization and awareness, research on doping issues, in and out-of-competition testing, therapeutic use exemption, intelligence gathering and investigations, and results management as follows:

- (i) Under the Anti-Doping Education Programmes, conducted one hundred and thirty-three (133) outreach and workshop programmes reaching twenty-five thousand six hundred and ninety-one (25,691) participants; built the capacity of twenty (20) educators and reached five hundred and seven (507) participants who took the Anti-Doping E-Learning Course through the Government's Portal; and trained eight hundred (800) Physical Education/Games Teachers;
- (ii) Under the Research on Doping Issues, published research on the following four (4) areas:
 - Knowledge and application of values among learners in primary and secondary schools;
 - Vices in competitive sports and barriers that hinder inculcating values among learners in primary and secondary schools;
 - Knowledge and attitude associated with use of performance enhancing substances and methods among mixed martial arts athletes; and
 - Beliefs and practices levels associated with use of performance enhancing substances and methods among mixed martial arts athletes.

The findings from the above-mentioned research have ensured that education and testing programmes carried out are evidence-based;

- (iii) Under in-and-out-of-competition testing, to ensure testing is carried out as per the International Standards for Testing and Investigations (ISTI), has conducted three thousand five hundred and thirty (3,530) doping control tests. At the same time, has placed three hundred (300) athletes in its Registered Testing Pool (RTP) and received six (6) therapeutic use exemption applications out of which none (0) was granted;
 - (iv) Intelligence gathering and analysis is continuous. This involves investigation of Anti-Doping Rule Violations (ADRVs), Atypical Finding (ATFs), and Non-Compliance to Sanctions, Criminal and Prosecution-Led Investigations (PLI). The Government investigated ten (10) ADRV's and three (3) criminal offenses leading to target testing, prosecuted eight (8) ADRV, closed three (3) Pharmacies and is prosecuting three (3) ongoing criminal cases in Eldoret and Kapsabet Law Courts.
- f)* Handled sixty-two (62) cases before the Sports Disputes Tribunal (SDT) out of which eighteen (18) have been concluded and forty-four (44) are ongoing with one (1) civil judicial review. Some of the most common banned substances that our Kenyan athletes have tested positive for include Erythropoietin (EPO), Norandrosterone, Prednisolone, triamcinolone acetonide, Salbutamol, Trenbolone and Clenbuterol;
 - g)* Established an inter-agency Steering Committee comprising Athletics Kenya, the Athletic Integrity Unit of World Athletics and ADAK to implement an Enhanced Anti-Doping Programme;
 - h)* Builds capacity of ADAK to collect samples through Technical Assistance Agreement;
 - i)* Enhanced resource allocation to ADAK through the Sports, Arts and Social Development Fund to the tune of USD. 5 Million annually for the next 5 years, ring-fenced for the Enhanced Anti-Doping Programme;
 - j)* Leverages on the power of ICT in dissemination of information on the fight against doping in sport through an e-learning programme where athletes, athletes support personnel and other stakeholders study modules with information on anti-doping, and upon completion they can print their certificate;
 - k)* Strengthened collaboration with key agencies, including the Directorate of Criminal Investigations, the Pharmacy and Poisons Board, Department of Immigration, National

Registration Bureau, Kenya Medical Practitioners and Dentist Council, the Nursing Council of Kenya, the National Intelligence Service, the Judiciary and County Governments;

- l)* Strengthened its regional partnerships and network with other National Anti-Doping Organizations (ADOs) to conduct tests on their behalf within Kenya and in East Africa; and
- m)* Ensure the appointment of officers into international committees on the global Anti-Doping Programme who sit in the following committees:
 - The WADA National Anti-Doping Organization Expert Advisory Group;
 - WADA Africa Zone V-Board;
 - Steering Group of Commonwealth Anti-Doping Legacy Project; and
 - UNESCO Taskforce on Review of Government Funding to the WADA budget.

II. Existing Legal and Policy Framework:

- (i) Anti-Doping Policy, 2020;
- (ii) Kenya National Sports Policy, 2002;
- (iii) Kenya Sports Policy, 2003;
- (iv) Sessional Paper No.3 of 2005 on Sports Development;
- (v) Anti-Doping Act, CAP. 245B;
- (vi) Sports Act, CAP. 223.

III. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Anti-Doping Agency of Kenya (ADAK);
- (ii) Office of the Sports Registrar;
- (iii) Sports Disputes Tribunal; and
- (iv) Sports, Arts and Social Development Fund (SASDF).

2.2 REGIONAL ORGANIZATIONS

2.2.1 African Union (AU)

194. The Charter of the Organization of African Unity (OAU) was adopted on 25th May, 1963. The Charter obligates member states to work towards achievement of greater unity and solidarity between African countries and their citizenry.
195. Kenya became a state party to the Charter on 16th December, 1963. Kenya was among the thirty-three (33) founding members of the Organization of African Unity (OAU).
196. The Constitutive Act of the African Union (AU) was adopted on 7th November, 2000, at the Lomé Summit in Togo. It entered into force on 26th May, 2001. The AU was launched on 9th July, 2002, in South Africa to replace the OAU.
197. The objectives of the AU include, *inter alia*, achieving greater unity and solidarity between African countries and the people; defending the sovereignty, territorial integrity and independence of its member states; accelerating the political and socio-economic integration of the continent; promoting and defending African common positions on issues of interest to the continent and its peoples; and encouraging international cooperation.

I. Key Obligations for State Parties/Kenya under the AU

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

198. The Government has undertaken/is undertaking the following:

- a) Kenya participated in Africa Union Summit from 17th to 18th February, 2022. Kenya achieved her objectives of the Summit, including the endorsement and appointment of its Candidates to international positions. A Kenyan national, Justice (Rtd) Effie Owuor, was appointed to the 5th AU Panel of the Wise for a three (3) year term;
- b) The Government hosted the Validation Workshop of the African Union Special Project Report of the Agenda 2063 from 18th to 20th December, 2023.

III. Existing Legal and Policy Framework:

None.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

None.

2.2.2 The African Continental Free Trade Area (AfCFTA)

199. The AfCFTA was adopted during the 10th Extraordinary Session of the Assembly of the AU heads of state and Government on 21st March, 2018, in Kigali, Rwanda.
200. Kenya signed the Agreement Establishing the AfCFTA on 21st March, 2018, and ratified it on 6th May, 2018. Kenya's Instrument of Ratification was deposited with the AU Chairperson on 10th May, 2018, making the country, alongside Ghana, the first to ratify the AfCFTA.
201. The objective of the AfCFTA is to revolutionize intra-Africa trade and contribute to the realization of the Africa Agenda, 2063 and the 2030 Agenda for Sustainable Development Goals (SDGs).
202. The Agreement is supplemented by the Protocol on Trade in Goods, Protocol on Trade in Services and Protocol on Rules and Procedures on the Settlement of Disputes. Negotiations for the Protocols on Investment, Intellectual Property Rights and Competition Policy are ongoing.

I. Key Obligations for State Parties/Kenya under the AfCFTA:

- a) Liberalise trade in goods and selected services;



- b) Facilitate free movement of business persons and investments to pave way for the formation of the customs union; and
- c) Exploit opportunities for scale production as a result of continental market access.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

203. The Government has undertaken/is undertaking the following:

- a) Has established AfCFTA National Implementation Committee; and
- b) Kenya has established adhoc committee to spearhead the ratification of potential export products and facilitate the exportation to the target market.

III. Existing Legal and Policy Framework:

- (i) Constitution of Kenya, 2010;
- (ii) Development of the National Industrialization Policy, 2012;
- (iii) East African Community Competition Act, 2006;
- (iv) Investment Promotion Act, CAP. 485;
- (v) Kenya Trade Remedies Act, CAP. 524; and
- (vi) Micro and Small Enterprises Act, CAP. 499C.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Export Promotion & Branding Agency (KEPROBA);
- (ii) Kenya Investment Authority (KenInvest); and
- (iii) Kenya Trade Network Agency (KenTrade).

2.2.3 Tripartite Free Trade Area (COMESA-EAC-SADC)-TFTA

204. The Agreement establishing the Tripartite Free Trade Area between Common Market for East and Southern Africa (COMESA), East African Community (EAC) and Southern African Development Community (SADC) was adopted and signed on 10th June, 2015, in Egypt, during the Third Tripartite Summit. The TFTA covers twenty-nine (29) countries across the three (3) Regional Economic Communities (RECs).

205. Kenya ratified the Agreement on 6th May, 2018, and was the first country in the bloc to deposit the Instrument of Ratification on 8th June, 2018, with the Secretary General of COMESA, the Chair of the Tripartite Task Force, and the depositary of the Agreement.

I. Key Obligations for State Parties/Kenya under the TFTA:

- a) Progressively eliminate tariffs and non-tariff barriers to trade in goods;
- b) Liberalise trade in services;
- c) Cooperate on customs matters and implementation of trade facilitation measures;
- d) Establish and promote cooperation in all trade-related areas among tripartite members/partner states; and
- e) Establish and maintain an institutional framework for implementation and administration of the Tripartite Free Trade Area.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

206. The Government has undertaken/is undertaking the following:

- a) Implementing the National Export Development and Promotion Strategy for Kenya 2017–2022;
- b) Finalizing the relevant trade documents such as the Rules of Origin Certificate; and
- c) Conducted capacity building and sensitization for stakeholders involved in the Tripartite Free Trade Area (TFTA) Agreement negotiations.

III. Existing Legal and Policy Framework:

- (i) Constitution of Kenya, 2010;
- (ii) National Industrialization Policy, 2012;
- (iii) East African Community Competition Act, 2006;
- (iv) Investment Promotion Act, CAP. 485;
- (v) Kenya Trade Remedies Act, CAP. 524; and
- (vi) Micro and Small Enterprises Act, CAP. 499C.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Export Promotion & Branding Agency (KEPROBA);
- (ii) Kenya Investment Authority (KenInvest); and
- (iii) Kenya Trade Network Agency (KenTrade).

2.2.4 The African Energy Commission (AFREC)

207. The Convention on the African Energy Commission (AFREC) was adopted on 11th July, 2001, and entered into force on 13th December, 2006. Kenya acceded to the convention on 29th December, 2009.

208. The African Energy Commission (AFREC) is a specialized agency of the African Union (AU), in charge of developing, coordinating, harmonizing, protecting, conserving, rational exploitation, commercializing and integrating energy resources on the African continent.

I. Key Obligations for State Parties/Kenya under the Commission:

- a) Enactment of the legislations relating to petroleum development and implementation of the Petroleum Policy;
- b) Development and review of the Petroleum Sub-Sector Strategic Plan;
- c) Promote dissemination and exchange of information relating to oil and gas amongst institutions;
- d) Provide technical and financial support to institutions; and
- e) Capacity building in oil and gas exploration.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

206. The Government has undertaken/is undertaking the following:

- a) Published two (2) downstream Petroleum Regulations and is developing seventeen (17) other upstream, midstream and downstream Petroleum Regulations under the Petroleum Act, 2019;
- b) Developing the National Petroleum Policy, 2024;
- c) Developing the 5th Generation Ministry of Energy and Petroleum Strategic Plan 2023–2027, and has completed a stakeholder validation exercise;

III. Existing Legal and Policy Framework:

- (i) Companies Act, CAP 486;
- (ii) Energy Act, CAP 314; and
- (iii) Petroleum Act, CAP 308.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Energy and Petroleum Regulatory Authority (EPRA);
- (ii) Kenya Petroleum Refineries Limited;
- (iii) Kenya Pipeline Company Limited; and
- (iv) National Oil Corporation of Kenya Limited.

2.2.5 New Partnership for Africa's Development (AUDA-NEPAD)

209. NEPAD is the development agency of the African Union (AU) facilitating and coordinating the development of continent-wide programmes and projects.
210. Kenya's participation in the activities of NEPAD is co-ordinated by the NEPAD/APRM Kenya Secretariat which implements several programmes along the NEPAD thematic pillars. These include the Human Capital Development; Industrialisation, Science, Technology and Innovation; Regional Integration, infrastructure and Trade; and National Resources, Governance and Food Security.

I. Key Obligations for State Parties/ Kenya under NEPAD:

- a) Contribute to the African Union's Agenda, 2063—the Continent's long-term development framework for socio-economic transformation by integrating the Agenda 2063 into the national development plans and policies; and
- b) Report on the progress made in the implementation of the Agenda, 2063, to the African Union Commission (AUC) to contribute to the consolidated Continental Report submitted to the AU Summit.

II. Specific Measures taken by the Government pursuant to the outlined obligations are limited to the period under Review (2023–2024)

211. The Government has undertaken/is undertaking the following:

- a) Hosted the validation workshop on the African Union proposed core indicators of the second ten-year implementation plan of the Agenda, 2063, from 18th to 20th December, 2023; and
- b) Conducted a productivity Mainstream Training to streamline the NEPAD/APRM Kenya Secretariat's processes and foster a culture of continuous improvement within the secretariat from 5th to 8th February, 2024.

III. Existing Legal and Policy Framework:

Presidential Executive Order Gazette Notice No. 6225 of 2002.

2.2.6 Pan African University Institute of Basic Sciences, Technology and Innovation (PAUSTI)

212. The Pan African University Institute for Basic Sciences, technology and Innovation (PAUSTI) is a postgraduate hub of research and innovation featuring a highly diverse faculty, and students drawn from whole of Africa. The Institute is mandated to produce leaders and innovators in the fields of Mathematics, Molecular Biology and Biotechnology; Civil Engineering; Mechanical Engineering; Mechatronic Engineering and Electrical Engineering.

213. Kenya hosts the Pan African Institute for Basic Sciences, Technology and Innovation (PAUSTI), among other African Union institutions through a Host Country Agreement between

Kenya and the African Union (AU). The Institute trains graduates from African Countries at Masters and PhD. level in basic sciences and engineering. The aim is to produce high caliber staff to exploit Africa's enormous resources.

I. Key Obligations for State Parties/Kenya under PAUSTI:

- a) Deliver PhD. and Master programmes in Mathematics Molecular Biology and Biotechnology; Civil Engineering; Electrical Engineering; Mechatronics Engineering and Mechanical Engineering;
- b) Admit graduate and PhD. students from African countries; and
- c) Develop scientific publications and register patents.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

214. The Government allocates and disburses recurrent grants to Pan African University Institute to support University Education and Research.

III. Existing Legal and Policy Framework:

Universities Act, CAP. 210.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

There is no obligation to establish an institution.

2.2.7 International Centre for Genetic Engineering and Biotechnology (ICGEB)

215. ICGEB is an inter-governmental organization established as a special project of UNIDO in 1983, but became fully autonomous in 1994. Kenya acceded to the Statutes of International Centre for Genetic Engineering and Biotechnology (ICGEB) on 29th August, 2010.

216. The objectives of 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 the ICGEB statutory mandate.

I. Key Obligations for State Parties/Kenya under ICGEB:

- a) Coordinate collaborative research to contribute to technology transfer and job creation; and
- b) Attend Annual ICGEB meetings.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

217. The Government has undertaken/is undertaking the following:

- a) Training PhD. students through ICGEB funds;
- b) Building capacity in the areas of medicine, biomedicine, crop improvement and environmental protection;
- c) In 2021, a call was made to express interest in the establishment of a Regional Research Centre. On 30th April, 2022, a meeting was held to review seven (7) applications to host the Regional Research Centre. The Committee ranked Egerton University as the first choice in Africa and a review panel comprising of scientists from USA, Italy, India, South Africa and Kenya and experts from other Kenyan institutes visited the institution on February 3, for on-site inspection.
- d) NACOSTI attended the Annual Board of Governors General meeting and gave a report on the establishment of the Regional Research Center. The ICGEB Board of Governors

during its 28th Session held from 17th to 18th May, 2022 in Trieste Italy, finally endorsed the Kenya's proposal to host the centre.

III. Existing Legal and Policy Framework:

Science, Technology and Innovation Act, CAP. 511.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

National Commission for Science, Technology, and Innovation (NACOSTI).

2.2.8 African Court on Human and Peoples' Rights (ACHPR)

218. The Court was established on 25th January, 2004, to complement the protective mandate of the African Commission on Human and Peoples' Rights established under the African Charter on Human and Peoples' Rights.

219. The Court was established pursuant to the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights. The Protocol was adopted in Ouagadougou, Burkina Faso, in June 1998 and entered into force on 25th January, 2004. The Court became operational in November, 2006.

220. Kenya signed the Protocol on 7th July, 2003 and ratified it on 4th February, 2004.

I. Key Obligations for State Parties/Kenya under the Court:

- a) Lodge complaints to the Africa Union Commission on human rights violations committed to nationals of Kenya;
- b) Comply with the decision of the court in any case to which it is a party; and
- c) Nominate nationals as judges to the court.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

221. The Government nominated one (1) judge to the African Court on Human and Peoples' Rights (ACHPR). The Government nominee was elected by the Executive Council and appointed by the Assembly of Heads of State and Government of African Union to be part of the eleven (11) judges.

III. Existing Legal and Policy Framework:

- (i) Constitution of Kenya, 2010;
- (ii) Commission on Administrative Justice Act, CAP. 7J;
- (iii) Judicial Service Act, CAP. 8A;
- (iv) Kenya National Commission on Human Rights Act, CAP. 71; and
- (v) National Gender and Equality Commission Act, CAP. 7K.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Commission on Administrative Justice (CAJ).
- (ii) Judicial Service Commission (JSC);
- (iii) Kenya National Commission on Human Rights (KNCHR); and
- (iv) National Gender and Equality Commission (NGEC).

2.2.9 Africa Union Mechanism for Police Cooperation (AFRIPOL)

222. The Africa Union Mechanism for Police Cooperation (AFRIPOL). Its status was adopted by the AU Conference in Addis Ababa, Ethiopia on 30th January, 2017, and became effective immediately.

223. Kenya signed on 15th June, 2017.

224. The objective of the mechanism is to put in place effective response to various forms of crimes in the continent which requires the harmonization of police methods, the exchange and extension of best practices in terms of training, prevention, investigative techniques and expertise as well as the strengthening of African police capabilities.

I. Key Obligations for State Parties/Kenya under AFRIPOL:

- a) Support efforts to prevent, manage and resolve conflicts including through the implementation of AU Border Programme (AUBP); and
- b) Coordinate and harmonize peace and security programmes in Africa, including with the Regional Economic Communities (RECs) and Regional Mechanisms for conflict prevention, management and resolution.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

225. The Government continues to support efforts to prevent, manage and resolve conflicts in the region.

III. Existing Legal and Policy Framework:

- (i) National Crime Research Centre Act, CAP. 62;
- (ii) National Police Service Act, CAP. 84; and
- (iii) Prevention of Terrorism Act, CAP. 59B.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) National Counter Terrorism Centre (NCTC);
- (ii) National Crime Research Centre (NCRC); and
- (iii) National Police Service (NPS).

2.2.10 Common Market for Eastern and Southern Africa (COMESA)

226. The Treaty for the Establishment of COMESA was signed on 5th November, 1993, in Kampala, Uganda and was ratified by Kenya on 8th December, 1994.

227. Kenya has benefited from customs exceptions on all exports and imports originating from member states, an expanded market for goods and services and cooperation of member states in financial and monetary matters that establishes convertibility of currencies throughout the common market.

228. The objective of COMESA is to promote regional integration through trade and the development of natural and human resources for the mutual benefit of all people in the region.

I. Key Obligations for State Parties/Kenya under COMESA:

- a) Designate a Ministry with whom the Secretary-General may communicate in connection to matters arising out of the interpretation of the treaty;
- b) Transmit to the Secretariat copies of all relevant existing and future legislations;
- c) Supply and exchange information with other member states or with the Secretariat;

- d) Direct development policies to achieve aims of COMESA and abstain from activities that would jeopardise the achievements or aims of COMESA or the implementation of the treaty;
- e) Fairness and equity to COMESA member states or its staff;
- f) Abolish all non-tariff barriers to trade among member countries;
- g) Establish a common external tariff;
- h) Cooperate in customs procedures and activities;
- i) Adopt a common customs bond guarantee scheme;
- j) Simplify and harmonize trade documents and procedures;
- k) Establish conditions regulating the re-export of goods from third countries within the common market; and
- l) Establish rules of origin with respect to products originating in the member states.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

229. The Government has undertaken/is undertaking the following:

- a) Established Kenya Trade Network Agency (KenTrade) to facilitate cross border trade as well as to establish, manage and implement the National Electronic Single Window System (Trade Facilitation Platform); and
- b) Kenya and Ethiopia commenced negotiations on the Single Trade Regime. The two countries are currently working on a Common list of goods.

III. Existing Legal and Policy Framework:

- (i) Constitution of Kenya, 2010;
- (ii) COMESA Protocol on Rules of Origin, 2015;
- (iii) Investment Promotion Act, CAP. 485;
- (iv) Kenya Trade Remedies Act, CAP. 524; and
- (v) Micro and Small Enterprises Act, CAP. 499C.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Export Promotion and Branding Agency (KEPROBA);
- (ii) Kenya Investment Authority (KenInvest);
- (iii) Kenya National Chamber of Commerce and Industry (KNCCI); and
- (iv) Kenya Trade Network Agency (KenTrade).

2.2.11 COMESA Court of Justice (CCJ)

230. The COMESA Court of Justice (CCJ) was established in 1994, under Article 7 of the COMESA Treaty. The Court which is part of the COMESA organs and institutions is based in Khartoum, Sudan.

231. The Court enhances economic integration by bringing justice to the common market. The Authority, which is the supreme policy organ, appoints the judges of the Court at the COMESA heads of state and Government Summit while the Registrar of the Court is appointed by the COMESA Council of Ministers.

I. Key Obligations for State Parties/Kenya under the Court:

- a) Submit to the jurisdiction of the Court to adjudicate upon all matters which may be referred to it pursuant to the COMESA Treaty; and any matter arising from a dispute with another member state regarding the Treaty, if the dispute is submitted to the court under a special agreement between the member states concerned.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

232. The Government has undertaken/is undertaking the following:

- a) Collaborates with other states under the COMESA framework which opens up trade within the region; and
- b) Approved Hon. Lady Justice Mary Kasongo and Hon. Nyambura L. Mbatia, to serve in the First Instance Division of the Court and the Registrar of the Court, respectively.

III. Existing Legal and Policy Framework:

Judicial Service Act, CAP. 8A.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Judicial Service Commission (JSC).

2.2.12 Gaming Regulators Africa Forum (GRAF)

233. The Gaming Regulators Africa Forum was established on 21st February, 2003. The object of the Forum is to protect communities and citizens through the adherence to gaming regulatory laws applicable to each member state. It aligns matters that affect the gaming industry and ensures that Africa and the sub-Sahara do not become dumping grounds for obsolete and degenerating gaming technologies.

I. Key Obligations for State Parties/Kenya under the Forum:

Develop common standards in the control and regulations of all legalized gambling modes to standardize gambling operations in Africa.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

234. The Government has undertaken/is undertaking the following:

- a) Implementing Betting, Lotteries and Gaming Act, CAP. 131 to prevent betting by the underage;
- b) Introduced a thirty-five percent (35 %) levy on betting revenue; and
- c) Formulated the Gambling Policy, 2023, and the Gambling Control Bill, 2023.

III. Existing Legal and Policy Framework:

- (i) Betting, Lotteries and Gaming Act, CAP. 131; and
- (ii) National Lottery Act, No. 20 of 2023.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Betting Control and Licensing Board (BCLB).

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

235. The Inter-African Bureau for Animal Resources (AU-IBAR) was established in 1951, as the Inter-African Bureau of Epizootic Diseases (IBED) pursuant to the African Union Charter. Its mandate had been broadened to include supporting and coordinating 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.

236. Kenya was a founder member of IBED, the forerunner of the African-Union Inter African Bureau for Animal Resources (AU-IBAR) that was established during the inception of the Organization of African Unity (OAU) on 25th May, 1963. Thus, Kenya was a founder member of AU-IBAR.

I. Key Obligations for State Parties/Kenya under AU-IBAR:

Control and eventual eradication of Trans-Boundary Animal Diseases (TADs). Currently, key diseases in this category in Kenya include Foot and Mouth Disease, Peste Des Petits Ruminants, Contagious Bovine Pleuro Pneumonia, Contagious Caprine Pleuro Pneumonia and Rabies.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

237. Kenya is implementing the 2nd phase of the Pan-African Peste des Petits Ruminants (PPR) Control and Eradication Programme (2022–2026) with support facility from AU-IBAR, under the auspices of the Global Framework for the Progressive Control of Transboundary Animal Diseases (GT-TADs), the Food and Agriculture Organisation of the United Nations (FAO), and the World Organisation for Animal Health (OIE).

238. The Government is partnering with AU- IBAR to implement Live2Africa Programme an innovative initiative funded by the European Union. The project started in 2017–2021; and was granted a No-Cost Extension to 2023.

239. The Government and AU-IBAR hosted a technical and validation meeting in Nairobi on March, 2022, to finalize and validate the Pan-African PPR control and Eradication Programme.

240. The Government and all EAC member states in May, 2022, benefitted from EU-EAC EPA duty-free, quota-free access to the EU market exports, combined with partial and gradual opening of the EAC market to imports from the EU. The EPA contains detailed provisions on sustainable agriculture and fisheries, rules of origin, and sanitary and phytosanitary measures.

241. AU-IBAR has supported Kenya with expert information on the development of veterinary legislation to meet the obligations under the Codex Alimentarius Commission.

242. AU-IBAR has developed Standard Methods and Procedures (SMPs) i.e., Protocols for Control of Specific Trans-Boundary Animal Diseases that are intended to create uniformity on detection, diagnosis and control of TADs. AU-IBAR has supported training of veterinary professionals in various counties on SMPs. SMPs have been developed for Foot and Mouth Disease, Peste Des Petits Ruminants, Rift Valley Fever and Export Quarantines among others.

243. The Government is developing the Animal Health Bill, 2021, to review the Animal Diseases Act, Cap. 364, Rabies Act, Cap 365, Cattle Cleansing Act, Cap. 358 and the Branding of Stock Act, Cap. 357; Veterinary Public Health Bill, 2021 to review the Meat Control Act, Cap. 356; Animal Welfare and Protection Bill, 2021, to review the Prevention of Cruelty to Animals Act, Cap. 360.

244. Kenya is developing the Animal Identification and Traceability System Regulations, 2021.

245. Kenya is reviewing the Veterinary Medicines Directorate Regulations, 2015.

III. Existing Legal and Policy Framework:

- (i) Anti-Microbial Resistance (AMR) Policy, 2017;
- (ii) Kenya Agricultural and Livestock Act, CAP. 319;

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Agricultural and Livestock Research Organization (KALRO).

2.2.14 African Accreditation Co-operation (AFRAC)

246. The African Accreditation Co-operation (AFRAC) was established in 2010, as an umbrella organization of national accreditation bodies, national accreditation focal points and other stakeholders that include conformity assessment bodies.

247. Kenya is a signatory to the AFRAC Mutual Recognition Arrangement (MRA) and became an arrangement member of AFRAC on 28th September, 2017.

248. AFRAC administers a mutual recognition scheme that enables the recognition of the results and certificates issued to conformity assessment bodies by accreditation bodies. This is critical in facilitating the free movement of products and services across borders.

I. Key Obligations for State Parties/Kenya under the Co-operation:

- a) Participating in annual meetings and committees;
- b) Participation and contribution to the work of AFRAC in the mid-term and annual meetings; and
- c) Promoting the AFRAC arrangement obligations.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

249. The Government has undertaken/is undertaking the following:

- a) Hosted the Annual General Meeting held from 25th to 29th September, 2023 in Nairobi. The event brought together more than 100 delegates from accreditation and standard regulators across Africa to review ways to roll out the mutual recognition of product standards in the continent;
- b) Participated and contributed to ballots and comments, attended and actively participated in Annual General Assembly Meeting in October, 2023, leading to development and adoption of ILAC Resolutions;
- c) Facilitated peer evaluation for maintenance of signatory status to ISO/IEC 17020, ISO/IEC 17021-1(QMS, EMS, FSMS)17025 and ISO 15189, and extension of the AFRAC MRA to ISO/IEC 17024, ISO/IEC17065, ISO/IEC 17043 and the sub-scope OHSMS 45001 under ISO/IEC 17021-1; and
- d) Kenya holds the position of the following Council, Committees and Sub- Committees:
 - Chair, AFRAC Mutual Recognition Arrangement Council;
 - Vice-Chair, AFRAC Technical Committee;
 - Chair, AFRAC Marketing and Communications Committee;
 - Chair, AFRAC Certification Sub-Committee; and
 - Chair, AFRAC Inspection Sub-committee.

III. Existing Legal and Policy Framework:

Kenya Accreditation Service Act, CAP. 496A.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Accreditation Service (KENAS); and
- (ii) Accreditation Appeal Tribunal.

2.2.15 African Electro-Technical Standardization Commission (AFSEC)

250. African Electro-Technical Commission (AFSEC) was founded by a Declaration of the Conference of African Ministers of Energy held in Algiers on 17th February, 2008.

251. The role of AFSEC is to facilitate trade on the African continent by removing the different technical barriers to trade, thus opening new markets and furthering economic integration and economic growth by creating the conditions guaranteeing the inter-operation of complex systems.

I. Key Obligations for State Parties/Kenya under AFSEC:

- a) Enhance Africa's development and competitiveness through excellence in electro-technical standardization; and
- b) Provide universal access to modern energy for all its citizens.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

252. The Government has undertaken/is undertaking the following:

- a) Acquiring land and developing the 865 Km Lokichar–Lamu Crude Oil Pipeline (LLOP);
- b) Increased stockpiles of supply of petroleum products;
- c) Developing the South Lokichar Field Development Plan (FDP) whose implementation is set to begin in 2023;
- d) Acquired more geo-scientific data in block L17 and L18 Lamu basin; and
- e) Developing the Petroleum Regulations and Local Content Policy and Regulations.

III. Existing Legal and Policy Framework:

- (i) Energy Act, CAP. 314;
- (ii) National Land Commission Act, CAP. 281; and
- (iii) Standards Act, CAP. 496.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Energy and Petroleum Regulatory Authority (EPRA);
- (ii) Kenya Bureau of Standards (KEBS); and
- (iii) National Land Commission (NLC).

2.2.16 African Organization for Standardisation (ARSO)

253. The African Organization for Standardisation (ARSO) is a continental standardisation body formed by OAU (currently AU) and UNECA in Accra, Ghana in 1977. ARSO aims to address the factors that may affect interoperability in the African markets.

254. Kenya has been an associate member since 2010.

I. Key Obligations for State Parties/Kenya under the Organization:

- a) Adopt relevant ARSO standards once they are developed;
- b) Participate in the work being undertaken in the ARSO committees and sub-committees; and
- c) Promote and facilitate the exchange of experts, information and cooperation in the training of personnel in standardisation activities.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

The Government continues to adopt continental standards with references to products which are of peculiar (particular) interest to Africa.

III. Existing Legal and Policy Framework:

Standards Act, CAP. 496.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Bureau of Standards (KEBS).

2.2.17 Intra-Africa Metrology System (AFRIMETS)

255. The Intra-Africa Metrology System (AFRIMETS) was established in 2007 to harmonise metrology activities in Africa. It is an intra-African metrology system (AFRIMETS) based on the Regional Metrology Organisation (RMO) of the Americas SIM (*Sistema Interamericano de Metrologia*).

I. Key Obligations under AFRIMETS:

- a) Address scientific, industrial and legal metrological issues;
- b) Fulfil the obligations stipulated in the Mutual Recognition Arrangement (MRA) of the International Committee of Weights and Measures; and
- c) Fostering trade through removing barriers.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

256. The Government has undertaken/is undertaking the following:

- a) Commemorated the World Meteorological Day (WMD) on 23rd March, 2024, in Kericho County and the theme was “*At the Frontline of Climate Change*”; and
- b) Formulating the Metrology Bill, 2023.

III. Existing Legal and Policy Framework:

- (i) Climate Change Act, CAP. 387A; and
- (ii) Standards Act, CAP. 496.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Bureau of Standards (KEBS); and
- (ii) Kenya Meteorological Department.

2.2.18 Africa Minerals and Geoscience Centre

257. The African Minerals and Geo-sciences Centre (AMGC), formerly known as SEAMIC, is an independent regional centre of knowledge and information for Southern and Eastern Africa. It was established in 1977, under the umbrella of the United Nations Economic Commission for Africa (UNECA). Kenya became a member in 2006.

258. The organization aims to promote socio-economic and environmentally responsible mineral development in Africa.

I. Key Obligations for State Parties/Kenya under the Centre:

- a) Promote exploration and development of mineral resources;

- b)* Support the private sector and small-scale (artisanal) miners in their mineral development activities;
- c)* Enact legislation to support and monitor the minerals sub-sector growth while protecting the environment;
- d)* Promote technological advancement in mineral exploration and development;
- e)* Capacity building in the minerals sub-sector;
- f)* Support intergovernmental collaboration and partnership on issues related to the mineral industry;
- g)* Support local communities in their small-scale mineral development activities; and
- h)* Promote environmentally friendly mineral exploration methods.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

259. The Government has undertaken/is undertaking the following:

- a)* Nationwide multi-agency airborne geophysical survey;
- b)* Established a Geological Data Bank to enhance digital access to geological data and information for mining investment and research;
- c)* In consultation with the British Government for repatriation of geological data and information held by the British Geological Institutions;
- d)* Mineral testing and analysis at the Internationally Accredited Mineral Certification Laboratory (IAMCL) at Madini;
- e)* Approved exploration for coal in Kilifi and Kwale Counties, manganese in Kilifi County and vanadium-bearing titaniferous iron ore in Marimanti, Tharaka Nithi County;
- f)* Promoting use of the Online Transactional Cadaster Portal;
- g)* Establishment of a Minerals and Metals Commodity Exchange;
- h)* Established a centre in Voi, Taita Taveta County to promote mineral value addition;
- i)* Conducted feasibility studies to establish a granite processing plant in Vihiga County, a gold refinery in Kakamega County and a soapstone plant in Kisii;
- j)* Implementing a mercury elimination project in all the main artisanal gold mining areas;
- k)* Supporting artisanal mining activities all over the country by equipping them with relevant training;
- l)* Collaborated with development partners (Canadian International Research and Development Institute (CIRDI) to conduct a pilot study for an efficient and safer ore ball-mill machine; and
- m)* Developing a Bill to Establish a National Mining Institute (NMI).

III. Existing Legal and Policy Framework:

- (i) Environmental Management and Coordination Act, CAP. 387;
- (ii) Mining Act, CAP. 306;
- (iii) Survey Act, CAP. 299; and
- (iv) Universities Act, CAP. 210.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Jomo Kenyatta University of Agriculture and Technology (JKUAT);
- (ii) Mineral Rights Board (MRB); and
- (iii) National Mining Corporation (NMC).

2.2.19 Association of African Maritime Administration (AAMA)

260. The Association of African Maritime Administration (AAMA), is the coordinating body for maritime administration in Africa, established pursuant to Article 5 of the African Maritime Transport Charter, 2010 (*Rev.* 2014) (AMTC).

261. The aim of the association is to promote the development of Africa's maritime regulatory and maritime environment, encourage harmonization for greater competitiveness on a global basis, promote the sharing of best practices among Africa's maritime administration to enable the growth of the African maritime sector, and enhance continental collaboration to build consensus on issues of common interests in the maritime sector.

I. Key Obligations for State Parties/Kenya under the Association:

- a) Promote the establishment of maritime administration and national port authorities;
- b) Enhance the capacity and performance of maritime administration in charge of the implementation of laws and regulations applicable in the areas of maritime navigation, safety, security and marine environment;
- c) Utilize IMO's mechanisms and procedures to assess the level of performance of maritime administration; and
- d) Ensure the provision of an appropriate and dedicated budget for the proper management, functioning and operation of their maritime administration.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

262. The Government has undertaken/is undertaking the following:

- a) Hosted the 6th Conference and Assembly of Maritime Administrations (AAMA) from 3rd to 5th May, 2023 in Mombasa, Kenya whose theme was low carbon shipping in Africa and unlocking opportunities and investments in shipping;
- b) The 6th Conference and Assembly of Maritime Association endorsed Kenya to host the AAMA Headquarters.

III. Existing Legal and Policy Framework:

- (i) Kenya Maritime Authority Act, CAP. 370;
- (ii) Kenya Ports Authority Act, CAP. 391; and
- (iii) Merchant Shipping Act, CAP. 389.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Maritime Authority; and
- (ii) Kenya Ports Authority.

2.2.20 Africa Travel Association (ATA)

263. Africa Travel Association (ATA) is the world's leading global travel association dedicated to promoting travel and tourism to Africa and strengthening intra-Africa partnerships. ATA markets and promotes destination Africa to the USA and the rest of the World. It was established in 1975 and is headquartered in Washington DC. The first World Congress was held

in Kenya in 1976. It serves both the public and private sectors of the international travel and tourism industry.

264. ATA aims to show case Africa's diverse travel products, services, opportunities and feature destination Africa as the leading global travel destination.

I. Key Obligations for State Parties /Kenya under the Association:

- a) Advocate for Africa as a leading travel destination;
- b) Raise awareness of Africa as a destination with rich and diverse tourism opportunities and products;
- c) Promote positive news on Africa;
- d) Develop and promote travel programmes to and across Africa;
- e) Assist country and private sector members with marketing;
- f) Serve as a liaison on tourism matters to market and showcase their products and services;
- g) Organize events where tourism stakeholders meet to discuss issues of common interest and concern; and
- h) Conduct research with partner organizations on tourism matters in Africa.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

265. The Government has undertaken/is undertaking the following:

- a) Participates actively in ATA congresses to discuss on topical issues affecting the development of tourism as an important economic sector in Africa;
- b) Participates in the annual ATA Tourism Forum to advocate Kenya as a tourist and investment destination of choice for the United States of America (USA); and
- c) Reviewing Tourism Act, CAP. 381, to incorporate international, regional and national tourism associations.

III. Existing Legal and Policy Framework:

Tourism Act, CAP. 381.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Tourism Board;
- (ii) Kenya Utalii College;
- (iii) Tourism Fund (TF);
- (iv) Tourism Regulatory Authority (TRA); and
- (v) Tourism Research Institute (TRI).

2.2.21 Global Tourism Resilience and Crisis Management Centre—Eastern Africa

266. The Global Tourism Resilience and Crisis Management Centre—Eastern Africa (GTRCMC-EA). The centre is the first-of-its-kind tourism resource in Africa.

267. It was established in Kenya in November, 2019, to mitigate upon the crisis in the tourism industry in Eastern Africa.

I. Key Obligations for State Parties/Kenya under the Centre:

- a) Research and development in areas anchored on resilience in tourism;

- b) Training and capacity building;
- c) Policy formulation and advocacy; and
- d) Communication and dissemination of information on tourism resilience and crisis management.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

268. The Government has undertaken/is undertaking the following:

- a) Collaborates with Global Tourism Resilience and Crisis Management Centre—Eastern Africa (GTRCMC-EA) has been carrying out a digital inventory of tourism products and experiences in Kenya since 2021 as a pilot project to be replicated across the Eastern Africa region; and
- b) Reviewing Tourism Act, CAP. 381 to incorporate international, regional and national tourism associations.

III. Existing Legal and Policy Framework:

- (i) Tourism Act, CAP. 381; and
- (ii) Universities Act, CAP. 210.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya International Convention Centre (KICC);
- (ii) Kenya Tourism Board (KTB);
- (iii) Kenya Utalii College (KUC);
- (iv) Kenyatta University (KU);
- (v) Tourism Fund (TF);
- (vi) Tourism Regulatory Authority (TRA); and
- (vii) Tourism Research Institute (TRI).

2.2.22 African Telecommunications Union (ATU)

269. The Constitution and Convention of ATU was adopted in Cape Town in 1999, and revised in Harare in 2014. Kenya signed the Constitution and Convention of ATU in 2014.

270. The ATU was established in 1977 and is a specialized agency of the African Union, in the field of telecommunications. This led to the transformation of the agency into a partnership between public and private stakeholders in the Information and Communication Technology (ICT) sector.

I. Key Obligations for State Parties/Kenya under the Union:

Participate and contribute in the African Group Meetings to formulate African Common Proposals to ATU treaty-making meetings and conferences; and

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

271. Kenya participated in the African Preparatory Meetings (APMs) for the World Telecommunications Standardization Assembly (WTSA-24) in February, 2024, and provided leadership to the various conference committees.

III. Existing Legal and Policy Framework:

- (i) National Radio Frequency Spectrum Policy, 2022; and

(ii) Kenya Information and Communications Act, CAP. 411A.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Communications Authority of Kenya (CA).

2.2.23 Internet Corporation for Assigned Names and Numbers (ICANN)

272. ICANN is an internationally organization, non-profit corporation formed in 1998 and is responsible for Internet Protocol (IP) address space allocation, Protocol identifier assignment generic (gTLD) and country code Top Level Domain (ccTLD) name system management and route server system management function.

273. ICANN manages and coordinates the global internet resources and helps to ensure a stable, secure, and unified internet.

274. Kenya Network Information Centre (KeNIC), formed in 2002, is the designated entity that records names as domain names in a register of domain names for country code Top Level Domain (ccTLD) names. KeNIC performs the dot KE ccTLD registry function as a delegated function of the Communications Authority of Kenya (CA) on behalf of the Government of Kenya.

I. Key Obligations for State Parties/ Kenya under the Treaty:

- a) Participate in Governmental Advisory Committee (GAC) meetings and present Kenya's position on the internet governance domain and numbers;
- b) Verify and approve all domain names and numbers, including subdomain names and reserved names under the .ke country code Top Level Domain (ccTLD);
- c) Register domain names in an efficient and timely manner, following policies, rules and procedures that have been established and published in a transparent manner, in consultation with the Local Internet Community;
- d) Ensure that all registry data is reasonably stable and secure against damage or loss; and
- e) Report any violation of internet domain name and numbers under the .ke ccTLD in line with local, regional, and global legal instruments, policies, and obligations.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

275. The Government has undertaken/is undertaking the following:

- a) Participated in ICANN Governmental Advisory Committee (GAC) meetings and presented the country's reports on the internet governance efforts with regards to domain names and numbers;
- b) Reviewing the Kenya Information and Communications Act, CAP. 411A;
- c) Formulating the following regulations: Universal Service Fund; Type Approval; Importation and Distribution Equipment; Tariff; Radio Communications and Frequency Spectrum; Postal; Numbering Regulations; Licensing; Fair Competition and Equality of Treatment; Electronic Certification Administration; Domain Name Administration; Consumer Protection; and Compliance and Enforcement;
- d) Operationalizing a multi-agency approach to the national management of cybersecurity as guided by the Computer Misuse and Cybercrime Act. The National Computer and Cyber Crime Committee (NC4) not only brings together key public-sector cybersecurity actors, but also presents a collaborative platform for ensuring a whole-of-society approach to the management of national cybersecurity;
- e) Enhancing the .ke ccTLD multi-stakeholder governance and management framework to ensure its alignment to national, regional, and global best and recommended practices;

- f) Aligning the governance and management of the .ke ccTLD, the National Public Key infrastructure (NPKI), and the existing national cybersecurity management framework to the spirit and letter of the Computer Misuse and Cybercrimes Act, CAP. 79C, and the National Cybersecurity Strategy, 2022; and
- g) Updates her domain reserve name list to limit cases of impersonation and crime perpetrated via the .ke ccTLD domain name space to mitigate Mis-, Dis-, and Mal-information.

III. Existing Legal and Policy Framework:

- (i) Computer Misuse and Cybercrimes Act, CAP. 79C; and
- (ii) Kenya Information and Communications Act, CAP. 411A.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Communications Authority of Kenya (CA).

2.2.24 International Association of Science Parks and areas of innovation (IASP)

- 276. IASP was created in 1984 as a knowledge-based network which brings together existing and developing Science and Technology Parks (STPs), and Innovation-Based Business Incubators (BICs), as well as research and development institutions, universities, consultants and experts.
- 277. IASP has, on behalf of members, a Special Consultative Status with the Economic and Social Council of the United Nations. IASP's mission is to be the global network for science parks and areas of innovation and to drive growth, internationalisation, and effectiveness for its members.
- 278. Kenya joined IASP in 2015 through a subscription as a full member. Kenya was elected President of IASP Africa Division in July, 2021.

I. Key Obligations for State Parties/ Kenya under the Treaty:

- a) Coordinating an active network of managers of science/technology/research parks, innovation districts and other areas of innovation;
- b) Enhancing new business opportunities for members and their companies;
- c) Increasing the visibility of our members and multiply their global connections;
- d) Representing parks and areas of innovation at international forums and institutions; and
- e) Assisting in the development of new parks and areas of innovation.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

- 279. The Government has undertaken/is undertaking the following:
 - a) Kenya was endorsed to host the Global Innovation Conference in 2024;
 - b) Kenya continues to develop the Konza Technopolis as a world-class innovation park and smart city. The park is expected to host world investors in the techno-city; and
 - c) Developing Technopolis Bill, 2023.

III. Existing Legal and Policy Framework:

National ICT Policy, 2019.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenyan Advance Institute of Science and Technology; and
- (ii) Konza Technopolis Development Authority.

2.2.25 Association of Regulators of Information and Communications in Eastern Africa (ARICEA)

280. ARICEA was established in 2003, as a platform for the exchange of ideas, views, and experiences among members on regulatory matters; the promotion of sustainable development, and application of efficient, adequate, and cost-effective ICT networks and services in the ESA sub-region. Members are drawn from ICT regulators of member states.
281. Kenya became a member of the Association of Regulators of Information and Communications in Eastern Africa (ARICEA) in 2005, and is currently serving as a member of the Executive Committee.

I. Key Obligations for State Parties/ Kenya under the Treaty:

- a) Payment of annual contributions;
- b) Participate in the meetings and activities of ARICEA; and
- c) Implement the general meeting decisions.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

The Government has maintained Kenya's membership in ARICEA through the payment of annual contributions and participating in meetings and activities.

III. Existing Legal and Policy Framework:

Kenya Information and Communications Act, CAP. 411A.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Communications Authority of Kenya (CA).

2.2.26 Pan African Postal Union (PAPU)

282. PAPU was established by the heads of state and Government of the then Organization of African Union (OAU), pursuant to a Resolution taken in Libreville in 1977. Thereafter, the Convention formally establishing PAPU as a specialized agency of the OAU was signed during the Constitutive Plenipotentiary Conference held on 18th January, 1980, in Arusha as a specialized agency or institution on postal matters.

I. Key Obligations for State Parties/Kenya under the Union:

- a) Participating in the framework for dialogue between stakeholders of the postal sector;
- b) Ensuring harmony in the development of postal services in Africa;
- c) Supporting the development of the African postal services network and contribute to the strengthening of cooperation of member states in the postal sector;
- d) Promoting partnership with the private sector in the development of postal services in Africa in line with the Cairo, 2008, CIT Ministers Declaration and Action Plan approved by the AU Summit in June, 2008;
- e) Advising the Union on specialized/technical issues and make recommendations/ give opinions on matters referred to them by the Administrative Council;
- f) Participating in studies aimed at developing the postal sector and in the activities of the Union.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

283. The Government has undertaken/is undertaking the following:

- a) Chairing the PAPU Policy and Regulation Committee, which reports to the Administrative Council of the Union;
- b) Provided experts to participate in technical discussions towards the formulation of national and African positions at the UPU;
- c) Developing a National Addressing System Policy, 2021; and
- d) Developing an e-commerce strategy aiming to enhance ease of doing business.

III. Existing Legal and Policy Framework:

Postal Corporation of Kenya Act, CAP. 411.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Postal Corporation of Kenya (PCK).

2.2.27 African Advanced Level Telecommunications Institute (AFRALTI)

284. Founded in 1993, the African Advanced Level Telecommunications Institute (AFRALTI) is an inter-governmental organization established in 1993, to supplement and spearhead ICT development efforts, mainly in english-speaking Africa with its headquarters in Nairobi. AFRALTI is one of the designated ITU centres of excellence with a key mandate to provide human resources capacity building through high-level quality training.

I. Key Obligations for State Parties/Kenya under AFRALTI:

- a) Training nationals interested in working in the communications sector in the various courses offered by the Institute;
- b) Corporate communication and international liaison;
- c) Management of cyber security; and
- d) Empowering and protecting consumers.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

285. The Government has undertaken/is undertaking the following:

- a) Continues to host AFRALTI by providing the necessary infrastructure, including land and buildings. The property where the institution is located belongs to the Communications Authority of Kenya;
- b) Provided a forum for Kenyans in the communications sector to undertake courses offered by the institute in the areas of Telecommunications Engineering; Telecommunications Policy, Management and Regulation; Networking; Certified Fibre Optics Training and Research; and Consultancy in the ICT Field;
- c) Collaborates with the African Advanced Level Telecommunications Institute (AFRALTI) to develop and execute a capacity building programme on Child Online Protection targeting policy makers and stakeholders; and
- d) Participated in the development of AFRALTI Strategic Plan, 2023–2027.

III. Existing Legal and Policy Framework:

- (i) National Information, Communications and Technology (ICT) Policy, 2019;
- (ii) Kenya Information and Communications Act, CAP. 411A.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Communications Authority of Kenya (CA).



2.2.28 African Regional Intellectual Property Organization (ARIPO)

286. The Lusaka Agreement led to the creation of the African Regional Intellectual Property Organization (ARIPO). The organization is mandated with the registration of patents and industrial designs in the African member states.

287. Kenya became a party to the Agreement on 15th February, 1978.

I. Key Obligations for State Parties/Kenya under ARIPO:

- a) Collaborate and partner with the organization in promoting the protection of intellectual property regionally;
- b) Participate in administration as far as adoption of reports from several committees is concerned;
- c) Seek protection of industrial property; and
- d) Make annual contributions to ARIPO.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

288. The Government has undertaken/is undertaking the following:

- a) Participated in the 13th Session of the Technical Committee on Industrial Property (TCIP) held in August, 2023;
- b) Implementing the Industrial Property Act, 2001 and Intellectual Property Regulations, 2002; and
- c) Developing the Intellectual Property Bill, 2021.

III. Existing Legal and Policy Framework:

- (i) Copyright Act, CAP. 130;
- (ii) Industrial Property Act, CAP. 509; and
- (iii) Protection of Traditional Knowledge and Cultural Expressions Act, CAP. 218A.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Copyright Board (KECOBO); and
- (ii) Kenya Industrial Property Institute (KIPI).

2.2.29 The African Regional Labour Administration Centre (ARLAC)

289. 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. It became an autonomous inter-governmental institution in October, 1981. Kenya became a member of ARLAC on 15th May, 1980.

290. The mandate of ARLAC is to strengthen labour administration systems in English-speaking African member countries through training, research, consultancy and advisory services.

I. Key Obligations under ARLAC:

- a) Train Labour Administrators within the auspices of the Centre; and
- b) Undertake Research in Labour Administration within the auspices of the Centre to address the challenges arising from constant transformations in the world of work.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

291. The Government has undertaken/is undertaking the following:

- a) As a member of the Executive Office, leads in moving the member's initiative to review and re-engineer training and consultancy programmes of the organization;
- b) Participates in meetings of ARLAC and continues to benefit from the training of many labours admonished employees and workers; and
- c) 12 labour officers and 6 other participants from social partners participated in the Basic Labour Market Course offered by ARLPAC.

III. Existing Legal and Policy Framework:

None.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

None.

2.3 SUB-REGIONAL ORGANIZATIONS

2.3.1 East African Community (EAC)

292. The Treaty for the Establishment of the East African Community was adopted on 30th 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.
293. The Democratic Republic of Burundi and the Federal Republic of Somalia became full members on 11th July, 2022, and 4th March, 2024, respectively.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Develop policies and programmes aimed at widening and deepening co-operation among the partner states in political, economic, social and cultural fields, research and technology, defence, security and legal and judicial affairs, for their mutual benefit;
- b) Establish a customs union, a common market, a monetary union and ultimately, a political federation to strengthen and regulate the industrial, commercial, infrastructural, cultural, social, political and other relations of the partner states to the end that there shall be accelerated, harmonious and balanced development and sustained expansion of economic activities, the benefit of which shall be equitably shared;
- c) Ensure the attainment of sustainable growth and development of the partner states by the promotion of a more balanced and harmonious development of the partner states;
- d) Strengthen and consolidate co-operation in agreed fields that would lead to equitable economic development within the partner states and which would in turn, raise the standard of living and improve the quality of life of their populations;
- e) Promote sustainable utilization of the natural resources of the partner states and take measures that would effectively protect the natural environment of the partner states;
- f) Strengthen and consolidate the long standing political, economic, social, cultural and traditional ties and associations between the peoples of the partner states to promote a people centered mutual development of these ties and associations;
- g) Mainstream gender in all its endeavors and the enhancement of the role of women in cultural, social, political, economic and technological development;
- h) Promote peace, security, and stability and good neighbourliness among the partner states;
- i) Enhance and strengthen partnerships with the private sector and civil society to achieve sustainable socio-economic and political development; and
- j) Undertake such other activities calculated to further the objectives of the Community, as the partner states may from time to time decide to undertake in common.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

The Government submitted a nominee to the position of EAC Secretary General and the nominee was subsequently sworn in and appointed during the 23rd Extra-Ordinary Meeting of the EAC heads of state, held virtually on 7th June, 2024.

III. Existing Legal and Policy Framework:

The Treaty Establishing the East African Community, 2007.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

None.

2.3.2 East African Court of Justice (EACJ)

294. The EACJ is the principal judicial organ of the East African Community. Following its inauguration by the EAC Summit and the swearing-in of Judges and the Registrar on 30th November, 2001, the Court became operational and is based in Arusha, Tanzania. Kenya ratified the Protocol to Operationalise the Extended Jurisdiction of the East African Court of Justice on 11th April, 2018.
295. On 20th April, 2015, the East African Community Heads of State and Government adopted and signed a Protocol to operationalize the extended Jurisdiction of the East African Court of Justice to cover trade and investment disputes arising out of the implementation of the Customs Union, the Common Market and the Monetary Union.
296. The Court ensures the adherence to law in the interpretation and application of and compliance with the EAC Treaty. The Court has arbitral jurisdiction over commercial contract disputes. This will address commercial disputes due to the increase of cross-border trade in the context of regional integration.
297. The Court has developed rules of procedure and arbitration. Sub-registries have been established in each partner state to promote accessibility to the institution and expedite the administration of justice.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Comply with the Court's decisions; and
- b) Appoint two judges to the Court in fulfillment of the State's obligation.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

On 18th April, 2024, the Government submitted a nominee for appointment as a judge of the first instance division of the EACJ by the Summit.

III. Existing Legal and Policy Framework:

None.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

None.

2.3.3 The East African Communications Organization (EACO)

298. The East African Communications Organization (EACO) is a regional organization established in 2000 and headquartered in Kigali, Rwanda. It brings together national ICT regulators, operators, services providers (in the telecommunication, broadcasting and postal sub-sectors), ICT training institutions and other stakeholders in the communication sector within Burundi, Kenya, Rwanda, South Sudan, Tanzania and Uganda.
299. The broad objective of EACO is to strengthen and promote cooperation among the partner states in the development and provision of postal, telecommunication and broadcasting services.
300. Kenya signed the Constitution at the EACO Congress held in 2013.

I. Key Obligations for State Parties/Kenya under EACO:

- a) Formulation and harmonization of policies, laws, guidelines, and standards on e-waste management;

- b) Harmonized approach to domestic licensing and mutual license recognition of earth stations in motion;
- c) Regional framework for cross-border frequency coordination;
- d) Cooperation in spectrum management; and
- e) ATU-R Recommendation on the Implementation of Emerging Radiocommunication Technologies, namely 5G/IMT2020; HAPS; FSS ESIM; MSS Applications; FSS VSAT and other Applications; Wi-Fi in 6GHz; WiGig in 60GHz and 5G NR-U. This recommendation guides the implementation of 5G/IMT-2020; HAPS; FSS ESIM, MSS applications, FSS VSAT and other applications; Wi-Fi in 6GHz, WiGig in 60GHz and 5G NRU to assist administrations on spectrum-related technical issues relevant to the harmonised implementation and use of the technologies in Africa.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

301. The Government participated in the following:

- a) Signing of the Cross-Border Frequencies Coordination Agreements in 25th EACO Congress and 28th Annual Assemblies Meeting from 26th to 30th June, 2023, in Bujumbura, Burundi; and
- b) The Postal Assembly Meeting on 28th June, 2023, in Bujumbura, Burundi where member states were urged establish a joint framework to monitor and curb illegal cross border e- commerce players.

III. Existing Legal and Policy Framework:

- (i) National Information, Communications and Technology (ICT) Policy, 2019;
- (ii) Kenya and Information and Communications and Act, CAP. 411A.
- (iii) Postal Corporation Act, CAP. 411.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Communications Authority of Kenya (CA); and
- (ii) Postal Corporation of Kenya.

2.3.4 Inter-Governmental Authority on Development (IGAD)

302. The Inter-Governmental Authority on Development (IGAD) began initially as the Inter-Governmental Authority on Drought and Development (IGADD), an environmental co-operation inter-governmental body in 1986, to deal with drought in the Horn of Africa Region. IGADD later transformed into a conflict resolution body resulting in a change of its name.

303. Kenya became a member of IGAD as one of the founding members in January, 1986.

I. Key Obligations for State Parties/Kenya under IGAD:

- a) Promote joint development strategies and develop macroeconomic policies and programmes in the social, technological and scientific fields;
- b) Alleviate poverty through appropriate and effective sustainable development programmes; and
- c) Promote regional cooperation and integration in achieving peace security and prosperity.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

304. The Government has undertaken/is undertaking the following:

- a) Implemented the Hunger Safety Net Programme (HSNP) III to cushion poor households from hunger in eight (8) arid counties considered very vulnerable to drought. Initially, the programme supported households in four counties, namely Turkana, Marsabit, Wajir, and Mandera. During the period under review, the programme was expanded to four (4) additional counties: Garissa, Samburu, Isiolo and Tana River. A total of 32,000 households were incorporated with two-thirds headed by women;
- b) Implementing the Drought Resilience and Sustainable Livelihoods Programme (DRSLP) which replaced Ending Drought Emergency (EDE) Programme covering Baringo, Isiolo, Marsabit, Samburu, Turkana and West Pokot. The priority areas is to contribute to poverty reduction, food security and accelerated sustainable economic growth through enhanced rural incomes. Specifically, it aims at improving resilience in drought by communities in the Arid, Semi-Arid Lands (ASALS) of Kenya;
- c) Disbursed KSh. 296.9 million to the various projects under DRSLP (EDE); and
- d) Implementing the Kenya Development Response to Displacement Impacts Project (KDRDIP) in partnership with the World Bank which aims at providing priority support to the communities that have hosted refugees for the last 29 years;

III. Existing Legal and Policy Framework:

- (i) National Drought Management Authority Act, CAP. 388; and
- (ii) Public Finance Management Act, CAP. 412A.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

National Drought Management Authority (NDMA).

2.3.5 International Conference on the Great Lakes Region (ICGLR)

305. International Conference on the Great Lakes Region (ICGLR) is an inter-governmental organization created by the heads of state and Government of member states of the International Conference on the Great Lakes Region (ICGLR) in December, 2006, through the Pact on Security, Stability and Development in the Great Lakes Region. The Pact was adopted by the heads of state and Government of the ICGLR member states in Nairobi in December, 2006, and entered into force in June, 2008. It includes 10 Protocols and 4 Programmes of Action with 33 Priority Projects.

I. Key Obligations for State Parties/Kenya under the ICGLR Pact:

- a) Undertake to base their relations on respect for the principles of national sovereignty, territorial integrity, non-interference in the internal affairs of other member states, non-aggression, cooperation and of peaceful settlement of disputes;
- b) Undertake to maintain peace and security in accordance with the Protocol on Non-Aggression and Mutual Defence in the Great Lakes Region;
- c) Undertake to promote and observe democracy and good governance in accordance with the Protocol on Democracy and Good Governance;
- d) Undertake to cooperate in matters of extradition, judicial investigation and prosecution in accordance with the Protocol on Judicial Cooperation;
- e) Recognize that the crime of genocide, war crimes, and crimes against humanity are crimes under international law and against the rights of peoples in accordance with the Protocol on the Prevention and the Punishment of the Crime of Genocide, War Crimes and Crimes against Humanity and all forms of Discrimination;
- f) Implement, in accordance with the Protocol on the Specific Reconstruction and Development Zone, an economic development and local regional integration process,

pursuant to the decision contained in the Dar es Salaam Declaration to declare the Great Lakes Region as a Specific Reconstruction and Development Zone;

- g)* Undertake, in accordance with the Protocol on the Prevention and Suppression of Violence against Women and Children, to combat sexual violence against women and children through preventing, criminalizing and punishing acts of sexual violence, both in times of peace and in times of war, in accordance with national laws and international criminal law;
- h)* Undertake, in accordance with the Protocol on the Protection and Assistance to Internally Displaced Persons, to provide special protection and assistance to internally displaced persons and in particular to adopt and implement the Guiding Principles on Internal Displacement as proposed by the United Nations Secretariat;
- i)* Undertake, in accordance with the Protocol on the Property Rights of Returning Persons, to provide legal protection for the property of internally displaced persons and refugees in their countries of origin;
- j)* Undertake promotion of dialogue and provide a conducive environment for regular dialogue across all sectors of society, i.e., civil society, women, youth, persons with disabilities, trade unions and employers; and
- k)* Put in place policies that will consider affirmative action with a view to addressing the social, political, economic, cultural, historical and other prejudices which have deprived equal treatment and opportunities.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

306. The Government has undertaken/is undertaking the following:

- a)* Regional Action Plan on UN Security Council Resolution 2250 on Youth, Peace and Security in the Great Lakes Region is to be cascaded at National Level in ICGLR Member States. Kenya's new position as a Non-permanent member in the UNSC from January, 2021 to December, 2022, creates a strong opportunity for the region to rely on pushing the peace and security agenda;
- b)* Met its obligation towards the establishment and the operationalization of ICGLR RMYF. The Host Country Agreement was signed on 31st January, 2022, to provide a framework for full operationalization.

III. Existing Legal and Policy Framework:

None.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

None.

PART III

TREATIES AND CONVENTIONS

3.0 TREATIES AND CONVENTIONS

3.1 DIPLOMACY, PRIVILEGES AND IMMUNITIES

3.1.1 The 1961 Vienna Convention on Diplomatic Relations

307. The 1961 Vienna Convention was adopted on 18th April, 1961, and entered into force on 24th April, 1964. Kenya acceded to the convention on 1st July, 1965. The convention provides a framework for the establishment, maintenance and termination of diplomatic relations by sovereign states. It also codifies diplomatic privileges and immunities allowing diplomats to exercise their duties in a foreign country without undue interference.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) The sending state may accredit a head of mission or assign a member of the diplomatic staff, to more than one state;
- b) The sending state may establish a diplomatic mission in any country where the head of mission does not have a permanent seat, if a head of mission is accredited to one or more additional countries;
- c) Two or more states may accredit the same person as the head of mission to another state, unless the receiving state objects;
- d) The sending state may freely appoint members of the staff of the mission;
- e) The receiving state may notify the sending state at any time, without having to justify its decision, that the mission's head or any member of the diplomatic staff is *persona non grata*, or that any other member of the mission's staff is not acceptable. In such cases, the sending state must either recall or terminate the person's mission responsibilities, as appropriate;
- f) The sending state may not establish offices that are part of the mission in locations other than those where the mission is established;
- g) The receiving state shall exempt diplomatic agents from all personal services, all public service of any sort, and all military obligations, including requisitioning, military contributions, and billeting; and
- h) The receiving state shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all custom duties, taxes, and related charges other than charges for storage, cartage and similar services, on:
 - (i) Articles for the official use of the mission; and
 - (ii) Articles for the personal use of a diplomatic agent or members of his family forming part of his household, including articles intended for his establishment.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

308. The Government has undertaken/is undertaking the following:

- a) Hosts one hundred and nine (109) Embassies and High Commissions with residence in Kenya. It has thirty-nine (39) Embassies and High Commissions accredited to Kenya with residence in other countries and thirty-six (36) Honorary Consulates and Consulates General. In addition, Kenya hosts sixty (60) UN and UN Agencies and seventy-eight (78) International Organizations;
- b) Through H.E. the President of the Republic of Kenya, made thirty-one (31) outbound visits between July, 2023, and June, 2024. During the same period, heads of state and Government, and senior officials have made nineteen (19) inbound state and official visits to Kenya;

- c) Fulfils its duty by ensuring that it grants diplomatic immunity to all diplomatic missions and diplomatic agents accredited to Kenya, in addition to delegations attending certain international meetings and conferences in her territory;
- d) Facilitates state protocols and hosting of diplomatic conferences and meetings;
- e) Conducts quarterly briefing for the diplomatic corps in Kenya and quarterly meetings with the Host Country Liaison Committee;
- f) Processes authority for the acquisition of assets for diplomatic missions and organizations and undertook the management of claims for tax and duty refunds for diplomatic staff, missions and organizations in addition to the management of the protocol registry and documentation;
- g) Processes requests for exemption of stamp duty for resident diplomatic and consular missions who are purchasing land; approved requests for the purchase of duty-free goods and motor vehicles and approved applications for zero-rated regular Value Added Tax (VAT) and excise duty exemptions, and annual blanket VAT exemptions on the Integrated Protocol Information System (IPMIS);
- h) Reviewing the Privileges and Immunities Act, CAP. 179, to streamline the grant and administration of privileges, and immunities to international organizations. The Privileges and Immunities (Amendment) Bill, 2023, is pending before Parliament;
- i) Seventy-eight (78) international organizations that have Host Country Agreements with the country;
- j) Hosted the following six summits and events:
 - a) The Africa Climate Summit from 4th to 6th September, 2023;
 - b) The International Development Association (IDA) 21 for Africa Heads of State Summit from 28th to 29th April, 2024;
 - c) The Annual Meeting of the African Development Bank Group from 27th to 31st May, 2024;
 - d) The Sixth Session of the United Nations Environment Assembly (UNEA 6) from 26th February to 1st March, 2024;
 - e) The Fifth Mid-Year Coordination Meeting of the African Union, Regional Economic Communities and Regional Mechanisms (5th MYCM) from 13th to 16th July, 2023; and
 - f) Africa Fertilizer and Soil Health Summit from 7th to 9th May, 2024.

III. Existing Policy and Legal Framework:

- (i) Constitution of Kenya, 2010;
- (ii) Kenya Foreign Policy, 2014;
- (iii) Foreign Service Act, CAP. 185E;
- (iv) National Police Service Act, CAP. 84;
- (v) Privileges and Immunities CAP. 179; and
- (vi) Treaty Making and Ratification Act, CAP. 4D.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Foreign Service Academy;
- (ii) Host Country Liaison Committee; and
- (iii) Diplomatic Police Unit.

3.1.2 Optional Protocol to the Vienna Convention on Diplomatic Relations concerning Acquisition of Nationality

309. The Optional Protocol was adopted on 24th April, 1963, and entered into force on 24th April, 1964. Kenya acceded to it on 1st July, 1965. The Protocol aims to prevent any conflict that may arise among member states in matters of acquisition of nationality by members of diplomatic posts and members of their families forming part of their household.

I. Key Obligations for State Parties/Kenya under the Treaty:

Members of the mission who are not nationals of the receiving state, as well as members of their families who are members of their household, may not obtain nationality merely via the operation of the receiving state's law.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

The Government does not confer Kenyan nationality to a child whose father or mother is a member of a diplomatic mission resident in Kenya.

III. Existing Policy and Legal Framework:

Kenya Citizenship and Immigration Act, CAP. 170.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

There is no obligation to establish an institution.

3.1.3 The 1963 Vienna Convention on Consular Relations

310. The Convention was adopted on 24th April, 1963. Kenya ratified it on 1st July, 1965, and it entered into force on 19th March, 1967. It defines the framework for consular relations between sovereign states and codifies many consular practices between states.

311. Consuls perform a variety of functions of principal interest to their respective sending countries in the host country. These include the following: attending to the difficulties of their own nationals who are in the host country; issuance of travel documents; and generally promoting the commercial and economic relations between the sending state's and the host country.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Protect consular premises against intrusion or damage and prevent disturbance of the peace of the consular post or impairment of its dignity;
- b) The consular premises, their furnishings, the property of the consular post and its means of transport shall be immune from any form of requisition for purposes of national defence or public utility;
- c) Consular officers and members of their families forming part of their households shall be exempt from all dues and taxes, personal or real, national, regional or municipal;
- d) The receiving state shall exempt members of the consular post and members of their families forming part of their households from all personal services, public service and military obligations;
- e) Inviolability of consular premises, archives and documents;
- f) Ensure freedom of movement and travel in its territory to all members of the consular post;
- g) Permit and protect freedom of communication on the part of the consular post for all official purposes;

- h)* Consular officers and consular employees shall not be amenable to the jurisdiction of the judicial or administrative authorities of the receiving state in respect of acts performed in the exercise of consular functions;
- i)* Exemption from registration of residence permits, custom duties and inspection.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

312. The Government has undertaken/is undertaking the following:

- a)* Hosts thirty-six (36) honorary consulates and consulates general;
- b)* Processed authority for the acquisition of assets for consulate generals and honorary consulates, and undertook the management of claims for tax and duty refunds for consulate staff and missions in addition to the management of the protocol registry and documentation;
- c)* Implements the Kenya Diaspora Policy, 2015;
- d)* Processed requests for exemption of stamp duty for resident consular missions who are purchasing land; approved requests for the purchase of duty-free goods and motor vehicles and approved applications for Zero Rated Regular VAT & Excise Duty Exemptions, and Annual Blanket VAT exemptions on the Integrated Protocol Information System (IPMIS); and
- e)* Reviewing the Privileges and Immunities Act, CAP. 179 to adopt a template for use in negotiating future Host Country Agreements with international organizations and to control tax evasion and other forms of mischief. The Privileges and Immunities (Amendment) Bill, 2023, was approved by Cabinet in February, 2023, and is pending before Parliament.

III. Existing Policy and Legal Framework:

- (i)* Kenya Diaspora Policy, 2015;
- (ii)* Foreign Service Act, CAP. 185E;
- (iii)* National Police Service Act, CAP. 84; and
- (iv)* Privileges and Immunities Act, CAP. 179.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i)* Diplomatic Service Centre;
- (ii)* Foreign Service Academy;
- (iii)* Host Country Liaison Committee; and
- (iv)* Diplomatic Police Unit.

3.1.4 1963 Vienna Convention on Consular Relations and the Optional Protocol Concerning the Acquisition of Nationality

313. The Optional Protocol was adopted on 24th April, 1963. Kenya ratified it on 1st July, 1965. It came into force on 20th March, 1971. The Protocol provides a framework that governs matters concerning nationality among state parties by members of consular posts and members of their families forming part of their household. It aims to prevent any conflict that may arise among member states in matters of acquisition of nationality by members of consular posts and members of their families forming part of their household.

I. Key Obligations for State Parties/Kenya under the Treaty:

Members of the mission who are not nationals of the receiving state, as well as members of their families who are members of their household, may not obtain nationality merely via the operation of the receiving state's law.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

314. The Government has undertaken/is undertaking the following:

- a) Hosts ninety-nine (99) embassies and high commissions with residence in Kenya. It has thirty-nine (39) embassies and high commissions accredited to Kenya with residence in other countries and thirty-six (36) honorary consulates and consulates general. In addition, Kenya hosts sixty (60) UN and UN Agencies and one hundred and seventy-eight (78) international organizations;
- b) Does not confer Kenyan nationality to a child whose father or mother is a member of a consular mission resident in Kenya.

III. Existing Policy and Legal Framework:

There is no obligation to formulate national legislation.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

None.

3.1.5 Optional Protocol to the Vienna Convention on the Compulsory Settlement of Disputes

315. The Optional Protocol was adopted on 24th April, 1963. Kenya ratified it on 1st July, 1965. It came into force on 20th March, 1971. The Protocol provides that disputes concerning the interpretation or application of the convention shall lie within the compulsory jurisdiction of the International Court of Justice (ICJ).

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Submit an application to the ICJ regarding any disputes resulting from the interpretation or application of the convention;
- b) Parties may agree to use an arbitral tribunal rather than the ICJ; and
- c) Parties may agree to adopt a conciliation procedure before resorting to the ICJ.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

316. The Government reiterates to revoke its recognition of ICJ's compulsory jurisdiction. This was informed by the Court's violation of Kenya's Declaration under the ICJ Treaty and subsequent imposition of the jurisdiction in the maritime claim by the Republic of Somalia.

III. Existing Policy and Legal Framework:

There is no obligation to formulate national legislation.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

There is no obligation to establish an institution.

3.1.6 The 1946 Convention on the Privileges and Immunities of the United Nations

317. The Convention was adopted on 13th February, 1946, to accord the UN, the status of a legal person under the domestic laws of its member states and grant the UN certain functional privileges and immunities. Kenya ratified the Convention on 1st July, 1965, and it entered into force on 17th September, 1946.

318. Privileges and immunities are pre-requisite for the UN to effectively perform its functions and fulfil its purposes in the host state. It also enables the UN to manage numerous practical needs such as employment and procurement contracts, the acquisition of property and the capacity to pursue private law rights before national courts.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Ensure that the premises of the UN in its territory and all documents held or belonging to the UN are inviolable;
- b) Ensure that UN assets, income, and property are exempted from all direct taxes, custom charges, bans, and limits on imports and exports, in relation to products imported or exported by the UN for its official use;
- c) Grant UN officials' immunity from legal process, national service obligations, immigration restrictions and exemption from taxes;
- d) Accord United Nations experts' privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connection with their missions;
- e) Recognize and accept *laissez-passer* as valid travel documents for United Nations officials; and
- f) All differences arising out of the interpretation or application of the present convention shall be referred to the ICJ, unless in any case it is agreed by the parties to have recourse to another mode of settlement.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

319. The Government has undertaken/is undertaking the following:

- a) Grants certain privileges and immunities to UN Agencies and Programmes, and their officials and delegates attending UN meetings in Kenya—Officials are granted privileges and immunities in the interests of the United Nations, not for personal gain;
- b) Processed authority for the acquisition of assets for UN Agencies and Programmes and undertook the management of claims for their tax and duty refunds in addition to the management of the protocol registry and documentation;
- c) Operationalized the Diplomatic Service Center in Gigiri;
- d) Processes UN requests for the purchase of duty-free goods and motor vehicles and approved applications for zero-rated regular VAT and excise duty exemptions, and annual blanket VAT exemptions on the Integrated Protocol Management Information System (IPMIS); and
- e) Reviewing the Privileges and Immunities Act, CAP. 179, to streamline the operations of international organizations in the country.

III. Existing Policy and Legal Framework:

- (i) Privileges and Immunities Act, CAP. 179; and
- (ii) Foreign Service Act, CAP. 185E.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

UN Diplomatic Service Center.

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

320. The Convention was adopted on 21st November, 1947, and came into force on 2nd December, 1948. Kenya acceded to the Convention on 1st July, 1965. The objective of the convention is to

grant UN Specialized Agencies the status of a legal person under the domestic laws of its member states and grant certain functional privileges and immunities. Such domestic legal personality is a prerequisite for UN Specialized Agencies to effectively perform their functions and fulfill its purposes in the host state.

321. Kenya hosts twenty-three (23) UN Agencies, including the headquarters of two global Programmes—the United Nations Environment Programme (UNEP) and the United Nations Human Settlement Programme (UN-HABITAT). The offices are grouped together as UNON—the United Nations Office at Nairobi.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Grant officials of UN Specialized Agencies immunity from legal process in respect of acts performed and words spoken or written in their official capacity;
- b) Grant immunity to the UN Specialized Agencies, their property and assets in respect of any legal proceedings except if they have waived the immunity;
- c) States have an obligation to ensure that the premises of UN Specialized Agencies and in general all documents belonging or held by them are inviolable;
- d) Not to impose financial restrictions on the agencies by any moratoria with respect to holding funds, gold or currency, nor in any transfer of the same;
- e) Ensure that the UN Specialized Agencies, their assets, income, and property are exempt from all direct taxes except those that are charges for public utilities, as well as custom charges, bans, and limits on imports and exports, in respect of their publications; and
- f) Grant UN representatives' privileges and immunities while exercising their functions.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

322. The Government has undertaken/is undertaking the following:

- a) Granted certain privileges and immunities to all these UN Agencies and Programmes, and their officials and delegates attending UN meetings in Kenya;
- b) Processed authority for the acquisition of assets for UN Agencies and Programmes and undertook the management of claims for their tax and duty refunds in addition to the management of the protocol registry and documentations;
- c) Processed UN requests for the purchase of duty-free goods and motor vehicles and approved applications for zero-rated regular VAT and excise duty exemptions, and annual blanket VAT exemptions on the Integrated Protocol Management Information System (IPMIS); and
- d) Reviewing the Privileges and Immunities Act, CAP. 179, to streamline the operations of international organizations in the country.

III. Existing Policy and Legal Framework:

- (i) Foreign Service Act, CAP. 185E; and
- (ii) Privileges and Immunities Act, CAP. 179.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Directorate of Immigration.

3.1.8 Agreement on Privileges and Immunities of the Organization for the Prohibition of Chemical Weapons (OPCW)

323. Kenya signed the Agreement on 28th March, 2001. The Agreement entered into force on 19th February, 2015. The Organization for the Prohibition of Chemical Weapons (OPCW) was

formed to implement the provisions of the Chemical Weapons Convention with a vision to attain a world free of chemical weapons and the threat of their use. The Agreement accords privileges and immunities to the OPCW, its officials and the representatives of state parties in the performance of their functions.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Grant immunity to OPCW, its officials and representatives from personal arrest or detention;
- b) Grant immunity to OPCW, its officials and representatives from legal process of any kind in respect of words spoken or written and all acts done by them, in their official capacity;
- c) Inviolability for all papers, documents and official material;
- d) Grant exemption to OPCW, its officials and representatives and their spouses in respect to immigration restrictions, alien registration or national service obligations; and
- e) Grant immunity to OPCW, its officials and representatives in respect of their personal baggage and with respect to currency or exchange restrictions.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

The Government continues to grant OPCW and its officials, such privileges and immunities as are necessary for the independent exercise of its functions.

III. Existing Policy and Legal Framework:

Privileges and Immunities Act, CAP. 179.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Government Chemist.

3.1.9 General Convention on Privileges and Immunities of the OAU

324. The Convention was adopted and entered into force on 25th October, 1965. Kenya signed and ratified the Convention on the same day. The objective of the convention is to provide for the Organization in the territory of each of its member states, such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purpose.

I. Key Obligations for State Parties/Kenya under the Treaty:

Grant the AU, its representatives and officials the following privileges and immunities within their territories, enabling them to independently exercise their functions in connection with the Organization and during their travel to and from the place of meetings:

- a) Immunity from personal arrest or detention and from any official interrogation as well as from inspection or seizure of their personal baggage;
- b) Immunity from legal process of every kind in respect of words spoken, written or acts performed or votes cast by them for and in the exercise of their functions;
- c) Inviolability for all their papers and documents and the right to use codes and to receive papers or correspondence by courier or in sealed bags;
- d) Exemption in respect of themselves and members of their household from immigration restrictions, aliens' registration and from national service obligations in the state they are visiting or through which they are passing for and in the exercise of their functions;
- e) The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions;

- f) The same immunities and facilities in respect of their personal and official baggage as are accorded to diplomatic envoys; and
- g) Such other privileges, immunities and facilities not inconsistent with the foregoing as diplomatic envoys enjoy, except that they shall have no right to claim exemption from custom duties on goods imported (otherwise than as part of their personal baggage) or from excise duties or sales taxes.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

325. The Government has undertaken/is undertaking the following:

- a) Grants certain privileges and immunities to the AU, its organs, its officials as well as delegates attending AU meetings in Kenya;
- b) Hosted several AU meetings: the Africa Climate Summit from 4th to 6th September, 2023; the Fifth Mid-Year Coordination Meeting of the African Union, Regional Economic Communities and Regional Mechanisms (5th MYCM) from 13th to 16th July, 2023; and Africa Fertilizer and Soil Health (AFSH) Summit from 7th to 9th May, 2024; and the Annual Meeting of the African Development Bank Group from 27th to 31st May, 2024; and
- c) Reviewing the Privileges and Immunities Act, CAP. 179, to streamline the operations of international organizations in the country.

III. Existing Policy and Legal Framework:

Privileges and Immunities Act, CAP. 179.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Directorate of Immigration; and
- (ii) UN Service Center.

3.1.10 EAC Protocol on Foreign Policy Co-ordination

326. This Protocol was adopted and signed on 3rd December, 2010. Kenya ratified the Protocol on 20th November, 2012.

327. A common foreign and security policy of the East African Community is envisaged in accordance with Article 123 of the EAC Treaty and related provisions including that of establishing a Political Federation of the Community. The Protocol provides an avenue to promote and consolidate the unity of purpose and action on all fronts.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Promote development and harmonization of policies and strategies to support foreign policy coordination;
- b) Safeguard the common values and interests of the Community;
- c) Develop and promote the consolidation of democracy, the rule of law, respect for human rights and fundamental freedoms within the Community and with foreign countries;
- d) Preserve peace and strengthen security among the partner states and with foreign countries;
- e) Provide operational mechanisms within which to fully effect the coordination of the foreign policies of the partner states;
- f) Strengthen cooperation to promote and market the Community abroad;
- g) Promote the participation of the peoples of the partner states in the diaspora in the development of the Community; and

h) Enhance cooperation in the fight against international crimes.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

The Government participated in the 14th Sectoral Council on Foreign Policy Coordination and 12th Council on Defence Interstate Security and Foreign Coordination from 22nd to 30th April, 2024, Dar es Salaam, Tanzania.

III. Existing Policy and Legal Framework:

Foreign Service Act, CAP. 185E.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Foreign Service Academy.

3.1.11 EAC Protocol on Privileges and Immunities

328. The Protocol was adopted by the EAC heads of state and Government on 30th April, 2015. Kenya ratified the protocol on 13th June, 2018. The protocol aims to accord the Community, its organs, institutions and persons employed in different capacities in its service with such immunities and privileges as are accorded to similar international organizations in the territories of the partner states.

I. Key Obligations for State Parties/Kenya under the Treaty:

Standardize the status, privileges and immunities to be accorded by the partner states as follows:

- (i) The assets and properties of the Community wherever situated in the partner states; and
- (ii) Persons employed in the service of the Community.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

329. The Government has undertaken/is undertaking the following:

- a)* Ensuring that the diplomatic corps and international staff of the EAC are accorded the privileged status due to them, while ensuring that the diplomats respect the law;
- b)* Continues to make great progress in the realization of its Foreign Policy and host country obligations within the EAC;
- c)* Completed the construction of Phase I of the Lake Victoria Basin Commission headquarters in Kisumu and is in the process of undertaking Phase II; and
- d)* Completed the construction of the EAC Centre of Aviation Medicine within the Kenya Civil Aviation Authority (KCAA) headquarters, Nairobi.

III. Existing Policy and Legal Framework:

- (i) Foreign Service Act, CAP. 185E; and
- (ii) Privileges and Immunities Act, CAP. 179.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

None.

3.2 PEACE AND SECURITY

3.2.1 Geneva Convention I for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field; Geneva Convention II for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; Geneva Convention III relative to the Treatment of Prisoners of War; Geneva Convention IV relative to the Protection of Civilian Persons in Time of War; Additional Protocol I to the Geneva Conventions relating to the Protection of Victims of International Armed Conflicts; Additional Protocol II to the Geneva Conventions relating to the Protection of Victims of Non-International Armed Conflicts; Additional Protocol III to the Geneva Conventions relating to the Adoption of an Additional Distinctive Emblem.

330. The Geneva Conventions I–IV were adopted on 12th August, 1949, and entered into force on 21st October, 1950. Kenya acceded to the Geneva Conventions on 20th September, 1966.
331. The Geneva Conventions form the core of International Humanitarian Law (IHL) which regulates the conduct of armed conflict and seeks to limit its effects. The conventions seek to protect persons not taking part in hostilities and those who are no longer doing so such as the wounded, sick, shipwrecked and prisoners of war.
332. Geneva Convention I provide for the protection of the wounded and sick, medical and religious personnel, medical units and medical transport on land. Geneva Convention II provides for the protection of the wounded, sick and shipwrecked members of armed forces at sea, hospital ships, coastal rescue craft, medical aircraft, and other medical transport at sea as well as religious, medical and hospital personnel. Geneva Conventions I and II recognize the distinctive emblems, that is, the Red Cross and Red Crescent.
333. Geneva Convention III provides rules and regulations for the protection of prisoners of war. Geneva Convention IV provides for the general protection of the civilian population against certain consequences of war. It also governs the status and treatment of protected persons distinguishing between the situation of foreigners on the territory of one of the parties to the conflict and that of the hosts.
334. Additional Protocols (AP) I and II were adopted on 8th June, 1977, and entered into force on 7th December, 1978. Kenya acceded to the AP I and II on 23rd February, 1999. AP III was adopted on 8th December, 2005, and entered into force on 14th January, 2007. Kenya signed AP III on 30th March, 2006, and ratified it on 28th October, 2013.
335. Additional Protocol I relates to the protection of victims of international armed conflicts. AP II makes provision for rules relating to international armed conflicts. AP III provides an additional distinctive emblem, i.e., the Red Crystal to be used as a further option to the Red Cross or Red Crescent intended to signify respect for the individual who suffers and is defenseless, who must be aided, whether friend or enemy, without distinction of nationality, race, religion, class or opinion.

I. Key Obligations as outlined in the Conventions and Protocols:

- a) Suppress all breaches of the Conventions;
- b) Disseminate the Conventions as widely as possible in their respective countries and to include their study thereof in military instruction;
- c) Ensure humane treatment for all persons in enemy hands, without discrimination;
- d) Enter into bilateral and multilateral arrangements with other member states towards implementation of the Conventions and Protocols;
- e) Communicate to one another official translations of the Conventions, as well as laws and regulations they may adopt to ensure their application;

- f)* Search for, prosecute or extradite alleged perpetrators of grave breaches regardless of their nationality and to enact any necessary legislation in this respect;
- g)* Where domestic legislation is inadequate, member states to take measures necessary for the prevention and repression of abuses of the emblem; and
- h)* Cooperate with ICRC and other organizations to offer relief services in armed conflict.

II. Specific Measures Taken by the Government to Implement the Obligations Limited to the Period under Review (2023–2024)

336. The Government has undertaken/is undertaking the following:

- a)* Conducts continuous annual training of Kenya Defence Forces Soldiers in Defence Schools and operational areas on the provisions of the Geneva Conventions and other aspects of operational law;
- b)* Hosted the 16th Senior Workshop on the International Rules Governing Military Operations (SWIRMO) held from 30th October to 4th November, 2023, to discuss International Humanitarian Law and its application in military operations;
- c)* Participates in the Annual Kenya Defence Force Peacekeeping Operations in Somalia (ATMIS), Democratic Republic of the Congo (MONUSCO), Central African Republic (MINUSCA), Mali (MINUSMA), South Sudan (UNMISS), Lebanon (UNFIL) and Yemen;
- d)* Conducts KDF pre-deployment training before deployment for peacekeeping operations; and
- e)* Collaborates with ally states in training in the field of defence.

III. Existing Policy and Legal Framework:

- (i) Children Act, CAP 141;
- (ii) Firearms Act, CAP. 114;
- (iii) Foreign Judgments (Reciprocal Enforcement) Act, CAP. 43;
- (iv) Geneva Conventions Act, CAP 198;
- (v) International Crimes Act, CAP. 60;
- (vi) Kenya Defence Forces Act, CAP. 199;
- (vii) Kenya Red Cross Society Act, CAP. 256;
- (viii) Prevention of Torture Act, CAP. 88;
- (ix) Refugees Act, CAP. 173;
- (x) St. John Ambulance of Kenya Act, CAP. 259;
- (xi) Witness Summonses (Reciprocal Enforcement) Act, CAP. 78; and
- (xii) Public Finance Mangement (National Peace Support Operations Fund) Regulations, 2023.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Defence Forces; and
- (ii) Kenya Red Cross.

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

337. The Chemical Weapons Convention (CWC) was adopted in 1992, by the Conference on Disarmament and opened for signature in Paris on 13th January, 1993. The Convention entered into force on 29th April, 1997. Kenya signed the CWC on 15th January, 1993, and ratified it on 25th April, 1997.
338. The CWC seeks to eliminate an entire category of weapons of mass destruction, that is, chemical weapons within a fixed time frame. It bans the development, production, acquisition, stockpiling, retention, transfer and use of chemical weapons, and requires their timely destruction. The Organisation for the Prohibition of Chemical Weapons (OPCW) is the implementing body for the Chemical Weapons Convention (CWC).
339. The Government Chemist Department in the Ministry of Interior and National Administration is Kenya's designated Focal Point for the implementation of the Convention.

I. Key Obligations of State Parties under the Convention:

- a) Abide by the general prohibition not to develop, produce, stockpile or otherwise handle chemical weapons;
- b) Refrain from engaging in any military preparations or activity using chemical weapons;
- c) Destroy chemical weapons and production facilities in its possession, jurisdiction or control and in the territory of another state party; and
- d) Each state party undertakes not to use riot control agents as a method of warfare.

II. Specific Measures Taken by the Government to Implement the Obligations Limited to the Period under Review (2023–2024)

340. The Government has undertaken/is undertaking the following:
- a) Formulating the Strategic Goods Control Bill, 2024, which seeks to control trade in strategic goods and prevent the proliferation of nuclear, chemical or biological weapons;
 - b) Formulating the Government Chemist Agency Bill, 2024, to domesticate the Convention;
 - c) Attended the 103rd Session of OPCW's Executive Council between 11th and 14th July, 2023, where it re-affirmed its position against the use of chemical weapons by any state, persons or organizations, under any circumstances or justifications, as well as the pursuit of the goal of a world free of chemical weapons; and
 - d) Participated in the training for first responders organized by the Organization for the Prohibition of Chemical Weapons (OPCW) and the Government of the Republic of Zambia from 10th to 14th July, 2023.

III. Existing Policy and Legal Framework:

Pharmacy and Poisons Act, CAP. 244.

IV. Existing Institution and Mechanism Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Government Chemist;
- (ii) Kenya Defence Forces; and
- (iii) National Commission for Science, Technology and Innovation.

3.2.3 The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BTWC)

341. The Convention was adopted on 16th December, 1971, and opened for signature on 10th April, 1972. It entered into force on 26th March, 1975. Kenya acceded to the Convention on 7th January, 1976.
342. The Convention seeks to eliminate biological weapons by prohibiting the development, production, acquisition, transfer, stockpiling, and use of microbial or other biological agents, or toxins in a manner that 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 and covers biological and toxin weapons against humans, animals, and plants.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) The Government is obliged not to, under any circumstances, develop, produce, stockpile or otherwise acquire or retain biological and toxin weapons;
- b) Domesticating the Convention through an appropriate legal framework; and
- c) Submit periodic reports on specific activities relating to the Convention to the Implementation Support Unit (ISU) which assists state parties in implementing the Convention.

II. Specific Measures Taken by the Government to Implement the Obligations Limited to the Period under Review (2023–2024)

343. The Government has undertaken/is undertaking the following:
- a) Participated in the Second Meeting of the Working Group on the Strengthening of the Biological Weapons Convention (BWC) which took place from 7th August, 2023, to 18th August, 2023, in Geneva, Switzerland;
 - b) Held a Workshop in Mombasa from 18th to 19th October, 2023, aimed at identifying concrete ways to strengthen the Biological Weapons Convention in Eastern African countries; and
 - c) Formulating a Biosecurity Bill, 2024, which will give further effect to the Convention.

III. Existing Policy and Legal Framework:

Biosafety Act, CAP. 320.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Government Chemist; and
- (ii) National Commission for Science, Technology, and Innovation (NACOSTI).

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

344. The Protocol for the Prohibition of the use of Asphyxiating, Poisonous or other Gases and of Bacteriological Methods of Gas was adopted on 17th June, 1925, and entered into force on 8th February, 1928. Kenya acceded to the Protocol on 6th July, 1970.

I. Key Obligations for State Parties/Kenya under the Treaty:

Abide by the general prohibition on the use of chemical and biological weapons such as asphyxiating, poisonous, or other gases, and of bacteriological methods of warfare.

II. Specific Measures Taken by the Government to Implement the Obligations Limited to the Period under Review (2023–2024)

The Government is developing the Government Chemist Agency Bill, 2024, which will give effect to the provisions of the Treaty.

III. Existing Policy and Legal Framework:

- (i) International Crimes Act, CAP. 60;
- (ii) Kenya Defence Forces Act, CAP.199;
- (iii) Pharmacy and Poisons Act, CAP. 244; and
- (iv) Use of Poisonous Substances Act, CAP. 247.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation: (2022–2023)

- (i) Government Chemist;
- (ii) Kenya Defence Forces; and
- (iii) Pharmacy and Poisons Board.

3.2.5 Comprehensive Nuclear Test Ban Treaty (CTBT)

345. The CTBT was adopted by the UN General Assembly in New York on 18th September, 1996, and opened for signature on 24th September, 1996. Kenya signed the CTBT on 14th November, 1996, and ratified it on 30th November, 2000. The CTBT has been signed by 184 states and ratified by 179 states.

346. The National Commission for Science, Technology and Innovation (NACOSTI) is the Focal Point in the operation of the stations and oversees the management of the National Data Centre (NDC) at the University of Nairobi's Department of Geology.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Refrain from carrying out any nuclear weapons test explosion or any other nuclear explosion;
- b) Prohibit and prevent any such nuclear explosion at any place within its jurisdiction or control; and
- c) Refrain from causing, encouraging, or in any way participating in the carrying out of any nuclear weapon test explosion or any other nuclear explosion.

II. Specific Measures Taken by the Government to Implement the Obligations Limited to the Period under Review (2023–2024)

347. The Government has undertaken/is undertaking the following:

- a) Hosted the 14th Anniversary of the African Nuclear Weapon Free Zone Treaty on 15th July, 2023, with the aim of reflecting on the achievements and challenges in implementing the Treaty's objectives;
- b) Participated in the 67th Annual IAEA General Conference held from 25th to 29th September, 2023, in Vienna, Austria and was elected to serve on the 35-member IAEA Board of Governors for the period 2023–2024; and
- c) Submitted its biannual reports for the year 2023 to International Atomic Energy Agency (IAEA) on the measures taken to implement the safeguards obligation at the national level.

III. Existing Policy and Legal Framework:

- (i) Energy Act, CAP. 314; and

- (ii) Nuclear Regulatory Act, CAP. 243.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Nuclear Regulatory Authority; and
- (ii) Nuclear Power and Energy Agency.

3.2.6 Treaty on the Non-Proliferation of Nuclear Weapons (NPT)

348. The Treaty on the Non-Proliferation of Nuclear Weapons was adopted on 12th June, 1968, and Kenya was among the countries that signed the treaty on 1st July, 1968, when it was opened for signature. It entered into force on 5th March, 1970, and Kenya ratified on 11th June, 1970.
349. The NPT aims to prevent the spread of nuclear weapons and nuclear weapons technology and furthers the goal of nuclear disarmament. It prohibits Nuclear Weapon States (NWS) from transferring nuclear weapons or other nuclear explosive devices to any recipient whatsoever. NWS are also prohibited from assisting, encouraging, or inducing any Non-Nuclear Weapon States (NNWS) to manufacture or otherwise acquire nuclear weapons or nuclear explosive devices or related technology.
350. The Nuclear Power and Energy Agency (NuPEA) in the Ministry of Energy, is the National Liaison Office (NLO) for the IAEA's activities and coordinates the IAEA Technology Collaboration Programme (TCP) as the designated competent authority.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Refrain from transferring nuclear weapons or other nuclear explosive devices or their control;
- b) Refrain from receiving or in any way manufacturing nuclear explosive devices and weapons;
- c) Accept safeguards, as determined by the International Atomic Energy Agency, for the verification of fulfillment of its obligations under the Treaty;
- d) Facilitate and participate in the exchange of equipment, materials, scientific and technological information for the peaceful uses of nuclear energy;
- e) Take appropriate measures to ensure that potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear-weapon states on a non-discriminatory basis; and
- f) Pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race and disarmament.

II. Specific Measures Taken by the Government to Implement the Obligations Limited to the Period under Review (2023–2024)

351. The Government has undertaken/is undertaking the following:
- a) Formulating the Strategic Goods Control (SGC) Bill, 2024. It aims to establish controls for the trade in chemical, biological, nuclear or radiological goods that may be used for non-peaceful purposes;
 - b) Hosted the 14th Anniversary of the African Nuclear Weapon Free Zone Treaty on 15th July, 2023. The aim was to reflect on the achievements and challenges in implementing the Treaty's objectives; and
 - c) Participated in the 67th Annual IAEA General Conference and was further elected to serve on the 35-member IAEA Board of Governors for the period 2023–2024.

III. Existing Policy and Legal Framework:

- (i) Energy Act, CAP. 314; and

- (ii) Nuclear Regulatory Act, CAP. 243.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Defence Forces;
- (ii) Kenya Nuclear Regulatory Authority (KNRA); and
- (iii) Nuclear Power and Energy Agency (NuPEA).

3.2.7 The African Nuclear Weapon Free Zone Treaty (Treaty of Pelindaba)

352. The Pelindaba Treaty was adopted in Cairo on 11th April, 1996, and entered into force on 15th July, 2009. Kenya signed the treaty on 11th April, 1996, and ratified it on 15th November, 2000. It entered into force for Kenya on 9th January, 2001.

353. The Treaty prohibits research, development, manufacture, stockpiling, acquisition, testing, possession, control, or stationing of nuclear weapons or nuclear explosive devices in the territory of state parties to the Treaty and the dumping of radioactive wastes in the territory of the state parties. The Treaty establishes a Nuclear-Weapons-Free Zone in Africa (NWFZ), a regional approach to strengthen global nuclear disarmament and non-proliferation in the pursuit of international peace and security, as provided for in the NPT.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a)* Maintenance of the highest standards of physical protection of nuclear material, facilities and equipment, which are to be used exclusively for peaceful purposes.
- b)* Apply full-scope International Atomic Energy Agency (IAEA) safeguards to all their peaceful nuclear activities;
- c)* Take appropriate legal and administrative measures to prevent and punish any prohibited activity by individuals under its jurisdiction or control including the imposition of penal sanctions;
- d)* Administrative measures, such as changes in operating procedures and the notification of organizations involved in the development, production, and transfer of arms, may also be required to ensure that violations do not occur;
- e)* Ensure that nuclear weapons or nuclear explosive devices are not developed, produced, tested, or otherwise acquired or stationed in any of the countries on the African continent or associated islands; and
- f)* Promotion of cooperation in the peaceful uses of nuclear energy, requires complete nuclear disarmament by African States and enhances regional and global peace and security.

II. Specific Measures Taken by the Government to Implement the Obligations Limited to the Period under Review (2023–2024)

The Government hosted the 14th Anniversary of African Nuclear Weapon Free Zone Treaty (Treaty of Pelindaba) in Nairobi on 15th July, 2023. The objective of the event was to reflect, on the achievements and challenges in implementing the treaty's objectives.

III. Existing Policy and Legal Framework:

- (i) Energy Act, CAP. 314; and
- (ii) Nuclear Regulatory Act, CAP. 243.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Nuclear Regulatory Authority (KNRA); and
- (ii) Nuclear Power and Energy Agency (NuPEA).

3.2.8 The Hague Code of Conduct against Ballistic Missile Proliferation (HCoC)

354. The Code was signed and entered into force in November 2002, at the Hague, Netherlands. Kenya subscribed to the Code on 25th November, 2002. The Code has 140 subscribing states to date.
355. HCoC is a politically binding instrument that regulates the area of ballistic missiles capable of carrying Weapons of Mass Destruction (WMD). It is the only multilateral transparency and confidence-building instrument concerning the spread of ballistic missiles. Participation in the Code is voluntary and is open to all states.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Provide Prelaunch Notifications (PLNs) on ballistic missiles, space launch vehicle launches, and test flights; and
- b) Submit an Annual Declaration (AD) of the state's policies on ballistic missiles and space launch vehicles.

II. Specific Measures Taken by the Government to Implement the Obligations Limited to the Period under Review (2023–2024)

The Government is not embarking on any space launch on ballistic missile and other related issues of the Convention.

III. Existing Policy and Legal Framework:

None.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

None.

3.2.9 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction

356. The Convention (also known as the Mine Ban Treaty) was adopted in Oslo, Norway on 18th September, 1997, and opened for signature in Ottawa, Canada on 3rd December, 1997. It entered into force on 1st March, 1999. Kenya signed the convention on 5th December, 1997, and ratified it on 23rd January, 2001.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Never use anti-personnel mines;
- b) Not to develop, produce, acquire, stockpile, retain or transfer to anyone, directly or indirectly, anti-personnel mines;
- c) Not to assist, encourage or induce anyone to engage in any activity prohibited to a state party under the convention; and
- d) To destroy or ensure the destruction of all anti-personnel mines in accordance with the provisions of this convention.

II. Specific Measures Taken by the Government to Implement the Obligations Limited to the Period under Review (2023–2024)

Kenya reported that there were no mined areas under its jurisdiction or control.

III. Existing Policy and Legal Framework:

- (i) Kenya Defence Forces Act, CAP.199; and
- (ii) Prohibition of Anti-Personnel Mines Act, CAP. 116.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Defence Forces.

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

357. The Protocol was adopted on 9th July, 2002, and it entered into force on 26th December, 2003. Kenya signed the Protocol on 7th July, 2003, and ratified it on 19th December, 2003.
358. The objective of the Protocol is to establish the Peace and Security Council of the African Union as a standing decision-making organ for the prevention, management and resolution of conflicts on the continent. The Council is established as a collective security and early warning arrangement to facilitate timely and efficient response to conflict and crisis situations on the African continent. The Council is supported by the AU Commission, a Panel of the Wise, the African Standby Force (ASF), a Continental Early-Warning System and a Special Fund.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Promote peace, security and stability in Africa, to guarantee the protection and preservation of life and property, the well-being of the African people and their environment, as well as the creation of conditions conducive to sustainable development;
- b) Anticipate and prevent conflicts. In circumstances where conflicts have occurred, the Peace and Security Council shall have the responsibility to undertake peace-making and peace building functions for the resolution of these conflicts;
- c) Promote and implement peace-building and post-conflict reconstruction activities to consolidate peace and prevent the resurgence of violence;
- d) Co-ordinate and harmonize continental efforts in the prevention and combating of international terrorism in all its aspects;
- e) Develop a common defence policy for the Union, in accordance with Article 4 (d) of the Constitutive Act;
- f) Promote and encourage democratic practices, good governance and the rule of law, protect human rights and fundamental freedoms, respect for the sanctity of human life and international humanitarian law, as part of efforts for preventing conflicts; and
- g) Respect, uphold and support the Council.

II. Specific Measures Taken by the Government to Implement the Obligations Limited to the Period under Review (2023–2024)

359. The Government has undertaken/is undertaking the following:
- a) Is a Troop Contributing Country (TCC) towards international concerted efforts of restoring peace in Somalia (ATMIS), Democratic Republic of the Congo (MONUSCO), Central African Republic (MINUSCA), Mali (MINUSMA) and South Sudan (UNMISS);
 - b) Deployed Kenyan troops to the Democratic Republic of Congo (DRC) in 2023–2024 following a decision endorsed and adopted by regional leaders at the third East African Community (EAC) Heads of State Conclave on Peace and Security in Eastern DRC; and
 - c) Participated in the 27th Annual Conference of International Association of Peacekeeping Training Centres (IAPTC) on 6th November, 2023, in Nairobi, Kenya. The objective was to discuss global peace, security and stability.

III. Existing Policy and Legal Framework:

- (i) Kenya Defence Forces Act, CAP.199; and
- (ii) Public Finance Management Act, CAP. 412A.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Defence Forces; and
- (ii) Liaison Regional Economic Offices.

3.2.11 East African Community Protocol on Cooperation in Defence Affairs

360. The EAC Protocol on Cooperation in Defence Affairs was adopted by the EAC Partner States on 28th April, 2012. Kenya ratified the Protocol on 7th October, 2015. It entered into force on 19th November, 2015, after ratification by all the EAC Partner States.

361. The Protocol aims to enhance collaboration and cooperation of the EAC Partner States in all defence affairs with regional and international organizations. The Government is obligated to enhance collective efforts to promote peace, security and stability within the region.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Develop, promote and pursue policies and programs aimed at widening and deepening cooperation among the partner states in defence affairs for their mutual benefit;
- b) Promote peace and stability and good neighbourliness among partner states to guarantee the protection and preservation of life and property, the well-being of the people in the Community and their environment as well as the creation of conditions conducive to sustainable development;
- c) Anticipate and prevent conflicts. In circumstances where conflicts have occurred, to undertake peace support operations and peacebuilding functions for the resolution of such conflicts;
- d) Promote and implement peacebuilding and post-conflict reconstruction activity to consolidate peace and prevent a resurgence of violence;
- e) Coordinate and harmonize regional efforts in the prevention and combatting of international terrorism in all its aspects; and
- f) Undertake such other activities ancillary to cooperation in defence affairs that are calculated to further the objectives of the Community, as the partner states may from time to time determine.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

362. The Government has undertaken/is undertaking the following:

- a) Cooperating with other partner states to implement the Protocol in the following areas:
 - Military training;
 - Joint operations;
 - Technical cooperation;
 - Visits and exchange of information;
 - Liaison in military affairs;
 - Exchange of military instructors; and
 - Seconding staff to Defence Staff Colleges.

- b) Deployed troops to the Democratic Republic of Congo (DRC) in 2023–2024, following a decision endorsed and adopted by regional leaders at the third East African Community (EAC) Heads of State conclave on peace and security in Eastern DRC;
- c) Cooperating with other partner states in military training, exchange of directing staff and students in EAC Military Academies and Senior Command and Staff Colleges;
- d) Cooperating with other partner states in the harmonization of training doctrines, syllabi and curricular for EAC Military Training Institutions; lectures of opportunity offered by EAC Defence Chiefs at Senior Command and Staff Colleges;
- e) Cooperating with other partner states in the conduct of semi-annual meetings of the Commandants of Military Academies and Commandants of Senior Command and Staff Colleges to operationalize the defence cooperation in training pursuant to the EAC Protocol on Cooperation in Defence Affairs;
- f) Cooperating with other partner states in joint Operations—EAC Partner States’ Armed Forces, Police, Civilian Components and other key stakeholders have been planning and conducting command post and field training exercises, codenamed *Ushirikiano Imara*, successfully on a rotational basis. The exercises are based on Peace Support Operations, Counter terrorism, Counter Piracy and Disaster Management themes. The exercises also incorporate Civil-Military-Cooperation (CIMIC) activities, such as medical outreaches, construction, sanitation, environmental conservation and others. CIMIC activities are designed to support partner states development agenda and enhance civil-military cooperation. The goal is to win the hearts and minds of the people;
- g) Cooperating with other partner states in technical cooperation—EAC Partner States’ Armed Forces have been undertaking joint technical cooperation in various fields, including defence industrial facilities and military health services. Various defence industrial facilities and military health facilities have been offered by partner states for joint utilization;
- h) Cooperating with other partner states in visits and exchange of information—Quarterly meetings of Military Intelligence Chiefs and editions of military games and cultural events have been conducted on a rotational basis;
- i) Participated in the 37th Meeting of the Sectoral Council on Cooperation in Defence Affairs from 4th to 8th March, 2024, in Arusha, Tanzania to refine EAC Guidelines for the Planning and Conduct of EAC Armed Forces Exercises; and
- j) Participated in the 12th Joint Meeting of the Sectoral Council on Cooperation in Defence Affairs, Interstate Security and Foreign Policy Coordination held in Dar es Salaam, Tanzania on 30th April, 2024.

III. Existing Policy and Legal Framework:

Kenya Defence Forces Act, CAP. 199.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Defence Forces.

3.2.12 East African Community Protocol on Peace and Security

363. The Protocol was adopted by the EAC Partner States in Nairobi on 30th November, 2012. Kenya signed the Protocol on 15th February, 2013, and ratified it on 23rd March, 2017. Pursuant to Article 124 of the EAC Treaty, the Protocol was developed to promote peace, security, stability and good neighbourliness among the EAC partner states.

I. Key Obligations for State Parties/Kenya under the Treaty:

Promote peace, security and stability within the Community and good neighbourliness among the partner states.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

364. The Government has undertaken/is undertaking the following:

- a) Jointly with Uganda, South Sudan and AU Border Programme, on 3rd July, 2023, launched a Peace Caravan and Benchmarking Tour for border communities to promote peaceful co-existence, good neighbourliness and peaceful resolution of disputes among border communities through experiential learning from best practices of other border communities in the region;
- b) Continues operations, through the Kenya Quick Reaction Force (QRF) which is under the United Nations Organisation Stabilization Mission in the Democratic Republic of Congo (MONUSCO), to enhance peace and protect the people of Congo alongside the African countries of South Africa and Tanzania;
- c) Participated in the development and harmonization of Police Standard Operating Procedures from 3rd to 6th April, 2023, in Dar es Salaam, Tanzania;
- d) Participated in the EAC joint review of the results achieved, challenges, lessons learned during the implementation of the African Union Border Programme (AUBP) and other regional border governance initiatives from 29th August to 1st September, 2023, in Zanzibar, Tanzania; and
- e) Participated in the Regional Conference on Immigration and Border Governance from 25th to 26th January, 2024, in Bujumbura, Burundi.

III. Existing Policy and Legal Framework:

- (i) National Policy for Disaster Management in Kenya, 2009;
- (ii) National Peace Support Policy;
- (iii) Firearms Act, CAP. 114;
- (iv) Kenya Defence Forces Act, CAP. 199;
- (v) Merchant Shipping Act, CAP. 389;
- (vi) Prevention of Terrorism Act, CAP. 59B; and
- (vii) Refugee Act, CAP. 173.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Department of Refugee Services;
- (ii) Firearms Licensing Board;
- (iii) Kenya Coast Guard Service;
- (iv) Kenya Defence Forces; and
- (v) National Counter Terrorism Committee (NCTC).

3.2.13 Protocol on Combating Drug Trafficking in the East African Region

365. The Protocol was adopted and signed by Kenya on 13th January, 2001. The Protocol seeks to combat drug trafficking and eradicate the use of narcotic drugs and psychotropic substances in the East African Community region.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Reduce and eventually eliminate illicit drug trafficking, money laundering, related corruption and illicit use and abuse of drugs through cooperation among enforcement agencies and demand reduction through Co-ordinated programmes in the region;

- b) Eliminate the production of illicit drugs; and
- c) Protect the region from being used as a conduit for drugs destined for an international market.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

366. The Government has undertaken the following:

- a) Established the National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA), the Pharmacy and Poisons Board and the Anti-Narcotics Police Unit to implement the provisions of the Protocol; and
- b) Formulated the Alcoholic Drinks Control Bill, 2024, to repeal the existing Alcoholic Drinks Control Act, 2010, and the Traffic Drink Driving Rules, 2024.

III. Existing Policy and Legal Framework:

- (i) Alcoholic Drinks Control Act, CAP. 121;
- (ii) National Authority for the Campaign Against Alcohol and Drug Abuse Act (NACADA), CAP. 122;
- (iii) National Police Service Act, CAP. 84;
- (iv) National Transport and Safety Authority Act, CAP. 404;
- (v) Office of the Director of Public Prosecutions Act, CAP. 6B; and
- (vi) Pharmacy and Poisons Act, CAP. 244.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Anti-Narcotics Police Unit;
- (ii) National Authority for the Campaign against Alcohol and Drug Abuse (NACADA);
- (iii) National Transport and Safety Authority (NTSA);
- (iv) Office of the Director of Public Prosecutions (ODPP); and
- (v) Pharmacy and Poisons Board.

3.2.14 Mutual Defence Pact between Kenya, Uganda and Rwanda

367. The Governments of Kenya, Uganda and Rwanda entered into a Mutual Defence Pact on the 20th February, 2014. Kenya ratified on 7th October, 2015. The Instruments of Ratification were deposited with the AU Commission and the UN Secretariat in New York. The Pact is open for membership by other willing members of the region.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Form a single defence territory, which means an attack on one will be considered aggression against all three states; and
- b) Conduct joint military operations when combating terrorism and other international crimes.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

The Government continues to conduct joint military operations with Uganda and Rwanda towards mutual preparedness in defence.

III. Existing Policy and Legal Framework:

Kenya Defence Forces Act, CAP.199

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Defence Forces (KDF).

3.2.15 Optional Protocol to the UN Convention on the Rights of the Child on Involvement of Children in Armed Conflict

368. The Protocol was adopted on 30th November, 1999, and entered into force on 12th July, 2002. Kenya signed on 8th September, 2000, and ratified the Protocol on 28th January, 2002.

369. The Protocol ensures protection of children from being recruited to serve in armed forces or any other forms of military engagement. It outlaws the recruitment of children to serve in conflict areas so that they may enjoy their rights as children and attend school. Poverty and unemployment place children at the risk of being recruited into outlawed groups like the Al-Shabaab. Africa has seen proliferation of recruitment of child soldiers which is an international crime.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices;
- b) Ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities;
- c) Ensure that persons who have not attained the age of 18 years are not compulsorily recruited into the armed forces; and
- d) Permit voluntary recruitment into their national armed forces under the age of 18 years shall maintain safeguards to ensure, as a minimum, that:
 - (i) Such recruitment is genuinely voluntary;
 - (ii) Such recruitment is carried out with the informed consent of the person's parents or legal guardians;
 - (iii) Such persons are fully informed of the duties involved in such military service; and
 - (iv) Such persons provide reliable proof of age prior to acceptance into national military service.

II. Specific Measures Taken by the Government to Implement the Obligations Limited to the Period under Review (2023–2024)

370. The Government has undertaken/is undertaking the following:

- a) Through the Kenya Defence Forces, recruits annually persons of 18 years and above; and
- b) Formulating a Child Safeguarding Policy, which will address, *inter alia*, non-involvement and protection of children in armed conflict.

III. Existing Policy and Legal Framework:

- (i) Kenya Defence Forces Recruitment Policy, 2021;
- (ii) Children Act, CAP. 141; and
- (iii) Kenya Defence Forces Act, CAP. 199.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Defence Forces; and
- (ii) National Council for Children Services.

3.2.16 UN Convention against Transnational Organized Crime (also known as Palermo Convention). The Convention has three Protocols namely: Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UNTOC; Protocol against the Smuggling of Migrants by Land, Sea and Air; and Protocol against the Illicit Manufacturing and Trafficking in Firearms, their Parts, Components and Ammunition (also known as the Palermo Protocols)

371. The Convention was adopted on 15th November, 2000, and entered into force on 16th June, 2004. Kenya acceded to the Convention on 16th June, 2004. Kenya acceded to the three Protocols supplementing the Convention on 5th January, 2005, namely Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; Protocol against the Smuggling of Migrants by Land, Sea and Air; and Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition.

372. The objective of the Convention is to eliminate all forms of transnational organized crime. 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 well as strengthening law enforcement cooperation.

I. Key Obligations for State Parties/Kenya under the Treaty:

Adopt legislative and other measures as maybe necessary to establish as criminal offences when committed intentionally and organizing, directing, aiding, abetting, facilitating or counselling the commission of serious crime involving an organized crime.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

373. The Government has undertaken/is undertaking the following:

- a) Implementing the Counter Trafficking in Persons National Assistance Trust Fund Regulations, 2020, and disbursement of funds for direct assistance of victims;
- b) Celebrated the World Day Against Human Trafficking on 28th July, 2023;
- c) Launched the National Plan of Action for Victims of Trafficking in Persons, 2022–2027, on 28th July, 2023. The Plan is anchored on the pillars of prevention, protecting, prosecution and partnership;
- d) Launched the Guidelines for Assisting Victims of Trafficking. The Guidelines provide a mechanism to disburse funds of the National Assistance Trust Fund for Victims of Trafficking;
- e) Holds Quarterly Statutory Meetings for the Counter Trafficking in Persons Advisory Committee and the Board of Trustees of National Assistance Trust Fund for Victims of Trafficking;
- f) Launched the Technical Working Group on the Review of the Counter Trafficking in Persons Act, CAP. 61, and has formulated a Counter Trafficking in Person (Amendment) Bill, 2022, to review the Counter Trafficking in Persons Act, CAP. 61;
- g) Developed a Draft for Minimum Standard of Care for Victims of Trafficking in Persons which guides service providers on service provision for victims of residential and non-residential cares;
- h) Provided economic empowerment to 36 survivors of Trafficking in Persons in the Coast Region. The funding was from the National Assistance Trust Fund for Victims of Trafficking;
- i) Repatriated 15 Kenyan nationals from the People’s Republic of Laos and Turkey. The funding was from the National Assistance Trust Fund for Victims of Trafficking;
- j) Facilitated the repatriation of children—5 boys and 2 girls to Tanzania, Ethiopia, Uganda and in country return of 3 (2 boys and 1 girl) Kenyans. Total number was 10;

- k) Identified an existing facility to be used as a government run shelter for victims of trafficking. The facility is currently under refurbishment;
- l) Co-ordinated, through the Counter Trafficking in Persons Secretariat, the Screening and referral of 164 victims of trafficking to services providers for various direct assistance; and
- m) Dissemination of the National Referral Mechanism to Capacity building to seventy (70) law enforcement officers.

III. Existing Policy and Legal Framework:

- (i) Children Act, CAP. 141;
- (ii) Counter-Trafficking in Persons Act, CAP. 161;
- (iii) Victim Protection Act, CAP. 79A; and
- (iv) Witness Protection Act, CAP.79.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Board of Trustees of National Assistance Trust Fund for Victims of Trafficking;
- (ii) Counter Trafficking in Persons Advisory Committee;
- (iii) National Assistance Trust Fund;
- (iv) National Council for Children Services;
- (v) Victim Protection Board; and
- (vi) Witness Protection Agency.

3.2.17 International Convention for the Suppression of Terrorist Bombings

374. The Convention was adopted in New York on 15th December, 1997, and it entered into force on 23rd May, 2001. Kenya acceded to it on 16th November, 2001.
375. The objective of the Convention is to enhance international cooperation among state parties in devising and adopting effective and practical measures for the prevention of the acts of terrorism, and for the prosecution and punishment of the perpetrators.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Establish jurisdiction over and make punishable, under their domestic laws, the offences described in the Convention;
- b) Extradite or submit for prosecution persons accused of committing or aiding in the commission of the offences; and
- c) Assist other state parties in connection with criminal proceedings under the Convention.

II. Specific Measures Taken by the Government to Implement the Obligations Limited to the Period under Review (2023–2024)

376. The Government has undertaken the following:
- a) Conducted Counter-Terrorism (CT) sensitization fora in Bobo, Roka and Misumarini in the Boni frontier villages of Lamu County on 4th February, 2024; and
 - b) Participated in the 2nd Meeting of the Islamic Military Counter-Terrorism Coalition (IMCTC) in Riyadh, Saudi Arabia on 3rd July, 2023. The IMCTC aimed to develop frameworks and policies to bolster efforts to suppress and degrade terror-related activities.

III. Existing Policy and Legal Framework:

- (i) Extradition (Contiguous and Foreign Countries Act, CAP. 76;
- (ii) Mutual Legal Assistance Act, CAP. 75A;
- (iii) National Crime Research Center Act, CAP. 62;
- (iv) National Police Service Act, CAP. 84;
- (v) Office of the Director of Public Prosecutions Act, CAP. 6B;
- (vi) Prevention of Organised Crime Act, CAP. 59;
- (vii) Prevention of Terrorism Act, CAP. 59B; and
- (viii) Proceeds of Crime and Anti-Money Laundering Act, CAP. 59A.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Anti-Terrorism Police Unit;
- (ii) Assets Recovery Agency;
- (iii) Financial Reporting Centre (FRC);
- (iv) National Counter-Terrorism Centre;
- (v) National Crimes Research Center; and
- (vi) Office of the Director of Public Prosecutions.

3.2.18 International Convention for the Suppression of Acts of Nuclear Terrorism

377. The Convention was adopted on 13th April, 2005, in New York and entered into force on 7th July, 2007. Kenya signed it on 15th September, 2005, and ratified it on 13th April, 2006.
378. The Convention aims to criminalize acts of nuclear terrorism with the recognition that nuclear terrorist acts may result in grave consequences and threat to international peace and security.
379. The Convention covers a broad range of nuclear terrorism acts and possible targets, including nuclear power plants and nuclear reactors. It covers threats and attempts to commit such crimes or to participate as an accomplice. It further stipulates that the offenders shall either be extradited or prosecuted, encourages member states to cooperate in preventing terrorist attacks by sharing information and assisting each other in connection with criminal investigations and extradition proceedings and assists member states to deal with both crisis and post-crisis situations.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a)* Adopt and domesticate criminal acts within the scope of the Convention and provide appropriate penalties;
- b)* Take appropriate measures to ensure the protection of radioactive material, considering relevant recommendations and functions of the International Atomic Energy Agency;
- c)* Establish its jurisdiction over the offences in the Convention when the offence is committed in the territory of that state or by a vessel or aircraft flying the flag of that State; and
- d)* Upon receiving information that an offence has been committed or is being committed in its territory or that the offender may be present in its territory, to take necessary measures as under its national law to investigate the facts contained in the information.

II. Specific Measures Taken by the Government to Implement the Obligations Limited to the Period under Review (2023–2024)

380. The Government is undertaking the following:



- a) Formulating the Strategic Goods Control Bill, 2024, intended to establish controls for Chemical, Biological, Radiological and Nuclear (CBRN) dual use items that may be used for non-peaceful purposes; and
- b) Conducts, through the Kenya Defence Forces, continuous training on the handling of hazardous material, including nuclear, as part of its disaster response preparedness.

III. Existing Policy and Legal Framework:

- (i) National Defence Policy;
- (ii) Kenya Defence Forces Act, CAP. 199;
- (iii) National Crime Research Centre Act, CAP. 62;
- (iv) National Police Service Act, CAP. 84; and
- (v) Nuclear Regulatory Act, CAP. 243.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Defence Forces;
- (ii) Kenya Nuclear Regulatory Authority;
- (iii) National Crime Research Centre; and
- (iv) National Police Service.

3.2.19 International Convention for the Suppression of the Financing of Terrorism

381. The Convention was adopted on 9th December, 1999, in New York and entered into force on 10th April, 2002. Kenya signed it on 4th December, 2001, and ratified it on 27th June, 2003.
382. The Convention aims at enhancing international cooperation among state parties in devising and adopting effective measures for the prevention of the financing of terrorism, and its suppression through the prosecution and punishment of its perpetrators.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Take steps to prevent and counteract the financing of terrorists, whether direct or indirect, through groups claiming to have charitable, social or cultural goals or which also engage in illicit activities such as drug trafficking or firearms trafficking;
- b) Hold those who finance terrorism criminally, civilly or administratively liable for such acts and provides for the identification, freezing and seizure of funds allocated for terrorist activities, as well as for the sharing of the forfeited funds with other state parties on a case-by-case basis; and
- c) Banks within the territory of the state parties are obliged to report both suspicious transactions and those that are beyond the set threshold.

II. Specific Measures Taken by the Government to Implement the Obligations Limited to the Period under Review (2023–2024)

383. The Government has undertaken the following:
- a) Issued guidelines to commercial banks aimed at detecting and stopping the finances to terrorist organizations and activities;
 - b) Continues to monitor the NGO sector compliance with the law;
 - c) Continues to abide by the Resolutions UNSCR/751 of 1992 and UNSCR/1267 of 1999 of the UN Security Council on sanctions imposed on Somalia through charcoal ban and arms component embargo to suppress Al-Shabaab financing;

- d) Enhancing its Beneficial Ownership (BO), legal and institutional framework to align it with the FATF requirements and to allow the country to request and share information on BO with other jurisdictions;
- e) Enacted the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Act, 2023, on 1st September, 2023. The Act has made provisions in relation to anti-money laundering, anti-terrorism financing and counter-financing of proliferation of weapons of mass destruction;
- f) Enhanced its international co-operation mechanisms with bilateral agreements. As at the date of submission, the country had been informed of the EGMONT Plenary decision to admit Kenya to the group for purposes of international co-operation;
- g) Implementing the recommendations of the MER that include the following:
 - i) Embarking on undertaking Money Laundering and Terrorist Financing (ML/TF) Risk Assessment for legal persons, Virtual Asset Service Providers (VASPs) and Non-Profit Organizations (NPOs);
 - ii) Conducting and publishing background research through a technical paper on digital assets including the regulation of Virtual Assets (VAs) and VASPs;
 - iii) Conducting a comprehensive TF risk assessment that will encompass all TF threats faced by Kenya and identify sectors which are highly vulnerable to TF risk;
 - iv) Reviewing and updating the Kenya's AML/CFT Strategy for 2022–2026 to incorporate and to ensure coordination between various agencies on combating TF crimes. The updated Strategy will be consistent with, and considers, evolving and emerging TF risks, such as TF risk posed by Al Shabaab or other groups that authorities view as posing terrorist risks;
 - v) Strengthening information sharing and domestic coordination mechanisms through the re-gazettement of the National Taskforce on Anti-Money Laundering and Counter-Financing of Terrorism vide a Gazette Notice Vol. CXXV—No. 92 dated 20th April, 2023. The Financial Reporting Centre (FRC), being the focal point on all AML/CFT measures in the country is the Secretariat to this Taskforce. This will ensure that all national efforts are Co-ordinated from a central agency in combating ML/TF crimes;
 - vi) Upgrading goAML schema from version 4.8 to version 5.3.- the new system will enable the onboarding of Law Enforcement Agencies (LEAs) on the goAML system. This will enhance secure real-time sharing of intelligence and information between FRC and LEAs. The new version will also be more useful in the collection, analysis and presentation of statistics; and
 - vii) Ensuring that lawyers are designated as reporting entities. During the period under review, the lawyers signed a pact with the State to report suspicious transactions by their client to the FRC.

III. Existing Policy and Legal Framework:

- (i) Central Bank of Kenya Act, CAP 491;
- (ii) Companies Act, CAP. 486;
- (iii) Data Protection Act, CAP. 411C.
- (iv) Prevention of Terrorism Act, CAP. 59B;
- (v) Proceeds of Crime and Anti-Money Laundering Act, CAP. 59A; and
- (vi) Public Benefits Organizations Act, No. 18 of 2013.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Assets Recovery Agency;
- (ii) Central Bank of Kenya;
- (iii) Financial Reporting Centre;
- (iv) National Counter-Terrorism Centre;
- (v) National Crime Research Centre;
- (vi) Non-Governmental Organisation Board; and
- (vii) Office of the Data Protection Commissioner.

3.2.20 International Convention against Taking of Hostages

384. The Convention was adopted on 17th December, 1979, in New York and entered into force on 3rd June, 1983. Kenya acceded to it on 8th December, 1981.

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

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Adopt and domesticate criminal acts within the scope of the Convention and provide appropriate penalties;
- b) Take appropriate measures to ease the situation of the hostage in its territory, including securing the release and facilitate departure;
- c) Cooperate with other states and assist each other in preventing and handling the offences stipulated in the Convention; and
- d) Establish jurisdiction over the offences under the Convention including procedures for a due process such as arrest, detention, prosecution and extradition.

II. Specific Measure Taken by the Government to Implement the Obligations Limited to the Period under Review (2023–2024)

The Government continues to cooperate with other states and assist in preventing and handling the offences stipulated in the Convention.

III. Existing Policy and Legal Framework:

- (i) Merchant Shipping Act, CAP. 389;
- (ii) Mutual Legal Assistance Act, CAP. 75A; and
- (iii) National Police Service Act, CAP. 84.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Judiciary; and
- (ii) National Police Service.

3.2.21 OAU Convention on the Prevention and Combating of Terrorism

386. The Convention was adopted on 1st July, 1999, and entered into force on 6th December, 2002. Kenya signed on 10th December, 2001, ratified it on 28th November, 2001, and deposited the Instrument of Ratification on 10th December, 2001.

387. The Protocol to the OAU Convention on the Prevention and Combating of Terrorism was adopted on 1st July, 2004. Kenya signed the Protocol on 28th June, 2008. The objective of the

Protocol is to enhance the effective implementation of the Convention and to give effect to Article 3(d) of the Protocol relating to the establishment of the Peace and Security Council of the African Union, on the need to coordinate and harmonize continental efforts in the prevention and combating of terrorism in all its aspects, as well as the implementation of other relevant international instruments.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Review their national laws and criminalize terrorist acts and make such acts punishable by deterrent penalties;
- b) Consider, as a matter of priority, the signing or ratification of, or accession to, international instruments relating to terrorism; and
- c) Notify the Chairperson of the African Union 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.

II. Specific Measures Taken by the Government to Implement the Obligations Limited to the Period under Review (2023–2024)

388. The Government has undertaken/is undertaking the following:

- a) Successfully disrupting planned attacks and made several arrests; and
- b) Provided extra protection at volatile border points, including in areas near to the Somalia border and on the Kenyan coast.

III. Existing Policy and Legal Framework:

- (i) Ethics and Anti-Corruption Commission Act, CAP. 7H;
- (ii) National Crime Research Center Act, CAP. 62;
- (iii) National Police Act, CAP. 84;
- (iv) Prevention of Terrorism Act, CAP. 59B;
- (v) Proceeds of Crime and Anti-Money Laundering Act, CAP. 59A;
- (vi) Public Benefits Organizations Act, No. 18 of 2013; and
- (vii) Office of the Director of Public Prosecution Act, CAP. 6B.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Anti-Terrorism Police Unit;
- (ii) Ethics and Anti-Corruption Commission (EACC);
- (iii) Financial Reporting Center;
- (iv) National Counter-Terrorism Centre;
- (v) National Crime Research Center; and
- (vi) Office of the Director of Public Prosecution.

3.2.22 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents

389. The Convention was adopted in New York on 14th December, 1973, and entered into force on 20th February, 1977. Kenya acceded to the Convention on 16th November, 2001.

390. The Convention recognizes that crimes against diplomatic agents and other internationally protected persons jeopardizes the safety of these persons and creates a serious threat to the maintenance of normal international relations which are necessary for cooperation among states.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Establish offences outlined in the Convention in their territory or jurisdiction, promote international cooperation to prevent such crimes, accord each other international assistance relating to criminal proceedings instituted to punish such acts, among others;
- b) Criminalize and make punishable “by appropriate penalties which consider their grave nature” the intentional murder, kidnapping or other attack upon the person or liberty of an internationally protected person, a violent attack upon the official premises, the private accommodations, or the means of transport of such person; a threat or attempt to commit such an attack; and an act “constituting participation as an accomplice”;
- c) Communicate to all other states concerned, directly or through the Secretary-General of the United Nations, all the pertinent facts regarding the crime committed and all available information regarding the identity of the alleged offender; and
- d) Take the appropriate measures under its internal law to ensure the alleged offender’s presence for prosecution or extradition.

II. Specific Measures Taken by the Government to Implement the Obligations Limited to the Period under Review (2023–2024)

The Government is cooperating with member states on various matters including the assumption of jurisdiction in the first instance for internationally protected persons.

III. Existing Policy and Legal Framework:

- (i) Extradition (Commonwealth Countries) Act, CAP. 77;
- (ii) Extradition (Contiguous and Foreign Countries) Act, CAP.76; and
- (iii) Privileges and Immunities Act, CAP. 179.

IV. Existing Institution and Mechanism Established to Ensure a Co-ordinated National Approach Towards Implementation:

61. National Police Service.

3.2.23 Convention on the Safety of United Nations and Associated Personnel

391. The Convention was adopted in New York on 9th December, 1994, and entered into force on 15th January, 1999. Kenya acceded to the Convention on 19th October, 2004.
392. The Convention applies to UN, associated personnel and UN operations except UN operations authorized by the UN Security Council as an enforcement action under Chapter VII of the Charter of the United Nations. It recognizes that there have been many deaths and injuries from deliberate attacks against UN and associated personnel that have been unjustified and unacceptable.
393. The Convention establishes crimes against UN and associated personnel.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Establish jurisdiction over the crimes committed in their territory;
- b) Prosecute or extradite offenders;
- c) Accord other state parties mutual assistance in the criminal proceedings for such offences;
- d) Promote international cooperation to prevent the commission of crimes against UN and associated personnel;
- e) Cooperate in the prevention of the crimes set out in the Convention by taking all practicable measures to prevent preparations in their respective territories for the commission of those crimes within or outside their territories;

- f)* Exchange information in accordance with their national law and coordinating the taking of administrative and other measures as appropriate to prevent the commission of those crimes; and
- g)* Prosecution and extradition of offenders of crimes under the Convention.

II. Specific Measures Taken by the Government to Implement the Obligations Limited to the Period under Review (2023–2024)

The Government is implementing the Extradition (Contiguous and Foreign Countries) Act, CAP. 76, Extradition (Commonwealth Countries) Act, CAP. 77, and the Privileges and Immunities Act, CAP. 179, to further the provision of the Convention.

III. Existing Policy and Legal Framework:

- (i) Extradition (Commonwealth Countries) Act, CAP. 77;
- (ii) Extradition (Contiguous and Foreign Countries) Act, CAP. 76;
- (iii) National Police Service Act, CAP. 84; and
- (iv) Privileges and Immunities Act, CAP. 179.

IV. Existing Institution and Mechanism Established to Ensure a Co-ordinated National Approach Towards Implementation:

62. National Police Service.

3.2.24 Convention on the Physical Protection of Nuclear Material (CPPNM) and the Amendment to the Convention on the Physical Protection of Nuclear Material

394. The Convention was adopted and opened for signature on 3rd March, 1980, and it entered into force on 8th February, 1987. Kenya acceded to it on 11th February, 2002. On 1st August, 2007, Kenya accepted the Amendment to the CPPNM that was adopted on 8th July, 2005. The Amendment entered into force on 8th May, 2016.

395. The Convention contributes towards combating nuclear terrorism. It is designed to prevent, detect and respond to criminal and other unauthorized acts involving or directed to nuclear or other radioactive materials and associated facilities or activities.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a)* Abide by the general prohibition against the unlawful possession, use, transfer or theft of nuclear material and threats to use nuclear material to cause death, serious injury or substantial damage to property;
- b)* Apply physical protection measures to nuclear material in international transport, as well as measures relating to criminal offences related to nuclear material;
- c)* Engage in forms of international cooperation among state parties to promote the objectives of the Convention; and
- d)* Protect nuclear facilities and material in peaceful domestic use, storage as well as transport and provides for expanded cooperation between and among states regarding rapid measures to locate and recover stolen or smuggled nuclear material, mitigate any radiological consequences or sabotage, and prevent and combat related offences.

II. Specific Measures Taken by the Government to Implement the Obligations Limited to the Period under Review (2023–2024)

396. The Government has undertaken/is undertaking the following:

- a)* Formulating the Strategic Goods Control Bill, 2024, intended to establish controls for Chemical, Biological, Radiological and Nuclear (CBRN) dual use items that may be used for non-peaceful purposes; and

- b) Invited a team of experts from the International Atomic Energy Agency (IAEA) on 11th December, 2023, to review the preparations for a research reactor programme in Kenya and review the status of the country's nuclear infrastructure development.

III. Existing Policy and Legal Framework:

- (i) Nuclear Regulatory Act, CAP. 243; and
(ii) Science Technology and Innovation Act, CAP. 511.

IV. Existing Institution and Mechanism Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Nuclear Regulatory Authority (KNRA); and
(ii) National Commission for Science, Technology and Innovation (NACOSTI).

3.2.25 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

397. The Protocol was adopted on 21st April, 2004. Kenya signed it on the same date and ratified it on 6th September, 2005. Within the framework of the International Conference on the Great Lakes Region (ICGLR), Kenya is engaged and supports peace, security and stability in the Great Lakes Region.
398. The Protocol establishes a Regional Centre on Small Arms (RECSA) which has its headquarters in Nairobi. In addition, the Protocol encourages collaboration and accountability of partners, law enforcement agencies and the efficient control and management of small arms and light weapons held by state parties and civilians.
399. Kenya is part of the regional and international initiatives for the reduction and control of the proliferation of Small Arms and Light Weapons (SALW). These include the UN Programme of Action on SALW, the Geneva Declaration on SALW; the Nairobi Protocol; and Declaration on SALW among other legal instruments.
400. Kenya currently hosts the Regional Centre on Small Arms (RECSA) which is an intergovernmental body supporting member states.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Prevent, combat and eradicate the illicit manufacturing of, trafficking in, possession and use of small arms and light weapons in the sub-region;
- b) Prevent the excessive and destabilizing accumulation of small arms and light weapons in the sub-region;
- c) Promote and facilitate information sharing and cooperation between the governments in the sub-region, as well as between governments, inter-governmental organizations and civil society, in all matters relating to the illicit trafficking and proliferation of small arms and light weapons;
- d) Promote cooperation at the sub-regional level as well as in international fora to effectively combat the proliferation of small arms and light weapons;
- e) Establish and maintain complete national inventories of small arms and light weapons held by security forces and other state bodies, to enhance their capacity to manage and maintain secure storage of state-owned small arms and light weapons;
- f) Identify and adopt effective programmes for the collection, safe-storage, destruction and responsible disposal of small arms and light weapons rendered surplus, redundant or obsolete, in accordance with domestic laws; and
- g) Adopt within their domestic legal systems, such measures as may be necessary to enable confiscation of small arms and light weapons that have been illicitly manufactured or trafficked.

II. Specific Measures Taken by the Government to Implement the Obligations Limited to the Period under Review (2023–2024)

The Government continues to implement the Firearms Act, CAP. 114 and the National Police Service Act, CAP. 84, in furtherance of the Convention.

III. Existing Policy and Legal Framework:

- (i) Firearms Act, CAP. 114; and
- (ii) National Police Service Act, CAP. 84.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Firearm Licensing Board;
- (ii) Kenya National Focal Point for Small Arms and Light Weapons (SALW);
- (iii) National Police Service; and
- (iv) Regional Centre on Small Arms (RECSA).

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

401. The Protocol was adopted on 9th January, 2002. It entered into force on 1st August, 2003, for all member states of IGAD. The objective of the Protocol is to promote regional peace, security and stability. It creates mechanisms for the prevention, management and resolution of inter and intra-state conflicts through dialogue, regional cooperation, and elimination of all forms of threats thereto.

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

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Receive and share information concerning potential violent conflicts, their outbreak and escalation in the IGAD region;
- b) Undertake and share analyses of the above information; develop case scenarios and formulate options for response;
- c) Share and communicate information analyses and response options;
- d) Carry out studies on specific types and areas of conflict in the IGAD region; and
- e) Contribute resources to CEWARN and disseminate information to the authorized networks.

II. Specific Measures Taken by the Government to Implement the Obligations Limited to the Period under Review (2023–2024)

The Government participated in the National Steering Committee on Peacebuilding and Conflict Management on 8th August, 2023, where the need to prioritize conflict prevention through adequate and financial investments was discussed.

I. Existing Policy and Legal Framework:

403. National Cohesion and Integration Act, CAP. 7N.

II. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

National Cohesion and Integration Commission.

3.2.27 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water

404. The Treaty was opened for signature on 5th August, 1963, in Moscow and it entered into force on 10th October, 1963. Kenya acceded to the Treaty by depositing the Instrument of Accession to the Government of the United States of America on 11th June, 1965; to the Government of the United Kingdom on 10th June, 1965; and to the Government of the USSR on 30th June, 1965—the depositaries of the Treaty.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Abide by the general prohibition to abstain from carrying out nuclear tests and explosions in the atmosphere, in outer space, underwater, or in any other environment, if such explosions cause radioactive debris to be present outside the territorial limits of the state that conducts an explosion; and
- b) Refrain from causing, encouraging, or in any way participating in, the carrying out of any nuclear weapon test explosion, or any other nuclear explosion, anywhere which would take place in any of the above-described environments.

II. Specific Measures Taken by the Government to Implement the Obligations Limited to the Period under Review (2023–2024)

405. The Government has undertaking/is undertaking the following:

- c) Formulating the Strategic Goods Control (SGC) Bill, 2024. It aims to establish controls for the trade in chemical, biological, nuclear or radiological goods that may be used for non-peaceful purposes;
- d) Hosted the 14th anniversary of the African Nuclear Weapon Free Zone Treaty on 15th July, 2023. The aim was to reflect on the achievements and challenges in implementing the Treaty's objectives; and
- e) Participated in the 67th Annual IAEA General Conference and was further elected to serve on the 35-member IAEA Board of Governors for the period 2023–2024.

III. Existing Policy and Legal Framework:

- i) Energy Act, CAP. 314; and
- ii) Nuclear Regulatory Act, CAP. 243.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- i) Kenya Nuclear Regulatory Authority (KNRA); and
- ii) Nuclear Power and Energy Agency (NuPEA).

3.3 HUMAN RIGHTS AND SOCIAL PROTECTION

3.3.1 HUMAN RIGHTS AND SOCIAL PROTECTION

3.3.2 Universal Periodic Review (UPR)

406. The Universal Periodic Review (UPR) is a peer review mechanism of the United Nations Human Rights Council (HRC) that examines the human rights performance of all United Nations member states, once every four and a half years. The UPR was created through the UN General Assembly on 15th March, 2006, by Resolution 60/251, which established the Human Rights Council itself. The goal of the UPR is to improve the human rights situation in all countries.
407. The UPR is a unique process that involves a peer review of the human rights records of all UN member states. As a state-driven process, under the Human Rights Council, it provides the opportunity for each member state to improve human rights situation in their country and fulfil their human rights obligations.
408. The reviews are conducted by the UPR Working Group which consists of the 47 members of the Council. During the review, recommendations are made to the State under review aimed at ensuring the full realization of human rights by its people.
409. Kenya has been reviewed thrice under the Universal Periodic Review Process. The first and second reviews were undertaken in May, 2010, and January, 2015, respectively. Kenya was reviewed during its 3rd Cycle Review from 20th to 31st January, 2020, where it presented the 3rd National Report on progress made in realization and protection of human rights.
410. The UPR process involved the submission of a country report to the Office of the High Commissioner for Human Rights (OHCHR) in Geneva, constructive dialogue with the Government delegation during the presentation of the country report with the UPR Working Group established for that purpose, and submission of the UPR Working Group Review Report to the Human Rights Council for adoption and a national process for follow up.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Declare actions taken to improve the human rights situations in their countries and to fulfil their human rights obligations; and
- b) Review under the universal periodic review mechanism points to the fulfilment of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all UN States.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

411. The Government is implementing the recommendations to the 3rd National Report under the UPR process. The Mid-Term Voluntary State Report to the 3rd Cycle Review Recommendations was submitted in January, 2024, providing an analysis of the measures taken to implement the 3rd Cycle recommendations.

III. Existing Policy and Legal Framework:

The Constitution of Kenya, 2010.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya National Commission on Human Rights.

3.3.3 Universal Declaration on Human Rights (UDHR)

- 412 The UDHR sets out fundamental human rights to be protected. It was adopted by the UN General Assembly on 10th December, 1948. UDHR has been translated into over five hundred (500) languages. Adopted as a General Assembly Resolution 217A, the UDHR is applicable

to all UN member states. It elaborates the human rights and fundamental freedoms to be guaranteed to all human beings in the world.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Ensure that everyone is entitled to all the human rights and fundamental 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;
- b) No distinction shall be made based on the political, jurisdictional or international status of the country or territory to which a person belongs;
- c) Commit to undertake measures to secure the universal and effective recognition, observance, promotion and protection of the human rights and fundamental freedoms of their people as set out in the Declaration; and
- d) Recognize the inherent dignity and of the equal and inalienable rights of all human beings and to promote universal respect for and observance of human rights and fundamental freedoms.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

413 The Government has undertaken/is undertaking the following:

- a) Marked the 75th Anniversary of the UDHR on 10th December, 2023, and made four pledges namely developing a comprehensive National Human Rights Policy, ensuring clean energy transition by 2030, criminalizing enforced disappearances and having inclusive social protection mechanisms;
- b) Developing an Enhanced Single Registry that will contain data of the poor and vulnerable persons in Kenya. Piloting was done in two Counties (Vihiga and Makueni). In 2023/2024 data collection has been undertaken in 11 counties, namely Kajiado, Machakos, Elgeyo Marakwet, Meru, Kakamega, Bungoma, Nyamira, Homa Bay, Kirinyaga, Mombasa and Nyandarua. Additional data collection has been done in 8 counties by National Drought Management Authority (NDMA): Turkana, Mandera, Wajir, Garissa, Isiolo, Tana River, Samburu and Marsabit;
- c) Developed training curriculums on Child and Social Protection which are domiciled at the Kenya School of Government (KSG). Thirteen (13) trainings have been done (five social protection and eight child protection) at KSG by May, 2024. The curriculum is undergoing review;
- d) Implementing the Kenya Social Protection Monitoring and Evaluation Framework, 2018–2023. The establishment of Community of Practice (CoP) for the Social Protection Sector is key in the dissemination of information and moving the social protection agenda forward;
- e) In the process of increasing the beneficiaries of *Inua Jamii* to 2.5 million by 2025 in line with its commitment given during the Kenya Social Protection Conference held from 3rd to 6th of April, 2023, at the KSG, Kabete, where the theme was “*Scaling Up Investment in Social Protection for the Delivery of Kenya’s Vision 2030 and achievement of SDGs*”. In 2023/2024, additional numbers are as follows: The Older Persons cash transfer—352,326, Replacement—113,834 and the total is 466,160; Persons with Severe Disability— 18,281; Replaced—7,484 and the total is 25,765; and CT-OVC-, Registered—129,393; Replace—68,947 and the total is 198,340. Payment of the additional beneficiaries was done by June, 2024. *Inua Jamii* payments are done monthly;

- f) Reviewing the National Policy and Action Plan on Human Rights, 2014. A baseline assessment was conducted to review the progress in implementing the policy actions and identify the emerging human rights issues;
- g) Launched a Strategy for the Extension of Social Protection Coverage to Workers in the Informal and Rural Economy on 12th October, 2023. The Strategy provides clear guidelines to extend coverage and ensure adequacy of social protection for workers in the informal and rural economy;
- h) Developing the Social Protection Bill, 2024. Public participation was conducted in February 2024 and the Bill is awaiting submission to Cabinet.

III. Existing Policy and Legal Framework:

- (i) Constitution of Kenya, 2010;
- (ii) Kenya Social Protection Policy, 2023;
- (iii) National Children Policy Kenya, 2010;
- (iv) National Family Promotion and Protection Policy, 2023;
- (v) National Policy on Gender and Development, 2019; and
- (vi) Children Act, CAP 141.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Commission on Administrative Justice (CAJ);
- (ii) Kenya National Commission on Human Rights (KNCHR);
- (iii) National Gender and Equality Commission (NGEC); and
- (iv) The National Council for Children Services (NCCS).

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

- 414 The International Covenant on Civil and Political Rights (ICCPR) was adopted by the UN General Assembly on 16th December, 1966, and entered into force on 23rd March, 1976. Kenya ratified the ICCPR on 1st May, 1972.
- 415 The objective of the Covenant is to ensure the 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. It elaborates, in accordance with UDHR, civil and political rights and freedoms that are guaranteed to every human being.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Promote, respect, and fulfill the realization of civil and political rights recognized in the Covenant;
- b) Adopt legislation to give effect to rights as recognized in the Covenant; and
- c) Submit periodic reports to the Human Rights Committee.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

- 416 The Government has undertaken/is undertaking the following:
- a) Implementing recommendations from the Human Rights Committee on the 4th Periodic State Report;
 - b) Reviewing the Kenya Mental Health Policy to align it with the Health Act, CAP. 241;

- c) Operationalized the Public Benefits Organizations Act, No. 18 of 2013. This Act which consolidates all legislation governing civil society organizations into one law came into effect on 14th May, 2024;
- d) Developing a National Access to Information Policy, 2023, which is undergoing public consultations. The policy developed in line with Access to Information principles and best practices, seeks to promote, protect, fulfill, enhance and secure access to information in Kenya;
- e) Enacted the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Act, 2023, which introduces extensive disclosure obligations for companies, branches, limited liability partnerships (LLPs) and foreign LLPs which reinforces the fight against money laundering and terrorism financing in Kenya;
- f) Developed a National Plan of Action for combatting trafficking in persons (2022–2027), which was launched in July, 2023. The Strategy provides a road map for capacity building for law enforcement officers through the use of intelligence-led investigations that will result in the successful prosecution of offenders; and
- g) Developing Public Participation Policy (Sessional Paper No. 3 of 2023) and the Public Participation Bill, 2024.

III. Existing Policy and Legal Framework:

- (i) Constitution of Kenya, 2010;
- (ii) Kenya Mental Health Policy, 2015/2030
- (iii) Children Act, CAP 141;
- (iv) Refugees Act, CAP. 173;
- (v) Persons with Disability Act, CAP. 133;
- (vi) Mental Health Act, CAP. 248;
- (vii) Health Act, CAP 241;
- (viii) Access to Information Act, CAP.7M;
- (ix) Prevention of Terrorism Act, CAP. 59B; and
- (x) Public Benefits Organizations Act No. 18 of 2013.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya National Commission on Human Rights (KNCHR);
- (ii) Department of Refugee Services;
- (iii) NGO Coordination Board;
- (iv) National Council for Persons With Disabilities;
- (v) National Gender and Equality Commission; and
- (vi) National Council for Childrens Services.

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

417 The ICESCR was adopted by the UN General Assembly on the 16th December, 1966, and entered into force on the 3rd January, 1976. Kenya ratified the ICESCR on the 1st May, 1972. The Covenant, in accordance with UDHR, guarantees human beings economic, social and cultural rights so that all can enjoy freedom from fear and want.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Promote, respect, and fulfill the realization of economic, social and cultural rights recognized in the Covenant;
- b) Undertake to guarantee that the rights enunciated in the Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social, origin, property, birth or other status;
- c) Adopt legislation to give effect to rights as recognized in the Covenant; and
- d) Submit periodic reports to the Committee on Economic, Social and Cultural Rights.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

418. The Government has undertaken/is undertaking the following:

- a) Implementing the Bottom-Up Economic Transformation Agenda (BETA) pillars on Agriculture, Micro, Small and Medium Enterprise (MSME), Housing and Settlement, Healthcare and Digital Superhighway, and Creative Industry;
- b) Digitizing all government services;
- c) In the process of increasing the beneficiaries of *Inua Jamii* to 2.5 million by 2025 in line with its commitment given during the Kenya Social Protection Conference held from 3rd to 6th of April, 2023, at the KSG, Kabete, where the theme was “*Scaling Up Investment in Social Protection for the Delivery of Kenya’s Vision 2030 and achievement of SDGs*”. In 2023/2024, additional numbers are as follows: The Older Persons cash transfer—352,326, Replacement—113,834 and the total is 466,160; Persons with Severe Disability—18,281; Replaced—7,484 and the total is 25,765; and CT-OVC-, Registered—129,393; Replace—68,947 and the total is 198,340. Payment of the additional beneficiaries was done by June, 2024. *Inua Jamii* payments are done monthly;
- d) Developing an Enhanced Single Registry that will contain data of the poor and vulnerable persons in Kenya. Piloting was done in two counties Vihiga and Makueni. In 2023/2024 data collection will be undertaken in 11 more counties, namely Kajiado, Machakos, Elgeyo Marakwet, Meru, Kakamega, Bungoma, Nyamira, Homa Bay, Kirinyaga, Mombasa and Nyandarua;
- e) Implementing the Economic Inclusion Programme (EIP) for social protection covering a total of 7,500 extremely poor households in five counties (Kisumu, Muranga, Marsabit, Makueni and Taita Taveta). The Programme intends to increase the beneficiaries to 15,000. Recruitment and training of mentors and supervisors is ongoing. The Programme has increased access of these targeted poor households to skills, productive inputs, assets, savings, and economic opportunities with an aim of improving their livelihood and aiding their graduation from extreme poverty;
- f) Implementing the Kenya Social Protection Monitoring and Evaluation Framework 2018–2023;
- g) Submitted its reponse to the list of issues raised by the Committee on Economic, Social and Cultural Rights in 2023, on the 6th Periodic State Report in April, 2024;
- h) Developed training curriculums on Child and Social Protection and are domiciled at the Kenya School of Government (KSG). Thirteen (13) trainings were done (five social protection and eight child protection) at KSG by May, 2024;
- i) Established the Community of Practice (CoP) for the Social Protection Sector for knowledge sharing in social protection interventions in Kenya. The CoP Kenyan Chapter had held six (6) webinars by February, 2024;
- j) Enlisted over 1800 Lay Volunteer Counselors (LVCs) across the country to provide psychosocial support, guidance and counseling services including referral services to

- families including older persons in distress. 635 LVCs have been trained on various skills for effective service delivery. The target is to train the remaining 1065 LVCs;
- k) Celebrates International Day of Families annually on 15th May. In 2024, the theme was “*Families and Climate Change*”;
 - l) Launched the National Parenting Programme launched in 2023, and it is being implemented. The Programme is being implemented in the following ten counties: Kisumu, Meru, Kilifi, Baringo, Nyeri, Samburu, Narok, Wajir, Marsabit, Migori and Garissa. The programme is aimed at enhancing parents and caregivers’ skills, behaviors, beliefs, practices and attitudes on parenting;
 - m) Empowering the youth, women and persons living with disabilities through Affirmative Action funds such as: Youth Enterprise Development Fund (YEDF), Uwezo Fund, Women Enterprise Fund (WEF) and National Government Affirmative Action Fund (NGAAF) and reservation of at least thirty percent (30%) of the Government tenders through the Access to Government Procurement Opportunities (AGPO) initiative;
 - n) designed a program aimed at assisting the street connected children and youths to be assisted through cash or kind. Government is designing an integrated programme to take care of the adolescents and children in the street by rehabilitating and reuniting them with their families;
 - o) Launched the National Policy on Rehabilitation of Street Families on 12th June, 2024;
 - p) Designed a program aimed at assisting the street connected children and youths to be assisted through the Street Families’ Rehabilitation Trust Fund (SFRTF) in cash or kind. It is also designing an integrated programme to take care of the adolescents and children in the street by rehabilitating and reuniting them with their families. The second census will be done in 2024, and preparations are underway;
 - q) Implementing drought and climate information, preparedness, response, coordination and resilience building through various programmes and projects. One of these projects is the Hunger Safety Net Programme (HSNP) in which. regular bi-monthly cash transfers of KSh. 2,700 to each of the 133,640 households in eight arid counties of Turkana, Mandera, Wajir, Marsabit, Isiolo, Garissa, Tana River and Samburu; In addition, the Programme has a scalability component that provides cash transfers to up to KSh. 300,000 additional registered households affected by calamities such as drought;
 - r) Launched a Strategy for the Extension of Social Protection Coverage to Workers in the Informal and Rural Economy in Kenya on 12th October, 2023. The Strategy provides clear guidelines to extend coverage and ensure adequacy of social protection for workers in the informal and rural economy.
 - s) Developed training curriculums on Child and Social Protection and are domiciled at the Kenya School of Government (KSG). Thirteen (13) trainings have been done (five social protection and eight child protection) at KSG by May, 2024. The curriculum is undergoing review;
 - t) Developing the Social Protection Bill and is awaiting submission to the Cabinet;
 - u) Enacted the Social Health Insurance Act, No. 16 of 2023, The Digital Health Act, No. 15 of 2023, Primary Health Care Act, No. 13 of 2023, and Facility Improvement Financing Act No. 14 of 2023, to facilitate attainment of Universal Health Coverage;
 - v) Launched an initiative of Community Health Promoters on 25th September, 2023 which distributed 100,000 kits to assist in detecting early health issues and managing minor ones at the community level; and
 - w) Released KSh. 3 billion for Community Health Promoters stipend. The move aimed at recognizing the crucial role held by Community Health Promoters, this comes ahead of

the implementation of the Universal Health Coverage (UHC) Agenda beginning in March, 2024, under the new changes outlined in the Social Health Act.

III. Existing Policy and Legal Framework:

- (i) Constitution of Kenya, 2010;
- (ii) Kenya Social Protection Policy, 2023;
- (iii) National Policy on Gender and Development, 2019;
- (iv) National Policy on the Eradication of Female Genital Mutilation, 2019;
- (v) National Family Promotion and Protection Policy, 2023;
- (vi) NSSF Act, CAP. 258;
- (vii) Food, Drugs and Chemical Substances Act CAP. 254;
- (viii) Children Act, CAP. 141;
- (ix) Basic Education Act, CAP 211;
- (x) Mental Health (Amendment) Act, CAP. 248;
- (xi) Persons with Disabilities Act, CAP. 133;
- (xii) Water Act, CAP 272.;
- (xiii) Health Act, CAP. 241;
- (xiv) Legal Aid Act, CAP.16A;
- (xv) Social Health Insurance Act, No. 16 of 2023;
- (xvi) The Digital Health Act, No. 15 of 2023;
- (xvii) Primary Health Care Act, No. 13 of 2023; and
- (xviii) Facility Improvement Financing Act No. 14 of 2023.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya National Commission on Human Rights;
- (ii) National Drought Management Authority (NDMA);
- (iii) Social Health Insurance Authority; and
- (iv) Kenya National Public Health Institute.

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

419. The Convention was adopted by the UN General Assembly on 10th December, 1984, and entered into force on 26th June, 1987. Kenya acceded to the convention on 21st February, 1997. The purpose of the convention is to prevent torture and other cruel, inhuman or degrading treatment or punishment.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Ensure criminalization of all acts of torture and with appropriate penalties are under its laws;
- b) Take such measures as are necessary to establish its jurisdiction over offences;
- c) Not extradite, expel, return or extradite a person to another state where there are substantial grounds for believing that he would be in danger of being subjected to torture; and

- d) Submit periodic reports every four (4) years on the measures taken to give effect to Convention at the national level.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

420. The Government:

- a) Continues to implement the recommendations issued by the Committee Against Torture to the 3rd Periodic Report;
- b) Developed a Prosecution Rapid Reference Guide that includes specimen charge sheet with all the possible offences under the Prevention of Torture Act, CAP. 88 to ensure effective and efficient prosecution of torture cases;
- c) Developed the Public Finance Management Act (Victim Protection Fund) Regulations, 2024, which are awaiting public participation

III. Existing Policy and Legal Framework:

- (i) Constitution of Kenya, 2010;
- (ii) Children Act, CAP. 141;
- (iii) Prevention of Torture Act, CAP. 88;
- (iv) Penal Code, CAP. 63;
- (v) National Police Service Act, CAP. 84;
- (vi) Victim Protection Act, CAP. 79A;
- (vii) Witness Protection Act, CAP. 79;
- (viii) National Coroners Service Act, CAP. 89;
- (ix) Prisons Act, CAP. 90; and
- (x) Counter Trafficking in Persons Act, CAP. 61.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) National Police Service Commission;
- (ii) Witness Protection Advisory Board;
- (iii) Victim Protection Board;
- (iv) National Council for Children Services;
- (v) Kenya Prison Service;
- (vi) Independent Policing Oversight Authority (IPOA);
- (vii) The National Assistance Trafficking Fund (NATF); and
- (viii) Counter Trafficking in Persons Advisory Committee.

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

421. The ICERD was adopted by the UN General Assembly on 7th March, 1966, and entered into force on 4th January, 1969. Kenya acceded to the convention on 13th September, 2001. The convention provides that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the human rights and fundamental freedoms set out in the convention without discrimination of any kind, in particular race, colour, or national origin.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Prevent racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions adhere to the convention;
- b) Not to sponsor, defend or support racial discrimination by any persons or organizations;
- c) Take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;
- d) Prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;
- e) Encourage, where appropriate, integrationist multi-racial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division;
- f) Take special and concrete measures in the social, economic, cultural and other fields, to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms;
- g) Condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction;
- h) Condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour, ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form; and
- i) Submit periodic reports every two years to the Committee on the Elimination of Racial Discrimination, on state compliance of the convention's provisions, on the policy, legislative, judicial, administrative or other measures adopted.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

422. The Government has undertaken/is undertaking the following:

- a) Reviewing the National Policy on Disability, 2006, to align it to the Constitution and the Convention. The Draft policy is awaiting approval by Cabinet;
- b) Developing the Draft Representation of Special Interest Groups Laws (Amendment) Bill, 2019, to promote the representation of women, persons living with disabilities, youth, ethnic and other minority groups; and
- c) Preparing its combined 10th and 11th periodic state reports.

III. Existing Policy and Legal Framework:

- (i) The Constitution of Kenya, 2010;
- (ii) Diversity Policy for the Public Service, 2016;
- (iii) Kenya Social Protection Policy, 2023
- (iv) National Policy on Disability, 2006.
- (v) National Cohesion and Integration Act, CAP. 7N.;
- (vi) Persons with Disabilities Act, CAP.133;
- (vii) Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, CAP.134A;

(viii) Legal Aid Act, CAP.16A; and

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Public Service Commission;
- (ii) Kenya National Commission on Human Rights.
- (iii) National Cohesion and Integration Commission.
- (iv) National Council for Persons with Disabilities.
- (v) National Legal Aid Service.
- (vi) National Gender and Equality Commission.
- (vii) National Consultative Coordination Committee on IDPs.

3.3.8 The United Nations Convention on the Rights of the Child (UNCRC)

423. The Convention was adopted on 20th November, 1989, and entered into force on 2nd September, 1990. Kenya signed the Convention on 26th January, 1990, and ratified it on 30th July, 1990.
424. The Convention ensures that children enjoy the rights guaranteed by the Convention without discrimination of any kind, in respect of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, ensuring the best interest of the child principle in all matters affecting children.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Uphold the "Best Interests of the Child" as the key principle while dealing with matters affecting children;
- b) Protect children's privacy, family, home, communications and reputation (or good name) from any attack;
- c) Stop children from being taken out of the country when this is against the law;
- d) Encourage the media to share information of different sources, in languages that all children can understand;
- e) Provide help to all parents carry out their responsibilities to their children;
- f) Protect children from violence, abuse and being neglected by anyone who looks after them;
- g) Ensure children and parents living in different countries are allowed to travel so that they can maintain contact; and
- h) Submit periodic reports to the UN Committee on the Rights of the Child on the measures taken to realize the rights of the child guaranteed under the convention.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

425. The Government has undertaken/is undertaking the following:
- a) Placed 352,326 households under the Cash Transfer program for Orphans and Vulnerable Children (CT-OVC). This is meant to cushion the children against poverty and to protect their rights. The payment for the programme is KSh. 2,000 monthly. Additional numbers of 129,393 households were paid in June, 2024.
 - b) Introduced the Nutritional Improvement Cash and Health Education (NICHE) programme. The programme aims at improving nutrition outcomes for children under three years, expectant and lactating mothers. The target is for CT-OVC beneficiaries.

The cash top up for NICHE beneficiaries is a minimum of KSh. 500 and a maximum of KSh. 1000 per household. The programme was piloted in Kitui and has been upscaled in four more counties, namely Marsabit, West Pokot, Turkana and Kilifi. Implementation period is from 2019 to December, 2024;

- c) Paid top up, under NICHE: a total of 16,200 households have benefitted and the figure is expected to increase to 23,500 households in 2023/24. Registration is being undertaken and the number is expected to rise. Nutrition counselling and positive parenting programmes have been undertaken for the households;
- d) Under the Presidential Bursary Fund, KSh. 400 million is allocated annually to pay school fees for public boarding secondary school children who are orphaned and from poor families—22,000 students have benefitted annually;
- e) Awarded 12,000 students with the *Elimu* scholarships, including refugee learners;
- f) Celebrates annually the World Orphans Day, International Day of the Girl Child, World Adoption Month and the Day of the African Child in line with the convention. The Day of the African Child was launched in Garissa County and celebrated on 16th June, 2024, in Mwatate, Taita Taveta. International Day of the Girl Child celebrations were done in various counties and a national one will be held on October, 2024. National celebrations of the World Orphans Day are done every year in May. The World’s Children’s Day, was held on 20th November, 2023, in Thika. The celebrations of the International Missing Children Day were held at Jomo Kenyatta University of Technology (JKUAT), Nairobi on 25th May, 2024;
- g) Established and operationalized Kenya Children Assemblies (KCA) in all the counties and sub-counties to enable children voice their concerns and articulate children’s issues to the three arms of Government. This is to enhance child participation as enshrined under the convention. The composition of the Assembly is gender-balanced and includes children with disabilities. In 2023, celebrations were done in various counties and new officials were elected;
- h) Implementing the National Care Reform Strategy for Children, 2022–2032 in the following counties: Nairobi, Kisumu, Nyamira, Kilifi, Murang’a, Kiambu, Meru, Embu, Garissa, Mombasa, Turkana, Siaya, Uasin Gishu, Kisii, Machakos, Kakamega, Kajiado and Bungoma;
- i) Submitted the 6th and 7th reports on the implementation of the United Nations Convention on the Rights of the Child. It was recently published in the UN Committees website and Kenya is waiting for feedback;
- j) Formulating the Universal Child Benefit (UCB) Programme which aims to provide every child with a social coverage as enshrined under Article 2 of the Convention and the Universal Declaration of Human Rights. A Feasibility Study and Design of the UCB Programme has been done. A pilot of the UCB is being conducted in three counties (Kajiado, Embu and Kisumu) targeting around 8,300 children. The cash transfer is KSh. 800 per month for 12 months. There is also a cash plus component which involves positive parenting, nutritional counselling and child protection. The impact assessment reports have been prepared and validated;
- k) Developing a National Plan of Action for Children in Kenya, (2023–2027);
- l) Established children offices across the country, Children Advisory Committees (CAC) in all the 47 counties, 300 sub-counties offices, toll free 24-hour Child Helplines (116 and 1195), Child Protection Centres (CPCs) in Malindi, Nairobi, Nakuru, Kakamega, Garissa and Siaya, Child Protection Units (CPUs), Rescue Centres (RC), Gender Violence Recovery Centres (GVRC) and 51 Safe Spaces for women and girls, Child Help desks in police stations, 24 Child Protection Units (CPUs) and more Children’s Courts across the country;

- m) Recruited 1,500 Child Protection Volunteers (CPVs), to strengthen child protection at the community level;
- n) Ensures children matters are heard in the court chambers/in camera and prohibits participation of the public or press;
- o) Continues to carry out de-worming and the immunization programme for learners. The Government has also provided free access to health/medical services for children under the age of five (5) years in public medical facilities;
- p) Established Child Protection Information Management System (CPIMS) to capture disaggregated data into thirty-six (36) different case categories, including sex, disability, geographical location, family earning and parental status. The system has been rolled out in all the 47 counties and 300 sub-counties, 31 Statutory Institutions and 220 Charitable Children’s Institutions (CCI’s). To further enhance child protection in the country, the Directorate of Children Services has developed a Child Protection Costing Model;
- q) Developing Guidelines on Admission of Refugees to Institutions of Basic Education and Training. It has also allowed the use of Kenya curriculum, Kenya National Examinations and disbursement of early grade material in refugee schools;
- r) Disseminated the Response Plan on Violence Against Children, 2023/24, in thirty-five (35) counties;
- s) Disemminating and implementing the Children Act, CAP. 141—Seven Regulations have been developed: the Children (National Council for Children Services) Regulations, the Charitable Children Institutions Regulations, the Children (Adoption) Regulations, Foster Care Regulations, Children Welfare Programmes Regulations, the Children (*Kafaalah*) Regulations and the Children Care and Protection Regulations are awaiting public participation;
- t) Reviewing the National Children Policy Kenya, 2010, which is awaiting validation. The Integrated Early Childhood Development Policy, 2024, is being developed;
- u) Developed the National Plan of Action, 2022–2026, to tackle Online Child Sexual Exploitation and Abuse (OCSEA). The National Plan was launched in February, 2024. Currently, 31 journalists have been trained on OCSEA in Nairobi and Mombasa. The country commemorated Safer Internet day on 6th February, 2024. The County Children’s Assemblies were trained on Online Safety in Nairobi, Mombasa and Kiambu;
- v) Developing the National Manual for Social Service Workforce on OCSEA and the National Standard Operating Procedures on the same; and
- w) Undertaking an assessment of the harmful practices as per the Children Act, CAP. 141 and is developing Guidelines for Children of Imprisoned Mothers.

III. Existing Policy and Legal Framework:

- (i) Constitution of Kenya, 2010;
- (ii) Kenya Social Protection Policy, 2023;
- (iii) National Children Policy, 2010;
- (iv) National Family Promotion and Protection Policy, 2023;
- (v) National Policy for the Eradication of Female Genital Mutilation, 2019;
- (vi) National Policy on Gender and Development, 2019;
- (vii) Prohibition of Female Genital Mutilation Act, CAP 62B;
- (viii) Basic Education Act, CAP. 211;

- (ix) Borstal Institutions Act, CAP. 92;
- (x) Children Act, CAP 141;
- (xi) Counter Trafficking in Persons Act, CAP. 61;
- (xii) Employment Act, CAP. 226;
- (xiii) Marriage Act, CAP 150;
- (xiv) Persons with Disabilities Act, CAP. 133;
- (xv) Sexual Offences Act, CAP. 63A;

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) National Council for Children Services;
- (ii) Anti-FGM Board;
- (iii) National Council for Persons with Disabilities;
- (iv) National Gender and Equality Commission (NGEC); and
- (v) Counter Trafficking in Persons Advisory Committee Anti Trafficking Board.

3.3.9 African Charter on the Rights and Welfare of the Child (ACRWC)

426. The African Charter was adopted in 1990, and entered into force on 29th November, 1999. Kenya acceded to the Charter on 25th July, 2000. The African Charter is intended to address the specific and peculiar conditions of children in Africa such as poverty, internal conflicts, displacement and harmful cultural practices.
427. The African Charter recognizes a child as any human being under the age of 18 years. It upholds the “Best Interests of the Child” principle and provides that the child has rights as any other human being.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a)* Respect and ensure the rights guaranteed in the UNCRC and the ACRWC without discrimination on any of the grounds including the legal status of the child or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property and disability;
- b)* Provide free and compulsory basic education;
- c)* Encourage the development of secondary education in its different forms and to progressively make it free and accessible to all;
- d)* Make the higher education accessible to all based on capacity and ability by every appropriate means;
- e)* Take measures to encourage regular attendance at schools and the reduction of drop-out rate;
- f)* Take special measures in respect of female, gifted and disadvantaged children, to ensure equal access to education for all sections of the community; and
- g)* Submit periodic reports on the measures taken to realize the rights in the Charter at the national level.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

428. The Government has undertaken/ is undertaking the following:

- a) Implementing the international human rights and constitutional principle of the Best Interest of the Child through the court system;
- b) Celebrates annually on 16th June, the Day of the African Child. The launch was done on 9th June, 2024, in Kitui and the national celebrations were held on 16th June in Taita Taveta. The theme for this year's celebrations was "*Education for All Children in Africa: The Time is Now*";
- c) Developing a National Plan of Action for Children in Kenya, (2023–2027);
- d) Established children offices across the country. As of 2023, Child Advisory Committees (CAC) in all the 47 counties and 300 sub-counties have been operationalized. Toll free 24-hour Child Helplines (116 and 1195) have been established and awareness on their existence created. Child Protection Centres (CPCs), Child Protection Units (CPUs) and Rescue Centres (RC) have been established and are operational;
- e) Established Gender Violence Recovery Centres (GVRC) in all level five hospitals in the country which are at different stages of operations in terms of facilities, staffing financing and other operational costs. Online Training of 444 Children Officers on GBV has been undertaken.
- f) Established Child Help desks in police stations, 24 Child Protection Units and more Children's Courts across the country. In addition, toll free 24-hour Child Helplines (116 and 1195) have been established and awareness on their existence created. Additional eight (8) children officers have been trained and posted in the period under review as call centers counselors. Child Helpline 116 has been integrated into CPIMS.
- g) Implementing the Child Protection in Emergency Guidelines (CPiE) which were launched on 22nd June, 2023. The guidelines seek to supervise, network and direct children's issues such as defilement, child labour, child trafficking and separation from families, amongst others in times of emergencies have been pre-tested in five Counties. Implementation has been done in five Counties: Nairobi, Mandera, Wajir, Turkana and Isiolo. Coordination teams on emergencies have been established in twenty-four (24) counties;
- h) Incorporated Anti-Female Genital Mutilation content in the school curriculum and established the Anti FGM and Child Marriage Prosecution Units to fast-track the prosecution of FGM and child marriage cases with the Office of the Director of Public Prosecutions (ODPP);
- i) Building the capacity of teachers on Sexual and Gender Based Violence to reduce and ultimately eradicate the practice in various counties. The capacity building has been undertaken in Mombasa, Nairobi, Kisumu, Kwale, Kilifi, Kajiado, Machakos, Meru, Nakuru and Baringo;
- j) Establishment of the National Legal Aid Service (NLAS) to facilitate access to justice and provide legal aid to persons in need including children. ODPP has created a Children Victims and Witness Support Division which handles prosecution and diversion of children and juveniles who have committed offences under the Sexual Offenses Act, Penal Code and other laws;
- k) The Street Family Rehabilitation Trust Fund (SFRTF) Board of Trustees through its Secretariat has continued to coordinate rehabilitation activities for street families and children;

- l)* As a member of the WeProject Global Alliance developed the National Plan of Action, 2022–2026, to tackle Online Child Sexual Exploitation and Abuse (OCSEA) which was launched in February, 2024. Currently, 31 journalists have been trained on OCSEA in Nairobi and Mombasa. The country commemorated Safer Internet day on 6th February, 2024. The County Children’s Assemblies were trained on Online Safety in Nairobi, Mombasa and Kiambu;
- m)* Developing the National Manual for Social Service Workforce on OCSEA as well as the National Standard Operating Procedures on the same;
- n)* Streamlined the procurement of textbooks for schools to ensure that the book to child ratio of 1:1 is achieved;
- o)* Developing Guidelines on Admission of Refugees to Institutions of Basic Education and Training. It has also allowed the use of Kenya curriculum, Kenya National Examinations and disbursement of early grade material in refugee schools;
- p)* Implementing de-worming and immunization programme targeting over 6 million children throughout the country at risk of worm infection. The programme is aimed at improving children’s school attendance, physical development and cognition;
- q)* Disseminating the Response Plan on Violence Against Children, 2023/24, that has been done in thirty-five (35) counties;
- r)* Provided free access to health/medical services for children under the age of five (5) years in public medical facilities;
- s)* Developing a Policy on Refugees and Asylum Seekers which is at the Cabinet awaiting approval;
- t)* Reviewing the Basic Education Act, CAP. 211 to comprehensively provide for special needs education to ensure proper education of learners with special needs;
- u)* Implementing a National Care Reform Strategy for Children in Kenya, 2022–2032;
- v)* Implementing the Concluding Observations of Kenya’s 2nd and 3rd Periodic Report. Preparation of the 4th Periodic Report is ongoing;
- w)* Launched a National Policy on the Rehabilitation of Street Families, 2023 on 12th June, 2024; and
- x)* Established the National Council for Children’s Services to exercise general supervision and control over the planning, financing and coordination of child right activities and to advise the Government on all aspects related to children.

III. Existing Policy and Legal Framework:

- (i) Constitution of Kenya, 2010;
- (ii) Kenya Social Protection Policy, 2023
- (iii) National Family Promotion and Protection Policy, 2023;
- (iv) National Children’s Policy, 2010;
- (v) National Policy on Human Rights,
- (vi) Basic Education Act, CAP. 211;
- (vii) Children Act, CAP. 141;
- (viii) Counter-Trafficking in Persons Act, CAP. 61;
- (ix) Early Childhood Education Act, CAP. 211B;
- (x) Employment Act, CAP. 226;
- (xi) Marriage Act, CAP. 150;

- (xii) Prohibition of Female Genital Mutilation Act, CAP. 62B; and
- (xiii) Protection against Domestic Violence Act, CAP. 151.
- (xiv) Sexual Offences Act, CAP. 63A;

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Institute for Special Education.
- (ii) National Council for Children's Services.

3.3.10 United Nations Convention on the Rights of Persons with Disabilities

429. The convention was adopted on 13th December, 2006, and entered into force on 3rd May, 2008. Kenya signed the convention on 30th March, 2007, and ratified it on 19th May, 2008. The convention obliges state parties to ensure and promote the full realization of human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind based on disability.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the convention;
- b) Take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;
- c) Take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;
- d) Refrain from engaging in any act or practice that is inconsistent with the present convention and to ensure that public authorities and institutions act in conformity with the present convention;
- e) Take all appropriate measures to eliminate discrimination based on disability by any person, organization or private enterprise;
- f) Promote research and development of universally designed goods, services, equipment and facilities, as defined in Article 2 of the present convention, to meet the specific needs of a person with disabilities;
- g) Undertake or promote research and development of, and to promote the availability and use of new technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost;
- h) Provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies; and
- i) Promote the training of professionals and staff working with persons with disabilities in the rights recognized in the present convention to better provide the assistance and services guaranteed by those rights.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

430. The Government has undertaken/is implementing the following:

- a) Implementating the National Action Plan for implementation of the Global Disability Summit Commitments (2022–2025). The Action plan outlines key legislations, policy actions, reforms and programmes implemented to address disability inclusion;
- b) Implementating the Disability Medical Assessment and Categorization Guidelines in all the counties. The Guidelines were developed with the International Classification

- of Functioning and Health (ICF) model and aims to provide a standard process, unified and consistent language for conducting the assessment and categorization of persons with disabilities;
- c) On boarded registration of persons with disabilities onto the e-Citizen Portal. This accomplishment marks a crucial step towards enhancing accessibility and convenience for individuals with disabilities, eliminating the necessity for them to undertake lengthy journeys to county offices for registration services;
 - d) Conducted a second assessment on the level of disability inclusion. The 2nd Status Report on Disability Inclusion in Government highlights the progress made in Ministries, Departments, Agencies and Counties during the 2023/2024 financial year, in achieving disability inclusion. The Status Report on Disability Inclusion was launched in April, 2024;
 - e) Implementing various programmes to improve the welfare of persons with disabilities through the National Development Fund for Persons with Disabilities (NDFPWD). The programmes include, provision of assistive devices and services to persons with disabilities to enable them live an independent life with dignity. Allocation of KSh. 259 million annually to the Fund is done;
 - f) Implementing the National Action Plan on the Rights of Persons with Disabilities (2015–2022). This is through the establishment of a Disability Inter-Agency Coordinating Committee to facilitate effective implementation of the disability agenda in the Country;
 - g) Put in place a Cash Transfer Programme for 47,000 PWDs through the Social Assistance Programme (*Inua Jamii*). Additional 65,281 households have been added into the programme and was paid by June, 2024;
 - h) Ensured that 30% of public procurement is reserved for PWDs, Women and Youth. Affirmative action measures have been put in place to cater for the welfare of persons with disability;
 - i) Registered 5,000 persons with albinism under the National Persons with Albinism Sunscreen Support Programme which provides sunscreen lotion, protective clothing, eye care services and skin cancer screening and treatment for persons with albinism;
 - j) Initiated an Autism and Related Developmental Disabilities Programme to improve the quality of life among 10,000 persons with Autism and related developmental disabilities which includes cerebral palsy, down syndrome, epilepsy and intellectual disabilities;
 - k) Developed and validated a new registration system to register persons with disabilities. The new system provides real time socio-economic data which is particularly important for evidence-based planning and budgeting programs activities. Persons with disabilities registered through this system are being issued with new registration cards which have security features that prevents the cards from being duplicated. With the increased level of security, the system will be linked with other key information systems in the country. This includes the Ministry of Health and Kenya Revenue Authority. This allows real-time cross referencing, sharing and authentication of data;
 - l) Continues to register qualified persons with disabilities seeking employment under the National Council for Persons with Disabilities Career Portal and links them to potential employers;
 - m) Implements the *Ustawi* Education and *Tunza* mentorship programmes that are aimed at enhancing retention, 100% transition and completion rates among learners with disabilities for eventual engagement in employment;

- n)* Implementing disability mainstreaming in various MDAs as part of their Performance Contracting obligations;
- o)* Celebrates, annually, the World Autism Awareness Day (WAAD) World Down Syndrome Day, International Albinism Awareness Day (IAAD) and the International Day of Persons with Disabilities (IDPWD);
- p)* Reviewing the Persons with Disabilities Act, CAP. 133 and the Bill has been submitted to Parliament;
- q)* Implementing programmes in Vocational Rehabilitation Centres to help in uplifting of persons with disability. Celebrates, annually, the International Day of Persons with Disabilities on 3rd December; and
- r)* Formulating the National Policy on Disability in line with the Constitution and the Convention and is awaiting approval by Cabinet.

III. Existing Policy and Legal Framework:

- (i) Family Promotion and Protection Policy, 2023;
- (ii) National Policy on Disability, 2006; and
- (iii) Persons with Disability Act, CAP. 133.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

National Council for Persons with Disabilities.

3.3.11 The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

- 431. The convention was adopted by the UN General Assembly on 18th December, 1979, and it entered into force on 3rd September, 1981. Kenya acceded to it on 9th March, 1984.
- 432. The objective of the convention is to promote principles of equality in legal systems, abolish all discriminatory laws and adopt appropriate laws prohibiting discrimination against women.

I. Key Obligations for State Parties/Kenya under the Treaty

- (a)* To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b)* To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c)* To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d)* To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e)* To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f)* To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women; and
- (g)* To repeal all national penal provisions which constitute discrimination against women.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

433. The Government has undertaken/is undertaking the following:

- (a) Participated in the Commission on The Status of Women (CSW68) held from 11th to 22nd March, 2024, in New York and is now implementing eight (8) thematic areas derived from the communique and agreed conclusions ;
- (b) Disseminated and localized Kenya’s Second National Action Plan on Resolution 1325 on Women, Peace and Security in 8 counties and four counties have developed their County specific action plans
- (c) The Government developed the localization tools for integration of 2nd KNAP into CIDPs and community mechanisms was done.
- (d) The Government continued with the documentation of women’s role in peace and security in Kenya and a Booklet on the role is in place.
- (e) The Government continued with the Implementation of the Board Diversity Initiative which was launched in partnership with KEPSA; aims at upscaling the inclusion of women and other marginalized communities.
- (f) The Government operationalized the POLICARE program in three counties. This is a National Police Service (NPS) integrated response to Sexual and Gender Based Violence (SGBV) in Kenya which is a one stop center for response to S/GBV. This is a complimentary role to the services rendered at the Gender Based Violence Recovery Centers domiciled in a number of County Referral hospitals.
- (g) The Government enhanced the training of duty bearers and right holder in the referral pathway on forensic and evidence preservation and management for strengthened access to justice by the survivors.
- (h) The Government upscaled Activities by the Multi-Agency Technical Committee (M-ATC) at county level to accelerate to eliminate Female Genital Mutilation.
- (i) The Government continued to hold public sensitization forums to special interest groups on gender equality and freedom from discrimination and equality.
- (j) The Government implemented of the National Strategy on SDG 5 on Gender Equality and Empowerment of all women and Girls (2020–2025).
- (k) The Government continued to implement of the National Strategy to Counter Violent Extremism (2016); calls for mainstreaming of gender in all efforts to prevent and counter violent extremism at the national and county level. It acknowledges that the drivers of violent extremism are gender-specific and therefore require gender-responsive interventions
- (l) Government continued with the dissemination of the National Policy on Gender and Development (NPGAD) of, 2019; National Policy on Eradication of Female Genital Mutilation, 2019 and the National Policy on Menstrual Hygiene, 2019
- (m) The Government continues to collect, analyze and disseminate data, collected gender disaggregated data by sex, gender, ethnicity, disability, and age, to inform policy and programmes on women and girls, as well as assist in the tracking of progress in the achievement of the gender-related targets of the Sustainable Development Goals.
- (n) The Governemnt is drafting the National Care Policy and the Affirmative Action Policy.
- (o) Dissemination of and implementation of the Protection Against Domestic Violence Regulations to enforce Protection against Domestic Violence (PADV) Act, 2015.

- (p) The Government is in the process of developing the initial plans to develop Gender Violence Recovery Centres (Executive Order, 1/2023) on going.

III. Existing Policy and Legal Framework:

- (i) Constitution of Kenya, 2010;
- (ii) Commission on Administrative Justice Act, CAP. 7J;
- (iii) Menstrual Hygiene Management Policy, 2019–2030;
- (iv) National Family Promotion and Protection Policy, 2023;
- (v) National Policy on Gender and Development, 2019;
- (vi) National Policy on Prevention of and Response to Gender Based Violence, 2021;
- (vii) Basic Education Act, CAP. 211;
- (viii) Children Act, CAP. 141;
- (ix) Counter-Trafficking in Persons Act, CAP. 61;
- (x) Employment Act, CAP. 226;
- (xi) Land Act, CAP. 280;
- (xii) Land Registration Act, CAP. 300;
- (xiii) Law of Succession Act, CAP. 160;
- (xiv) Marriage Act, CAP. 150;
- (xv) Matrimonial Property Act, CAP. 152;
- (xvi) National Gender and Equality Commission Act, CAP. 7K;
- (xvii) Prohibition of Female Genital Mutilation (FGM) Act, CAP. 62B;
- (xviii) Sexual Offences Act, CAP. 63A; and

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya National Human Rights Commission (KNHCR);
- (ii) National Commission on Administrative Justice (NCAJ); and
- (iii) National Gender and Equalities Commission (NGEC).

3.3.12 The African Charter on Human and Peoples' Rights (ACHPR)

434. The African Charter on Human and Peoples' Rights was adopted by the OAU Heads of State and Government on 27th June, 1981. It entered into force on 21st October, 1986. Kenya became a State Party to the African Charter on 23rd January, 1992.
435. The African Commission on Human and Peoples' Rights is responsible for monitoring the implementation of the African Charter in Member States. The African Commission was inaugurated on 2nd November, 1987. The Commission's Secretariat is in Banjul, the Gambia.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Recognise the rights, duties and freedoms enshrined in the Charter and adopt legislative or other measures to give effect to them;
- b) Ensure the elimination of every discrimination against women and ensure the protection of the rights of women and the child as stipulated in international declarations and convention;
- c) Assist the family which is the custodian of morals and traditional values recognized by the community;

- d) Necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick;
- e) Promote and ensure through teaching, education and publication, the respect of the rights and freedoms contained in the present charter and to see to it that these freedoms and rights as well as corresponding obligations and duties are understood;
- f) Guarantee the independence of the courts and shall allow the establishment and improvement of appropriate national institutions entrusted with the promotion and protection of the rights and freedoms guaranteed by the present charter; and
- g) Submit every two years from the time of ratification, a report on the legislative and other measures taken to give effect to the rights as recognized by the Charter.
- h) Signing and ratifying the 1954 Convention Relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness and other relevant conventions on statelessness.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

436. The Government has undertaken/is undertaking the following:

- a) Continuously implementing the Bill of Rights under Chapter Four of the Constitution of Kenya, 2010;
- b) Reviewing several legislations to align them with the Constitution and the respective international human rights standards. The Acts under review are; The Persons with Disability Act, 2003, Regulations to implement the Mental Health Act, 2022 is being developed, while the Persons with Disability Bill is currently before Parliament.
- c) Preparing its report on the International Convention on the Elimination of all Forms of Racial Discrimination. With the recognition of the right to citizenship and nationality for Nubian and Shona communities as well, and people of Rwanda descent, the Committee observed that the Pemba people from the coast should be recognized. The Pemba Community members were issued with National Identification Cards in 2023;
- d) The Government is developing an Enhanced Single Registry that will contain data of the poor and vulnerable persons in Kenya. Piloting was done in two Counties Vihiga and Makueni. In 2023/2024 data collection will be undertaken in 11 more counties, namely Kajiado, Machakos, Elgeyo Marakwet, Meru, Kakamega, Bungoma, Nyamira, Homa Bay, Kirinyaga, Mombasa and Nyandarua. This is in addition to the roll out which took place 16 counties in 2021/22 namely :Taita Taveta, Kisumu, Muranga, Kajiado, Kwale, Meru, West Pokot, Baringo, Narok, Kisii, Kilifi, Migori, Lamu, Laikipia, Tharaka Nithi and Kitui. Additional data collection has been done in 8 counties by National Drought Management Authority (NDMA): Turkana, Mandera, Wajir, Garissa, Isiolo, Tana River, Samburu and Marsabit;
- e) Training curriculums on Child and Social Protection have been developed and trainings are domiciled at the Kenya School of Government (KSG). Thirteen (10) trainings were done, five (5) social protection and eight (8) child protection at KSG by August, 2023;
- f) Increasing the beneficiaries of *Inua Jamii* to 2.5 million by 2025 and has introduced monthly payment scheme for the beneficiaries;
- g) Held six (6) webinars for knowledge sharing in social protection interventions in 2024;
- h) Implementing the National Policy and Action Plan on Human Rights—Sessional Paper No. 3 of 2014, in recognition of its primary responsibility to observe, respect,

protect, promote and fulfil the human rights and fundamental freedoms in accordance with Constitution of Kenya, 2010;

- i) Continues to submit its periodic reports regularly to the ACHPR; and
- j) Formulating the Social Protection Bill, 2024, that will be submitted to the Cabinet.

III. Existing Policy and Legal Framework:

- (i) Constitution of Kenya, 2010;
- (ii) Kenya Social Protection Policy, 2023;
- (iii) National Policy and Action Plan on Human Rights—Sessional Paper No. 3 of 2014;
- (iv) National Policy on Gender and Development, 2019;
- (v) National Policy on the Eradication of Female Genital Mutilation, 2019;
- (vi) Children Act, CAP. 141;
- (vii) Commission on Administrative Justice Act, CAP. 7J;
- (viii) Kenya National Commission on Human Rights Act, CAP.71;
- (ix) National Gender and Equality Commission Act, CAP. 7K;
- (x) National Police Service Act, CAP. 84; and
- (xi) Persons with Disability Act, CAP. 133.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya National Commission on Human Rights (KNCHR);
- (ii) National Commission on Administrative Justice (NCAJ);
- (iii) National Council for Children’s Services;
- (iv) National Council for Persons with Disability;
- (v) National Gender and Equality Commission (NGEC);
- (vi) National Police Service (NPS).

3.3.13 Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol)

437. The Maputo Protocol on the Rights of Women in Africa was adopted on 1st July, 2003, and entered into force on 25th November, 2005. Kenya signed the Protocol on 17th December, 2003, and ratified it on 6th October, 2010, with reservations on Article 10 (3) on the right to peace and Article 14 (c) on health and reproductive rights.
438. The objective of the Maputo Protocol is to eliminate all forms of discrimination against women and ensure their full and equal participation in political, social and economic spheres of life.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Support the local, national, regional and continental initiatives directed at eradicating all forms of discrimination against women;
- b) States parties shall adopt and implement appropriate measures to ensure the protection of every woman’s right to respect for her dignity and protection of women from all forms of violence, particularly sexual and verbal violence;
- c) Punish the perpetrators of violence against women and implement programmes for the rehabilitation of women victims;

- d) Establish mechanisms and accessible services for effective information, rehabilitation and reparation for victims of violence against women;
- e) Provide adequate budgetary and other resources for the implementation and monitoring of actions aimed at preventing and eradicating violence against women;
- f) Create public awareness in all sectors of society regarding harmful practices through information, formal and informal education and outreach programmes;
- g) Prohibit, through legislative measures backed by sanctions, all forms of female genital mutilation, scarification, medicalization and para-medicalization to eradicate them;
- h) Provide necessary support to victims of harmful practices through basic services such as health services, legal and judicial support, emotional and psychological counselling, as well as vocational training to make them self-supporting; and
- i) Promote women's access to credit, training, skills development and extension services at rural and urban levels to provide women with a higher quality of life and reduce the level of poverty among women.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

439. The Government has undertaken/is undertaking the following:
- a) Implements and monitors the twelve (12) GEF commitments which is undertaken every three months;
 - b) Continues to meet its obligation on financing by sustaining the budgetary allocation of KSh. 200million and 102million for GBV and FGM work respectively up to the year 2026;
 - c) Developed Guidelines for the Management of County Gender Based Violence Recovery Centres which are critical for ensuring that survivors have access to quality essential services;
 - d) Supported resource mobilization through public private partnerships through The Generation Equality Country Leadership Structure;
 - e) Enhanced the Gender Sector Working Group that brings together diverse stakeholders to support and contributing to our country's priorities on Gender;
 - f) Upscaled the collection and utilization of data which is critical for informing policy and interventions needed to end Gender-Based violence;
 - g) Established the *Thamini* Fund under the Women Enterprise Fund. The objective is to reach widow led groups and is a group-based loan facility that gives widows equal opportunity to access interest free group loans with no administration cost;
 - h) Implemented Policare Policy which advances the National Police Service (NPS) integrated response to Gender Based Violence and guides the establishment, management and operations of one-stop centers dubbed 'Policare';
 - i) Developed a comprehensive FGM case-tracking tool to be used by the Anti-FGM Prosecution Unit in the Office of the Director of Public Prosecution and the Anti-FGM Board;
 - j) Enhanced the funding to the Affirmative Action funds—National Government Affirmative Action funds, and Women Empowerment Fund;
 - k) Sensitized communities and key stakeholders on FGM and its adverse effects and the need to include FGM content into the school curriculum;
 - l) Reviewing the National Policy on Prevention of and Response to Gender Based Violence, 2014;

- m)* Formulating the National Policy on Women's Economic Empowerment; and
- n)* Developed the Land Information Management System (LIMS) that captures, manages and analyzes geographically referenced land related data for decision making.

III. Existing Policy and Legal Framework:

- (i) Constitution of Kenya, 2010;
- (ii) National Policy on Prevention of and Response to Gender Based Violence, 2014;
- (iii) Children Act, CAP. 141;
- (iv) Law of Succession Act, CAP. 160;
- (v) National Gender Equality Commission Act, CAP. 7K;
- (vi) National Police Service Act, CAP. 84; and
- (vii) Prohibition of Female Genital Mutilation Act, CAP. 62B.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) National Gender Equality Commission (NGEC);
- (ii) Anti FGM Board; and
- (iii) National Police Service.

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

440. The Great Lakes Protocol is part of the Pact on Security, Stability and Development in the Great Lakes Region adopted in Nairobi in December, 2006, which was signed by Heads of State and Government of the Great Lakes Region. It entered into force in June, 2008.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a)* Member states are encouraged to ratify and domesticate the Convention on the Elimination of All Forms of Discrimination Against Women, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa;
- b)* Member states shall punish any person who, with intent, knowledge, recklessness, or negligence, violates the sexual autonomy and bodily integrity of any woman or child, by committing, aiding or abetting the commission of any of the acts of sexual violence referred to in Article 1(5) (6) of this Protocol;
- c)* Member states agree to simplify the procedures for lodging complaints of sexual violence by women, children, and other interested parties;
- d)* The responsibility of member states under paragraph (6) of this Article may entail the creation of a special facility under the fund for reconstruction and development, the purpose of which shall be to provide social and legal assistance, medical treatment, counseling, training, rehabilitation and reintegration of the survivors and victims of sexual violence, including those who may not be able to identify the perpetrators of sexual violence

III. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

441. The Government has undertaken/is undertaking the following:

- a)* Enhanced coordination of the County GBV Working groups (restructuring and operationalization);

- b) Sensitized on the 2nd Kenya National Action Plan (KNAP) on implementation of UNSCR 1325;
- c) Disseminated the GBV resource pack, GBVRC Safe and Protective Spaces guidelines and the National GBV Toll-free helpline 1195 to all counties;
- d) Supports the utilization of the established shelters/safe homes for GBV and FGM survivors: fifty-two (52) safe homes in fourteen (14) counties for Civil Society organizations and two (2) refurbished government safe houses in Nairobi and Migori counties;
- e) Implementing the Kenya-Finland Bilateral Programme on strengthening Prevention of and Response to GBV. The Kenya-Finland bilateral GBV programme complements and continues to support the strengthening of the duty-bearers' capacity to provide GBV first-response services and accountability;
- f) Developed and is implementing the Model County policy on Sexual and Gender Based Violence (SGBV) to provide guidance to the County Governments on critical elements and considerations for Policy on SGBV;
- g) Reviewed the National Policy on Prevention of and Response to Gender Based Violence, 2014;
- h) Developed the localization tools for integration of 2nd KNAP into CIDPs and community mechanisms was done;
- i) Documented the role of women in peace and security in Kenya and a Booklet on the role of women in peace committees is available; and
- j) Disseminated the survey report on Violence Against Children (VAC) in thirty-five counties. Awareness creation and community engagement with the theme "*Spot it Stop it*".

IV. Existing Policy and Legal Framework:

- (i) Kenya Social Protection Policy, 2023;
- (ii) Kenya National Policy on Gender and Development (NPGAD), 2019;
- (iii) National Policy on Prevention of and Response to Gender Based Violence, 2014;
- (iv) Children Act, CAP. 141;
- (v) Penal Code, CAP. 63;
- (vi) Prohibition Against Genital Female Mutilation Act, CAP. 62B;
- (vii) Protection Against Domestic Violence Act, CAP.151; and
- (viii) Sexual Offences Act, CAP. 63A.

V. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Anti Female Genital Mutilation (Anti-FGM) Board;
- (ii) GBV Sector Working Group at National and County Levels;
- (iii) Healthcare Assistance Kenya (HAK 1195); and
- (iv) National Gender and Equality Commission (NGEC).

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

442. The Great Lakes Protocol is part of the Pact on Security, Stability and Development in the Great Lakes Region adopted in Nairobi in December, 2006, which was signed by heads of state and Government of the Great Lakes Region. It entered into force in June, 2008.

443. The Great Lakes Protocol on Internally Displaced Persons (IDPs) is a legal framework for the protection of IDPs. The Protocol reinforces Kenya's commitment to prevent and eliminate the root causes of displacement induced by conflict to ensure freedom of movement and facilitate family re-unification.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Adhere to the principles of international humanitarian law and human rights applicable to the protection of internally displaced persons;
- b) Respect and uphold Security Council Resolution, 1296, applicable to the protection of the civilian population during armed conflict as well as Security Council Resolution, 1325, applicable to the protection of women and their role during armed conflict;
- c) Provide special protection for displaced populations, communities, pastoralists and other groups, with a special dependency on and attachment to their lands, consistently with the provisions of the International Covenant on Civil and Political Rights, 1966, the African Charter on Human and Peoples' Rights, 1981, and the Guiding Principles on Internal Displacement;
- d) Provide special protection for women, children, the vulnerable, and displaced persons with disabilities;
- e) Extend protection and assistance, according to needs of communities residing in areas hosting internally displaced persons;
- f) Ensure the safe location of internally displaced persons, in satisfactory conditions of dignity, hygiene, water, food and shelter, away from areas of armed conflict and danger, and having regard to the special needs of women, children, the vulnerable, and persons with disabilities;
- g) Ensure freedom of movement and choice of residence within designated areas of location, except when restrictions on such movement and residence are necessary, justified, and proportionate to the requirements of maintaining public security, public order and public health;
- h) Facilitate family reunification, and to provide, if necessary, special protection for families of mixed ethnic identity;
- i) Observe humanitarian principles and ethical standards relating to the provision of assistance to displaced persons in need of such assistance; and
- j) Establish a regional mechanism in the Great Lakes Region for monitoring the protection of internally displaced persons under this Protocol.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

444. The Government has undertaken/is undertaking the following;

- a) Developing a National Policy on Internally Displaced Persons which will be subjected to public participation; and
- b) Established the National Consultative Co-ordination Committee to handle funds allocated for the resettlement and reintegration of IDPs, and provides for preventative and protective measures.

III. Existing Policy and Legal Framework:

- (i) Constitution of Kenya, 2010; and
- (ii) Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, CAP. 134A.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

National Consultative Co-ordination Committee on Internally Displaced Persons.

3.3.16 The African Youth Charter

445. The African Youth Charter was adopted during the 7th Ordinary Session of the Assembly of African Union Heads of State and Government held on 2nd July, 2006, in Banjul, the Gambia. It entered into force on 8th August, 2009. Kenya signed the Charter on 28th June, 2008, and ratified it on 23rd January, 2014.

446. The objective of the African Youth Charter 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.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Develop a comprehensive and coherent National Youth Policy which should be cross-sectoral in nature;
- b) Ensure that mentally and physically challenged youth have equal and effective access to education, training, health care services, employment, sport, physical education and cultural and re-creational activities;
- c) Ensure full realization of poverty eradication and socio-economic integration of youth in accordance with their national law; and
- d) Establish a National Youth Coordinating Mechanism to provide a platform as well as serve as a linking agent for youth policy development and implementation.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

447. The Government has undertaken/is undertaking the following:

- a) Established the Kenya Youth Development Index (KYDI) which is an evidence based authoritative source of youth development data and information and guides policy makers in formulation of evidence-based youth policies interventions and helps in prioritization for funding. The KYDI will be developed periodically to adequately guide youth-centric programs and budgeting for the Ministries and County Departments and Agencies (MCDAs), Development partners, the private sector and other stakeholders.
- b) Formulating the Kenya Youth Development Bill whose purpose is to provide guidance on youth development matters. The draft Bill is awaiting public participation.
- c) Established Kenya National Association of Youth Centres (KNAYC) via an Executive order No.1 of 2022 as an umbrella body that will coordinate all youth centres in the country.
- d) Article 55 of the Constitution of Kenya 2010, places an obligation on the Government to take measures, including affirmative action, to ensure that the youth have access to relevant education and training, employment opportunities and are protected from harmful cultural practices and exploitation. It has widened the space and opportunities of youth participation in social, economic and political spheres within the national and devolved structure of Government.
- e) The Kenya National Youth Development Policy (KNYDP), 2019;

- f) An initiative of the *Vijana Vuka na Afya* (VIVA) Project towards empowerment of young people. This is a project between Kenya Government and the Federal Republic of Germany;
- g) VIVA Project which has two components which will be implemented within four years. Component one, will focus basically on sexual reproductive health service programmes through peer-to-peer learning. Project implementation is underway. Component two focuses on entrepreneurship training, skills training, and comprehensive sex education;
- h) In addition, a total number of 789,418 youth have been supported with business development services; out of which, 743,488 youth have been sensitized and trained on business opportunities and entrepreneurial skills; 26,527 youth have been facilitated to access jobs abroad; 14,267 youth facilitated to market their products both locally and internationally through trade fairs and other forums; and 5,136 youth entrepreneurs facilitated to secure affordable trading and working spaces.
- i) Kenya Youth Employment and Opportunities Project (KYEOP). It is a five-year initiative between the International Development Association/ World Bank and the Government of the Republic of Kenya for the period 2016–2023 (the project was extended due to Covid pandemic). The project targets youth of ages 18–29 and seeks to improve youth employability, support job creation, improve labour market information systems and strengthen youth policy development;
- j) Under the KYEOP Project, 74,220 youth benefitted from life skills training out of which 68,563 youth completed job specific skills training where 81% have secured employment according to Tracer study carried out. 81,890 youth have received business grants amounting to KSh. 3.27 billion through the grants; 70,470 youth owned businesses in both startups and business expansion was achieved. Grants disbursement is ongoing, while another 61,576-youth created wage and self-employment. 121,437 youth have received youth development services to assist them to conduct businesses profitably and sustainably, while another 217,000 youth were trained and sensitized on government procurement opportunities;
- k) Further, the project launched a new product called Future *Bora* Innovation Challenge, this intervention targets hard to serve youth which includes orphans, single mothers, youth in conflict areas and the youth in vulnerable and marginalized areas. This product aims to support the institutions that have a history of working with the youth in the hard to serve category. Towards this end, four (4) firms were contracted and delivered the services to approximately 2,500 youth targeted in the program;
- l) Following the success of the KYEOP project the State Department for Youth Affairs and the Arts received approval by the Cabinet seeking scaling up of the project to 47 counties, under a proposal dubbed “*National Youth Opportunities Towards Advancement (NYOTA)*” The goal of the project is to address youth unemployment and increase earning opportunities for targeted youth, improve youth employability by providing necessary skills, business support and promote saving culture among the youth. The World Bank in co-operation with the Government of Kenya agreed that this project (NYOTA) will build upon the Kenya Youth Employment and Opportunities project (KYEOP) and cover all the 47 counties from the earlier 17 counties covered under KYEOP;
- m) Conducting *Kikao-Gava Mashinani* forums which are a series of Co-ordinated Youth dialogue with various public service providers aimed at addressing challenges faced by the youth. It brings opportunities/programmes for the youth under one roof and focuses on addressing region- specific needs;
- n) In the reporting period, four (4) youth “*Kikaos*” have been conducted in Marsabit, Kilifi, Narok and Embu and over 2,000 youth participated. Youth have been trained on employability, talents & innovation, skills, Saccos formation and mindset change.

2,365 youth entrepreneurs have also been offered market opportunities and linkages under this program. Further, under the *Kenya ni Mimi* Program, which is a campaign driven geared towards Peace, National Cohesion and Participation, ten (10) forums have been conducted in Kakamega, Isiolo, Nyeri, Machakos, Nakuru, Kapenguria, Eldoret, Mombasa, Nairobi and Narok. Plans are underway to reach out to the other Counties;

- o) Upgraded twenty-eight (28) Youth Empowerment Centres (YECs) into Youth Development Centres (YDCs) of Excellence and equipped them. The Centres provide youth friendly services to the young people of Kenya in order to address their diverse and dynamic needs. The establishment of the YECs was a unique response to challenges facing the youth such as inadequate capacity and access to ICT services, guidance and counselling on drug and substance abuse, HIV-AIDS prevention among others. In addition, the YECs promote and nurture youth talent, positive leisure, recreation and interaction. Further, the construction works for four (4) new centres for Dagoretti North, Mwea, Lafey and Chepalungu constituencies commenced;
- p) The International Youth Day was celebrated on 12th August, 2023;
- q) Enacted the National Youth Council Election of Certain Members Regulations, 2021. These election regulations will facilitate countrywide youth elections for establishing the Council, the apex organ for the National Youth Council (NYC), a Semi-Autonomous Government Agency that acts as a platform of engagement between the youth and policymakers. The Government has developed a draft youth inclusion Bill that will see youth included in all decision-making bodies, Boards and institutions;
- r) Co-ordinated over 2,500 Youth Serving organizations, through a programme code named '*Uzalendo*' organized various youth leadership forums to discuss the status of youth participation in leadership, through a programme code named '*Faraja*', in collaboration with 20 Youth organizations organized youth dialogue forums to sensitize youth on mental health and sexual reproductive health, and through a programme code named '*Sawazisha Gumzo*' popularized Government opportunities and held intergenerational dialogues with the youth and other stakeholders to foster peace and social coexistence. Further, to the highlighted activities, the Government conducted a youth innovation challenge code named '*Fursa*' Vs '*Economic Recovery*' to award youth participants with innovative solutions post the advent of Covid-19 pandemic;
- s) Developing a creative economy policy to implement the BETA on recognizing, nurturing and monetizing the creatives in Kenya; and
- t) Developing the Creative Industries Bill, 2023, to provide for an incentive framework for the creatives and registration services for the creative industries.

III. Existing Policy and Legal Framework:

- (i) Kenya National Youth Development Policy (KNYDP), 2019; and
- (ii) National Youth Council Act, 2009.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) National Youth Council; and
- (ii) National Youth Council Advisory Board.

3.3.17 Convention on the Status of Refugees

448. The Convention was adopted on 28th July, 1951, and entered into force on 22nd April, 1954. Kenya acceded to the 1951 United Nations Convention Relating to the Status of Refugees on 16th May, 1966, and its 1967, Protocol on 13th November, 1981.

449. Kenya is a state party to the 1969, OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. Kenya signed the OAU Convention on 10th September, 1969, and ratified it on 23rd June, 1992. The OAU Convention was registered with the UN Secretariat on 31st March, 1976.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Accord to refugees within their territories, treatment at least as favourable as that accorded to their nationals with respect to freedom to practice their religion and freedom as regards to the religious education of their children;
- b) Accord to refugees the same treatment as is accorded to aliens generally;
- c) Ensure that after a period of three years' residence, all refugees shall enjoy exemption from legislative reciprocity in the territory of the contracting states; and
- d) Consider favourably the possibility of according to refugees, in the absence of reciprocity, rights and benefits beyond those to which they are entitled according to the Convention.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

450. Hosting eighty six percent (86%) of the world's 22 million forced migrants, refugees and asylum-seekers. The principle of non-refoulement 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;
451. Established a Refugee Affairs Committee that assists the Commissioner for Refugees in the recognition of persons as refugees under the Refugees Act, 2021.
452. Has formed a Technical Working Group (TWG) to develop regulations for the implementation of the Refugees Act, 2021 and an action plan in response to the refugee status; and
453. A Refugee Appeals Board established under the Act hears appeals of persons aggrieved by the refugee determination status made by the Commissioner.

III. Existing Policy and Legal Framework:

Refugees Act, 2021.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Department of Refugee Services;
- (ii) Refugee Appeals Board;
- (iii) Department of Refugee Affairs (DRA);
- (iv) Refugee Advisory Committee;
- (v) Refugee Status Appeal Committee; and
- (vi) Refugee Status Eligibility Panel.

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

454. The Rome Statute was adopted on 17th July, 1998, in Rome, Italy and entered into force on 1st July, 2002. Kenya signed the Rome Statute on 11th August, 1999, and ratified it on 15th March, 2005.
455. The Rome Statute establishes the ICC which has jurisdiction to try war crimes, genocide, crimes against humanity and crimes of aggression. State parties to the Rome Statute have an obligation to punish perpetrators of international crimes.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Accept the Court's jurisdiction over all crimes within its scope;
- b) Refer situations to the Court in which one or more crimes appear to have been committed; and
- c) Cooperate fully and comply with requests from the court to prosecute and punish perpetrators of these international crimes committed on their territories and by their nationals.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

456. The Government has undertaken/is undertaking the following:

- a) Provides the necessary cooperation and assistance to the Court in line with the obligations of Part 9 of the Rome Statute. Kenya has been assisting and co-operating with the ICC whenever called upon to do so;
- b) Submitting regular annual contributions to the court and is updated;
- c) Developing the Draft Witness Protection (Reciprocal Protection Arrangements) Regulations, 2022;
- d) Was elected as a member of the ICC Bureau for the twenty-third to twenty-fifth sessions of the Assembly at the 22nd Assembly of State Parties to the Rome Statute held in December 2023;
- e) A Kenyan national, Ms. Sanyu Diana Awori elected as a member of the ICC Committee on Budget and Finance until 31st December, 2023. She was also elected as a Member of the Committee on Budget and Finance (CBF) for the period 2024-2026 At the above Assembly of States; and
- f) There is an Inter-Ministerial Committee on ICC matters which is led by the Office of the Attorney-General.

III. Existing Policy and Legal Framework:

- (i) Constitution, 2010;
- (ii) International Crimes Act, 2008; and
- (iii) Witness Protection Act, 2006;

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Witness Protection Agency.

3.3.19 Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity

457. The Convention was adopted by the UN General Assembly on 26th November, 1968, and entered into force on 11th November, 1970. Kenya acceded to the Convention on 1st May 1972.

458. The Convention provides that no signatory state may apply statutory limitations to war crimes and crimes against humanity as they are defined in the Charter of the Nuremberg International Military Tribunal of 8th August, 1945.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Adopt all necessary domestic measures, legislative or otherwise, with a view to making possible the extradition, in accordance with international law, of the persons referred to in the Convention; and

- b)* Adopt, in accordance with their respective constitutional processes, any legislative or other measures necessary to ensure that statutory or other limitations shall not apply to the prosecution and punishment of the crimes referred to in the Convention and that, where they exist, such limitations shall be abolished.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

459. Through the International Crimes Act, 2008, Kenya continues to honour its obligation to uphold the non-applicability of statutory limitations on the war crimes, and crimes against humanity.

III. Existing Policy and Legal Framework:

International Crimes Act, 2008.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Witness Protection Agency.

3.3.20 Great Lakes Protocol on Prevention and Punishment of the Crime of Genocide, War Crimes and Crimes against Humanity and all forms of Discrimination

460. The Great Lakes Protocol is part of the Pact on Security, Stability and Development in the Great Lakes Region adopted in Nairobi in December, 2006, which was signed by heads of state and Government of the Great Lakes Region. It entered into force in June, 2008.

I. Key Obligations Under the Protocol:

- a)* Undertake not to engage in any act or practices of discrimination against persons, groups, or institutions and to ensure that all public authorities, national and local institutions comply with this obligation;
- b)* Prohibit discrimination practiced by groups or organizations and put an end to it, by all appropriate means, including by legislative measures if the circumstances so require;
- c)* Take effective measures to review national and local Government policies and to amend or repeal any law or any regulatory provision having the effect of creating discrimination or perpetuating it where it exists; and
- d)* Take specific and concrete measures in the social, economic, cultural and other fields to adequately ensure the development or protection of particular groups or individuals belonging to these groups in order to guarantee their full exercise of human rights and fundamental freedoms.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

461. The Government has established a National Mechanism for the prevention of genocide and other atrocity crimes in compliance with the Protocol.

III. Existing Policy and Legal Framework:

- (i) Constitution, 2010;
- (ii) International Crimes Act, 2008; and

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya National Commission on Human Rights (KNCHR); and
- (ii) Witness Protection Agency;

3.3.21 UN Standard Minimum Rules for the Treatment of Prisoners—Mandela Rules

462. The Standard Minimum Rules (SMR) were first adopted on 30th August, 1955. The rules were adopted by the UN General Assembly in New York in December, 2015, and named the Nelson Mandela Rules in honour of the legacy of the late President Nelson Mandela.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Treat and respect prisoners with inherent dignity and value as human beings;
- b) Protect prisoners from torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification;
- c) Ensure safety and security of prisoners, staff, service providers and prison visitors at all times;
- d) Non-discrimination of prisoners on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or any other status; and
- e) Respect religious beliefs and moral precepts of prisoners.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

463. The Government has undertaken/is undertaking the following:

- a) Upgraded the health facilities, completed the construction of the Magereza Ruiru Hospital, which is awaiting handing over and equipping to facilitate its operationalization;
- b) Continuously sensitizing staff on issues of mental health and wellbeing, which is progressively cascaded to all the staff and inmates. A 3-day mental health wellness workshop was held on 22nd January, 2024 at the Prisons Staff Training College, Ruiru focusing on staff and inmates' wellbeing;
- c) Administrative and institutional reforms, eight key priority areas have been identified for reform under the correctional services. These are; administrative, legal and policy framework support, revitalization of prisons farms, modernization of prisons industry, social protection, offender rehabilitation, reformation and reintegration coordination, institutional infrastructure and operational capacity, housing and environment and climate change mitigation;
- d) Reviewing the Prisons Act, Cap 90 and the Probation of Offenders Act, Cap 64 to incorporate aftercare programs to address post-penal needs of prisoners and to facilitate reintegration and resettlement of ex-offenders. Further, the Government is developing Guidelines to administer halfway houses to guide on reintegration and resettlement of ex-offenders;
- e) Finalizing the draft National Correctional Services policy;
- f) Provide affordable housing for the uniformed and non-uniformed staff in line with the Bottom up Economic Transformation Agenda on housing and settlement pillar;
- g) The formal and informal education for prisoners under the Directorate of Education. So far, 57 examination centres have been registered under formal education out of the 135 prison facilities. The Government has deployed 58 intern teachers in different prison institutions to impart knowledge to the inmates;
- h) Provide for practice of different religious beliefs of prisoners; the Kenya Prisons Service Chaplaincy provides spiritual nourishment, which plays a significant role in the behaviour change and character reformation of offenders. A Sexual and Gender based Violence Awareness and Sensitization workshop was held at the Prisons Staff Training College, on 28th February 2024 for 547 Prison Chaplains; and

- i) Improvement of welfare of the inmates has been up-scaled with continuous provision of personal hygiene items such as sanitary towels, soaps, blankets with support from the development partners; and
- j) Developing an implementation matrix to implement the recommendations of the National Taskforce on Improvement of the Terms and Conditions and other Reforms for Members of the National Police Service, Kenya Prisons Service and the National Youth Service (Maraga Taskforce) which concluded its assignment in 2023.

III. Existing Policy and Legal Framework:

- (i) Persons Deprived of Liberty Act, 2014;
- (ii) Transfer of Prisoners Act, 2015;
- (iii) Prisons Act, Cap. 90;
- (iv) Probation of Offenders Act, Cap. 64
- (v) Borstal Institutions Act, Cap. 92; and
- (vi) Community Service Orders Act No. 10 of 1998.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Prisons Service.

Probation and Aftercare Service

3.3.22 United Nations Minimum Rules for the Administration of Juvenile Justice (1985) (The Beijing Rules), the United Nations Rules for the Protection of Juveniles deprived of their Liberty (1990) and the United Nations Guidelines for the Prevention of Juvenile Delinquency

- 464. The Beijing Rules were adopted by the UN General Assembly on 29th November, 1985, while the Riyadh Guidelines and the other Rules were adopted by the UN General Assembly on 14th December, 1990.
- 465. The Rules and Guidelines constitute the universally acknowledged minimum standards for the administration of juvenile justice, protection of juveniles in prison or other correctional facilities and prevention of juvenile delinquency based on international human rights standards.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Seek, in conformity with their respective general interests, to further the well-being of the juvenile and her or his family;
- b) Endeavour to develop conditions that will ensure for the juvenile a meaningful life in the community, which, during that period in life when they are most susceptible to deviant behaviour, will foster a process of personal development and education that is as free from crime and delinquency as possible;
- c) Give sufficient attention to positive measures that involve the full mobilization of all possible resources, including the family, volunteers and other community groups, as well as schools and other community institutions, for the purpose of promoting the well-being of the juvenile;
- d) Conceive juvenile justice as an integral part of the national development process of each country, within a comprehensive framework of social justice for all juveniles, thus, at the same time, contributing to the protection of the young and the maintenance of a peaceful order in society;
- e) Implement rules in the context of economic, social and cultural conditions prevailing in each member state; and

- f) Systematically develop juvenile justice services and coordinate with a view to improving and sustaining the competence of personnel involved in the services, including their methods, approaches and attitudes.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2022–2023)

466. The Government has undertaken/is undertaking the following:

- a) Established rehabilitation schools to provide rehabilitation services for children aged between 10 and 14 years. There are ten (10) rehabilitation schools, eight (8) for boys and two (2) for girls. The maximum duration for holding the children in the institutions is three (3) years. Additionally, there are fourteen (14) Children Remand Homes for those children whose cases are before the courts of law;
- b) A National Care Reform Strategy for Children in Kenya 2022–2032 has been developed. There is an implementation tool which has been developed to operationalize the strategy. The Strategy was launched and is currently being implemented in the following Counties Nairobi, Kisumu, Nyamira, Kilifi, Murang'a, Kiambu, Meru, Embu, Garissa, Mombasa, Turkana, Siaya, Uasin Gishu, Kisii, Machakos, Kakamega, Kajiado and Bungoma. Sensitization has been carried out in all the in 47 counties;
- c) The KPS Borstal Institutions contain and train young offenders. The young offenders are held separately from adults. The Kamae Girls Borstal Institution at Kamiti Prison for rehabilitation of young female offenders (15–17 years) is complete and operational;
- d) Introduced formal and informal education for young offenders with a fully-fledged Directorate of Education. Training of prevention and countering violent extremism has been done to the officers handling the juveniles in the institutions. Establishment of tailor -made education programmes with 5 Remand Homes have been done. Rehabilitation of 200 juveniles through education programmes in 28 statutory childrens institutions. Vocational training in 9 Rehabilitation Schools is being undertaken. There has been the enhancement of institutions CPIMS module to capture all data of children in the institution;
- e) Community Resource and Rehabilitation Centres have been established in Likoni, Mombasa and Webuye to rehabilitate the juvenile offenders. Probation hostels for both girls and boys established in Nakuru, Nairobi, Mombasa and Uasin Gishu continue to impart knowledge and skills through formal education and vocational training to the young offenders; and
- f) Enhance rehabilitation for minors in conflict with the law, the Government has entered into a Record of Discussions with Japan International Cooperation Agency (JICA) for a three-year project for Community Based Crime Prevention, supervision, rehabilitation and reintegration of children and young persons in conflict with the law. Further, the project aims to provide training and capacity building to Community Probation Volunteers.

III. Existing Policy and Legal Framework:

- (i) Borstal Institutions Act, Cap. 92; and
- (ii) Children Act, 2022.
- (iii) The National Children's Policy, 2010.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Prisons Service (KPS);

- (ii) Borstal Institutions;
- (iii) Probation and Aftercare Services;
- (iv) Probation Hostels, and;
- (v) National Council for Children's Services.

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

467. The Tokyo Rules were adopted on 14th December, 1990. 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.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Ensure a proper balance between the rights of individual offenders, the rights of victims, and the concern of society for public safety and crime prevention;
- b) Develop non-custodial measures within their legal systems to provide other options, thus reducing the use of imprisonment; and
- c) Rationalize criminal justice policies, taking into account the observance of human rights, the requirements of social justice and the rehabilitation needs of the offender.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

468. The Government has undertaken/is undertaking the following:

- a) Participated in the 2nd Annual celebrations of the Child Justice Summit in Nairobi between 28th–29th November, 2022 under the theme “*A New Dawn of The Child in Kenya-Opportunities in The Children Act 2022*”;
- b) Reviewing the Probation of Offenders Act, Cap 64 and the Community Service Orders Act, No. 10 of 1998; and
- c) 371 Probation Officers have been recruited and posted to different regions of the country to enhance the human resource capacity and discharge their duties in the various probation institutions.

III. Existing Policy and Legal Framework:

- (i) National Children Policy Kenya, 2010;
- (ii) Judicature Act, 2011;
- (iii) Community Service Order Act, No. 10 of 1998;
- (iv) Children Act, 2022;
- (v) Probation of Offenders Act, Cap. 64;
- (vi) Bail and Bond Policy Guidelines, 2015; and
- (vii) Sentencing Policy Guidelines, 2016.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) National Council for the Administration of Justice (NCAJ); and

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

469. The Principles were adopted by the UN General Assembly on 9th December, 1988. The Principles set out the internationally accepted standards for the protection of persons in detention or imprisonment.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Adopt appropriate policies and practices in places of detention and prisons based on international human rights standards;
- b) Prohibit by law any act contrary to the rights and duties contained in the principles;
- c) Subject persons in detention to treatment appropriate to their unconvicted status. Accordingly, they shall, whenever possible, be kept separate from imprisoned persons;
- d) The authorities which arrest a person, keep him under detention or investigate the case shall exercise only the powers granted to them under the law and the exercise of these powers shall be subject to recourse to a judicial or other authority;
- e) Inform any person arrested at the time of his arrest of the reason for his arrest and shall be promptly informed of any charges against him;
- f) A person shall not be kept in detention without being given an effective opportunity to be heard promptly by a judicial or other authority. A detained person shall have the right to defend himself or to be assisted by counsel as prescribed by law;
- g) Provide prompt and full communication to a detained person and his counsel if any, of any order of detention, together with the reasons thereof; and
- h) A judicial or other authority shall be empowered to review as appropriate the continuance of detention.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

470. The Government has undertaken/is undertaking the following:

- a) Renown case of Francis Muruatetu whose judgement was pronounced in December, 2017, provided precedent that the mandatory death penalty for murder, was unconstitutional in Kenya; and
- b) Implementing the judgment in Francis Muruatetu case delivered in December, 2017, through commutation of death sentence. Pursuant to Gazette Notice No. 9566 dated 21st July, 2023, under the Power of Mercy Act, No. 21 of 2011 as read together with Article 133 of the Constitution of Kenya on powers conferred to the President, death sentences imposed on every capital offender as at 21st November, 2022, were commuted to life sentence.

III. Existing Policy and Legal Framework:

- (i) Constitution, 2010;
- (ii) Persons Deprived of Liberty Act, 2014; and
- (iii) The Prevention of Torture Act, 2017.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Prisons Service; and
- (ii) Probation and Aftercare Service.

3.3.25 The Hague Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption

471. The Convention came into force on 1st May, 1993. Kenya ratified the Convention on 1st June, 2007. 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.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Take measures to ensure that intercountry adoptions are made in the best interests of the child and with respect for his or her fundamental rights, and to prevent the abduction, the sale of, or traffic in children;
- b) Designate a Central Authority to discharge the duties which are imposed by the Convention upon such authorities;
- c) Central Authorities shall take, directly or through public authorities or other bodies duly accredited in their State, all appropriate measures, in particular to collect, preserve and exchange information about the situation of the child and the prospective adoptive parents, so far as is necessary to complete the adoption; and
- d) Take as a matter of priority, appropriate measures to enable the child to remain in the care of his or her family of origin.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

472. The Government has undertaken/is undertaking the following:

- a) Implementing the Guidelines for the Alternative Family Care of Children, 2014;
- b) Implementing the National Care Reform Strategy for Children in Kenya 2022–2032;
- c) Celebrations for the World Adoption Month are held in November annually;
- d) On 12th September, 2019, the Government imposed a total ban on Inter-country and Foreign Resident Adoptions. The moratorium is still in place; and
- e) The National Council for Children Services has been designated as the Central Authority to regulate adoption matters in the country as per the Children’s Act, 2022.

IV. Existing Policy and Legal Framework:

- (i) Constitution of Kenya, 2010,
- (ii) Children Act, 2022;
- (iii) Adoption (Children) Regulations, 2005;
- (iv) Alternative Family Care Guidelines, 2014; and
- (v) National Care Reform Strategy for Children in Kenya 2022–2032.

V. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) National Council of Children Services; and
- (ii) Adoption Societies.

3.3.26 Madrid International Plan of Ageing, 2002

473. The Madrid Plan of Action on Ageing was adopted during the Second World Assembly on Ageing in April, 2002. UN member states are required to provide enabling and supportive environments for older persons with a view to ensuring their well-being into old age.

474. The Madrid Plan follows up on the commitments made by UN member states during the First World Assembly on Ageing held in Vienna, Austria in 1982.

475. Kenya submitted the Country's submission for the 4th Review to the Madrid International Plan on Ageing (MIPAA) and participated in the Regional Workshop on the 4th Review of MIPAA held in Addis Ababa from 11th to 14th, July, 2022.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Take specific steps to ensure realization of the UN principles stipulating the rights of older persons to independence, participation, care, self-fulfillment and dignity;
- b) Effectively incorporate ageing within social and economic strategies, policies and action while recognizing that specific policies will vary according to conditions within each country;
- c) Mainstream a gender perspective into all policies and programmes to take account of the needs and experiences of older women and men;
- d) Protect and assist older persons in situations of armed conflict and foreign occupation;
- e) Promote, provide and ensure access to basic social services, bearing in mind specific needs of older persons; and
- f) Commit to providing older persons with universal and equal access to health care and services, including physical and mental health services.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

476. The Government has undertaken/is undertaking the following:

- a) Runs Cash Transfer programmes for vulnerable members of the society such as older persons, orphans and persons with severe disabilities through the Social Assistance Program in the State Department for Social Protection. Currently, a total of 833,129 older persons are in the Cash Transfer Programme;
- b) Signed an MOU with six (6) financial service providers namely: Kenya Commercial Bank, Equity Bank, National Bank, Cooperative Bank, Kenya Women Finance Trust and Post Bank. The service providers are expected to cascade payment services closer to the beneficiaries;
- c) Observes the International Day of Older Persons on 1st October, annually. The 2023 celebrations for the Older Persons' Day were observed on 3rd October, 2023 in Laikipia County. The theme of the celebrations was *Fulfilling the Promises of the Universal Declaration of Human Rights for Older Person*;
- d) Established a model centre at Mwea Community Capacity Support Centre in Kirinyaga County and is expected to provide long term care for vulnerable older persons;
- e) Launched Guidelines for institutions of Older Persons;
- f) Recruited a total of one thousand eight hundred (1800) Lay Volunteer Counsellors (LVCs) that have been engaged in all the forty-seven (47) counties to help in family strengthening and parenting support programmes. The Government has trained 635 of the LVCs on various skills for effective service delivery. The target is to train the remaining 1065;
- g) Implementing the National Parenting Programme is ongoing; the purpose is to prepare parents and caregivers with positive parenting skills for parenting roles and responsibilities, and train them to have and sustain stable families for a stronger society;
- h) Implementing the New Urban Agenda under UN Habitat to facilitate easy access of older persons to cities and facilitate their urban operations. The Bus Rapid Transit (BRT) Project being implemented in the six (6) marked major routes are within the

Nairobi Metropolitan Area. The Nairobi metropolitan area covers the counties of Nairobi, Kiambu, Kajiado, Machakos and Murang'a. The project is being designed to have special facilities for the older persons in order to ease their travelling needs;

- i) Sensitizing against abuse of elderly persons; and
- j) Developing the Older Persons' Bill.

III. Existing Policy and Legal Framework:

- (i) Constitution, 2010;
- (ii) National Social Security Fund Act, 2013; and
- (iii) National Health Insurance Fund (Amendment) Act, 2022.
- (iv) Kenya Social Protection policy, 2023

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) National Social Security Fund (NSSF); and
- (ii) National Health Insurance Fund (NHIF).

3.3.27 Protocol on African Charter on Human and Peoples Rights for Older Persons.

477. The Protocol on African Charter on Human and Peoples Rights for Older Persons was adopted on 31st January, 2016. Kenya ratified it on 15th November, 2021. The Protocol is yet to enter into force.
478. The Older Persons Protocol aims to strengthen regional protection for the rights of older persons, providing an opportune moment for older persons to enjoy their full rights and freedoms on an equal basis with other population groups.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Recognize the rights and freedoms of older persons as enshrined in the Protocol;
- b) Eliminate and prohibit all forms of discrimination against older persons while enforcing local, national, regional, continental and international customs, traditions and initiatives directed at eradicating discrimination against older persons;
- c) Allow access to justice and equal protection before the law of older persons by developing and reviewing existing legislation to ensure that older persons receive equal treatment and protection; provide legal assistance to older persons in order to protect their rights; and training its officials to effectively interpret and enforce policies and legislation to protect the rights of older persons;
- d) Develop and create new existing laws that recognize the rights of older persons in making decisions regarding their own well-being without interference from any person(s) or entity;
- e) Develop policies and legislation that ensure that older persons are guaranteed special protection upon retirement;
- f) Protection of older persons from abuse and harmful traditional practices, including witchcraft accusations, which affect the welfare, health, life and dignity of older persons, particularly older women;
- g) Ensure the protection of the rights of older women from violence, sexual abuse and discrimination based on gender; abuses related to property and land rights; and adopt appropriate legislation to protect the right of inheritance of older women;
- h) Adopt policies and legislation that provide incentives to family members who provide home care for older persons;

- i) Enact or review existing legislation to ensure that residential care is optional and affordable for older persons;
- j) Develop policies that ensure the rights of older persons to enjoy all aspects of life, including active participation in socio-economic development, cultural programmes, leisure and sports; and
- k) Submit periodical reports on the implementation of the Protocol.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

479. The Government has undertaken/is undertaking the following:

- a) National Policy on Older Persons and Ageing is being implemented through the NSSF Act and NHIF Act which provide for social protection and assistance, and welfare of old people and other vulnerable members of society;
- b) Runs Cash Transfer programmes for vulnerable members of the society such as older persons, orphans and persons with severe disabilities through the Social Assistance Program in the State Department for Social Protection. Currently, a total of 833,129 older persons are in the Cash Transfer Programme. 352,326 beneficiaries are expected to be paid through the Programme by June 2024;
- c) Has signed an MOU with six (6) financial service providers namely: Kenya Commercial Bank, Equity Bank, National Bank, Cooperative Bank, Kenya Women Finance Trust and Post Bank. The service providers are expected to cascade payment services closer to the beneficiaries;
- d) Observes the International Day of Older Persons on 1st October, annually. The 2023 celebrations for the Older Persons' Day were observed on 3rd October in Laikipia County. The theme of the celebrations was *Fulfilling the Promises of the Universal Declaration of Human Rights for Older Person*. As part of the build-up activities, a symposium was held on 2nd October, 2023 in Gigiri, Nairobi;
- e) A model centre at Mwea Community Capacity Support Centre in Kirinyaga County has been established and is expected to provide long-term care for vulnerable older persons. The Cabinet Secretary, responsible for Social Protection launched the Kirinyaga Rescue Centre for Older Persons in June, 2021. Similar centres are expected to be replicated country wide;
- f) Recruited one thousand eight hundred (1800) Lay Volunteer Counsellors (LVCs) that have been engaged in all the forty-seven (47) counties to help in family strengthening and parenting support programmes. The Government has trained 635 of the LVCs on various skills for effective service delivery. The target is to train the remaining 1065;
- g) Developed and launched the Positive Parenting Skills Manual on 15th May, 2023. Development of a National Parenting Programme whose purpose is to prepare parents and caregivers (grandparents) for parenting roles and responsibilities, train them to have and sustain stable families for a stronger society;
- h) The World Elder Abuse Awareness Day is observed annually on the 15th of June, as a UN designated day. The 2023 celebrations were observed physically in Kajiado County. Preparations for the 2024 celebrations for World Elder Abuse Awareness Day are underway;
- i) Implementing the New Urban Agenda under UN Habitat to facilitate easy access of older persons to cities and facilitate their urban operations. The Bus Rapid Transit (BRT) Project being implemented in the six (6) marked major routes are within the Nairobi Metropolitan Area. The Nairobi metropolitan area covers the counties of Nairobi, Kiambu, Kajiado, Machakos and Murang'a. The project is being designed to have special facilities for the older persons in order to ease their travelling needs;

- j) Developing Older Members of Society Bill, 2024 and reviewing the Older Persons Policy that seek to give effect to Article 57 of the Constitution;
- k) Set to submit the Country Position Paper for the 14th Session of the Open-Ended Working Group on Ageing in New York in May, 2024; and
- l) Sensitizing against abuse of elderly persons.

III. Existing Policy and Legal Framework:

- (i) Constitution, 2010;
- (ii) National Social Security Fund Act, 2013; and
- (iii) National Policy on Older Persons and Ageing (2018).

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) National Social Security Fund (NSSF); and
- (ii) National Health Insurance Fund (NHIF).

3.3.28 Protocol on African Charter on Human and Peoples Rights on Persons with Disabilities

480. Protocol on the African Charter on Human and Peoples Rights on Persons with Disabilities was adopted on 29th January, 2018. Kenya ratified the Convention on 15th November, 2021. Kenya deposited the instrument of ratification for the Protocol with the African Union Commission on 4th February, 2022.

481. The Protocol is a legal framework based on which member states of the African Union are expected to formulate disability laws and policies to promote disability rights in their countries. It is unique to the continent and takes African practices and concerns into consideration while tackling the ingrained issues of disability discrimination so that everyone can access health, education and employment without stigma.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Take policy, legislative, administrative, institutional and budgetary steps, to ensure, respect, promote, protect and fulfill the rights and dignity of persons with disabilities;
- b) Ensure people with disability are not discriminated against and enjoy equality, equal protection and equal benefit of the law;
- c) Develop and review existing legislation to ensure persons with disabilities are protected from harmful practices like witchcraft, abandonment, concealment, ritual killings or the association of disability with omens;
- d) Develop policies and measures that provide for women and girls with disabilities to be guaranteed for special protection;
- e) Submit periodic reports on the legislative and other measures undertaken for the full realization of the rights recognized in the implementation of the Protocol;
- f) Adopt appropriate measures to allow persons with disabilities to fulfill their duties as recognized in the Protocol;
- g) Mainstream disabilities in the policies, legislation, development plans, programmes, and activities in all other spheres of life;
- h) Prohibit all forms of abuse, discrimination, stigmatization and harmful traditional practice while promoting the elimination of social stereotypes which marginalize persons with disabilities;
- i) Take measures to ensure that persons with disabilities have access to justice on an equal basis with others;

- j) Take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of the right to live in the community, on an equal basis with others; and
- k) Take measures to make persons with disabilities have barrier free access to the physical environment, transportation, information, including communications technologies and systems, and other facilities and services open or provided to the public.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

482. The Government has undertaken/is undertaking the following:

- a) Implementating the National Action Plan for implementation of the Global Disability Summit Commitments (2022 – 2025). The Action plan outlines key legislations, policy actions, reforms and programmes implemented to address disability inclusion. It highlights the commitments and needed collaboration between the Government of Kenya and its partners both from the public and private sector to implement the Commitments;
- b) Implementating the Disability Medical Assessment and Categorization Guideline in all the Counties. The Guidelines were developed with the International Classification of Functioning and Health (ICF) model and aims to provide a standard process, unified and consistent language for conducting the assessment and categorization of persons with disabilities;
- c) On boarded registration of persons with disabilities onto the e-Citizen Portal. This accomplishment marks a crucial step towards enhancing accessibility and convenience for individuals with disabilities, eliminating the necessity for them to undertake lengthy journeys to county offices for registration services. The registration process also aligns with the principles of inclusivity and equal access to government services;
- d) Implementing various programmes to improve the welfare of persons with disabilities through the National Development Fund for Persons with Disabilities (NDFPWD). The programmes include, provision of assistive devices and services to persons with disabilities to enable them live an independent life with dignity; Provision of education scholarship and bursary grants to assist persons with disabilities access education and training; Provision of grants to groups of persons with disabilities to enable them engage in economic activities to earn them sustainable livelihoods. Also to strengthen advocacy and awareness on disability matters through organizations of persons with disabilities. The Government has continued to allocate Kshs. 259 million annually to the Fund.
- e) Implementing the National Action Plan on the Rights of Persons with Disabilities (2015–2022). This is through the establishment of a Disability Inter-Agency Coordinating Committee to facilitate effective implementation of the disability agenda in the Country. The Committee which draws membership from state and non-state actors, supports the State Department for Social Protection The Committee also supports in the implementation of the Global Disability Summit Commitments of 2018 and 2022.
- f) Put in place a Cash Transfer Programme for PWDs to ensure support for people with disabilities through the Social Assistance Program through the *Inua Jamii* program. Currently, 47,000 persons with severe disabilities continue to receive cash transfers from the Programme. Additional 65,281 households have been added into the program and are expected to be paid by June, 2024.. The programme is meant to enhance the capacities of caregivers through regular and predictable cash transfers thereby improving the livelihoods of persons with severe disabilities and mitigating the effects of the disability on the household;

- g) Ensured that 30% of public procurement is reserved for PWDs, Women and Youth. The Government has also put in place affirmative action measures to cater for the welfare of persons with disability. These include tax exemptions on income, extension of retirement age up to 65 years, amongst others. Persons with disability have been granted representation in public service to meet the constitutional threshold of five percent (5%). Also put in place is the facilitation of recommendation for modification of affordable housing units to suit the needs of persons with disabilities; and, facilitation of recommendation for waivers on costs incurred during construction and modification of buildings to ensure access by persons with disabilities;
- h) Registered 5,000 persons with albinism for support under other National Persons with Albinism Sunscreen Support Program which provides sunscreen lotion, protective clothing, eye care services and skin cancer screening and treatment for persons with albinism. In 2023/2024, The Government also initiated an Autism and Related Developmental Disabilities Programme to improve the quality of life among 10,000 persons with Autism and related developmental disabilities which includes, cerebral palsy, down syndrome, epilepsy and intellectual disabilities.. Kshs. 70 million has been allocated in the same period, to implement this Programme through the National Council for Persons with Disabilities;
- i) Developed and validated, a new registration system to register persons with disabilities. The new system provides real time socio-economic data which is particularly important for evidence-based planning and budgeting programs activities. Persons with disabilities registered through this system are being issued with new registration cards which have security features that prevents the cards from being duplicated. With the increased level of security, the system will be linked with other key information systems in the country. This includes the Ministry of Health and Kenya Revenue Authority. This allows real-time cross referencing, sharing and authentication of data;
- j) Registered qualified persons with disabilities seeking employment and linking them to potential employers. The main goal of the portal is to provide equal career development to persons with disabilities. The portal has so far registered over 5,000 persons with disabilities seeking employment and 400 employers. The NCPWD Career Portal provides a platform for both jobseekers and employees with disabilities and employers' interface to address barriers to employment for persons with disabilities;
- k) Annually, Kenya joins the International Community to celebrate the World Autism Awareness Day (WAAD), World Down Syndrome Day, International Albinism Awareness Day (IAAD) and the International Day of Persons with Disabilities (IDPWD);
- l) Reviewing the Persons with Disabilities Act No. 14 of 2003 (through the Persons with Disabilities Bill) to align it to the Constitution of Kenya and provision under the Convention on the Rights of Persons with Disabilities, African Union Disability Agenda and the East African Community Disability Policy;
- m) Implemented programmes in Vocational Rehabilitation Centres;
- n) Implementing various programmes to improve the welfare of persons with disabilities through the National Development Fund for Persons with Disabilities (NDFPWD). The programmes include provision of assistive devices and services to persons with disabilities to enable them live an independent life with dignity; provision of education scholarship and bursary grants to assist persons with disabilities access education and training; Provision of grants to groups of persons with disabilities to enable them engage in economic activities to earn them sustainable livelihoods;

- o) Put in place a Cash Transfer Programme for PWDs to ensure support for people with disabilities through the Social Assistance Program. Currently, 47,000 persons with severe disabilities continue to receive cash transfers from the Programme;
- p) Ensured that 30% of public procurement is reserved for PWDs, Women and Youth. The Government has also put in place affirmative action measures to cater for the welfare of persons with disability. These include tax exemptions on income, extension of retirement age up to 65 years, amongst others. Persons with disability have been granted representation in public service to meet the constitutional threshold of five percent (5%);
- q) The Government celebrated the Annually, the country observes the International Day of Persons with Disabilities on 3rd December;
- r) Registered 5,000 persons with albinism for support under other National Persons with Albinism Sunscreen Support Program which provides sunscreen lotion, protective clothing, eye care services and skin cancer screening and treatment for persons with albinism. Following the 2019 National Housing and Population Census, 9,729 persons had albinism. In the period under review, the Council has embarked on a national registration exercise of all persons with albinism across the country for support under the persons with albinism sunscreen support programme;
- s) A new registration system to register persons with disabilities has been developed and validated by stakeholders, including persons with disabilities, disabled persons organizations, Kenya National Bureau of Statistics, State Department for Social Protection and Senior Citizens Affairs;
- t) Developing guidelines to standardize the disability assessment process across the country. The guidelines are now fully devolved to the County Director of Health;
- u) Developing the Persons with Disability Bill, 2023;
- v) The Draft National Policy on Disability has been reviewed and aligned with the Constitution and Convention and is awaiting approval by Cabinet;
- w) Implementing the National Action Plan for implementation of the Global Disability Summit Commitments (2022 – 2025).

III. Existing Policy and Legal Framework:

- (i) Constitution, 2010;
- (ii) National Disability Mainstreaming Strategy (2018–2022);
- (iii) A Sector Policy for Learners and Trainees with Disability, 2018; and
- (iv) Persons with Disability Act, 2003.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

National Council for Persons with Disabilities.

3.4 INTERNATIONAL TRADE AND INVESTMENT

3.4.1 Protocol Amending the Marrakesh Agreement Establishing the World Trade Organization

836. The Protocol was adopted in Geneva, Switzerland on 27th November, 2014. Kenya signed it on 3rd December, 2015, and ratified it on 10th December, 2015. The Protocol incorporates the Trade Facilitation Agreement into the WTO Agreements which aims at simplifying, harmonizing, and automating custom procedures with the view to expediting the movement, release and clearance of goods including goods in transit and thereby reducing the cost of doing business.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Use of international standards as a basis for the import and export or transit formalities and procedure; and
- b) Adoption of a single window system enabling traders submit documents and data requirements.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

483. The Government has undertaken/is undertaking the following:

- a) Publishing regular reports on the implementation of the Protocol in Kenya.
- b) Formulating the Trade Development Bill.
- c) Enhancing inter-agency collaboration and promoting the sharing of available resources through Joint Border Committees (JBC).
- d) Implementing Agreements and MoUs with various member states of the WTO to facilitate cross-border trade.
- e) Established a National Trade Facilitation Committee, Kenya Electronic Single Window System and Kenya Trade Portal Link Investors www.tradebarriers.org portal.

III. Existing Policy and Legal Framework:

- (i) National Trade Policy, 2017;
- (ii) Customs and Excise Act, CAP. 472;
- (iii) East Africa Community Customs Management Act, 2004;
- (iv) Excise Duty Act, CAP. 472;
- (v) Export Processing Zones Act, CAP. 517;
- (vi) Investment Promotion Act, CAP. 485;
- (vii) Kenya Maritime Authority Act, CAP. 370;
- (viii) Kenya Ports Authority Act, CAP. 391;
- (ix) Miscellaneous Fees and Levies Act, CAP. 469C;
- (x) Standards Act CAP. 496;
- (xi) Kenya Trade Remedies Act, CAP. 524; and
- (xii) Value Added Tax Act, CAP. 476.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Customs and Border Control Department (CBCD);

- (ii) Export Processing Zones Authority (EPZA);
- (iii) Kenya Bureau of Standards (KEBS);
- (iv) Kenya Export Promotion and Branding Agency (KEPROBA);
- (v) Kenya Investment Authority (KenInvest); and
- (vi) Kenya Trade Network Agency (KenTrade).

3.4.2 General Agreement on Tariffs and Trade 1994 (GATT 1994)

484. GATT 1994 was adopted at the conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment (excluding the Protocol of Provisional Application). Its objective is liberalization of trade in goods through reduction of tariffs and other trade barriers and discrimination. It outlines the general rules regarding General Agreement on Tariffs and Trade, Balance-of-Payments, Waivers of Obligations, and Most-Favoured-Nation Treatment (MFN).
485. Kenya became a member on 1st January, 1995, upon accession to the WTO. The GATT is one of the Multilateral Agreements annexed to the WTO Agreement.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) To implement specific commitments relating to market access.
- b) To uphold the National Treatment Principle to ensure the application of no less favourable treatment is suffered by foreigners.
- c) To uphold the MFN Treatment by all states.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

486. The Government has undertaken/is undertaking the following:
- a) Submitted its Goods Schedule which is in line with EAC Common Market Principles and Objectives.
 - b) Reviewing the Services Schedule under the EAC Common Market Framework.

III. Existing Policy and Legal Framework:

- (i) National Trade Policy, 2017;
- (ii) East Africa Community Customs Management Act, 2004;
- (iii) Excise Duty Act, CAP. 472;
- (iv) Kenya Trade Remedies Act, CAP. 524; and
- (v) Value Added Tax Act, CAP. 476.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Export Processing Zones Authority (EPZA);
- (ii) Kenya Bureau of Standards (KEBS);
- (iii) Kenya Export Promotion and Branding Agency (KEPROBA);
- (iv) Kenya Investment Authority (KenInvest);
- (v) Kenya Revenue Authority (KRA);
- (vi) Kenya Trade Network Agency (KenTrade); and
- (vii) Kenya Trade Remedies Agency.

3.4.3 General Agreement on Trade and Services (GATS)

487. The GATS is one of the Multilateral Agreements annexed to the WTO Agreement which seeks to facilitate liberalization of trade in services. Its creation was one of the landmark achievements of the Uruguay Round, whose results entered into force in January, 1995. Its objectives include the following: Creating a credible and reliable system of international trade rules; Ensuring fair and equitable treatment of all participants (principle of non-discrimination); Stimulating economic activity through guaranteed policy bindings; and Promoting trade and development through progressive liberalization of services.
488. Kenya became a member of the GATS on 1st January, 1995, upon accession to the WTO.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Commitments concerning market access and national treatment in specifically designated sectors: such commitments are laid down in individual country schedules whose scope may vary widely between members;
- b) Annually inform the Council for Trade in Services of the introduction of any new, or any changes to existing laws, regulations or administrative guidelines which significantly affect trade in services covered by its specific commitments under this Agreement;
- c) To uphold the National Treatment Principle allowing Market access to nationals as well as foreigners; and
- d) Ensuring that treatment of nationals is equal to international as well as local services and service suppliers.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

489. The Government has undertaken/is undertaking the following:
- a) participating in the review of Annex 5, the Revised Schedule of Commitments on the Progressive Liberalization of Services under the EAC Common Market Protocol.
 - b) The Government submitted its Goods Schedule to the WTO at the time of accession which is in line with the EAC Common Market principles and objectives.

III. Existing Policy and Legal Framework:

- (i) National Trade Policy, 2017;
- (ii) East Africa Community Customs Management Act, 2004;
- (iii) Energy Act, CAP. 314;
- (iv) Excise Duty Act, CAP. 472;
- (v) Kenya Trade Remedies Act, CAP. 524; and
- (vi) Value Added Tax CAP 476.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Export Processing Zones Authority (EPZA);
- (ii) Kenya Bureau of Standards (KEBS);
- (iii) Kenya Export Promotion and Branding Agency (KEPROBA);
- (iv) Kenya Investment Authority (KenInvest);
- (v) Kenya Revenue Authority (KRA);
- (vi) Kenya Trade Network Agency (KenTrade);

- (vii) The Customs and Border Control Department (CBCD); and
- (viii) The Kenya Trade Remedies Agency.

3.4.4 The WTO Trade Facilitation Agreement (TFA)

490. The WTO Trade Facilitation Agreement was adopted in Bali, Indonesia in 2013, and entered into force on 22nd February, 2017. 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 Member States and is expected to reduce bureaucracy, ease and harmonize customs formalities.
491. The Agreement is significant especially for Small and Medium Sized Enterprises (SMEs) including those in Kenya that are looking to connect to and move up value chains and participate in the global economy.
492. Kenya ratified the TFA on 10th December, 2015.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Expediting the movement, release and clearance of goods, including goods in transit;
- b) Establish a National Committee to facilitate domestic coordination and implementation of the provisions of the Agreement; and
- c) Notification to the WTO on categorization of measures in order for developing countries to benefit from Special and Differential Treatment.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

493. The Government has undertaken/is undertaking the following:
- a) Undertaking the National Needs Assessment on Trade Facilitation;
 - b) Implementing the Electronic Single Window System to facilitate international trade by reducing delays and lowering costs associated with clearing of goods at the Kenya's ports of entry;
 - c) Implementing trade facilitation Memoranda of Understanding (MoUs) with various member states of the WTO; and
 - d) Facilitating ease of doing business through the Kenya Trade Portal which was established to link investors to trade opportunities.

III. Existing Policy and Legal Framework:

- (i) Animal Diseases Act, Cap. 364;
- (ii) East Africa Customs Management Act, 2004;
- (iii) Kenya Plant Health Inspectorate Service Act, CAP. 349; and
- (iv) Standards Act, (CAP. 496).

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Bureau of Standards (KEBS);
- (ii) Kenya Plant Health Inspectorate Service (KEPHIS);
- (iii) Kenya Revenue Authority (KRA);
- (iv) Kenya Trade Network Agency (KENTRADE);
- (v) National Trade Facilitation Committee; and
- (vi) National Trade Negotiation Council.

3.4.5 World Trade Organization Technical Barriers to Trade (WTO/TBT) Agreement

494. The WTO Technical Barriers to Trade (WTO/TBT) Agreement was renegotiated during the Uruguay Round of the General Agreement on Tariffs and Trade with its present form entering into force with the establishment of the WTO in 1995, binding all WTO Members.
495. The Agreement aims to ensure technical regulations, standards and conformity assessment procedures are non-discriminatory and do not create unnecessary obstacles to trade.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Ensure that TBT measures do not discriminate against foreign products (in favor of domestic producers), or between foreign producers (for example, by favoring one country over another);
- b) The standardizing body shall accord treatment to products originating in the territory of any other Member of the WTO no less favourable than that accorded to like products of national origin and to like products originating in any other country; and
- c) Ensure that, in cases where a positive assurance of conformity with technical regulations or standards is required, their central Government bodies apply the following provisions to products originating in the territories of other Members:
 - (i) Conformity assessment procedures are prepared, adopted and applied so as to grant access for suppliers of like products originating in the territories of other Members under conditions no less favourable than those accorded to suppliers of like products of national origin or originating in any other country;
 - (ii) In a comparable situation; access entails suppliers' right to an assessment of conformity under the rules of the procedure, including, when foreseen by this procedure, the possibility to have conformity assessment activities undertaken at the site of facilities and to receive the mark of the system.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

496. The Government has undertaken/is undertaking the following:
- a) Providing conformity assessment for goods leaving and entering the country. Kenya Bureau of Standards (KEBS) is the designated WTO/TBT National Enquiry Point (NEP). The NEP seeks to address trade barriers for Kenyan producers to enhance access to international markets;
 - b) Implementing the East Africa Community Elimination of Trade Barrier Act, 2017, which seeks to address Non-Tariff Barriers (NTBs); and
 - c) Adopted a total of 1,845 standards out of the 2,850 EAC Standards.

III. Existing Policy and Legal Framework:

- (i) Standards Act, CAP. 496;
- (ii) EAC Standards Quality Assurance Metrology and Testing Act, 2006; and
- (iii) The East Africa Community Elimination of Non-Tariff Barriers Act, 2017.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Bureau of Standards (KEBS); and
- (ii) Kenya Revenue Authority (KRA).

3.4.6 World Trade Organization Agreement on Trade Related Investment Measures (TRIMS)

497. The WTO Agreement on Trade Related Investment Measures (TRIMS) was concluded in 1994, and entered into force in 1st January, 1995. Kenya ratified the Agreement in 1st January, 1995. The Agreement establishing TRIMS was negotiated in the Uruguay Round to deal with trade-restrictive and trade-distorting effects of investment measures on trade. It facilitates investment across international frontiers to increase economic growth of all trading partners particularly developing member states, while ensuring free competition.
498. Kenya as a developing country is permitted to retain TRIMS that constitute an exemption of Article III or XI of GATT provided these measures meet the conditions of Article XVIII of GATT which allows specified derogation from these provisions by virtue of their economic development needs.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Progressive liberalization of world trade;
- b) Facilitate investment across international frontiers so as to increase the economic growth of all trading partners, particularly developing country members, while ensuring free competition;
- c) Kenya is required to honour requests for notification on any actions that may be trade restrictive or trade-distorting;
- d) Obligation to afford adequate opportunity for consultations on matters arising from the Agreement; and
- e) Requirement to disclose information that would impede law enforcement, be contrary to public interest or be prejudicial to legitimate commercial interests whether public or private.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

499. The Government has undertaken/is undertaking the following:
500. Retained exemptions under Article III, XI and XVIII of GATT which allows specified derogation from these provisions by virtue of their economic development needs.
501. Established the “enquiry points” offices that provide information about the country’s technical regulations, test procedures and adherence to various international standards.

III. Existing Policy and Legal Framework:

- (i) Agriculture and Food Authority Act, CAP. 317;
- (ii) Competition Act, CAP. 504;
- (iii) Investment Promotion Act, CAP. 485;
- (iv) Kenya Trade Remedies Act, CAP. 524; and
- (v) Micro and Small Enterprises Act, CAP. 499 C;

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Competition Authority of Kenya;
- (ii) Kenya Export Promotion and Branding Agency (KEPROBA);
- (iii) Kenya Investment Authority (KenInvest);
- (iv) Kenya Revenue Authority (KRA);
- (v) Kenya Trade Network Agency (KenTrade);

- (vi) The Export Processing Zones Authority (EPZA);
- (vii) The Kenya Bureau of Standards (KEBS); and
- (viii) Trade Remedies Agency.

3.4.7 World Trade Organization Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS)

502. The TRIPS Agreement came into effect on 1st January, 1995. Kenya became a State Party to the Agreement on 1st January, 1995. The objectives of TRIPS are to reduce distortions and impediments to international trade, promote effective and adequate protection of intellectual property (IP) rights, and ensure that measures and procedures to enforce IP rights do not inhibit legitimate trade.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) To provide in their laws that the patentable matter for all inventions shall include all fields of technology;
- b) To develop minimum standards allowing member states to provide extensive IP Protection and allowing flexibility to implement the provisions of the Agreement taking into account the minimum standards;
- c) To provide for enforcement of IP rights and create competent authorities for the purposes of enforcement of IP rights; and
- d) To provide for acquisition and maintenance of IP rights and related inter-parties procedures.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

503. The Government has undertaken/is undertaking the following:

- a) Formulating the Intellectual Property Bill, 2021.
- b) Building capacity in the sector through continuous employment of Patent Examiners from various disciplines including Engineers, Biotechnologists, Bio-Chemists, Physicists and Biologists to consider applications in their respective fields.

III. Existing Policy and Legal Framework:

- (i) Trade Marks Act, CAP. 506;
- (ii) Industrial Property Act, CAP. 509; and
- (iii) Copyright Act, CAP. 130.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Industrial Property Institute; and
- (ii) Kenya Copyright Board.

3.4.8 Protocol Amending the TRIPS Agreement

504. The Protocol was adopted in Geneva, Switzerland on 6th December, 2005. Kenya signed the Protocol on 7th July, 2015, and ratified it on 21st July, 2015. The Protocol entered into force on 23rd February, 2017. It serves to permanently incorporate into the TRIPS Agreement additional flexibilities to grant special compulsory licenses for the export of medicines, commonly referred to as the “Paragraph 6 System”.

505. The Protocol has facilitated access to affordable versions of patented medicines needed to address public health problems such as HIV/AIDS, malaria and other epidemics by Least Developed Countries.

506. The Protocol establishes a mechanism for pharmaceutical products manufactured under compulsory license to be exported to eligible member states under certain circumstances.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Make certain notifications on laws and regulations to the TRIPS council that will allow other members to review each other's legislation;
- b) Establish and notify contact points in their administrations for purposes of cooperation with each other aiming at the elimination of trade in infringing goods;
- c) Obligation to implement the Paragraph 6 system in the domestic legal framework; and
- d) The Government is obligated to implement the provisions of the protocol so as to give them legal authority in Kenya. The Protocol amends Article 31 of the TRIPS Agreement on use without the authorization of the right holder.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

507. The Government has undertaken/is undertaking the following:

- a) Employed Patent Examiners from various disciplines, including engineers, biotechnologists, biochemists, physicists and biologists to consider applications in their respective fields.
- b) Developed the Kenya National TradeNet System (KESWS) which allows new pharmaceutical products to be imported efficiently by allowing importers to obtain product registration certificates from the Pharmacy and Poisons Board, which then issues an import permit for each consignment.
- c) Formulating the Kenya Drugs Authority Bill, 2022.
- d) Developing the Intellectual Property Bill, 2021.

III. Existing Policy and Legal Framework:

- (i) Industrial Property Act, CAP. 509;
- (ii) Pharmacy and Poisons Act, CAP. 244; and
- (iii) Trade Marks Act, CAP. 506.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Industrial Research Development Institute (KIRDI);
- (ii) Pharmacy and Poisons Board; and
- (iii) The Kenya Industrial Property Institute.

3.4.9 The World Trade Organization Dispute Settlement System

508. The WTO established a Dispute Settlement Understanding (DSU) mechanism as an outcome of the Uruguay Round of Negotiations. It was adopted in 1994 and entered into force on 1st January, 1995. It is quasi-judicial in nature with a single set of rules applicable to all disputes. The system came about in 1994 as an annex to the Marrakesh Agreement following agreement by members on the Understanding on Rules and Procedures governing the Settlement of Disputes of 1994.

509. Its objective is to secure compliance with all the WTO multilateral agreements. Kenya, or any other member state can initiate a dispute settlement process on any trade dispute she may have with another country.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Use consultation to settle disputes and if unsuccessful, to approach the organ to consult with disputing parties in order to end the dispute.

- b) Each Member undertakes to accord sympathetic consideration to and afford adequate opportunity for consultation regarding any representations made by another member concerning measures affecting the operation of any covered agreement taken within the territory of the former.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

510. The Government is undertaking the following:

- a) Enhancing domestic legal capability to handle the dispute settlement process nationally and recommends initiatives to the general council for improvement in the dispute settlement process; and
- b) Implementing trade remedies, and investigating cases of dumping as well as subsidizing publishing of reports with a view of assisting the dispute resolution process.

III. Existing Policy and Legal Framework:

Kenya Trade Remedies Act, CAP. 524.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Trade Remedies Agency (KeTRA).

3.4.10 World Trade Organization (WTO) Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement)

511. The WTO Agreement on the Application of Sanitary and Phytosanitary Measures was adopted on 15th April, 1994. Kenya ratified the SPS Agreement on 1st January, 1995, and it entered into force on 1st January, 1995. The Agreement sets out the basic rules for food safety, and animal and plant health standards. It allows countries to set their own standards. But it also says regulations must be based on science.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Members have the right to take sanitary and phytosanitary measures necessary for the protection of human, animal or plant life or health, provided that such measures are not inconsistent with the provisions of this Agreement;
- b) Members shall ensure that any sanitary or phytosanitary measure is applied only to the extent necessary to protect human, animal or plant life or health, is based on scientific principles;
- c) Members shall ensure that their sanitary and phytosanitary measures do not arbitrarily or unjustifiably discriminate between Members; and
- d) Application of sanitary and phytosanitary measures shall not be applied in a manner which would constitute a disguised restriction on international trade;

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

512. The Government has undertaken/is undertaking the following:

- a) Developing Animal Health Bill, 2023, Veterinary Public Health Bill, 2023 and Animal Welfare Bill, 2023;
- b) Formulating the Food Safety Policy, 2023 and the Food and Feed Safety Coordination Bill, 2023;
- c) Reviewing the Veterinary Practice and Veterinary Medicines Bill, 2024 and conducted public participation; and

d) Developing the Livestock Bill, 2021.

III. Existing Policy and Legal Framework:

- (i) Agricultural Policy, 2021;
- (ii) National Livestock Policy, 2020;
- (iii) Veterinary Policy, 2020;
- (iv) Animal Diseases Act, CAP. 364;
- (v) Prevention of Cruelty to Animals, CAP. 360;
- (vi) Rabies Act, CAP 365; and
- (vii) Veterinary Surgeon and Veterinary Paraprofessional Act, CAP. 366.

IV. Existing institutions mechanisms established to ensure a Co-ordinated national approach towards implementation:

- (i) Kenya Veterinary Board; and
- (ii) Kenya Veterinary Vaccines Production Institute.

3.4.11 East African Community Protocol on Sanitary and Phyto-sanitary Measures

513. The Protocol was concluded on 12th July, 2013, and ratified by Kenya in June, 2016. The Protocol aims at promoting safe trade in animal and plant products to strengthen the application of a harmonized approach for implementation of SPS measures and activities within the Partner States. Implementation of the Protocol will guarantee food safety measures, plant protection and animal health as well as improve mitigation of risks arising from pests and diseases, to improve competitiveness of produce originating from the EAC in external markets. Further, implementation of the Protocol will facilitate the implementation of the objectives of the Common Market in the EAC.

514. Six Partner States have ratified the Protocol namely Kenya, Uganda, Burundi, South Sudan, Rwanda and United Republic of Tanzania, paving the way for its implementation.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Promote trade in food and agricultural commodities within the Community and between the Community and other trading partners;
- b) Promote within the Community, the implementation of the principles on harmonization, equivalence, regionalization, transparency and risk assessment in the Agreement on the Application of Sanitary and Phytosanitary Measures;
- c) Strengthen cooperation and coordination of sanitary and phytosanitary measures and activities at national and regional level, based on common understanding and application within the Community; and
- d) Enhance the sanitary and phytosanitary status through science-based approach in the Community.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

515. The Government has undertaken/is undertaking the following:

- a) implementing the 5th Edition of the Standard Operating Procedures of Inspecting Maize, Beans and Rice for Pests of Phytosanitary Importance in the EAC which was adopted by EAC Partner States;
- b) Participating in the development of the Draft East African Community Seed and Plant Varieties Bill, 2021; and

- c) Hosted EAC Technical Representatives meeting with the legislative draft persons to harmonize SPS Measures which took place from 11th to 14th December, 2023 in Nairobi.

III. Existing Policy and Legal Framework:

- (i) Animal Diseases Act, CAP. 364;
- (ii) East Africa Customs Management Act, 2004;
- (iii) Kenya Plant Health Inspectorate Service Act, CAP. 349;
- (iv) Meat Control Act, CAP. 356.
- (v) Plant Protection Act, CAP. 324; and
- (vi) Seeds and Plant Varieties Act, CAP. 326.

IV. Existing institutions mechanisms established to ensure a Co-ordinated national approach towards implementation:

Kenya Plant Health Inspectorate Service (KEPHIS) for Phytosanitary issues; and

3.4.12 EAC Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income

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

517. Kenya ratified the agreement in February, 2015.

I. Key Obligation for State Parties/Kenya under the Treaty:

Eliminate double taxation among the Partner States by imposing an obligation on the Resident State to give credit for the source state tax against the resident state tax on income or exempt the income from tax.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

518. The Government is participating in the review of the EAC Double Taxation Agreement to provide the modalities for implementation.

III. Existing Policy and Legal Framework:

- (i) Kenya Revenue Authority Act, CAP. 469; and
- (ii) Tax Procedures Act, CAP. 469B.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Revenue Authority.

3.4.13 Cotonou Partnership Agreement (ACP-EU Partnership Agreement)

519. The Cotonou Partnership Agreement (ACP-EU Partnership Agreement) was signed on 23rd, June, 2000, between the African Caribbean and Pacific Group of States (ACP) and the European Union (EU) in Cotonou, Benin. It entered into force in 2003. Though a successor to the Lome Conventions, it extended participation to new actors such as trade unions, civil society, local authorities and the private sector. Kenya became a party to the Agreement in 1975.

520. The Cotonou Partnership Agreement provides the framework through which ACP countries draw development support as well as duty and quota free access to the European market.

521. The Agreement was revised in 2020.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Promote industrialization;
- b) Promote economic growth of developing states;
- c) Promote, protect and fulfil human rights, democratic principles, the rule of law and good governance, paying particular attention to gender equality;
- d) Build peaceful and resilient states and societies, tackling ongoing and emerging threats to peace and security;
- e) Foster human and social development, and in particular to eradicate poverty and address inequalities, ensuring that everyone enjoys a life of dignity and that no one is left behind, with special attention paid to women and girls;
- f) Mobilise investment, support trade and foster private-sector development, with a view to achieving sustainable and inclusive growth and creating decent jobs for all; combat climate change, protect the environment and ensure the sustainable management of natural resources; and
- g) Implement a comprehensive and balanced approach to migration, so as to reap the benefits of safe, orderly and regular migration and mobility, stem irregular migration.
- h) Undertake to implement measures in line with the provisions of the Agreement.
- i) Encouraging contribution of civil society participation.
- j) Protection of Human Rights, Rule of Law, Good Governance and Democratic Principles.
- k) Pursue policies for peace building and conflict prevention and resolution.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

522. The Government has undertaken/is undertaking the following:

- a) Attracted EU support in different sectors among them infrastructure, agriculture and emergencies;
- b) Holds Executive powers of the Cotonou Partnership Agreement EU-ACP Secretariat;
- c) Advanced in eliminating tariffs by ensuring that 60% of goods exported to European countries are free of taxes; and
- d) The Economic Partnership Agreement between the Government and the United Kingdom of Great Britain and Northern Ireland (Kenya-UK EPA) is being implemented within existing administrative and legal frameworks.

III. Existing Policy and Legal Framework:

In relation to the Agreement, there is no obligation to formulate national legislation.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

In relation to the Agreement, there is no obligation to establish an institution.

3.4.14 East African Community (EAC)/European Union (EU) Economic Partnership Agreements (EPAs)

523. Kenya together with other East African Community (EAC) Partner States concluded EPA Negotiations with the European Union (EU) on 16th October, 2014. Kenya signed the EAC/EPA Agreement on 1st September, 2016, and ratified it on 20th September, 2016.
524. Kenya as a member of the African, Caribbean and Pacific (ACP) Group has benefitted over the years from preferential market access to the EU. The preferential access and trade with the EU were based on the Lomé Conventions of 1975–2000 and the Cotonou Partnership Agreement of 2000–2007 and under the Market Access Regulation (MAR) 1528/2007 of 31st December, 2007.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Contribute to economic growth and development through the establishment of a strengthened and strategic trade and development partnership consistent with the objective of sustainable development;
- b) Promote regional integration, economic cooperation and good governance in the EAC; promote the gradual integration of the EAC into the world economy, in conformity with its political choices and development priorities;
- c) Foster the structural transformation of EAC economies, and their diversification and competitiveness by enhancing their production, supply and trading capacity;
- d) Improve EAC capacity in trade policy and trade-related issues;
- e) Establish and implement an effective, predictable and transparent regional regulatory framework for trade and investment in the EAC Partner States, thus supporting the conditions for increasing investment, and private sector initiative; and
- f) Strengthen the existing relations between the Parties on the basis of solidarity and mutual interest.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

525. The Government has undertaken/is undertaking the following:
- a) Non-Ratification of the EAC/EPA Agreement by the other EAC Partner States led to conclusion of a separate arrangement between Kenya and the EU for continued market access to the EU;
 - b) Kenya has already ratified the EPA and deposited the Instrument of Ratification on 6th June 2024;
 - c) The Government continues to lobby the other EAC Partner States to convince them to ratify the Agreement; and
 - d) The benefits that are not available currently 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 cumulative 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.

III. Existing Policy and Legal Framework:

In relation to this Agreement, there is no obligation to formulate national legislation.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Ministry of Investment, Trade and Industry.

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

526. The Protocol was adopted on 20th November, 2009, and it entered into force on 1st July, 2010. Kenya ratified the Protocol in 2010.

527. 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.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Accelerate economic growth and development of the partner states through the attainment of the free move goods, persons and labour, the rights of establishment and residence and the free movement of services and capital;
- b) Strengthen, coordinate and regulate the economic and trade relations among the partner states in order to promote accelerated, harmonious and balanced development within the community;
- c) Sustain the expansion and integration of economic activities within the community, the benefit of which shall be equitably distributed among the Partner States;
- d) Promote common understanding and cooperation among the nationals of the Partner States for their economic and social development; and
- e) Enhance research and technological advancement to accelerate economic and social development.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

528. The Government has undertaken/is undertaking the following:

- a) Implementing the EAC One Stop Border Post (OSBP) Sustainability Strategy 2021/2022–2025/2026.
- b) Participated in the regional meeting to consider Draft Notification Procedures in compliance with requirements under the EAC Common Market Protocol in May, 2023.
- c) Participating in the development of Annex VII to the Protocol on the Establishment of the East African Community Common Market on the Mutual Recognition of Academic and Professional Qualifications.
- d) Participated in the implementation of the Common Market Protocol and the Regional Monitoring Group (RMG) meeting held in December, 2023 and January 2024, respectively to:
 - (i) Update the framework for monitoring and evaluating the implementation of the EAC Common Market Protocol;
 - (ii) Validate key country achievements and identify challenges in the implementation of the EAC Common Market Protocol at national level and provide strategies to address the identified challenges to progress implementation;
 - (iii) Validate the status report on EAC Common Market Protocol non-compliant laws.
- e) Participated in the meeting of the Regional Taskforce (RTF) to compile a comprehensive list of levies, fees and charges for harmonization and/or removal, from 11th to 15th September, 2023.

- f)* Participated in the 43rd EAC Sectoral Council on Trade, Industry, Finance and Investment, held from 5th to 7th February, 2024, where policy decisions were made and directives given to address policy, legal and regulatory challenges in order to progress implementation of the Common Market Protocol.

III. Existing Policy and Legal Framework:

- (i) All national legislations relating to the movement of persons, goods, labour, capital, the rights of residence and establishments;
- (ii) East African Community Customs Management Act, 2004;
- (iii) Kenya Citizenship and Immigration Act, CAP.170;
- (iv) Kenya Revenue Authority Act, CAP. 469; and
- (v) Standards Act, CAP. 496.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Bureau of Standards (KEBS);
- (ii) Kenya Plant Health Inspectorate Service (KEPHIS); and
- (iii) Kenya Revenue Authority (KRA).

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

529. The Protocol was adopted on 2nd March, 2004 and entered into force on the same date. Kenya ratified the Protocol in April, 2004.
530. The Protocol established a Free Trade Area (or zero duty imposed) on goods and services traded amongst EAC Partner States, and agreed on Common External Tariff (CET), whereby imports from countries outside the EAC are subjected to the same tariff when sold to any EAC Partner State.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a)* Liberalise intra-regional trade in goods on the basis of mutually beneficial trade arrangements among the Partner States;
- b)* Promote efficiency in production within the Community;
- c)* Enhance domestic, cross border and foreign investment in the Community; and
- d)* Promote economic development and diversification in industrialization in the Community.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

531. The Government has undertaken/is undertaking the following:
- a)* Enhanced implementation of the EAC Single Customs Territory in the reporting year which has resulted in the following achievements:
 - (i) **Efficiency in clearance of goods**—Processes have been reviewed and implemented according to the Single Customs Territory (SCT) principles of clearing cargo at first point of entry and point of exit for intra-regional trade;
 - (ii) **ICT systems interconnectivity**—Enhancement and development of information systems solutions has significantly improved information sharing and coordination among Revenue, Port Authorities and other border agencies. Introduction of pre-arrival submission of manifests by shippers to customs administration at the entry points and destination within a span of 48 hours before docking of vessels has increased efficiency of document processing and border

crossing. Declaration lodgement time has shortened at the destination Customs Document Processing Centres resulting in faster release of goods at the entry points and exit points for intra-regional trade;

- (iii) **The Simplified Trade Regime (STR)**—Procedure for small-scale cross-border traders engaged in intra region trade has been automated in the customs management systems. The STR enables lodging of declarations with limited paperwork such as Simplified Certificate of Origin along with proof of cost of goods (invoice or receipt); and
 - (iv) **E-certificate of Origin**—The EAC Certificate of Origin is a key trade document that provides a basis for preferential treatment of goods produced in the region. Automation of this process has commenced and is aimed at exchange of electronic certificates to allow confirmation of the authenticity in the destination partner states.
- b) Kenya is implementing the EAC Customs Strategy 2021/22–2025/26. The strategic interventions for the period 2021/22–2025/26 are as follows:
- a) **Development Objective:** Attaining a fully functioning Customs Union;
 - b) **Strategic interventions** which include the following:
 - (i) Leveraging on new technologies to maximize efficiency in Customs operations;
 - (ii) Enhance trade facilitation through adoption and implementation of regional, continental, and international agreements;
 - (iii) Strengthen Customs institutional capacity and human capital; and
 - (iv) Strengthen public-private sector partnerships.
 - c) Concluding trade negotiations and developing strategies for implementation of AfCFTA and TFTA agreements and other key identified partners while aligning with the outcome of implications of EAC negotiating Agreements with third parties;
 - d) Participated in sessions to eliminate NTBs. As of April 2024, two hundred and sixty-nine (269) None Tariff Barriers (NTBs) had been cumulatively resolved since 2007, while nine (9) NTBs remained outstanding. Two (2) NTBs have been resolved in 2024;
 - e) Participated in the enactment of the EAC Competition (Amendment) Act, 2022, during the 23rd Ordinary Meeting of the EAC Heads of State and Summit held on 24th November, 2023, in Arusha, Tanzania;
 - f) Participated in the development of the EAC Competition (Mergers and Acquisitions) Regulations, 2022 and EAC Competition (Mergers and Acquisitions Sharing of Notification Fees) Regulations, 2022. The Draft Regulations are now before the Sectoral Council on Legal and Judicial Affairs, for consideration in a meeting to be held on 17th – 21st June, 2024, in Dar es Salaam, Tanzania;
 - g) Participating in the development of the Draft EAC Elimination of Non-Tariff Barriers (Amendment) Bill, 2022, which are now before the Sectoral Council on Legal and Judicial Affairs, for consideration;
 - h) Continues to implement the EAC Single Customs Territory (SCT). Jointly with the EAC Secretariat and the Northern Corridor Transit and Transport Coordination Authority, an assessment was undertaken on the status and impact of implementation of the EAC Single Customs Territory (SCT) along the Northern Corridor in August 2023. The assessment registered the following achievements:
 - (a) **Cost and time of movement of cargo** – Cost per kilometer in moving cargo containers has reduced significantly by up to 47% for moving a 20-foot container

from Mombasa Port to Nairobi; by 10% to Kampala, 12% to Kigali; 26% to Goma (DRC); and 24% to Juba, South Sudan.

- (b) **Efficiency in clearance of goods:** The average processing time has shown a significant improvement from an average of 3.6 hours in 2012 to 1 hour in 2022. In addition, average time for export clearance has decreased from 37 days to 10 days since the commencement of implementation of the EAC Single Customs Territory and from 55 days to 15 days for import clearance.
 - (c) **Transit time** – has reduced due to improved business environment, efficient Port and One Stop Border Points’ (OSBPs’) operations and better road conditions. Duration required for border compliance in transferring of goods has decreased from an average of 72.96 in 2015 to 62.5 hours in 2022.
 - (d) **ICT systems interconnectivity:** Enhancement and development of information systems solutions has significantly improved information sharing and coordination among Revenue, Port Authorities and other border agencies.
 - (e) **The Simplified Trade Regime (STR):** procedure for small-scale cross-border traders engaged in intra region trade has been automated in the customs management systems. The STR enables lodging of declarations with limited paperwork such as Simplified Certificate of Origin along with proof of cost of goods (invoice or receipt). In addition, the STR is undergoing review to make it more facilitative for MSMEs to effectively participate in cross border trade.
- i) Participated in the meeting of the Regional Taskforce (RTF) to compile a comprehensive list of levies, fees and charges for harmonization and/ or removal held from 11th to 15th September, 2023, in Dar es Salaam, Tanzania;
 - j) Continues to automate and generate E-certificate of Origin aimed at exchange of electronic certificates to allow confirmation of the authenticity in the destination partner states;
 - k) Established and operationalized Border Management Committees (BMCs): Policy decision made at Ministerial level to establish and operationalize Border Management Committees (BMCs) in key border points of Lunga Lunga–Horo Horo, Taveta–Holili, Isebania–Serare, Namanga, Busia and Malaba;
 - l) Developed the EAC Elimination of Non-Tariff Barriers (NTBs) Mobile Application with support from TradeMark Africa and launched during the 23rd MSMEs Trade Fair held in December, 2023, in Bujumbura, Burundi, to ease reporting, monitoring and elimination of NTBs in the Community. The EAC NTBs App allows the user to launch complaints;
 - m) Participated in the 23rd EAC MSMEs Trade Fair held in December, 2023, in Bujumbura, Burundi where 302 MSMEs from Kenya show-cased goods. 1,031 Exhibitors attended the Trade Fair from the EAC partner states. The Symposium was aimed at promoting MSMEs participation in intra-EAC trade through the annual EAC MSMEs Trade Fair and enhancing awareness and building capacity of MSMEs on intra-regional trade opportunities and understanding the EAC trade regime;
 - n) Participated in the Bilateral Tariff negotiations between the EAC and Southern Africa Customs Union (SACU) from 4th to 7th September, 2023, on the outstanding technical issues. This included transposition and verification of tariff offers exchanged between the EAC and SACU, review of SACU’s tariff offer to 90% to match the EAC’s, EAC-SACU Automobile Strategy, modalities for negotiations of sensitive products, modalities for implementing Tariff Rate Quotas for beef and the implementation of EAC-SACU tariff concessions;
 - o) Participated in the development of the EAC Regional Strategy, 2023–2033, on implementation of the African Continental Free Trade Area (AfCFTA) adopted by the

43rd Sectoral Council on Trade, Industry, Finance and Investment (SCTIFI) held from 5th to 7th February, 2024;

- p)* Working with other partner states to finalize the outstanding tariffs under Category B and C products which will be submitted to the AfCFTA Secretariat once finalised and approved by the EAC Council of Ministers;
- q)* Participated in the Meeting of Legal and Customs Experts held from 17th to 21st April, 2023, in Kigali, Rwanda, to review the EAC Customs Management Regulations and align them with the proposed provisions of the EAC CMA, 2004;
- r)* Participated in the Multi-sectoral National Stakeholders' Awareness and Sensitization on Implementation and Enforcement of EAC Competition Policy and Law, during a meeting held on 12th June, 2024, in Nairobi; and
- s)* Participated in the drafting of EAC Competition Authority (Complaints, Investigation and Hearings) Rules of Procedure during a meeting held from 17th to 21st June, 2024, in Dar es Salaam, Tanzania, for consideration by the 25th Sectoral Council on Legal and Judicial Affairs.

III. Existing Policy and Legal Framework:

- (i) EAC Non Tarrif Barriers Act, 2017;
- (ii) EAC Standardization, Quality Assurance, Metrology and Testing Act, 2006; and
- (iii) East African Community Customs Management Act, 2004.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Bureau of Standards (KEBS);
- (ii) Kenya Plant Health Inspectorate Service (KEPHIS);
- (iii) Kenya Ports Authority (KPA).
- (iv) Kenya Revenue Authority (KRA); and
- (v) Kenya Trade Network Agency (KenTrade).

3.4.17 Protocol on the Establishment of the East African Community Monetary Union

532. The Protocol was adopted on 30th November, 2013, and it entered into force on 30th November, 2013. Kenya ratified the Protocol on 28th November, 2014. The Protocol seeks to establish a single currency in the Community by 2024.

533. In order to support the establishment of the Monetary Union, the East African Monetary Institute has been established. Further, four additional regional institutions will be established namely East African Statistics Bureau, East African Surveillance Compliance and Enforcement Commission, East African Finance Service Commission, and East African Central Bank. Kenya's obligation under the Protocol relate to providing financial contribution towards the financing of the four institutions to be established to support the Monetary Union.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a)* Harmonise monetary and fiscal policies;
- b)* Harmonise financial, payment and settlement systems;
- c)* Harmonise financial accounting and reporting practices;
- d)* Harmonise policies and standards on statistical information; and
- e)* Partner States are obligated to promote and maintain monetary and financial stability aimed at facilitating economic integration to attain sustainable growth and development of the Community.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

534. The Government has undertaken/is undertaking the following:

- a) Internal consultations on the East African Monetary Union (EAMU) Bills (EAC Surveillance, Compliance and Enforcement Commission and the EAC Financial Services Commission) which have been passed by the East African Legislative Assembly (EALA) and are awaiting assent by the Summit;
- b) Considered the Draft Framework for Monitoring the Implementation of the EAMU Roadmap from February to March 2024. The Framework is expected to provide the status of implementation of all activities contained in the EAMU roadmap every six months, identify the remaining activities towards full implementation, track recent initiatives undertaken by all stakeholders and identify potential risks for non-implementation/delayed implementation of the roadmap as well as mitigation measures for such risks. The Draft Framework was adopted by the EAC Sectoral Council on Finance and Economic Affairs during their meeting held from 13th to 17th May 2024 in Arusha, Tanzania; and
- c) Involved in the harmonization of domestic taxes in the EAC, undertaken pursuant to the EAC Policy on Harmonization of Domestic Taxes adopted by the EAC Council of Ministers in 2019. This include development of Draft EAC Council Directive for Harmonization of Exercise Tax in the EAC Region. The Policy calls for EAC Partner States to harmonize and coordinate, among others, the mandatory list of dutiable goods and services, optimal rates, base of excise duty as well as excise tax regime (ad-valorem or specific or hybrid).

III. Existing Policy and Legal Framework:

- (i) Banking Act, CAP. 488;
- (ii) Capital Markets Act, CAP. 485A;
- (iii) Central Bank of Kenya Act, CAP. 491;
- (iv) East African Monetary Institute Act, 2019;
- (v) Insurance Act, CAP. 487;
- (vi) Public Finance Management Act, CAP. 412A.
- (vii) Retirement Benefit Act, CAP. 197; and
- (viii) Sacco Societies Act, CAP. 490B;

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Capital Markets Authority;
- (ii) Central Bank of Kenya (CBK);
- (iii) East African Monetary Institute;
- (iv) Insurance Regulatory Authority;
- (v) Retirement Benefits Authority; and
- (vi) Sacco Societies Regulatory Authority (SASRA).

3.4.18 Marking of Weights (Packages Transported by Vessels Convention), No. 27 of 1929

535. The Convention was adopted on 11th November, 1921, entered into force on 9th March, 1932, and acceded to by Kenya on 9th February, 1971. The Convention requires that any package or object weighing one (1) Metric Tonne and above consigned within the territory of any Member State shall have its gross weight clearly marked on it before it is loaded.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a)* Ensure that any package to be transported within its territory shall have its gross weight plainly and durably marked upon it on the outside before it is loaded; and
- b)* Adopt national laws or regulations to determine whether the obligation for having the weight marked shall fall on the consignor or on another person or body.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

536. The Government has undertaken/is undertaking the following:

- a)* Provision of services through twenty-one (21) zonal offices at Nairobi, Mombasa, Malindi, Wundanyi, Nyeri, Thika, Meru, Embu, Machakos, Mwingi, Nakuru, Garissa, Eldoret, Kitale, Kericho, Kakamega, Bungoma, Busia, Kisii, Homa Bay and Kisumu; and
- b)* Conducting inspection services in line with the Weights and Measures Act CAP. 513 and Trade Descriptions Act, 2019.

III. Existing Policy and Legal Framework:

- (i) Trade Descriptions Act, CAP. 505; and
- (ii) Weights and Measures Act, CAP. 513.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Weights and Measures Department.

3.5 STANDARDIZATION

3.5.1 The Metre Convention

537. The Convention was adopted on 20th May, 1875, in Paris, France. Kenya became a member state in 1st January, 2010, and was previously an Associate Member since 2002.
538. The Metre Convention established a permanent organisational structure for member States to act in common accord on all matters relating to units of measurement.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Execute in good faith binding decisions adopted by the CGPM;
- b) Fulfil their financial obligations namely: all the costs of the establishment and installation of the BIPM, as well as the annual expenses for its maintenance and those of the CIPM;
- c) Pay any supplementary sums to make up the Dotation due to the default of Member States which advantages and prerogatives are suspended;
- d) Each Member State also derives the following rights pursuant to CIPM decisions:
 - (i) the right to purchase, at cost, a calibrated platinum-iridium kilogram;
 - (ii) the potential opportunity for its experts to participate in the Consultative Committees created by the CIPM;
 - (iii) the opportunity to have its National Calibration and Measurement Capabilities (CMCs) internationally recognized in the framework of the Arrangement on Mutual Recognition of national measurement standards and of calibration and measurement certificates issued by National Metrology Institutes (CIPM MRA);
 - (iv) the right to have its internationally recognized CMCs listed in the BIPM key comparison database (KCDB), publicly available on the internet;
 - (v) the right to designate multiple national metrology laboratories for participation in the activities of the BIPM provided they hold national measurement standards;
 - (vi) a possible opportunity for its scientists to participate in various scientific programmes run by the BIPM;
 - (vii) the right for the Director of its National Metrology Institute (NMI) to attend the meetings of NMI Directors, organized by the BIPM; and
 - (viii) the right to access restricted areas of the BIPM website, where policy information is contained.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

539. Kenya has adopted a total of 1,428 standards: 507 are indigenous designated as East African Standards; and 921 are international standards.
540. Kenya participates in International Bureau of Weights and Measures (BIPM) activities.

III. Existing Policy and Legal Framework:

Standards Act, Cap. 496 (*Rev.* 2012).

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Bureau of Standards (KEBS).

3.5.2 East Africa Community Protocol on Standardization, Quality Assurance Metrology and Testing (EAC SQMT)

541. The Protocol was concluded in 2010 and ratified by all Partner States. The Partner States are required to formulate and apply a common policy on standardization, quality assurance, metrology and testing of products produced and traded within the Community.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Apply a common policy on the relationship of the EAC Bureau of Standards with regional, international, and other organizations and institutions concerned with standardization, quality assurance, and metrology and testing; and
- b) Evolve and apply a common policy in the development of activities in standardization, quality assurance, metrology, and testing.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

542. The Government has undertaken/is undertaking the following:

- a) EAC has harmonized a total of 2050 standards. The Government has adopted 1845 standards out of the total harmonized EAC standards.
- b) The Government has maintained its membership to the East Africa Accreditation Board (EAAB). This has contributed to deeper East Africa integration process.
- c) The Government participated in Standards Harmonization Technical Committees and its Secretariat to various Sectoral Committees of the EAC. The 13th CODEX Forum meeting was held from 15th to 17th April 2024, virtually; the 27th Metrology Technical Sub-Committee met from 18th to 19th April 2024 in Kampala, Uganda; the 4th TBT Forum met on 22nd and 23rd April 2024 Virtually; Extra-Ordinary Meeting of the Standards Management Committee met from 23rd to 25th April 204 in Arusha, Tanzania; Extra-Ordinary Meeting of the Quality Assurance Technical Sub-Committee met on 23rd and 24th April 2024 Virtually; 28th Testing Technical Sub-Committee met from 24th to 25th April 2024, virtually; and the EAC Standards Committee was held from 8th to 10th May, 2024.
- d) The Government participated in meetings to review the EAC SQMT Act, 2006. The review process has resulted in the development of a Draft EAC Metrology Bill, 2021, and the Draft Standards, Assessment and Conformity Assurance Bill, 2022. The East Africa Legislative Assembly (EALA) Public Hearings on the Bills was undertaken from 8th to 10th May, 2024 in Nairobi.
- e) The EAC Standards, Assessment and Conformity Assurance Bill, 2022, was adopted by the 41st Ordinary Council and introduced in the East Africa Legislative Assembly as Bill No. 5 of 2022. The Bill is awaiting debate and enactment.

III. Existing Policy and Legal Framework:

- (i) EAC SQMT Act, 2006; and
- (ii) Standards Act, CAP. 496.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Directorate of Weights and Measures; and
- (ii) Kenya Bureau of Standards (KEBS);

3.6 INTELLECTUAL PROPERTY

3.6.1 Paris Convention for the Protection of Industrial Property

543. The Paris Convention was adopted in 20th March, 1883. Kenya joined the Paris Convention on 14th June, 1965, and joined the Stockholm Act, 1967, that amended the Paris Convention on 26th October, 1971.

544. The Paris Convention seeks to amend/enact intellectual property laws to comply with the Agreement on patents, utility models, industrial designs, trademarks, service marks, trade names, indications of source or appellations of origin, and the repression of unfair competition.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Claim priority on applications for registration and grant of trademarks, patents and industrial designs that are made within the prescribed period in Kenya;
- b) Protect well-known trademarks;
- c) Treat Nationals of Member States to the Convention the same way it treats its own Nationals with respect to applications for protection of industrial property rights;
- d) Enforce the right of an inventor to be named in a patent, unless the inventor expressly states that he or she has forfeited that right;
- e) Ensure that where a granted patent has not worked efficiently in the country, mechanisms are put in place to facilitate any person who has capacity to work the patent efficiently to do so by way of grant of a compulsory license;
- f) Ensure that industrial designs are protected in Kenya;
- g) Ensure that registered trademarks can be assigned, with goodwill, to a third party;
- h) Put in place mechanisms for protection of service marks, with respect to services that are offered in the country; and
- i) Put in place mechanisms for protection of collective marks, with respect to products with unique characteristics due to various factors such as geographical location, climate and altitude.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

545. The Government has undertaken/is undertaking the following:

- a) Received and processed 896 trademarks that sought to claim priority under the convention. Such priority claims are taken into consideration when the filing date for the respective application is being given to the applicants;
- b) Implementing the Industrial Property Act, 2001; and
- c) Actively involved in protecting and enforcing Industrial Property Rights through the Kenya Industrial Property Institute.

III. Existing Policy and Legal Framework:

- (i) Industrial Property Act, CAP 509; and
- (ii) Trade Marks Act, CAP. 506.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Industrial Property Institute (KIPI).

3.6.2 Berne Convention for the Protection of Artistic and Literary Works

546. The Berne Convention was adopted on 9th September, 1886, for the protection of Literary and Artistic Works. Kenya acceded to the Berne Convention on 11th March, 1993 and entered into force on the same date.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Provide for creators such as authors, musicians, poets, and painters among others, with the means to control how their works are used, by whom, and on what terms; and
- b) Recognize the copyright of works of authors from other signatory countries (known as members of the Berne Union) in the same way as it recognizes the copyright of its own nationals, that is, the national treatment which is an obligation agreed to by Kenya.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

547. The Government ensures protection of copyrights while conscious of exceptions and limitations under the national legislation.

III. Existing Policy and Legal Framework:

- (i) Copyright Act, 2001 (*Rev.* 2020); and
- (ii) Copyright Regulations, 2020.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Copyright Board (KECOBO).

3.6.3 Madrid Agreement Concerning the International Registration of Marks (Madrid, 1891)

548. The Madrid System for the International Registration of Marks is governed by the Madrid Agreement, concluded in 1891, and the Protocol relating to that Agreement, concluded in 1989. Kenya became a party to the Madrid Agreement and its Protocol on 26th March, 1998.

549. The objective of this Agreement is to ensure that nationals of Contracting States 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.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Ensure that Kenya residents are able to register their trademarks in the member countries by way of the Madrid System for the International Registration of Trade Marks;
- b) Ensure that nationals of the member states can use the Madrid System for the purpose of registering their trademarks in Kenya;
- c) Establish a National Industrial Property Office for the purpose of an international application for registration of an international Trade Mark;
- d) Ensure compliance with the provisions of the Protocol relating to the owner of an international registration trademark to extending the protection of an international registration to Kenya, referred to as the territorial effect of Trade Marks;
- e) Ensure compliance with the provisions of the Protocol relating to recognition of trademarks registered under the Protocol to have identical protection as those trademarks that have been registered;
- f) Ensure compliance with the provisions of the Protocol relating to replacement of a national registration in the Contracting Parties through their National System for registration of trademarks; and
- g) Establish mechanisms for examination of the international trademarks.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

550. The Government has undertaken/is undertaking the following:

- a) Kenya Industrial Property Institute (KIPI) has a unit under the Trade Marks Division that is solely dedicated to registration of trade marks under the Madrid System;
- b) KIPI publishes Trade Marks applications that designate Kenya under Madrid System in the monthly Kenya Industrial Property Journal; and
- c) The Kenya Industrial Property Institute established under the Industrial Property Act, CAP. 509, has formulated the Institute Strategic Plan for the period 2023–2027 to fulfil its mandate.

III. Existing Policy and Legal Framework:

- (i) Industrial Property Act, CAP. 509; and
- (ii) Trade Marks Act, CAP. 506;

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Industrial Property Institute (KIPI).

3.6.4 Patent Co-operation Treaty (PCT)

551. The Patent Cooperation Treaty (PCT) was adopted in Washington, D.C, USA in 1970, and is open to Contracting Parties to the Paris Convention of 1883. Kenya acceded to the PCT on 8th March, 1994.

552. The main objective of this Treaty is thus enacting laws to comply with the Treaty and participation in the annual meeting of the Assembly of member states as well as various other PCT meetings to make it possible for her nationals or residents of contracting states to seek patent protection for an invention simultaneously in each of a large number of countries by filing international patent applications.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Enact national laws to comply with the PCT;
- b) Receive international patent applications filed by national or residents of Kenya;
- c) Transmit such applications to the World Intellectual Property Organization (WIPO); and
- d) Participate in the annual meeting of the PCT Assembly as well as various other PCT Working Group meetings.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

553. The Government has undertaken/is undertaking the following:

- a) Transmitted all the International Patent applications that were filed by Kenya residents to WIPO.
- b) Participated in the Sixty-Third Series of Meetings of Assemblies of the member states of WIPO that were held from 14th to 22nd July, 2022.
- c) The Kenya Industrial Property Institute established under the Industrial Property Act, CAP. 509, has formulated the Institute Strategic Plan for the period 2023–2027 to fulfil its mandate.

III. Existing Policy and Legal Framework:

Industrial Property Act, CAP. 509.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Industrial Property Institute (KIPI).

3.6.5 Brussels Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite

554. The Brussels or Satellites Convention is a WIPO-administered Treaty that was adopted in 1974. Kenya signed the Convention on 21st May, 1974, and ratified it on 6th January, 1976. It has thirty-eight (38) Contracting States to date. The Convention is open to any Member State of the United Nations or any of the United Nations agencies.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Take adequate measures to prevent the unauthorized distribution on or from its territory of any programme-carrying signal transmitted by satellite; and
- b) State Parties' obligation shall not apply to the distribution of derived signals taken from signals which have already been distributed by a distributor for whom the emitted signals were intended.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

555. The Government has undertaken/is undertaking the following:

- a) Protection of transmission by wire or wireless means including satellite transmission as incorporated in the Copyright Act, CAP. 130; and
- b) Encouraging use of the National Rights Registry Platform (NRRP) for the registration, viewing and downloading copyright certificate.

III. Existing Policy and Legal Framework:

Copyright Act, CAP. 130.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Copyright Board (KECOBO).

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

556. The Convention was adopted in Marrakesh, Morocco on 27th June, 2013, and entered into force on 30th September, 2016. Kenya signed the Convention on 28th June, 2013, and ratified on 2nd June, 2017. It forms part of the body of international copyright treaties administered by WIPO.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Introduce a set of limitations and exceptions to copyright rules in order to permit reproduction, distribution and making available of published works in formats designed to be accessible to Visually Impaired Persons (VIPs); and
- b) Permit exchange of these works across borders by organizations that serve Visually Impaired Persons (VIPs).

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

557. The Kenya Copyright Board has been in the forefront to ensure provisions of the Treaty are incorporated in the national legislation. Definitions of works includes audio visual work. Provisions of the Treaty have been incorporated in the Copyright Act.

III. Existing Policy and Legal Framework:

- (i) Copyright Act, CAP. 130; and

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Copyright Board

3.6.7 Beijing Treaty on Audio-visual Performances

558. The Treaty was adopted on 24th June, 2012. Kenya signed on 26th June, 2012, in Beijing and ratified on 15th November, 2019. The Treaty is open to Member States of WIPO and entered into force on 28th April, 2020.

559. It deals with IPRs of performers in audiovisual performances by granting performers four kinds of economic rights for their performances fixed on audiovisual fixations such as motion pictures—the right of reproduction, the right of distribution, the right of rental and the right of making available.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Accord to nationals of other Contracting Parties the treatment it accords to its own nationals with regard to the exclusive protection of the rights of performers in their audiovisual performances; and
- b) Ensure performers enjoy the exclusive right of authorizing, as regards their performances namely:
 - (i) the broadcasting and communication to the public of their unfixed performances except where the performance is already a broadcast performance; and
 - (ii) the fixation of their unfixed performances.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

560. Protection and remedies for audio visual performers was incorporated in the national legislation.

III. Existing Policy and Legal Framework:

- (i) Copyright Policy, 2020; and
- (ii) Copyright Act, CAP. 130.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Copyright Board (KECOBO).

3.6.8 Nairobi Treaty on the Protection of the Olympic Symbol

561. The Treaty was adopted in 1981. Kenya signed it on 24th October, 1981, and ratified it on 18th November, 1981. The Treaty is administered by WIPO and is open to WIPO Member States, UN Member States or State Parties to the Paris Convention of 1883.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Protect the Olympic symbol against use for commercial purposes without the authorization of the International Olympic Committee (IOC);
- b) The National Olympic Committee of the State Party is entitled to a part in any revenue the International Olympic Committee obtains for granting the authorization of the use of the Olympic symbol in the State Party;
- c) Ensure compliance with the provisions of the Treaty relating to the suspension of the above obligations; and

- d) Ensure compliance with the provisions of the Treaty relating to the countries with which Kenya is in a customs union or a free trade area.

II. Specific measures taken by the Government pursuant to the outlined obligations, limited to the period under review (2022-2023)

562. The Trade Mark Examiners are obligated to refuse an application for registration of a trade mark that consists of the Olympic Symbol. The Government did not receive any trade marks that were considered to be in contravention of the Nairobi Treaty.
563. The Kenya Industrial Property Institute was established under the Industrial Property Act, No. 3 of 2001. To enable the Institute to implement its mandate, the following have been put in place:
- (i) The Institute Strategic Plan for the period 2023–2027;
 - (ii) The Institute Performance Contract for the Financial Year 2023–2024; and
 - (iii) The Institute Budget for the Financial Year 2023–2024.

III. Existing Policy and Legal Framework:

- (i) The Industrial Property Act, CAP. 509; and
- (ii) Trade Marks Act, Cap. 506.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Industrial Property Institute (KIPI).

3.6.9 Geneva Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of their Phonograms, 1971

564. The Convention was adopted in 1971, in Geneva. Kenya signed on 4th April, 1972, and ratified on 6th January, 1976. To date, the Geneva Convention has seventy-nine (79) Contracting Parties. This Convention is administered jointly by WIPO, ILO and UNESCO.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Protect a producer of phonograms who is a national of another Contracting State against the making of duplicates without that producer's consent, against the importation of such duplicates, where the making or importation is for the purpose of distribution to the public, and against the distribution of such duplicates to the public.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

565. The Government has included the protection of producers of sound recordings as laid out the Copyright Act, CAP. 130.
566. Provisions on take down notice and ISP liability have been included in the Copyright Act, CAP. 130 to protect copyright owners in the digital environment.

III. Existing Policy and Legal Framework:

- (i) The Copyright Act, CAP. 130.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Copyright Board; and
- (ii) Copyright Tribunal.

3.7 EDUCATION, SCIENCE AND TECHNOLOGY

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

567. Kenya is a party to the Dakar Framework for Action, Education for All (EFA), in the World Education Forum held in Dakar, Senegal in 2000. One hundred and eighty-eight (188) countries endorsed the Jomtien goals. Under the Agreement, Kenya committed to provide quality basic education for all children, youth and adults.

I. Key Obligations for State Parties/Kenya under the Treaty:

Develop National Education for All (EFA) goals.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

568. The Government has undertaken/is undertaking the following:

- a) Put in place measures to ensure that all Kenyans enjoy access to education without discrimination. The Government has provided for free and compulsory basic education through Free Primary Education (FPE) and Free Day Secondary Education (FDSE) leading to an increase in school enrolment. A total of 9,922,193 learners benefitted from the free day secondary education programme while a total of 8,849,268 learners benefitted from the free primary education;
- b) Constructed 11 dining halls cum kitchens and 34 dormitories in 43 public low cost boarding primary schools and supplied 360,000 desks to 5,106 primary schools;
- c) Provided 17,802,788 set books for English literature and Fasihi ya Kiswahili to 8,935 public secondary schools;
- d) Rationalized the learning areas to a maximum of 5 for pre-primary, from 9 to not more than 7 for lower primary, from 12 to not more than 8 for upper primary, from 14 to not more than 9 for Junior Secondary, and from 9 to not more than 7 for Senior Secondary;
- e) Implemented Kenya Primary School Education Assessment (KPSEA) for Grade 6 to monitor learners' progress and provide feedback to education sector players on areas that require intervention and not for placement;
- f) Lowered the entry qualification to the Teacher Training Colleges (TTC) for Diploma Primary Teacher Education raising the enrollment to the Colleges from 6,044 to 20,105 in 2023;
- g) Increased enrolment and retention of girls and boys in pre-primary, primary and secondary education, particularly in ASAL counties and informal settlements through the following:
 - i. Digitization of contents to reach the un-reached and strengthen National Education Management Information System (NEMIS);
 - ii. Revitalizing vocational and technical education;
 - iii. Provision of sanitary towels to girls in primary and secondary schools to ensure equity in access to learning opportunities; and
 - iv. Implementation of school feeding programme in selected primary schools in ASALs, slums and pockets of poverty areas.
- h) Adopted a whole Government approach to facilitate the mop up exercise aimed at ensuring every child attains the next level of school towards implementing the 100% transition policy;
- i) Allocated a capitation of 15,043 to every learner in Junior School and employed 35,000 teachers to support the transition process from Primary School to Junior School;

- j)* In the Financial Year 2023/2024, the Government allocated a total of KSh. 628.6 Billion to the education sector which is 84.2 Billion increase from KSh. 544.4 Million allocated in the Financial Year 2022/2023;
- k)* Disbursed a total of KSh. 3,863,417,000 as capitation to trainees in TVET Institutions to subsidize on school fees;
- l)* Processing the employment of 1,300 TVET Trainers to address the shortage of trainers in TVET institutions;
- m)* Formulating and revising the following policy and legislations to facilitate the implementation of the Presidential Working Party on Education Reforms (PWPER) Report:
- i. National Education Policy, 2024
 - ii. Basic Education Bill, 2024
 - iii. Basic Education Scholarships and Bursaries Bill, 2024
 - iv. Kenya Institute of Curriculum Development (Amendment) Bill, 2024
 - v. Kenya National Examination Council (Amendment) Bill, 2024
 - vi. Teachers Service Commission (Amendment) Bill, 2024
 - vii. Kenya Literature Bureau (Amendment) Bill, 2024
 - viii. Education Appeals Tribunal Bill, 2024
 - ix. Technical and Vocation Education and Training Bill, 2024
 - x. Universities Bill, 2024
 - xi. Tertiary Education Placement and Funding Bill, 2024
 - xii. Kenya National Qualification Framework (Amendment) Bill, 2024
 - xiii. Science and Technology Innovation (Amendment) Bill, 2024
- n)* Implementing the new financing model for Universities and TVET institutions;
- o)* Operationalized the Open University of Kenya at Konza Technopolis and has received 1,009 applications as at 29th September, 2023;
- p)* Approved the establishment of 13 National Polytechnics bringing the total number to 24 countrywide;
- q)* Implementing the new grading system where the computation of Kenya Certificate of Secondary Education mean score is based on English/Kiswahili/Kenya Sign Language, Mathematics and 5 other best performing subjects;
- r)* Implementing the Competency Based Assessment Framework (CBA) and strengthening examination administration; and
- s)* Developed and issued a guideline on the implementation of the Junior School level of education.

III. Existing Policy and Legal Framework:

- (i) Sessional Paper no. 1 of 2019, Policy Framework for Reform Education and Training for Sustainable Development in Kenya;
- (ii) Basic Education Act, CAP. 211;
- (iii) Children Act, CAP. 141;
- (iv) Early Childhood Education Act, CAP. 211B;
- (v) Kenya Institute of Curriculum Development Act, CAP. 211A;
- (vi) Kenya Literature Bureau Act, CAP. 209;
- (vii) Kenya National Commission for UNESCO Act, CAP. 215;
- (viii) Kenya National Examination Council Act, CAP. 214A;
- (ix) Kenya National Qualifications Framework Act, CAP. 214;
- (x) Science, Technology and Innovation Act, CAP. 511;
- (xi) Teacher Service Commission Act, CAP. 212;
- (xii) Technical and Vocational Education and Training Act, CAP. 210A;
- (xiii) Universities Act, CAP. 210;

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Center for Mathematics, Science and Technology in Africa;
- (ii) Commission for Universities Education (CUE);
- (iii) Higher Education Loans Board;
- (iv) Jomo Kenyatta Foundation;
- (v) Kenya Education Management Institute;
- (vi) Kenya Institute of Curriculum Development (KICD);
- (vii) Kenya Institute of Special Education;
- (viii) Kenya Literature Bureau (KLB);
- (ix) Kenya National Commission for UNESCO;
- (x) Kenya National Examination Council (KNEC);
- (xi) Kenya National Innovation Agency (KeNIA);
- (xii) Kenya National Qualifications Authority;
- (xiii) Kenya School of TVET;
- (xiv) Kenya Universities Colleages Central Placemnt Services (KUCCPS);
- (xv) National Commission for Science, Technology and Innovation (NACOSTI);
- (xvi) National Research Fund;
- (xvii) Teacher Service Commission (TSC);
- (xviii) Technical Vocational Education and Training Curriculum Development Assessment and Certification Council;
- (xix) Technical Vocational Education Training Authority (TVETA); and
- (xx) Univerisities Funding Board;

3.7.2 The Djibouti Declaration on Regional Conference on Refugee Education in IGAD Member States

569. The Djibouti Declaration was adopted on 14th December, 2017. Kenya acceded to the Declaration on the same date. Member states are meant to ensure that every refugee, returnee, and members of host communities have access to quality education in a safe learning environment within the respective countries without discrimination, adopt and implement the accompanying action plan on education of refugees, returnees and members of host communities in IGAD region.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Ensure that every refugee, returnee, and members of host communities have access to quality education in a safe learning environment within our respective countries without discrimination;
- b) Adopt and implement the accompanying action plan on education of refugees and returnees and members of host communities in IGAD region;
- c) Establish an IGAD regional experts and ministerial committee of education to oversee the implementation of all agreed standards policy instruments and frameworks for education for all including refugees, returnees and members of host communities; and
- d) Integrate refugees into national education policies, strategies, programs and plans of action in our respective countries.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

570. The Government is developing the Education and Training Policy on the inclusion of refugees and Asylum seekers.

III. Existing Policy and Legal Framework:

Refugee Act, CAP. 173.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Refugee Secretariat Affairs.

3.7.3 Protocol on the Establishment of the Inter-University Council for East Africa (IUCEA)

571. The Protocol was adopted on 13th September, 2002, and Kenya signed it on the same date. The Protocol establishes an inter-university council to implement the objectives of the Protocol.

572. The mandate of the council includes advising the partner states on higher education matters, and to contribute towards meeting national and regional developmental needs.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Facilitate networking among universities in East Africa and outside the region;
- b) Provide a forum for discussion on a wide range of academic and other matters relating to higher education in East Africa; and
- c) Facilitate maintenance of internationally comparable education standards in East Africa so as to promote the region's competitiveness in higher education.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

573. The Government is implementing the online match-making platform for skills developed by the EAC through its Project: “*Digital Skills for an Innovative East African Industry*” (*dSkills@EA*).

III. Existing Policy and Legal Framework:

- (i) Inter-University Council of East Africa Act, 2009; and
- (ii) Universities Act, CAP. 210.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Council of University Education.

3.7.4 Protocol on the Establishment of the East African Kiswahili Commission

574. 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. The objective of this protocol is to establish the East African Kiswahili Commission (EAKC) as a tool for providing advice to the partner states on all matters relating to Kiswahili research, teaching, learning and development.

I. Key Obligation for State Parties/Kenya under the Treaty:

Establish the East African Kiswahili Commission as a tool for providing advice to the Partner States on all matters related to Kiswahili research, teaching, learning and development through policy formulation, knowledge generation, curriculum review, standardization of terminology, and promotion of Kiswahili as the *lingua franca* of the Partner States.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

575. The Government has undertaken/is undertaking the following:

- a) Implementing a multilateral collaboration framework for furthering the EAKC agenda which has resulted in establishment of National Kiswahili Council in all the partner states;
- b) Implementing the Staff-Student Exchange and Mentorship Programme in and beyond the EAC;
- c) Participated in the development of draft amendments to the EAC Treaty to incorporate Kiswahili and French as official languages of the Community. The amendments are now before the Sectoral Council on Legal and Judicial Affairs, for consideration;
- d) Developed a National Kiswahili Council of Kenya Bill, 2023, which seeks to establish the National Kiswahili Council of Kenya to promote the development of Kiswahili as a *lingua franca* of the partner states;
- e) Developed a Draft Languages of Kenya Policy, 2021;
- f) Translation of the East African Treaty into Kiswahili is undergoing and awaiting validation by partner states; and
- g) Developing training manuals and programs for teaching and training Kiswahili in partner states as per (EAC/CM 35/Directive 35).

576. Existing Policy and Legal Framework:

National Culture Policy, 2019.

III. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

None.

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

577. The protocol was adopted on 18th April, 2007, and entered into force on 1st July, 2014. The commission is based in Rwanda and its 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.
578. It seeks to promote regional research in science and technology. The governing board for the commission was inaugurated in Entebbe, Uganda from 20th to 21st June, 2017.
579. The commission is established as a regional body to spearhead research in science and technology development and acquisition of reliable data to guide decision making in science and technology matters. Membership to the commission presents an opportunity for Kenya to improve its research capacity through co-operation with other partner states.

I. Key Obligation for State Parties/Kenya under the Treaty:

Promote and coordinate the development, management and application of science and technology for regional integration and socio-economic development.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

580. The Government has undertaken/is undertaking the following:
- a) Developed the Startup Bill, 2022;
 - b) Co-ordinated participation of Kenyan researchers and innovators to publish their research in the East African Journal of Science, Technology and Innovation, Volume 3, Issue No. 3 June, 2022, and Volume 4, Issue No. 2 (2023); and
 - c) Participated in the development and implementation of EAC Regional Strategy for Science, Technology, Engineering and Mathematics, EAC Regional Strategy for Indigenous Knowledge and Technology Systems, 2nd EAC Strategic Plan (2023–2028), EAC Regional Innovation and Technology Transfer Strategy, EAC Regional Intellectual Property Policy and the EASTECO Resource Mobilization Strategy.

III. Existing Policy and Legal Framework:

Science, Technology and Innovation Act, CAP. 511.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya National Innovation Agency; and
- (ii) National Commission for Science, Technology and Innovation (NACOSTI).

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

581. Africa Regional Cooperative Agreement for Research Development and Training Related to Nuclear Science and Technology (AFRA) is an inter-governmental agreement established by African member states to strengthen and enlarge the contribution of nuclear science and technology to socio-economic development on the African continent. The scope of AFRA activities covers a wide range of peaceful applications of nuclear techniques that contribute towards their achievement of national and regional development goals. Kenya became a party to AFRA in 1991.
582. The Fifth Extension of AFRA Agreement was concluded on 4th April, 2015, and Kenya acceded to it on 4th February, 2016. The International Atomic Energy Agency (IAEA) provides technical expertise and secretariat services for AFRA activities. The National Commission for Science, Technology and Innovation (NACOSTI) is the AFRA National Coordinator.

583. 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. AFRA benefits the country through technical assistance, support and capacity building in areas of peaceful uses of nuclear science and technology for socio-economic development.

I. Key Obligations for State Parties/Kenya under the Treaty:

Promote cooperative research, development and training in nuclear science and technology.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

584. The Government has undertaken/is undertaking the following:

- a) Supports this initiative through allocation and disbursement of recurrent grants to National Commission for Science, Technology and Innovation;
- b) Supporting thirty-eight (38) AFRA projects which are under the AFRA 2022–2023 technical cooperation cycle and are aligned with five priority areas for cooperation;
- c) Pilots the Nuclear Science Education in secondary schools and already, two schools for pilot programme have been selected. The Government has already appointed a team to review the Secondary School Curriculum with an aim of incorporating nuclear science technology in secondary schools. This will help demystify nuclear science and technology; and
- d) Participates in AFRA project designs that ensures peaceful application of nuclear technology that contribute to National and Regional goals.

III. Existing Policy and Legal Framework:

- (i) Nuclear Regulatory Act, CAP. 243; and
- (ii) Science, Technology and Innovation Act, CAP. 511.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) National Commission for Science, Technology and Innovation (NACOSTI); and
- (ii) Kenya Nuclear Regulatory Authority (KNRA).

3.8 OUTER SPACE

3.8.1 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies

585. The convention was adopted by the UN General Assembly on 19th December, 1966, and opened for signature on 27th January, 1967. It entered into force on 10th October, 1967. Kenya acceded to the convention on 19th January, 1984. The convention provides for international regulation of outer space activities and is the international legal regime of outer space and celestial bodies.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Exploration and use of outer space for the benefit and interests of all mankind;
- b) Use the Moon and other celestial bodies for peaceful purposes;
- c) Be responsible for national space activities and liable for damage caused by their space objects;
- d) Avoid harmful contamination of space and celestial bodies; and
- e) Desist from claiming sovereignty over outer space or any celestial body.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

The Government has undertaken/is undertaking the following:

- a) Developed the Kenya Space Agency Strategic Plan (2020–2025) with a multi-agency approach;
- b) Proposed the construction of an optical astronomical observatory and a modern radio telescope and a centre for microsatellite development through the medium term 3 for implementing vision 2030 (MTP-3) as part of science, technology and information;
- c) Establishment of the Longonot-Earth Station, Nakuru County to, among others, monitor signals from deep space;
- d) Instituted research grant programmes for Nano Satellite Development and Operational Space Weather; and
- e) Drafting a Kenya Space Bill, 2024, and reviewing of the Kenya Space Policy, 2016, to coordinate the sector.

III. Existing Policy and Legal Framework:

- (i) Kenya Space Policy, 2016; and
- (ii) Kenya Space Bill, 2024

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Space Agency.

3.8.2 Convention on International Liability for Damage caused by Space Objects (Liability Convention)

586. The convention was adopted by the UN General Assembly on 29th November, 1971, and opened for signature on 29th March, 1972. It entered into force on 1st September, 1972. Kenya acceded to the Convention on 25th September, 1975. The Convention provides that states shall bear international liability and responsibility for all space objects that are launched within their territory.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Liability to pay compensation for damage caused by its space objects on the surface of the Earth or to aircraft in flight, and damage due to its faults in space; and
- b) Any damage to a third party occurring as a result of a space operation is the responsibility of the launching state which launches or procures the launching of a space object or state from whose territory or facility a space object is launched.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

587. The Government has undertaken/is undertaking the following:

- a) Conducts regular and continuous training on implementation of the Treaty.
- b) Developed the Kenya Space Agency Strategic Plan (2020–2025) with a multi-agency approach.
- c) Drafting Kenya Space Bill, 2024, to coordinate the sector.

III. Existing Policy and Legal Framework:

- (i) Kenya Space Policy, 2016; and
- (ii) Kenya Space Bill, 2024.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Space Agency.

3.8.3 Agreement on the African Resource and Environment Management Satellite Constellation Initiative (ARMC)

588. In the recognition of its strategic location at the Equator and its history of space science and technology, Kenya collaborated with South Africa, Nigeria and Algeria to form the African Resource and environment Management satellite Constellation Initiative (ARMC).

589. The main objective of the Initiative is to establish a satellite constellation for monitoring of African resources and the environment. The collaborating countries signed the Agreement in Algiers, Algeria on 7th December, 2009.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Provide Easy Access to satellite data for end users in Earth observation fields;
- b) Capacity Building in the area of outer space; and
- c) Development of low-cost receiving stations.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

590. The government has undertaken/is undertaking the following:

- a) Kenya's first satellite (*Taiifa-1*) was developed by nine (9) engineers from KDF; and
- b) *Taiifa-1* was launched to space aboard a space X Falcon 9 Rocket Vandenberg Space Force Base in California, USA on 15th April, 2023. The satellite will collect agricultural and environmental data, including on floods, drought and wildfires that Authorities plan to use for disaster management and to combat food insecurity.

III. Existing Policy and Legal Framework:

- (i) Kenya Space Policy, 2016; and
- (ii) Kenya Space Bill, 2024

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Space Agency.

3.9 ELECTIONS, DEMOCRACY AND GOVERNANCE

3.9.1 The African Charter on Democracy, Elections and Governance (ACDEG)

591. The African Charter on Democracy Elections and Governance (ACDEG) was adopted on 30th January, 2007, and entered into force on 15th February, 2012. Kenya acceded to the Charter on 7th January, 2021.
592. The Charter, an initiative by African leaders to provide African solutions to African challenges, is a component of the African Governance Architecture (AGA) and expounds upon the Constitutive Act of the AU by committing member states to the adherence of universal values and principles of democracy and respect for human rights. It promotes the respect of the rule of law, periodic free and fair elections, consolidation of democratic institution and the rejection of unconstitutional change of Government.

I. Key Obligations for State Parties/Kenya under the Treaty

- a) Implement programs that promote democratic principles and practices;
- b) Adopt legislative and administrative measures that guarantee the rights of women, ethnic minorities and migrants, persons with disabilities, refugees, and displaced persons including marginalized and vulnerable social groups;
- c) Set up institutions to fight corruption; and
- d) Adhere to the principle of transparency and accountability in Government.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

593. The Government has undertaken the following:
- a) Formulated the Elections (Amendment) Bill, 2024, which was published on 7th March, 2024; and
 - b) Aligned the laws of Kenya and independent institutions with the provisions of the Charter.

III. Existing Policy and Legal Framework:

- (i) Constitution of Kenya, 2010;
- (ii) Anti-Corruption and Economic Crimes Act, CAP. 65;
- (iii) Election Campaign Financing Act, CAP. 7A;
- (iv) Election Offences Act, CAP. 66;
- (v) Elections Act, CAP. 7; and
- (vi) Political Parties Act, CAP. 7D.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Ethics and Anti-Corruption Commission (EACC);
- (ii) Independent Electoral Boundaries Commission (IEBC); and
- (iii) Office of the Registrar of Political Parties.

3.10 HEALTH

3.10.1 WHO Framework Convention on Tobacco Control (FCTC)

594. The FCTC was adopted during the 56th World Health Assembly in Geneva on 21st May, 2003, and opened for signature from 16th to 22nd June, 2003, in Geneva. It entered into force on 27th February, 2005. Kenya signed and ratified the FCTC on 25th June, 2004.

595. The FCTC was the first treaty to be negotiated under the auspices of the WHO in response to the globalization of the tobacco epidemic. The Treaty uses demand-reduction strategies to address tobacco addiction.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) 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;
- b) Provide bi-annual reports to the Conference of Parties; and
- c) Informed its nationals of the health consequences, addictive nature and mortal threat posed by tobacco consumption
- d) Exposure to tobacco smoke and effective legislative, executive, administrative or other measures should be contemplated at the appropriate Governmental level to protect all persons from exposure to tobacco smoke.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

596. The Government has undertaken/is undertaking the following:

- a) Increased taxation by 15% on tobacco products to discourage consumption of tobacco and related products;
- b) Implementing the National Guidelines on Tobacco Ceasation, 2017, and the National Tobacco Control Strategic Plan, 2019;
- c) Developed guidelines for labeling and packaging, including graphic health warnings;
- d) Identified the gaps in the Tobacco Control Act, CAP. 245A and prioritized its review to address new and emerging tobacco products;
- e) Initiated the establishment of the county multisectoral enforcement and compliance committees in the 47 counties; and
- f) Conducted the Tobacco, Alcohol, Drugs and Substance of Abuse Survey (TADSAS 2022) in collaboration with the Ministry of Health, NACADA and KNBS. The study is expected to inform policy direction more so on new and emerging nicotine products.

III. Existing Policy and Legal Framework:

- (i) Tobacco Control Act, CAP. 245A; and
- (ii) Tobacco Control Regulations, 2014.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Tobacco Control Board; and
- (ii) National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA).

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

597. The Protocol to eliminate illicit Trade in Tobacco Products was adopted in Seoul, South Korea on 12th November, 2012, and opened for signature from 10th January, 2013, to 9th January, 2014. The Protocol entered into force on 25th September, 2018. Kenya signed the Protocol on 29th May, 2013, and ratified on 15th July, 2019. The Instrument of Ratification was deposited with the Secretary General of the United Nations on 4th May, 2020. The Protocol entered into force for Kenya on 2nd August, 2020.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Combat illegal trade in tobacco products through control of the supply chain and international cooperation;
- b) Take any necessary measures in accordance with the national law to increase the effectiveness of their competent authorities, including customs and police responsible for preventing, deterring, detecting, investigating, prosecuting and eliminating all forms of illicit trade in goods covered by this Protocol; and
- c) Cooperate closely with one another, consistent with their respective domestic, legal, and administrative systems, to enhance the effectiveness of law enforcement action to combat the unlawful conduct including criminal offences established in accordance with Article 14 of this Protocol.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

598. The Government has undertaken/is undertaking the following:

- a) Implementing the National Guidelines on Tobacco Cessation, 2017, and the National Tobacco Control Strategic Plan, 2019;
- b) Participated in the meeting of the parties to the Protocol in Panama from the 27th-30th November, 2023;
- c) Committed to eliminating illicit trade, including the track and trace system, which has made the country a regional center of excellence in prevention of illicit trade; and
- d) Initiating tobacco free farms project where over 1,500 farmers have shifted from tobacco farming to viable alternatives.

III. Existing Policy and Legal Framework:

- (i) Tobacco Control Act, CAP. 245A; and
- (ii) Tobacco Control Regulations, 2014.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA); and
- (ii) Tobacco Control Board.

3.10.3 The Single Convention on Narcotic Drugs, 1961

599. 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, was adopted and entered into force on 8th August, 1975. Kenya ratified the Convention on 9th February, 1973.

600. The Convention establishes strict controls on the cultivation of opium poppy, coca bush, cannabis plant and their products, which in the Convention, are described as “narcotic drugs”.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Place narcotic drugs and psychotropic substances under international control

- b) Take such legislative and administrative measures as necessary;
- c) Give effect to and carry out the provisions of this convention within their own territories; and
- d) Cooperate with other States in the execution of the provisions of this Protocol.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

601. The Government has undertaken/is undertaking the following:

- a) 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 Kenya;
- b) Conducting continuous market registration, testing and surveillance on drugs in the Kenyan market;
- c) Submits periodic reports under the Convention to the International Narcotics Control Board (INCB) that monitors and supports state compliance under the Convention;
- d) Adopted an online platform as per the recommendation of the International Narcotics Control Board (INCB); and
- e) Developing Narcotic Drugs and Psychotropic Substances (Amendment Bill, 2023).

III. Existing Policy and Legal Framework:

- (i) Narcotic Drugs and Psychotropic Substances (Control) Act, CAP. 245; and
- (ii) Pharmacy and Poisons Act, CAP. 244.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Government Chemist Department;
- (ii) National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA);
- (iii) National Police Service;
- (iv) National Quality Control Laboratory; and
- (v) Pharmacy and Poisons Board.

3.10.4 The Convention on Psychotropic Substances, 1971

602. This Convention was adopted in Vienna on 21st February, 1971, and entered into force on 16th August, 1976. Kenya acceded to it on 18th October, 2000.
603. 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 several synthetic drugs according to their abuse potential and their therapeutic or medical value.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Report to the International Narcotics Control Board (INCB) on changes in its laws and regulations concerning psychotropic substances, notify of the names and addresses of the Governmental authorities dealing with psychotropic substances;
- b) Inform on developments in the abuse of and the illicit traffic in psychotropic substances within its territory;

- c) Furnish to the INCB annual statistical reports on quantities manufactured, exported to and imported from each country or region as well as on stocks held by manufacturers; and
- d) Submits periodic annual reports to the UN Secretary-General in respect of any case of illicit traffic in psychotropic substances or seizure from such illicit traffic.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

604. The Government has undertaken/is undertaking the following:

- a) Is a member of the Commission on Narcotic Drugs (CND). The CND considers all matters pertaining to the aims of the Convention and its implementation. The Commission assists the UN Economic and Social Council (ECOSOC) in supervising the application of the international drug control treaties. It also advises the Council on all matters pertaining to the control of narcotic drugs, psychotropic substances and their precursors;
- b) Invested in the International Narcotics Control Board (INCB) recommended online system which include the National Drug Control System and International Import and Export System which has improved the time taken on products to be procured. This is assisting member states to monitor the supply chain on narcotic and psychotropic substances in real time; and
- c) The Narcotic Drugs and Psychotropic Substances (Control) Act, CAP. 245, establishes offences for possession, cultivating, trafficking or other acts related to narcotic drugs and psychotropic substances including forfeiture of land used in the cultivation of prohibited plants.

III. Existing Policy and Legal Framework:

- (i) Narcotic Drugs and Psychotropic Substances (Control) Act, CAP. 245; and
- (ii) National Authority for the Campaign Against Alcohol and Drug Abuse Act, CAP. 122;
- (iii) National Police Service Act, CAP. 84; and
- (iv) Pharmacy and Poisons Act, CAP. 244.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Government Chemist Department;
- (ii) National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA);
- (iii) National Police Service; and
- (iv) Pharmacy and Poisons Board.

3.10.5 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances

605. This Convention was adopted on 20th December, 1988, and entered into force on 11th November, 1990. Kenya acceded to the Convention on 19th October, 1992. 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 criminal proceedings.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Provide comprehensive measures against drug trafficking, including provisions against money laundering and the diversion of precursor chemicals; and
- b) Cooperate with state parties in extradition process.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

606. The Government has undertaken/is undertaking the following:
- a) Developing the Narcotic Drugs and Psychotropic Substances (Amendment Bill, 2023); and
 - b) Invested in the INCB recommended online system which include the National Drug Control System and International Import and Export System which has improved the time taken on products to be procured. This is assisting member states to monitor the supply chain on narcotic and psychotropic substances in real time.

III. Existing Policy and Legal Framework:

- (i) Narcotic Drugs and Psychotropic Substances (Control) Act, CAP. 245;
- (ii) National Authority for the Campaign Against Alcohol and Drug Abuse Act, CAP. 122;
- (iii) National Police Service Act, CAP. 84; and
- (iv) Pharmacy and Poisons Act, CAP. 244.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Pharmacy and Poisons Board;
- (ii) National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA);
- (iii) Government Chemist Department;
- (iv) National Quality Control Board; and
- (v) National Police Service.

3.10.6 Protocol for the Establishment of the East African Health Research Commission (EAHRC)

607. The Protocol was signed by the Heads of State of the EAC partner states on 13th September, 2008, marking a new era of close cooperation on health research in the region.
608. EAHRC 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 that are necessary for knowledge generation, technological development, policy formulation, practice and other related matters. The EAHRC headquarters is in Bujumbura, Burundi.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Promote, facilitate, and coordinate the conduct and application of health research for the improvement of health and for the wellbeing of the people of East Africa; and
- b) Establish mechanisms for health research, knowledge management and mobilise resources to support health research for development.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

609. The Government has undertaken/is undertaking the following:
- a) Involved in the review of the draft EAC Regional Overarching Health Data Governance Framework, that is now ready for consideration by the 24th EAC Sectoral Council of Ministers of Health;
 - b) Implementing the EAC Medicines Regulatory Harmonization (EAC-MRH) Programme to harmonize technical requirements and optimize processes for medicines regulation, to facilitate timely access to safe, affordable, efficacious and quality essential medicines,

- vaccines and medical devices for treatment, management and diagnosis of diseases of public health importance;
- c)* Involved in the development of legal and operational frameworks (the Digital Regional EAC Health Initiative) to address the emerging health issues in the EAC region; and
 - d)* Participating in a Regional Programme on Medicines Regulatory Harmonization (EAC-MRH) since March 2012. The initiative has established a joint assessment of medicinal products dossiers approach in the assessment of safety, quality and efficacy of medicinal products before a marketing authorization is granted;
 - e)* Participating in the amendment of the Protocol to address issues of the Governing Board and to provide clarity in the mandate of the Commission;
 - f)* Participated in the 9th East African Health and Scientific Conference held from 27th to 29th September, 2023, in Kigali, Rwanda;
 - g)* Implementing a Project on Water, Sanitation and Hygiene (WASH) that will strengthen the capacity of partner states to prevent and address infectious diseases at hot spot areas in the region;
 - h)* Developed the Strategic Plan with a focus on improvement of health care in the region; and
 - i)* Developed legal and operational frameworks (the Digital Regional EAC Health Initiative) to address the emerging issues in the EAC region.

III. Existing Policy and Legal Framework:

- (i) Health Act, CAP. 241; and
- (ii) Science, Technology and Innovation Act, CAP. 511.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Medical Research Institute (KEMRI);
- (ii) Kenya National Innovation Agency;
- (iii) Kenya National Public Health Institute; and
- (iv) National Commission for Science, Technology and Innovation (NACOSTI).

3.11 TRANSPORT

3.11.1 Air Transport

3.11.1.1 Convention for the Unification of Certain Rules of International Carriage by Air (1999 Montreal Convention)

610. The Convention was adopted on 28th May, 1999, and entered into force on 4th November, 2003. Kenya signed the Convention on 28th May, 1999, and ratified it on 7th January, 2002.
611. The convention deals with 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. Key Obligations for State Parties/Kenya under the Treaty:

- a) Adhere to uniformity and predictability of rules relating to the international carriage of passengers, baggage and cargo;
- b) Domestication of the convention for the Unification of Certain Rules of International Carriage by Air;
- c) Ensure that passengers, cargo and mail are transported in accordance with the rules relating to international carriage; and
- d) Ensure that the quality of services provided meet consumer expectation

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

The Government has undertaken/is undertaking the following:

- a) Ensure that consumers are informed of their rights and responsibilities through sensitization (educating and protecting consumers).
- b) Established the National Civil Aviation Administrative Review Tribunal to address consumer's complaints.
- c) Reviewing the Civil Aviation (Consumer Protection) Regulations, 2018.
- d) enforces policies, rules, regulations and procedures relating to the rights of consumers.

III. Existing Policy and Legal Framework:

- (i) Civil Aviation Act, CAP. 394; and
- (ii) Consumer Protection Act, CAP. 501.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) National Civil Aviation Administrative Review Tribunal; and
- (ii) Kenya Civil Aviation Authority.

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

612. The Convention was adopted on 1st March, 1991, and entered into force on 21st June, 1998. Kenya acceded to the Convention on 22nd October, 2002. The Convention is a multilateral and Anti-Terrorism Treaty that aims to prohibit and prevent the manufacture or storage of unmarked plastic explosives.
613. 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 targets. It further takes cognizance that marking such

explosives unlawful for the purpose of detection would contribute significantly to the prevention of such acts.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) To prohibit the manufacture, storage, transport, or entry of unmarked plastic explosives;
- b) To ensure that all plastic explosives are marked as appropriate;
- c) To ensure no explosive including plastic explosive accesses the airport;
- d) To ensure any lawful explosive is declared to the Government Authorities prior to its transportation; and
- e) Legal action to be taken against any culprits found in possession or involved in unlawful manufacture of un-marked plastic explosives.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

The Government has undertaken/is undertaking the following:

- a) Undertakes surveillance measures to prohibit the manufacture, storage, transport or entry of unmarked plastic explosives in Kenya;
- b) Implements the Anti-Terrorism Framework to reduce the ability and risk of terrorists utilizing plastic explosives;
- c) Deploys the Anti-Terrorism Police Units (ATPUs) to all airports serving international flights and continuously shares information on terrorism with other ICAO member states;
- d) Continuously ensures no aircraft carrying weapons or explosives (dangerous goods) is permitted to fly over Kenyan airspace without permission; and
- e) Implementing the Civil Aviation (Security) Regulations, Legal Notice No. 128 of 2022.

III. Existing Policy and Legal Framework:

- (i) Prevention of Terrorism Act, CAP. 59B; and
- (ii) Civil Aviation Act, CAP. 394.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) National Counter Terrorism Centre (NCTC);
- (ii) National Crime Research Center; and
- (iii) Anti-Terrorism Police Unit (ATPU).

3.11.1.3 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

614. The Convention and the Protocol were adopted on 16th November, 2001, and entered into force on 1st March, 2006. Kenya signed the Convention and the Protocol on 16th November, 2001, and ratified them on 13th October, 2006.
615. The Convention and its Protocol recognizes 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.
616. The Government domesticated the Convention in the Civil Aviation under the Aircraft Nationality and Registration Marks Regulations 2022.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) To acquire and use mobile equipment of high value or particular economic significance;
- b) To domesticate the laws and regulations related to acquisition and leasing of mobile equipment of high value;
- c) To be committed to ensuring that the acquisition and leasing laws and regulations are implemented; and
- d) To comply with laws and regulations related to acquisition and leasing of mobile equipment of high value.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

617. The Government has undertaken/is undertaking the following:

- a) Facilitated air operators to acquire aircraft at a discount due to assurance to the sellers that their interests in such equipment are recognized and protected.
- b) Negotiates for avoidance of double taxation for Kenyan airline companies. In reciprocity, the Government continues to grant tax waivers on items to be used in aircraft during flight and spare parts on board foreign aircraft.
- c) Continues to register aircrafts according to ICAO guidelines and issued licenses.
- d) Ensures that airlines submit aircraft documents for analysis and scrutiny before allowing the vessel to fly into the country such as registration certificate, air operator's certificate, air worthiness certificate, aircraft insurance among others.
- e) Implementing its commitment under ICAO, which requires review of the regulations every two years.
- f) Liaises with the International Registry established under the Cape Town Convention to ensure harmonization of all interests in aircraft and aircraft parts.

III. Existing Policy and Legal Framework:

Civil Aviation Act, CAP. 394.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Civil Aviation Authority.

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

618. The Convention was adopted on 23rd September, 1971, and entered into force on 26th January, 1973. Kenya acceded to the Convention on 11th January, 1977.

619. The Convention recognizes 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 undermines the confidence of the peoples of the world in the safety of civil aviation. It aims at deterring such acts.

620. The Convention empower ICAO Annex 17 which deals with aviation security and has been domesticated in the Civil Aviation Security Regulations.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Prohibit and punish behaviour which threatens the safety of civil aviation;
- b) It requires state parties to make offences punishable by “severe penalties”;

- c) It requires state parties that have custody of offenders to either extradite the offender or submit the case for prosecution;
- d) To domesticate the convention into the national laws;
- e) To cooperate with other countries by sharing information on terrorism;
- f) To intervene through security personnel in case of an act of unlawful seizure involving a foreign aircraft within Kenyan airspace; and
- g) To prosecute the offender under Kenyan laws or extradite them for prosecution in another state.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

621. The Government has undertaken/is undertaking the following:

- a) Continuous security surveillance to enhance deterrence;
- b) Conducts body screening on passengers by security personnel at check points as well as the second screening points leading to the sterile area;
- c) Confiscates all unwanted and undeclared items by passengers;
- d) Deploys anti-terrorism personnel and Kenya Airport Police Unit (KAPU) to airports serving international flights;
- e) Collaborates with airlines to report any suspicious item or passenger to the security personnel;
- f) Enforce declaration and surrender of firearms to the pilot, and return at the destination; and
- g) Installed CCTV in all strategic areas at airport.

III. Existing Policy and Legal Framework:

- (i) Prevention of Terrorism Act, CAP. 59B
- (ii) The Civil Aviation Act, CAP. 394;
- (iii) Kenya Airport Authority Act, CAP. 395; and
- (iv) National Police Service Act, CAP. 84;

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Civil Aviation Authority;
- (ii) Kenya Airport Police Unit (KAPU);
- (iii) National Counter Terrorism Centre (NCTC); and
- (iv) Anti-Terrorism Police Unit (ATPU).

3.11.1.5 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (1988 Montreal)

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

624. The protocol extends the provisions of the Montreal Convention to encompass terrorist acts at airports serving International Civil Aviation.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) To prosecute acts of violence against a passenger on board an aircraft on flight;
- b) To criminalize sabotage of an aircraft during service of damage that is likely to endanger its safety during flight;
- c) To criminalize placing or casing a device or substance in an aircraft likely to destroy or cause damage to it;
- d) To criminalize destruction or damage to an air navigation facility or interfering with its operation;
- e) To criminalize and punish deliberate communication of false information; and
- f) To treat as unlawful an attempt of any of the above or being an accomplice to any of them.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

The Government has undertaken/is undertaking the following:

- a) Ensured safety of passengers at airports and recognize 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;
- b) Undertakes continuous surveillance to prohibit any unlawful act which threaten the safety of civil aviation;
- c) Committed to take necessary legal action for any person trying to commit or committed violence against a passenger which threaten the safety of aircraft;
- d) Restricted access to the control tower and air navigation facilities are guarded by security personells such as regular police, GSU and AP officers;
- e) Undertaking of regular security patrols by KAA and GSU officers around the airports;
- f) Construction of watch towers to continuously keep surveillance all-round the international airports in Kenya;
- g) Continuously prosecute criminals who commit acts of sabotage, violence, destruction or damage, giving false information, terrorism among others; and
- h) Domesticated the protocol for suppression of unlawful acts of violence at the International Airports.

III. Existing Policy and Legal Framework:

- (i) Kenya Airports Authority Act, CAP. 395;
- (ii) National Police Service Act, CAP. 84;
- (iii) Prevention of Terrorism Act, CAP. 59B; and
- (iv) The Civil Aviation Act, CAP. 394.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Anti-Terrorism Police Unit (ATPU);
- (ii) Kenya Airport Police Unit (KAPU);
- (iii) Kenya Civil Aviation Authority;

- (iv) Magistrates Courts at Jomo Kenyatta International Airport; and
- (v) National Counter Terrorism Centre (NCTC).

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

625. The convention was adopted on 7th October, 1952, and entered into force on 4th February, 1958. Kenya acceded to the Convention on 5th July, 1999, and it entered into force for Kenya on 3rd October, 1999.
626. The convention aims to ensure adequate compensation for persons who suffer from damages caused by foreign aircraft on the surface in order not to hinder the operation of international air transport.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a)* To ensure adequate compensation for persons who suffer damages caused by the foreign aircraft on the surface;
- b)* To adhere to the rates set in the convention for compensation of persons who suffer damage caused by foreign aircraft on the surface;
- c)* To facilitate compensation of those who suffer damages caused by a foreign aircraft on the ground proportionate to the damage; and
- d)* To ensure that evaluation of the liability incurred is done in a reasonable manner as not to exceed the damage caused so as not to hinder the development of air transport.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

627. The Government has undertaken/is undertaking the following:
- a)* Ensuring that the foreign aircraft compensates for any damage caused on the ground within her territory; and
 - b)* Ensuring that evaluation of liability is reasonable so as not to exceed the damage caused and hinder the development of air transport.

III. Existing Policy and Legal Framework:

Civil Aviation Act, CAP. 394.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Anti-Terrorism Police Unit (ATPU).
- (ii) Kenya Airport Police Unit (KAPU);
- (iii) Kenya Civil Aviation Authority; and
- (iv) National Counter Terrorism Centre (NCTC).

3.11.1.7 Protocol to amend the Rome Convention of 1952 on Damage Caused by Foreign Aircraft to Third Parties on the Surface (1978 Montreal)

628. The protocol was adopted on 23rd September, 1978, and Kenya acceded to the protocol on 25th July, 2002. The protocol addresses compensation relating to damage caused by the international flights on the ground.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a)* Ensuring adequate compensation to those who suffer damage caused by a foreign aircraft on the ground;
- b)* Domesticating the compensation rates as set in the protocol;

- c) Ensuring adequate compensation to those who suffer damage caused by a foreign aircraft on the ground;
- d) Ensuring that aircraft are insured to enable compensation in the event of causing damage on the ground;
- e) Ensuring that compensation is commensurate to the level of liability; and
- f) Ensuring that compensation is reasonable in a manner not likely to hinder the development of air transport.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

629. The Government has undertaken/is undertaking the following:

- a) Ensuring that the foreign aircraft compensates any damage caused within her territory.
- b) Domesticated the compensation rates as set in the Protocol;
- c) Continues to carryout safety inspections on aircraft;
- d) Monitoring and assessing the safety and security measures to ensure that all aerodromes are safe and secure to operate;
- e) Issues certificates to approved maintainance organizations in compliance with the regulations;
- f) Ensuring that fire engines are on stand-by in case of an emergency to limit the damage;
- g) Developed the civil aviation various regulations which deals with various aspects of aviation.
- h) Facilitating the adoption of the ICAO SARPs to ensure safe, secure and orderly operation of air transport.

III. Existing Policy and Legal Framework:

Civil Aviation Act, CAP. 394.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Anti-Terrorism Police Unit (ATPU);
- (ii) Kenya Airport Police Unit (KAPU);
- (iii) Kenya Civil Aviation Authority; and
- (iv) National Counter Terrorism Centre (NCTC).

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

630. 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.
631. The protocol seeks to promote a safe and secure environment in the development of civil aviation within and outside the partner states. It assists the partner states in meeting their safety and security oversight obligations and responsibilities under the Chicago Convention and its Annexes.
632. It also provides partner states with an appropriate forum and structure to discuss, plan and implement common measures required for achieving safe, secure 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 CASSOA has developed several regulations to facilitate the operations and implementation of the protocol.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Make air transport services safe, efficient and profitable;
- b) Adopt common policies for the development of civil air transport in the region;
- c) Harmonize civil aviation rules and regulations, and coordinate measures; and
- d) Co-operate in the maintenance of high safety standard.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

633. The Government has undertaken/is undertaking the following:

- a) Implemented the CASSOA Protocol on Harmonization of the Civil Aviation Regulations in the EAC region in several areas: Revised Aircraft Operations, Airworthiness and Personnel Licensing Security and Aerodromes; and Air Navigation Regulations;
- b) Implementing the CASSOA Guidelines on Civil Aviation Measures addressing COVID-19 pandemic including the following: the EAC-CASSOA Mitigating Plan for COVID-19 and its Impact on Civil Aviation Operations, Harmonized Implementation of COVID-19 Mitigation Measures, COVID-19 Teleworking Guidelines and Procedures, and Guidelines to identify Safety Risks and Mitigation Measures during COVID-19;
- c) Constructed the Centre for Aviation Medicine (CAM) at the Kenya Civil Aviation Authority (KCAA) headquarters;
- d) Implementing the CASSOA Regulations on Harmonization of the Civil Aviation Regulations in the EAC region in several areas: Revised Aircraft Operations, Airworthiness and Personnel Licensing Security and Aerodromes; and Air Navigation Regulations. Kenya is participating in the development of CASSOA Regulations;
- e) In collaboration with the EAC Secretariat, CASSOA and other EAC partner states, are developing the competition, dispute settlement and consumer protection regulatory mechanisms that will facilitate the implementation of liberalization of Air Transport in the Region; and
- f) Participated in the preparation of amendments to the CASSOA Protocol and CASSOA Act 2009, during a meeting held from 27th to 31st May, 2024, in Kampala, Uganda, for consideration by the 25th Sectoral Council on Legal and Judicial Affairs.

III. Existing Policy and Legal Framework:

Civil Aviation Act, CAP. 394.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) CASSOA Centre for Aviation Medicine (CAM); and
- (ii) Kenya Civil Aviation Authority.

3.11.1.9 Search and Rescue Agreement Co-operation in Air Accident Investigations

634. The Agreement was adopted on 13th September, 2003, and Kenya signed it on the same day.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Cooperate in the activities of Inter-State Search and Rescue Services;
- b) Hold collaborative Search and Rescue training;
- c) Hold collaborative training in aviation safety and aviation security; and

d) Facilitate the victims and their families in the event of occurrence of an air mishap.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

635. The Government has undertaken/is undertaking the following:

- a)* Implementing the Roadmap for the Operationalization of the EAC Search and Rescue Agreement;
- b)* Established the Air Search and Rescue Committee;
- c)* The EAC has also considered and adopted the proposed EAC Search and Rescue (SAR) Joint Technical Committee composed of the 5 National SAR Coordinators, one from each of the EAC partner states to participate in coordination activities;
- d)* Acquiring droppable survival and medical kits for the responding units; and
- e)* Undertaking the mapping of aircraft wreckages, single points of contacts and SAR assets and personnel.

III. Existing Policy and Legal Framework:

Civil Aviation Act, CAP. 394.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i)* CASSOA Centre for Aviation Medicine (CAM); and
- (ii)* Kenya Civil Aviation Authority.

3.11.1.10 EAC Multilateral Agreement on Aircraft Accident and Incident Investigations

636. The EAC Multilateral Agreement on Aircraft Accident and Incident Investigations was adopted by the 16th Meeting of the Sectoral Council on Transport, Communication and Meteorology held from 24th to 28th June, 2019, in Kampala, Uganda. Kenya ratified the Agreement on 22nd January, 2024.

637. The multilateral agreement establishes a framework for legal collaboration between partner states in managing investigations into aircraft accidents and incidents. The agreement was necessitated by the need to cooperate in aircraft accidents and incident investigations services in accordance with the International Civil Aviation Organization (ICAO) Standards and Recommended Practices (SARPs).

I. Key Obligations for State Parties/Kenya under the Agreement:

- a)* Establish, in accordance with ICAO Global Aviation Safety plan, adequately funded, professionally trained, independent and impartial aircraft accident and incident investigation bodies;
- b)* Provide assistance in aircraft accident and incident investigation by availing experts, and any other required logistics to the partner states as appropriate;
- c)* Ensure all investigations into aircraft accident and incidents that are carried out in partner states are independent from political or other interference or pressure;
- d)* Provide adequate resources, including funding and qualified personnel, for carrying out investigations;
- e)* Promote the use of common set of regulations in compliance with provisions of ICAO Annex 13;
- f)* Promote the use of common guidance materials, accident investigation manuals or handbooks;

- g) Promote the application of the best practices in the area of aircraft accident and incident prevention;
- h) Enhance the qualification and experiences of aircraft accident and incident investigators in partner states;
- i) Enhance cooperation and collaboration with partner states relating to sharing safety information;
- j) Enhance development of regional institution capacity in training, research, related aircraft accident and incident investigation;
- k) Invite the other partner states' investigators to attend general and specialized investigation courses which they conduct;
- l) Facilitate the attachment of other partner states' investigators to the aircraft accident and incident investigation, with a view to enhancing their understanding of investigation requirements and procedures;
- m) Share with other partner states relevant information about ongoing investigations in which the other partner state has expressed an interest, in consistency with ICAO Annex 13 to the Chicago Convention;
- n) Consult partner states in the organization of an investigation, drafting of the report, crisis management and communication, as deemed necessary;
- o) Identify their investment needs in the area of aircraft accident and incident investigation and prioritize relevant sources of funding for that investment; and
- p) Promote the sharing of specialized equipment and facilities with a view to cutting the cost and avoiding duplication.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023-2024)

638. The Government has undertaken/is undertaking the following:

- a) Participated in the development of the Roadmap and Operationalization of the EAC Aircraft Accident and Incident Investigation Agreement; and
- b) Participated in the development of the Standards Operating Procedures (SOPs) for operationalization of the EAC Aeronautical and Maritime SAR Agreement.

III. Existing Policy and Legal Framework:

Civil Aviation Act, CAP. 394.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) CASSOA Centre for Aviation Medicine (CAM); and
- (ii) Kenya Civil Aviation Authority.

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

639. The convention was adopted on 19th June, 1948, and Kenya acceded to the convention on 15th January, 1997. The objective of the convention is to encourage investors to make financial assistance possible for the purchase of new aircraft to be used for international air transport.

Key Obligations for State Parties/Kenya under the Treaty:

- a) Recognize rights of property in aircraft; right to acquire aircraft by purchase, coupled with possession of the aircraft; rights to possession of aircraft under lease of 6 months or more and mortgages; hypothecation and similar rights in aircraft which are continually created as security for payment of indebtedness;

- b) Recognize aircraft as property that can be owned;
- c) Recognize rights of individuals and private companies to own aircraft;
- d) Recognize rights if individual or company to lease an aircraft for 6 months or more; and
- e) Recognize mortgages, hypothèques and similar rights in aircraft.

I. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

640. The Government has undertaken/is undertaking the following:

- a) Recognizes the rights of property in aircraft, purchase and ownership/possession under lease and mortgages.
- b) Registers all aircraft in the country and issues aircraft licenses.
- c) Approves lease agreements for aircraft operators, formulates and implements aircraft lease regulations.
- d) Gives technical advice to private aircraft owners on civil aviation issues.
- e) Conducts inspections to check on the safety of runways and aerodromes on a continuous basis.
- f) Complies with ICAO Standards and Recommended Practices (SARPs) on private airstrips and helipads which recognize the rights of individuals and companies to own and operate aircraft, either for private or commercial purposes.
- g) Conducts inspections on the safety of aerodromes and runways.
- h) Formulating lease regulations.

II. Existing Policy and Legal Framework:

Civil Aviation Act, CAP. 394.

III. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Civil Aviation Authority.

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

- 641. The convention was adopted on 12th October, 1929, and Kenya acceded to it on 7th October, 1964, but with a validity or effective date for the convention as 12th December, 1963.
- 642. The objective of the convention is to ensure compensation for death or injury of a flight passenger and damage or loss of luggage or goods. The accession to the Convention demonstrates the Government's commitment towards compensation for death or injury of passengers on board.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Ensure compensation of persons, luggage or goods carried by aircrafts operating internationally;
- b) Ensure compensation of persons in case of death or injury while on board;
- c) Ensure compensation for damage or loss of luggage or goods while on carriage by air;
- d) Ensure that airlines are liable for damage occasioned by delay in the carriage by air of passengers, luggage or goods; and
- e) Commit to ensuring that all rules relating to air consignment are complied with by all operators.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

643. The Government has undertaken/is undertaking the following:

- a) Implementation of Civil Aviation Act, CAP. 394;
- b) Conducted sensitization of stakeholders at major airports;
- c) Ensure air travel agents issue tickets for passengers, luggage and consignment in accordance with the provisions of the convention;
- d) Ensure the date, departure and destination are indicated in the ticket;
- e) Ensure airlines are liable for death, injury or damage occasioned by air carriage;
- f) Ensure Airlines are liable for damage occasioned by delay of persons or goods.
- g) Formulating a National Civil Aviation Policy;
- h) Ensures that all travel agents are licensed. Ticketing of passengers, cargo and consignment is done either at a travel agent's office or at an airline's office.
- i) Committed to receiving, in advance, the passenger, cargo and consignment manifest and analysed the data;
- j) Verifies the passengers, cargo and consignment against the manifest on a continuous basis; and
- k) Regulates the airlines and travel agents to ensure they comply with the regulations, and withdraws a license or withholds operating authorization if an operator does not comply with the regulations.

III. Existing Policy and Legal Framework:

- (i) Civil Aviation Act, CAP. 394.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Civil Aviation Authority.

3.11.1.13 Protocol to amend the Convention for the Unification of Certain Rules relating to International Carriage by Air (1955 Hague Protocol)

644. The protocol was adopted on 28th September, 1955. Kenya became a state party to the Protocol on 6th July, 1999. The protocol improved compensation of international carriage of persons, luggage and goods. Ratification of this protocol demonstrates Kenya's commitment to consumer protection.

645. International Carriage means any carriage in which, according to the agreement between the parties, the place of departure and the place of destination, whether or not there be a break in the carriage or a transshipment, are situated either within the territories of two contracting parties or within the territory of one contracting party if there is an agreed stopping place within the territory of another state, even if that state is not a contracting party.

646. Carriage between two points within the territory of one contracting party without an agreed stopping place within the territory of another state is not regarded as international carriage for the purposes of this convention.

647. The protocol made some amendments to the convention for the Unification of Certain Rules relating to International Carriage by Air (1929 Warsaw Convention).

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) To improve compensation of international carriage of persons, luggage and goods;
- b) To support the adoption of the 1955 Hague protocol;

- c) To domesticate the rules relating to international carriage of passengers, luggage, cargo, goods and consignment;
- d) To commit to implementation of the rules of carriage by air of passengers, luggage, cargo, goods and consignment; and
- e) To ensure that compensation for the damage, loss, delay resulting from international carriage of persons, luggage, cargo, goods and consignment is done according to the rules under the protocol.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

648. The Government has undertaken/is undertaking the following:

- a) Undertaking various measures to ensure operators adjust their compensation amounts to be in line with the minimum compensation levels prescribed by Montreal Convention, 1999;
- b) Made it mandatory for all operators to have insurance cover that is adequate to meet the requirements of the Hague Protocol 1955 before issuance of an air transport license;
- c) Formulating rules of procedures on the National Civil Aviation Administrative Review Tribunal (NCAART), 2023;
- d) Finalizing the National Civil Aviation Policy; and
- e) Continues to oversee the airlines and travel agents' operations by ensuring the following:
 - (i) Air travel agents issue tickets for passengers, luggage, goods and consignment in accordance with the regulations of the convention;
 - (ii) The date, departure and destination are indicated in the ticket;
 - (iii) Airlines are liable for death, injury or damage occasioned by air carriage; and
 - (iv) Airlines are liable for damage occasioned by delay of persons or goods.

III. Existing Policy and Legal Framework:

Civil Aviation Act, CAP 394.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Civil Aviation Authority.

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

- 649. The Convention was adopted on 14th September, 1963, and entered into force on 4th December, 1969. Kenya acceded to it on 22nd June, 1970.
- 650. The Convention is applicable to offences against penal law and to any acts jeopardizing the safety of persons or property on board civilian aircraft, acts which may or do jeopardize the safety of the aircraft or of persons or property therein. Accession of the Convention demonstrates Government commitment to fighting terrorism and punishment of offenders on board aircraft.
- 651. The Convention applies in respect of offences committed or acts done by a person on board civilian aircraft registered in a contracting state, while that aircraft is in flight or on the surface of the high seas or of any other area outside the territory of any state. This Convention does not apply to aircraft used by the military.
- 652. The Convention applies in respect of the following:

- a) Offences under the Penal Code;
- b) Acts which, whether or not they are offences, may or do jeopardize the safety of the aircraft or of persons or property therein; and
- c) Acts which jeopardize safety of persons on board.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) State parties to prosecute persons committing offences jeopardizing the safety of persons or property on board civilian aircraft while in-flight and engaged in international air navigation;
- b) Prosecute offences under the Penal Code;
- c) Prosecute as an offence any act jeopardizing the safety of persons, aircraft or property on board civilian aircraft while in-flight; and
- d) Prosecute as an offence any act jeopardizing good order and discipline on board aircraft.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

653. The Government has undertaken/is undertaking the following:

- a) Put in place mechanism to ensure continuous screening on passengers and cargo as well as conducting security surveillance of the airports to ensure safety.
- b) The Magistrate's Court at JKIA continues to prosecute offences committed on board aircraft.
- c) Banning of prohibited items on board an aircraft; a designated bin has been provided for collection of prohibited items at airports serving international flights.
- d) Deploys security personnel at airports to provide security to air travellers.
- e) Deployed security agents to deal with acts that threaten the safety of persons and property.

III. Existing Policy and Legal Framework:

- (i) National Police Service, CAP. 84;
- (ii) Prevention of Terrorism, CAP. 59B; and
- (iii) The Penal Code, CAP. 63.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

654. Kenya Airports Police Unit (KAPU)

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

655. The Convention was adopted on 16th December, 1970, and entered into force on 14th October, 1971. Kenya acceded to the Convention on 11th January, 1977.

656. The Convention provides for the punishment of offenders to deter unlawful seizure or exercise of control of aircraft in flight. Accession of this Convention demonstrates the Government's commitment to fighting terrorism.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Deter, arrest and prosecute offenders who engage in unlawful acts of seizure or exercise of control of aircraft in flight;
- b) State parties are required to assist each other in connection with criminal proceedings brought under the convention;

- c) Prevent acts of unlawful seizure of aircraft by providing security at the airport;
- d) Arrest and prosecute offenders who commit acts of unlawful seizure;
- e) Undertake to make the offence punishable by severe penalties in the penal laws; and
- f) Cooperate with other states during investigation of such acts.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

657. The Government has undertaken/is undertaking the following:

- a) Reports to the International Civil Aviation Organization (ICAO) any incidence of aircraft hijacking.
- b) Cooperates with other state parties in prosecution of offenders under the convention.
- c) Continues screening of passengers, cargo and luggage to ensure no weapon or prohibited item gets into the aircraft.
- d) Acquired and installed explosive tracing machines at airports serving at JKIA international flights.
- e) Uses canines to help in sniffing explosives and drugs.

III. Existing Policy and Legal Framework:

- (i) Civil Aviation, CAP. 394;
- (ii) Kenya Airports Authority, CAP. 395; and
- (iii) National Police Service, CAP. 84.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Airports Police Unit (KAPU); and
- (ii) Kenya Civil Aviation Authority.

3.11.1.16 International Civil Aviation Organization (1944 Chicago Convention)

658. The convention was adopted on 7th December, 1944, and entered into force on 4th April, 1947. Kenya acceded to the Convention on 1st May, 1964.

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

660. The Convention establishes the International Civil Aviation Organization (ICAO) which is the specialized UN agency for civil aviation matters. The Convention has nineteen (19) Annexes through which ICAO has developed Standards and Recommended Practices (SARPs) to govern and standardize the conduct of civil aviation amongst states. Today, ICAO manages over 12,000 SARPs across the 19 Annexes to the convention, many of which are constantly evolving in concert with latest developments and innovations.

I. Key Obligations for State Parties/Kenya under the Treaty:

- (i) To develop minimum standards to govern safety and security of international civil aviation.
- (ii) To implement the ICAO safety and security Standards and Recommended Practices (SARP) through KCAA.
- (iii) To develop aerodromes to be used for international air transport flight operations.
- (iv) To comply with ICAO Standards and Recommended Practices (SARP).

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

661. Kenya hosted the 8th ICAO Africa and Indian Ocean (AFI) Aviation week in Nairobi from 21st to 25th August, 2023, to discuss the progress made in implementing ICAO Global and Regional Plans and interventions to enhance aviation safety, security and facilitation in the Region.

III. Existing Policy and Legal Framework:

- (i) Civil Aviation, CAP. 394;
- (ii) ICAO Standards and Recommended Practices (SARPs); and
- (iii) National Aviation Safety Plan.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Airports Authority; and
- (ii) Kenya Civil Aviation Authority.

3.11.1.17 Protocols Relating to Articles 50(A) and 56 of the Chicago Convention on International Civil Aviation

662. The International Civil Aviation Organization (ICAO) is a specialized agency of the United Nations created through signing in Chicago, on 7th December, 1944, of a Convention on International Civil Aviation. ICAO is charged with the administration of the principles laid out in this convention.

663. Kenya ratified the Protocol Amending Article 50A of the Convention on International Civil Aviation and Article 56 of the Chicago Convention.

664. The objectives of ICAO are to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport, to ensure safe and orderly growth of international civil aviation throughout the world.

665. The Protocol amended Articles 50 (a) and 56 of the Chicago Convention and increased the number of ICAO Council Membership from 36 to 40 and Air Navigation Commission membership from 19 to 21.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Support the amendment to Articles 50(a) and 56 of the Chicago Convention by increasing the number of ICAO council members from 36 to 40 and Air Navigation Commission membership from 19 to 21;
- b) Note the amendment to Articles 50(a) and 56 of the Chicago Convention which increases the number of ICAO council members from 36 to 40 and Air Navigation Commission membership from 19 to 21;
- c) Support the adoption of the amendment to Articles 50(a) and 56 of the Chicago Convention; and
- d) Lobby for the council membership if interested.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

666. The Government has undertaken/is undertaking the following:

- a) Continues to lobby for support for representation in the ICAO Council under Part II and representation in the Air Navigation Commission.
- b) Established an Air Navigation Services Department that deals with air navigation services on a continuous basis in line with the Civil Aviation Regulations.

III. Existing Policy and Legal Framework:

63. Civil Aviation, CAP. 394.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Airports Authority; and
- (ii) Kenya Civil Aviation Authority.

3.11.1.18 Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft (Montreal Protocol 2014)

667. The Protocol to amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft, done at Montréal on 4th April, 2014, entered into force on 1st January, 2020. Kenya acceded to the Protocol on 7th June, 2022.
668. The Protocol addresses the issue of rising incidents of unruly and disruptive behaviour on board aircraft by significantly improving the ability of states to expand jurisdiction over relevant offences and acts to the state of landing and the state of the operator.
669. The Protocol also serve to enhance global aviation security provisions by expressly extending legal recognition and protections to in-flight security officers.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) To create jurisdiction as the state of landing to entertain and prosecute offences and acts or incidents of unruly and disruptive behaviour on board aircraft.
- b) To undertake to make the offence punishable by severe penalties in the penal laws.
- c) To cooperate with other states during investigation of such acts or incidents of unruly and disruptive behaviour on board aircraft.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

670. The Government continuously implements the Protection of Aircraft Act, CAP. 68 to give effect to the provisions of the Tokyo Convention, 1963, on Convention on Offences and Certain Other Acts Committed on Board Aircraft.

III. Existing Policy and Legal Framework:

- (i) Civil Aviation Act, CAP. 394;
- (ii) Penal Code, CAP. 63; and
- (iii) Protection of Aircraft, CAP. 68.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) International Civil Aviation Organization;
- (ii) Kenya Airports Authority;
- (iii) Kenya Airports Police Unit; and
- (iv) Kenya Civil Aviation Authority;

3.11.2 Road Transport

3.11.2.1 Geneva Convention on Road Traffic Accident

671. The Convention entered into force on 19th September, 1949, and Kenya became a state party on 21st May, 1977. It mandates state parties to develop and promote safety of national road traffic by establishing uniform rules agreed upon internationally. State parties agree to establish nationwide emergency response system, equip emergency providers with adequate means for safety evacuation of casualties and improve health facility capacity to respond to casualties of road traffic, crashes and enhance data management on road traffic injuries.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Facilitate international road traffic by simplifying customs, police, health or other requirements to be in conformity with the object of the convention;
- b) Ensure that every driver, pedestrian or other road user conducts themselves in such a way as not to endanger or obstruct traffic; and avoid all behaviour that might cause damage to persons, or public or private property; and
- c) Place road signs and signals, register motor vehicles in accordance with laid down legislation and license drivers.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

672. The Government has undertaken/is undertaking the following:

- a) Formulating the National Electric Mobility Policy, 2024;
- b) Secured financing for development and construction of BRT Line 2 which will serve only fully electric buses in an effort to mitigate the effects of climate change;
- c) Implementating the Nairobi Intelligent Transport Systems (ITS) Establishment and Junction Improvement Project. This is expected to revolutionize traffic management by streamlining payment of penalties of traffic offences;
- d) Put the following measures aimed at reducing road carnages which stands at over 4,000 deaths per year, the number of the deaths on roads in 2023 was reported at 4,324 a reduction compared to the 2022 report:
 - (i) All public service vehicles are required to belong to a Savings and Credit Co-operative Societies (SACCOs) (863) which have self-regulating mechanisms. Bus companies are required to employ two qualified drivers for night travels;
 - (ii) Fleet owners are 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; and
 - (iii) All vehicles, including private vehicles are required to have an ownership sticker and undergo inspection.
- e) Standardized the curriculum for driver training and testing for use in all driving schools in Kenya;
- f) Directed that all motorists should acquire Digitized Vehicle Registration Plates in all vehicle categories by 30th March, 2024;
- g) Reviewing the Integrated National Transport Policy, 2012;
- h) Undertakes the sensitization programme dubbed: *Usalama Barabarani* among other programmes that aim to sensitize motorvehicle operators and pedestrians in a bid to curb road accidents;

- i) Launched the National Road Safety Action Plan 2024–2028; and
- j) Implementing the Traffic (Driving Schools, Driving Instructors, Curriculum) Rules, 2020.

III. Existing Policy and Legal Framework:

- (i) Integrated National Transport Policy, 2012;
- (ii) National Transport and Safety Authority Act, CAP. 404;
- (iii) State Corporations Act, CAP. 446; and
- (iv) Traffic Act, CAP. 403.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Nairobi Metropolitan Area Transport Authority (NAMATA);
- (ii) National Transport and Safety Authority (NTSA); and
- (iii) Transport Licensing Appeals Board (TLAB).

3.11.2.2 Vienna Convention on Road Traffic, 1968

673. The Vienna Convention was adopted on 8th November, 1968, and entered into force on 21st May, 1977. Kenya acceded to it on 9th September, 2009.
674. The Convention provides rules on all aspects of road traffic and safety, and serves as a reference for national legislation. It describes all road user behaviour, such as what drivers and pedestrians must do at crossings and intersections. It promotes safe road user behaviour.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Take appropriate measures to ensure that the rules of the road in force in their territories conform in substance to the provisions of convention i.e., road signs and signals;
- b) Take appropriate measures to ensure that the rules in force in their territories concerning the technical requirements to be satisfied by motor vehicles and trailers conform to the provisions of the convention;
- c) Ensure that motor vehicles and trailers registered in their territories conform to the provisions of the convention when entering international traffic; and
- d) Ensure that the driving instruction for learner drivers is provided by professional driving establishments. Domestic legislation shall lay down minimum requirements concerning the curriculum and the qualifications of the personnel responsible for providing such instruction.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

675. The Government has undertaken/is undertaking the following:
- a) Continuously regulating the training of drivers, including, offering refresher courses, inspection and licensing of driving school and providing a standard curriculum;
 - b) Preparing a feasibility study to inform the proposal of the establishment of the Road Accident Fund. The proposal has been forwarded to Parliament for deliberation. Currently the court is in charge of calculating compensation for the family of the deceased persons involved in road accidents;
 - c) Launched the National Road Safety Action Plan, 2024–2028 to identify and initiate major development projects to support Kenya’s Road Safety Goals;
 - d) Reviewing the National Transport and Safety Authority Act, CAP. 404, and the Traffic Act, CAP. 403.

III. Existing Policy and Legal Framework:

- (i) Integrated National Transport Policy, 2012;
- (ii) National Transport and Safety Authority Act, CAP. 404; and
- (iii) Traffic Act, CAP. 403.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

National Transport and Safety Authority (NTSA).

3.11.2.3 The Northern Corridor Transit and Transport Agreement, 2007

676. The Northern Corridor Transit and Transport Agreement (NCTTA) was signed on 18th November, 1995, and revised on 6th October, 2007, between the Governments of Burundi, Democratic Republic of the Congo, Kenya, Rwanda and Uganda. The Agreement entered into force on 6th December, 2012. The Republic of South Sudan acceded to the Agreement as the sixth member state on 7th March, 2013.

677. The Agreement extended the mandate and scope of the 1985 Agreement. NCTTCA was founded in 1985 to co-ordinate implementation of the Agreement by member states.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Safeguard right to access to/from the sea for landlocked countries;
- b) Develop and integrate the regional transport facilities and services;
- c) Facilitate inter-state and transit trade; and
- d) Submission of yearly subscriptions.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

678. The Government has undertaken/is undertaking the following:

- a) Finalizing the reviewed Northern Corridor Transit and Transport Agreement which is critical in addressing the varying national interests that may exist among member states. The process of adopting the levy mechanism was discussed during the 35th Meeting of the Council of Ministers in Kigali, Rwanda in July, 2023, where they approved USD 4.5 Million budget;
- b) Requested a transitory three-year period for stakeholder engagement and finalization of legislative processes to allow adoption of the levy mechanism which was recommended by the Council of Ministers;
- c) Adopted the use of electronic cargo and truck tracking systems coupled with online transmission of COVID-19 test certificates from the source to One-Stop-Border-Posts (OSBP) which efficiently addressed truck clearance delays and long queues at the border posts;
- d) Implementing the ongoing projects in 2023/2024 included in Performance Based Maintenance Contracts on the following routes: Mombasa–Malaba (929 km); Mau Summit–Busia (247 km); Isebania–Ahero–Kakamega–Kitale–Lokichar–Nadapal (892 km); Voi–Taveta (110 km); Athi River–Namanga (245 km); and
- e) NCTTCA undertook a study to identify alternative border points to ease congestion at Busia–Malaba border post. Through the study, Lwakhakha and Nadapal were identified as alternative border points. The study also took note that there is need to develop a border station at Lokiriama, Kenya/Nakiloro, Uganda.

III. Existing Policy and Legal Framework:

The Northern Corridor Transport and Transit Agreement and its Protocols.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

The Northern Corridor Transport and Transit Coordination Authority (NCTTCA).

3.11.2.4 Northern Corridor Integration Projects (NCIP)

679. The Northern Corridor Integration Projects (NCIP) is a multilateral development initiative established in 2013 between the Heads of State of Kenya, Uganda and Rwanda. South Sudan joined the initiative in May 2014. NCIP was designed to fast track regional development through regional infrastructure, trade and political and economic integration.

680. NCIP focuses on fourteen (14) key infrastructure and socio-economic projects which are in the following clusters: power generation, transmission and interconnectivity; crude oil and petroleum products pipeline development; land for infrastructure in the corridor; human resource capacity building; commodities exchange; immigration, tourism, trade, labour and services; single customs territory; air space management; defence cooperation; peace and security; standard gauge railway; ICT infrastructure; oil refinery development; financing project and private sector clusters.

I. Key Obligations for State Parties/Kenya under the Treaty:

Strengthen cooperation to speed up infrastructure and ease of movement of people, goods and services across the region.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024).

681. The Government has undertaken/is undertaking the following:

- a) Implementating the directives of the 14th NCIP Summit at different levels in the various clusters of NCIP. Each of these clusters are chaired by Kenya, Rwanda and Uganda but Co-ordinated by the different Government agencies in those countries;
- b) Implementing directives from the 14th NCIP Summit in most of the following clusters:
 - i. Connection between SGR and Meter gauge railway was done in Naivasha easing the transfer of goods and onwards transportation to various destinations;
 - ii. Refined Petroleum & Oil Products Pipeline—the Kisumu Oil Jetty (KOJ) is complete and awaiting completion of Bukasa Oil Jetty in Uganda;
 - iii. Rehabilitation of Kisumu port has facilitated transportation of fuel from Kisumu through Lake Victoria using KR vessels to Port Bell;
- c) Installing the Commodity Exchange (COMEX)—Trading and Settlement System (TSM) and Market Information System (MIS). Kenya has established COMEX on agricultural and non-agricultural exchange. Kenya, Uganda and Rwanda decided to establish a joint exchange and warehouse receipting system to allow transparency in pricing and standards of agricultural products.
- d) Trade-developing of the One Stop Border Point and the Single Custom Territory (SCT) to ease movement of goods and services, and the costs of imports and exports in the region; and
- e) Held a Joint and Ministerial meeting on the SGR cluster from 2nd–3rd May, 2024. The partner states agreed to jointly mobilize resources to expedite the completion of construction of the remaining SGR sections from Naivasha–Malaba, Kenya and subsequently to Uganda, Rwanda, South Sudan and DRC to realise the full benefits of lower transportation cost, reduced road maintenance cost and accidents, reduction of carbon footprint due to modal shift from road to rail in addition to supporting social economic development along the entire corridor.

III. Existing Policy and Legal Framework:

- (i) Directives of the 14th NCIP Summit of 26th June, 2018;
- (ii) EAC Treaty; and
- (iii) Warehouse Receipt System Act, CAP. 350.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Ports Authority;
- (ii) Kenya Railways Corporation; and
- (iii) The Northern Corridor Transport and Transit Coordination Authority (NCTTCA).

3.11.2.5 Lamu Port- South Sudan-Ethiopia Transport Corridor Project

682. The Government established Lamu Port-South Sudan-Ethiopia Transport (LAPSSET) Corridor Development Authority (LCDA) in 2nd March, 2013, through the Presidential Order Kenya Gazette Supplement No. 51, Legal Notice No. 58. LCDA is mandated to plan, coordinate and sequence the implementation of the LAPSSET. LAPSSET is a regional project between the partner states of Ethiopia, Kenya and South Sudan with an aim of enhancing regional trade and integration.

683. The project consists of the following key infrastructural developments: Port of Lamu at Manda Bay (23 Berths including Associated Infrastructure); Standard Gauge Railway Line from Lamu–Isiolo–South Sudan (Juba), and Isiolo–Ethiopia (Addis Ababa); Highways from Lamu–Isiolo–South Sudan (Juba), and Isiolo–Ethiopia (Addis Ababa); Crude Oil Pipeline from Lamu–Isiolo–Nakodok (South Sudan), and Product Oil Pipeline from Lamu–Isiolo–Moyale–Addis Ababa (Ethiopia); International Airports at Lamu, Isiolo, and Turkana; Resort Cities at Lamu, Isiolo and Lake Turkana; and the High Grand Falls Multipurpose Dam.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Enhance regional trade and integration; and
- b) Unlocking regional potential through infrastructural developments.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

684. The Government has undertaken/is undertaking the following:

- a) Implementing the ministerial resolutions from the Ministerial Conference held in Juba, South Sudan on 17th May, 2023;
- b) Made significant progress on the following project components:
 - i. Construction of the 1.2 km 1st three berths is already complete with berth 1 currently operating and offering cargo trans-shipment. The port is on the verge of being equipped in readiness of its full commission and operation. The 2nd berth will be receiving equipment for operationalization;
 - ii. The Lamu–Ijara–Garissa (250km), Lokichar–Nadapal (338km) and Garissa–Isiolo (258km) are under construction and are at an advanced stage;
 - iii. The railway project preliminary feasibility study has been undertaken for the Kenyan and Ethiopian route and is expected to proceed to the technical designs review for a seamless railway line;
 - iv. The Front-End Engineering Designs (FEED) for the Crude Oil Pipeline (COP) completed and the source of water identified; land acquisition is ongoing and will pave way for final investment decision on the COP;

- v. Ongoing rehabilitation and expansion (lengthening of the cargo shed) of the Isiolo Airport (runway and related facilities);
 - vi. The integrated Master Planning and Investment Framework for Lamu port city is complete. The feasibility and preliminary design were undertaken and is expected to proceed to Detailed Engineering Design stage;
 - vii. The Government of Kenya and the Government of Ethiopia signed a bilateral agreement to jointly pursue the development of the LAPSSET SGR; and
 - viii. A Memorandum of Understanding was signed between LAPSSET Coordination and Development Authority and Intergovernmental Authority on Development (IGAD) to facilitate the financing of this stage through an Infrastructure Project Preparatory Fund (IPPF) available through the New Partnership for African Development (NEPAD).
- c) Reached consensus on the technical and commercial proposals which specified the equipment to be deployed as well as fees and charges to be levied on operationalization of the 1st berth of Port of Lamu, Kenya Ports Authority (KPA) and the Lamu Port Consortium (LPC).

I. Existing Policy and Legal Framework:

- (i) Kenya Maritime Authority Act, CAP. 370;
- (ii) Kenya Ports Authority Act, CAP. 391;
- (iii) Kenya Railways Corporation Act, CAP. 397;
- (iv) Kenya Roads Act, CAP. 408; and
- (v) LAPSSET Order, 2013.

II. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Airports Authority;
- (ii) Kenya Maritime Authority;
- (iii) Kenya National Highways Authority (KeNHA);
- (iv) Kenya Ports Authority;
- (v) Kenya Railways Corporation;
- (vi) Kenya Rural Roads Authority (KeRRA);
- (vii) Kenya Urban Roads Authority (KURA); and
- (viii) LAPSSET Corridor Development Authority.

3.11.2.6 1993 COMESA Protocol for the Establishment of Third-Party Motor Vehicle Insurance Scheme Road Transport Market Liberalisation

685. This protocol was adopted in 1993. 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 transiting through member states. It has helped solve the issue of inter-state traffic with regard to motor vehicle liability insurance. It is operational in Kenya and ten (10) other member states.
686. The objective of the protocol is to recognize the validity of the Yellow Card in member states' territory and enact laws and regulations for the establishment of the Card Scheme, particularly for the designation of the National Bureau.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Recognize validity of the Yellow Card in its territory;

- b) Enact laws and regulations for establishment of the Card Scheme;
- c) Issue Yellow Cards to Policy Holders;
- d) Payment of compensation or damages and any accessory or related expenses;
- e) Establishment of a National Bureau for the issuance of Common Market Yellow Card, settlement on behalf of members' insurers and to answer to the Council of Bureaux which is the supervisory body;
- f) Ensure establishment of the National Bureau and to ensure that it functions as provided in the Protocol; and
- g) To guarantee solvency of the National Bureau, as well as its performance.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

687. The Government has undertaken/is undertaking the following:

- a) Regulates, supervises and licenses insurers and reinsurers; and
- b) Implementing the Transport Transit Trade Facilitation Programme (TTFP).

III. Existing Policy and Legal Framework:

- (i) Insurance (Motor Vehicles Third Party Risks) Act, CAP. 405;
- (ii) Insurance Act, CAP. 487; and
- (iii) Kenya Reinsurance Corporation Act, CAP. 487A.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Insurance Regulatory Authority (IRA); and
- (ii) Kenya Re-Insurance Corporation.

3.11.2.7 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

688. The Tripartite Agreement on Road Transport was concluded by the Governments of the Republic of Kenya, Uganda, and Tanzania and entered into force on 29th November, 2001. The Agreement seeks to harmonize and strengthen efforts of the three states on the enforcement of road transport laws and regulations.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Promote, regulate, and facilitate traffic flow through transit routes by handling regional trade through the partner states' territories with a view to achieving a fair distribution of road transport services;
- b) Minimize the incidence of customs fraud and avoidance by taking all the necessary measures to ensure expeditious and secure movement of traffic, avoidance of unnecessary delays in the movement of goods, and the simplification and harmonization of relevant documentation and procedures;
- c) Promote, facilitate and regulate international road transport services between and in transit through their respective territories; and
- d) Develop the road transport facilities, infrastructure, bridges and related services.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

689. The Government has undertaken/is undertaking the following:

- a) Implementing the EAC Secretariat programme to operationalize the Tripartite Agreement on Road Transport, which will require financial support;
- b) Carrying out container terminal improvements and expansions at the port of Mombasa, and is also actively seeking to enhance the link between the port and Northern Corridor land transport routes. In addition, the Government is developing a second international trade port in Lamu, along Kenya's North Eastern coast; and
- c) Implementing the Transport Transit Trade Facilitation Programme (TTFP).

III. Existing Policy and Legal Framework:

Kenya Ports Authority Act, CAP. 391.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Ports Authority (KPA).

3.11.2.8 Regional Customs Transit Guarantee (RCTG) Agreement

690. 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 and standardized declaration documents. It also provides a reliable guarantee mechanism that protects the interest of all stakeholders. The RCTG provides a uniform basis for movement of goods in transit throughout the region.
691. Kenya ratified the Agreement in December, 2011. The RCTG scheme is operational in five (5) countries, including Kenya.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) To ensure that respective governments can recover duties and taxes from the guarantors should the goods in transit be illegally disposed of for home consumption in the country of transit;
- b) Address the difficulties experienced by transport operators, freight forwarders and clearing agents;
- c) Offer custom administrations a secure regional system of control replacing the nationally executed practices and procedures; and
- d) Help protect the revenue of each state through which goods are carried.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

692. The Government has undertaken/is undertaking the following:
- a) Digitized and intergrated the Regional Customs Transit Guarantee (RCTG Carnet) with the National Customs IT Systems; and
 - b) Implementing transit and customs measures to remove trade and transport barriers.

III. Existing Policy and Legal Framework:

- (i) East African Community Customs Management Act, 2004;
- (ii) Excise Duty Act, CAP. 472;
- (iii) Kenya Ports Authority Act, CAP. 391; and
- (iv) Kenya Revenue Authority Act, CAP. 469.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Revenue Authority; and
- (ii) Kenya Ports Authority.

3.11.3 Rail Transport

3.11.3.1 Protocol for the Development and Operation of the Standard Gauge Railway (SGR)

693. The Protocol was signed by the Republic of Kenya, Republic of Uganda, the Republic of South Sudan and the Republic of Rwanda in May, 2014. The aim of the Protocol is to enable development and operationalization of a seamless railway network from Mombasa to Kampala, Kigali and Juba.
694. The Tripartite Agreement on the creation of the Standard Gauge Railway which aims to address infrastructure development, energy, trade facilitation and regional integration within the countries was signed on 28th August, 2013. The Protocol was developed in furtherance to the Tripartite Agreement on the creation of the SGR to address infrastructure development, energy, trade facilitation and regional integration within their countries.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Develop and operate a modern, fast, reliable, efficient and high-capacity railway transport system as a seamless single railway operation among the four States;
- b) Enhance efficient and cost-effective movement of freight and passengers in the region to accelerate trade and services;
- c) Ensure harmonization of the policy, legal and institutional framework for Standard Gauge Railway (SGR);
- d) Adopt agreed common SGR standards, common communication strategy and coordinate research and development and transfer of technology; and
- e) Cooperate and coordinate in joint mobilization of financial resources and human resource capacity building strategies.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

695. The Government has undertaken/is undertaking the following:
- a) Continuously maintaining and rehabilitating the Meter Gauge Railway (MGR) to achieve interoperability and supporting road networks on Nairobi–Nakuru–Eldoret–Malaba as part of Phase II of the SGR Project;
 - b) Created a Railway Development Levy Fund supported by a 1.5% levy on the cost of all imports to support the railway development. The Fund is used to support the construction of the SGR;
 - c) Developing the Railway Bill, 2024;
 - d) Acquired extra 300 SGR assorted wagons, 200 MGR assorted wagons and 20 assorted passenger coaches in the FY 2023/2024;
 - e) Developing the SGR Phase 2B: Naivasha–Kisumu (262 km), SGR Phase IIC: Kisumu–Malaba (107 km) simultaneously. The two contracts also include acquisition of additional locomotives and rolling stock; and
 - f) Developing a new port on Lake Victoria in Kisumu during the construction of SGR Phase 2B and SGR Phase 2C.

III. Existing Policy and Legal Framework:

- (i) Kenya Railways Corporation Act, CAP. 397; and
- (ii) Miscellaneous Fees and Levies Act, CAP. 469C.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Railways Corporation.

3.12 LAW OF THE SEA

3.12.1 United Nations Convention on the Law of the Sea (UNCLOS)

696. The Convention often described as a “Constitution of the Oceans” was adopted on 10th December, 1982 and entered into force on 16th November, 1994. Kenya signed the Convention on 10th December, 1982 and ratified it on 2nd March, 1989.
697. 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 Area beyond national jurisdiction through the International Seabed Authority (ISA).
698. The Convention is implemented through the following laws: The Maritime Zones Act, 1989, Cap. 371; and the Fisheries Management and Development Act, 2016, which established several new institutions namely; The Kenya Fisheries Service, the Kenya Fish Marketing Authority; and the Fisheries Advisory Council. UNCLOS is also implemented through the Kenya Coast Guard Service Act, 2018 and the Kenya Fishing Industries Corporation Order 2018 revised 2020.

I. Key Obligations for State Parties/Kenya under the Convention

- a) To prevent ecological degradation that can arise from the use of the seas, including maintaining marine spaces under the national jurisdiction against deterioration;
- b) To prevent damage to the marine environment of third states from activities undertaken within its jurisdiction.
- c) The coastal State shall give appropriate publicity of any danger to navigation, of which it has knowledge, within its territorial sea;
- d) Member States, whether Coastal or land-locked, have the right to sail ships flying its flag on the high seas;
- e) Fix the conditions for the grant of its nationality to ships, for the registration of ships in its territory, and for the right to fly its flag. Ships have the nationality of the State whose flag they are entitled to fly. There must exist a genuine link between the State and the ship;
- f) Issue to ships to which it has granted the right to fly its flag documents to that effect;
- g) The coastal State may, in the exercise of its sovereign rights to explore, exploit, conserve and manage the living resources in the exclusive economic zone, take such measures, including boarding, inspection, arrest and judicial proceedings, as may be necessary to ensure compliance with the laws and regulations adopted by it in conformity with this Convention; and
- h) Ensure the highest practicable standards in matters concerning maritime safety; and efficiency of navigation and prevention and control of marine pollution from ships.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

699. The Government has undertaken/is undertaking the following:
- a) Developed Fisheries Management and Development—Marine Fisheries Regulations, 2024, to operationalise the Fisheries Management and Development Act, CAP. 378;
 - b) Developing National Maritime Transport Policy and the National Maritime Education and Training Policy which was subjected to stakeholder validation and is currently awaiting transmission to Cabinet for consideration and approval;

- c) Maintains a register of ships containing the names and particularly of ships flying its flag and assumes jurisdiction over each ship flying its flag, seafarers in respect of administrative, technical and social matters concerning the ship;
- d) Carries out its flag and port state responsibilities by carrying out inspections of ships to ensure compliance. It has carried out 105 inspections and ensured compliance;
- e) Issues notices and weather broadcasts to mariners from time to time to ensure safe navigation in the Kenyan Coastal waters;
- f) Compiled documents used to support Kenya's claim of the Continental Shelf beyond 200 nautical miles and approved that Kenya explores possibilities of claiming more continental shelf beyond 200 nautical miles;
- g) Secured training of five government officers by the International Seabed Authority on matters of deep-sea mining operations between July, 2023, and March, 2024;
- h) Participated in the 59th Meeting of the Commission on the Limits of the Continental Shelf held between 2nd and 15th October, 2023;
- i) Attended and participated in the 60th meeting of the Commission on the Limits of the Continental Shelf (CLCS) held between 22nd January and 8th March, 2024. Products of the meeting are the Report of the Progress of Work of CLCS and a Letter of the Chair of CLCS to the Meeting of States Parties (MoSP);
- j) Participated in the meetings of the Legal Technical Commission held between 4th and 15th March 2024. The Report of the Chair of LTC was presented to the Council of ISA in March, 2024; and
- k) Participated in the meetings of the Council of International Seabed Authority held between 18th and 29th March, 2024 and is exploring on possible avenues of making further claim to the Continental shelf, beyond that which was granted by the Commission on the Limits of the Continental Shelf.

III. Existing Legal and Policy Framework:

- (i) Environmental Management and Coordination Act, CAP. 387;
- (ii) Fisheries Management and Development Act, CAP. 378;
- (iii) Kenya Coast Guard Service Act, CAP. 200;
- (iv) Kenya Maritime Authority Act, CAP. 370;
- (v) Maritime Zones Act, CAP. 371; and
- (vi) Merchant Shipping Act, CAP. 389.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Fisheries Advisory Council (FAC);
- (ii) Kenya Coast Guard Services (KCGS);
- (iii) Kenya Fish Marketing Authority (KFMA);
- (iv) Kenya Fisheries Service (KFS);
- (v) Kenya Fishing Industries Corporation (KFIC);
- (vi) Kenya Maritime Authority (KMA);
- (vii) Kenya Ports Authority (KPA); and
- (viii) National Environment Management Authority (NEMA).

3.12.2 Maritime Transport

3.12.2.1 Maritime Labour Convention (MLC), 2006 as amended

700. The Convention was adopted on 23rd February, 2006, and entered into force on 20th August, 2013. Kenya ratified the Convention on 31st July, 2014. The Convention was amended in 2014, 2016 and 2018.

701. The MLC, 2006 sets out the basic rights of seafarers to decent working and living conditions while on board ships. It further seeks to protect seafarers from unfair competition on the part of substandard ships.

I. Key Obligations for State Parties/Kenya under the Convention:

- a) Respect the fundamental rights to 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 the elimination of discrimination in respect of employment and occupation;
- b) Ensure that the seafarers' employment and social rights are fully implemented in accordance with the requirements of the convention; and
- c) Implement and enforce laws or regulations or other measures that it has adopted to fulfil its commitments under this convention with respect to ships and seafarers under its jurisdiction and are required to effectively exercise its jurisdiction and control over seafarer recruitment and placement services, if these are established in its territory.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

702. The Government has undertaken/is undertaking the following:

- a) Developing Merchant Shipping (Maritime Labour) Regulations, 2023;
- b) Issued Marine notices to support seafarers' employment during the COVID-19 pandemic to allow for reduced manning levels for ships in cases where it is not possible to get a reliever when one of the seafarers disembarks. The notices also allow for the extension of sea service on agreement between the seafarer and the ship owner;
- c) Developing of a wage standard for Kenyan Maritime workers; and
- d) Establishing a seafarer's wages council.

III. Existing Legal and Policy Framework:

- (i) Kenya Maritime Authority Act, CAP. 370; and
- (ii) Merchant Shipping Act, CAP. 389.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Coast Guard Service (KCGS); and
- (ii) Kenya Maritime Authority (KMA).

3.12.2.2 International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS 1974)

703. The SOLAS 1974 was adopted on 1st November, 1974, and entered into force on 25th May, 1980. Kenya ratified the convention on 21st July, 1999. The convention entered into force for Kenya on 21st October, 1999.

704. The main objective of the SOLAS, 1974 Convention is to specify minimum standards for the construction, equipment and operation of ships, compatible with their safety. Flag states are responsible for ensuring that ships under their flag comply with its requirements,

and a number of certificates are prescribed in the convention as proof that this has been done.

I. Key Obligations for State Parties/Kenya under the Convention:

- a)* Inspect ships registered in other jurisdictions if there are clear grounds for believing that the ship and its equipment do not substantially comply with the requirements of the convention, which is commonly referred to as exercising port state control functions;
- b)* Ensure that ships under their flag comply with its requirements, and a number of certificates are prescribed in the convention; and
- c)* A ship when in a port of another contracting government is subjected to control by officers duly authorized by such Government concerning operational requirements in respect of the safety of ships, when there are clear grounds for believing that the master or crew are not familiar with essential shipboard procedures relating to the safety of ships.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

705. The Government has undertaken/is undertaking the following:

- a)* Carried out 454 inspections at the port of Mombasa between January, 2022 and June, 2023, to ensure compliance;
- b)* Carried out 900 inspections at the port of Mombasa between January 2021 to December, 2023 to ensure compliance;
- c)* Developing National Maritime Transport Policy, 2023;
- d)* Developing Merchant Shipping (Port State Control) Regulations, 2011, to ensure uniformity with the current resolutions in force—IMO Resolutions A.1138 (31) on Port State Control Procedures and the Memorandum of Understanding on Port State Control for the Indian Ocean Region;
- e)* Developing Merchant Shipping (Recognized Organizations) Regulations which is a Code under SOLAS; therefore, transposing the provisions of the Code into national legislation;
- f)* Developing 11 other regulations to domesticate the different SOLAS Chapters. The regulations are as follows:
 - (i)* Merchant Shipping (Construction) Regulations;
 - (ii)* Merchant Shipping (Construction — Fire Protection, Fire Detection and Fire Extinction) Regulations;
 - (iii)* Merchant Shipping (Life Saving Appliances and Arrangements) Regulations;
 - (iv)* Merchant Shipping (Radio Communication) Regulations;
 - (v)* Merchant Shipping (Safety of Navigation) Regulation;
 - (vi)* Merchant Shipping (Carriage of Cargoes and Oil Fuels) Regulations;
 - (vii)* Merchant Shipping (Carriage of Dangerous Goods) Regulations;
 - (viii)* Merchant Shipping (Nuclear Ships) Regulations;
 - (ix)* Merchant Shipping (Safety of High-Speed Craft) Regulations;
 - (x)* Merchant Shipping (Bulk Carrier Safety) Regulations; and
 - (xi)* Merchant Shipping (Safety of Ships Operating in Polar Waters) Regulations.

III. Existing Legal and Policy Framework:

- (i) Kenya Ports Authority Act, CAP. 391; and
- (ii) Merchant Shipping Act, CAP. 389.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Maritime Authority (KMA); and
- (ii) Kenya Ports Authority (KPA).

3.12.2.3 Protocol of 1978 Relating to the International Convention for the Safety of Life at Sea 1974 as amended (SOLAS PROT., 78)

706. The SOLAS PROT 78 was adopted on 17th February, 1978 and entered into force on 1st May, 1981. Kenya acceded to the protocol on 7th July, 2015. The protocol entered into force for Kenya on 5th October, 2015.

707. The protocol made important changes to the SOLAS, 1974 Convention by introducing unscheduled inspections and/or mandatory annual surveys thus strengthening Port State Control inspections (Part B, Regulation 6).

I. Key Obligations for State Parties/Kenya under the Convention:

Carrying out unscheduled inspections and/or mandatory annual surveys to strengthen Port State Control measures.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

708. The Government has undertaken/is undertaking the following:

- a) Carried out 454 port state control inspections on vessels to enhance compliance with the Protocol; and
- b) Developing National Maritime Transport Policy, 2023.

III. Existing Legal and Policy Framework:

Merchant Shipping Act, CAP. 389.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Coast Guard Service (KCGS);
- (ii) Kenya Maritime Authority (KMA); and
- (iii) Kenya Ports Authority (KPA).

3.12.2.4 Protocol of 1988 Relating to the International Convention for the Safety of Life at Sea, 1974 as amended¹ (SOLAS PROT., 1988)

709. The Protocol as adopted on 11th November, 1988, and entered into force 3rd February, 2000. Kenya acceded to the protocol on 7th July, 2015. The protocol entered into force for Kenya on 5th October, 2015.

710. SOLAS PROT., 1988 introduced a new Co-ordinated 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 hazardous chemicals in bulk to which Kenya is party (Part B, Regulation 6-19).

¹ 2000, 2002, 2004, 2006, 2007, 2008, 2009, 2010, 2012, 2015

I. Key Obligations for State Parties/Kenya under the Convention:

Ensure that ships proceed to sea without danger to the ship, or persons on board or take necessary measures to ensure that corrective action is taken. (Part B, Regulation 6)

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

711. The Government has undertaken/is undertaking the following:

- a) Developing National Maritime Transport Policy, 2023;
- b) Enhanced implementation of the Convention in terms of inspection of waste reception facilities within the port and inspection and certification of oil tankers, respectively; and
- c) Developed the National IMO Instruments Implementation (III Strategy) where MDAs which implement IMO instruments collaborate and report to KMA for the purpose of communication to the IMO. The III Strategy is still in force with the review process initiated in March, 2023.

III. Existing Legal and Policy Framework:

- (i) Energy Act, CAP. 314;
- (ii) Environmental Management and Co-ordination Act (EMCA), CAP. 387.
- (iii) Merchant Shipping Act, CAP.389; and
- (iv) Standard Act, CAP. 496.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Energy and Petroleum Regulatory Authority (EPRA).
- (ii) Kenya Bureau of Standards (KEBS); and
- (iii) Kenya Maritime Authority (KMA);
- (iv) Kenya Ports Authority (KPA);
- (v) National Environment Management Authority (NEMA);

3.12.2.5 International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and by the Protocol of 1997 as amended² (MARPOL/MARPOL PROT., 1997)

712. The MARPOL Convention was adopted on 2nd November, 1973, and entered into force on 2nd October, 1983 (Annexes I–III). The MARPOL PROT. 97 Adopted on 26th September, 1997, and entered into force on 19th May, 2005 (Annexes IV–VI). Kenya ratified MARPOL and acceded to Annexes I–V and accepted Annex VI on 15th December, 1992. Kenya acceded to the MARPOL PROT. 97 on 14th January, 2008.

713. The Convention seeks to control and/or minimize pollution by oil from operational measures, provide a discharge criterion, including the need for reception facilities, measures of handling and carriage of harmful substances that pose a risk to the marine environment, disposal of garbage from ships and prevention of air pollution from ships.

I. Key Obligations for State Parties/Kenya under the Convention:

- a) Ensure new oil tankers have double hulls;

² 1984, 1985, 1987, 1989, 1990, 1991, 1992, 1994, 1995, 1996, 1997, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017

- b) Ensure that no discharge of residues containing noxious substances is permitted within 12 miles of the nearest land within their jurisdiction;
- c) Prevent pollution by harmful substances carried by sea in packaged form;
- d) Enforce and control pollution of the sea by sewage; the discharge of sewage into the sea is prohibited, except when the ship has in operation an approved sewage treatment plant or when the ship is discharging comminuted and disinfected sewage using an approved system at a distance of more than three nautical miles from the nearest land; sewage which is not comminuted or disinfected has to be discharged at a distance of more than 12 nautical miles from the nearest land;
- e) Ensure compliance on ban imposed on the disposal into the sea of all forms of plastics; and
- f) Ensure compliance with sets limits on sulphur oxide and nitrogen oxide emissions from ship exhausts and prohibits deliberate emissions of ozone depleting substances.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

714. The Government has undertaken/is undertaking the following:

- a) Undertakes surveillance in Kenyan territorial waters to prevent unauthorized discharge of oil, sewage or harmful substances from ships;
- b) Conducts quarterly workshops to create awareness on prevention of ships source pollution;
- c) In collaboration with the IMO through the Maritime Technology cooperation center for Africa Region (MTCC Africa) is involved in reduction of greenhouse gas emissions;
- d) Drafted regulations to fully domesticate Annex I to VI of MARPOL during the period under review. The regulations are as follows:
 - (i) Merchant Shipping (Prevention of Pollution by Oil from Ships) Regulations for MARPOL Annex I;
 - (ii) Merchant Shipping (Control of Pollution by Hazardous Noxious Liquids Substances in Bulk) Regulations for MARPOL Annex II;
 - (iii) Merchant Shipping (Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Form) Regulations for MARPOL Annex III;
 - (iv) Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations for MARPOL Annex IV;
 - (v) Merchant Shipping (Prevention of Pollution by Garbage from Ships) Regulations for MARPOL Annex V;
 - (vi) Merchant Shipping (Prevention of Air Pollution from Ships) Regulations for MARPOL Annex VI; and
 - (vii) Merchant Shipping (Waste Reception Facilities) Regulations.
- e) In collaboration with the IMO, is involved in reduction of greenhouse gas (GHG) emissions;
- f) Implementing the GloLitter Partnerships Project which aims at assisting developing countries to prevent and reduce marine litter, especially plastic marine litter;
- g) Implementing of the Green Voyage 2050 Partnerships Project. The project is supporting developing countries, including Small Islands Developing States (SIDS) and Least Developed Countries (LDCs), in meeting their commitment towards

relevant climate change and energy efficiency goals, for international shipping, through supporting the Initial IMO GHG Strategy;

- h) Participated in the 14th Session of the Inter-Sessional Working Group on Reduction of Green House Gas Emission and 79th Session of the Marine Environment Protection Committee Meeting held at International Maritime Organization Headquarters in United Kingdom;
- i) Participated in the Green Shipping Conference from 15th to 16th February, 2023. The Conference was organized by the Ghana Maritime Authority. The Conference was aimed at preparing the crucial transition of the sector to cleaner fuels for shipping;
- j) Undertaking the environmental impact assessment study for the proposed search and rescue centres to be constructed around Lake Victoria;
- k) In conjunction with Oil Spill Mutual Group, conducted oil spill training and exercise in Mombasa from 28th November to 2nd December, 2022. The objective of the training was to build capacity for oil spill preparedness and response in the County; and
- l) Participated in the 13th Session of the Inter-Sessional Working Group on Reduction of Green House Gas Emission and 79th Session of the Marine Environment Protection Committee Meeting held at International Maritime Organization Headquarters in United Kingdom from 12th to 16th December, 2022.

III. Existing Legal and Policy Framework:

- (i) Environmental Management and Coordination Act, CAP. 387;
- (ii) Kenya Coast Guard Service Act, CAP. 200;
- (iii) Kenya Ports Authority Act, CAP. 391;
- (iv) Standards Act, CAP. 496; and
- (v) The Merchant Shipping Act, CAP. 389.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Energy and Petroleum Regulatory Authority (EPRA);
- (ii) Kenya Bureau of Standards (KEBS);
- (iii) Kenya Coast Guard Authority (KCGA);
- (iv) Kenya Maritime Authority (KMA);
- (v) Kenya Ports Authority (KPA); and
- (vi) National Environment Management Authority (NEMA).

3.12.2.6 International Convention on Standards of Training, Certification and Watch-Keeping for Seafarers, 1978, as Amended³ (STCW 1978)

- 715. The convention was adopted on 7th July, 1978, and entered into force on 28th April, 1984, Kenya acceded to the Convention on 15th December, 1992, and it entered into force for Kenya on 15th March, 1993.
- 716. The convention prescribes minimum standards for countries in relation to training, certification and watchkeeping for seafarers.

³ 1991, 1994, 1995, 1997, 1998, 2004, 2006, 2010, 2014, 2015, 2016

I. Key Obligations for State Parties/Kenya under the Convention:

Promulgate laws, decrees, orders and regulations and to take all other steps which may be necessary to give the convention full and complete effect.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

717. The Government has undertaken/is undertaking the following:

- a) Issued 3,544 Continuous Certificate of Discharge (CDC) books to seafarers and 4,955 STCW safety certificates were issued;
- b) Complied with its international obligations under the convention and ready for the, 2023, STCW audit; and
- c) Evaluated under the quality standards system requirements and the report submitted to the International Maritime Organization (IMO) for consideration by the IMO panel of competent persons.

III. Existing Legal and Policy Framework:

Merchant Shipping Act, CAP. 389.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Maritime Authority (KMA).

3.12.2.7 International Convention on Load Lines, 1966 (LL 1966) as Amended by the 1988 Protocol to the Load Lines Convention (1988 Protocol)⁴

718. The LL, 1966, was adopted on 5th April, 1966, and entered into force on 21st July, 1968. The 1988 Protocol was adopted in November, 1988, and entered into force on 3rd February, 2000. Kenya acceded to the LL, 1966 on 12th September, 1975, and the 1988 Protocol on 7th July, 2015.

719. The convention recognizes that loading of a ship significantly contributes to the safety of navigation of any vessel. The objective of the convention is to ensure stability and avoid excessive stress on the ship's hull as a result of overloading.

I. Key Obligations for State Parties/Kenya under the Convention:

- a) Ensure that no ship proceeds to sea on an international voyage unless it has been surveyed, marked and provided with an International Load Line Certificate or, where appropriate, an International Load Line Exemption Certificate; and
- b) Conduct investigation of any casualty occurring to ships for which it is responsible and which are subject to the provisions of the present convention.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

720. The Government has undertaken/is undertaking the following:

- a) Conducted Port state control inspection on a total of 454 foreign ships in Kenyan ports.
- b) Developed the Merchant Shipping (Load Lines) Regulations, 2023, to give complete effect to the Convention.
- c) Registered ships were surveyed and inspected and 400 foreign ships in Kenyan ports were inspected.

⁴ 1971, 1975, 1979, 1983, 1995, 2003, 2004, 2005, 2006, 2008, 2012, 2013, 2014, 2016

III. Existing Legal and Policy Framework:

Merchant Shipping Act, CAP. 389.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Maritime Authority (KMA).

3.12.2.8 International Convention on Tonnage Measurement of Ships, 1969 as Amended (TONNAGE 1969)⁵

721. The TONNAGE, 1969, was adopted on 23rd June, 1969, and entered into force on 18th July, 1982. Kenya acceded to the TONNAGE, 1969, on 15th December, 1992, and it entered into force for Kenya on 15th March, 1993.

722. The convention's objective is to introduce a universal tonnage measurement system. The convention provides for gross and net tonnages, both of which are calculated independently. The tonnage measurement is used in determining port and harbour dues, pilotage charges, insurance premiums, manning levels, maritime statistics and limitations of liability.

I. Key Obligations for State Parties/Kenya under the Convention

- a) Determine the gross and net tonnage of Kenyan ships;
- b) Issue International Tonnage Certificates to every ship, the gross and net tonnages of which have been determined; and
- c) Inspect ships flying the flag of a State Party for purposes of verifying that the ship is provided with a valid International Tonnage Certificate and that the main characteristics of the ship correspond to the data given in the certificate.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

723. The Government has undertaken/is undertaking the following:

- a) Inspected 454 foreign ships to confirm that the ships had valid international tonnage certificates; and
- b) Reviewing the Merchant Shipping (Tonnage) Regulations, 2023, to give complete effect to the convention.

III. Existing Legal and Policy Framework:

Merchant Shipping Act, CAP. 389.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Maritime Authority (KMA).

3.12.2.9 Convention on the International Regulations for Preventing Collisions at Sea, 1972, as Amended⁶ (COLREG 1972)

724. The COLREG, 1972, was adopted on 20th October, 1972, and entered into force on 15th July, 1977. Kenya acceded to COLREG, 1972, on 15th December, 1992, and it entered into force for Kenya on the same date.

725. The main aim of the convention is to provide rules to vessels with the aim of preventing collisions to ships.

⁵2013

⁶ 1981, 1987, 1989, 1993, 2001, 2007, 2013

I. Key Obligations for State Parties/Kenya under the Convention:

726. Member States are required to ensure the following:

- (i) Every vessel shall at all times maintain a proper look-out by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions so as to make a full appraisal of the situation and of the risk of collision;
- (ii) Every vessel shall at all times proceed at a safe speed so that it can take proper and effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances and conditions;
- (iii) Every vessel shall use all available means appropriate to the prevailing circumstances and conditions to determine if risk of collision exists;
- (iv) Any action to avoid collision shall be taken in accordance with the Rules shall, if the circumstances of the case admit, be positive, made in ample time and with due regard to the observance of good seamanship;
- (v) A vessel proceeding along the course of a narrow channel or fairway is obliged to keep “as near to the outer limit of the channel or fairway which lies on her starboard side as is safe and practicable.” The same Rule obliges a vessel of less than 20 meters in length or a sailing vessel not to impede the passage of a vessel “which can safely navigate only within a narrow channel or fairway”; and
- (vi) Ships crossing traffic lanes are required to do so “as nearly as practicable” at right angles to the general direction of traffic flow.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

727. The Government has undertaken/is undertaking the following:

- a) Embarked on port channel marking exercise for the Lamu Port in compliance with requirements of the convention;
- b) Mapped and maintained aids to navigation;
- c) Developing Merchant Shipping (Distress Signals and Prevention of Collision) Regulations, 2023; and
- d) Enhancing collaboration between the implementing agencies, facilitated development of a MoU on aids to navigation between Kenya Maritime Authority and Kenya Ports Authority.

III. Existing Legal and Policy Framework:

- (i) Kenya Coast Guard Service Act, CAP. 200;
- (ii) Kenya Ports Authority Act, CAP. 391; and
- (iii) The Merchant Shipping Act, CAP. 389.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Communications Authority of Kenya (CA).
- (ii) Kenya Maritime Authority (KMA);
- (iii) Kenya Meteorological Department; and
- (iv) Kenya Ports Authority (KPA).

3.12.2.10 International Convention for Safe Containers as Amended⁷ (CSC), 1972

728. The CSC, 1972, was adopted on 2nd December, 1972, and entered into force on 6th September, 1977. Kenya acceded to the CSC, 1972, on 2nd February, 2000.

729. The convention seeks to facilitate international transport of containers by providing uniform international safety regulations, equally applicable to all modes of surface transport. This avoids the proliferation of divergent national safety regulations.

I. Key Obligations for State Parties/Kenya under the Convention:

Establish an effective procedure for the testing, inspection and approval of containers in accordance with the criteria established in the present convention, provided, however, an Administration may entrust such testing, inspection and approval to organizations duly authorized by it.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

730. The Government has undertaken/is undertaking the following:

- a) undertaking inspection for compliance of containers in Kenyan ports for efficient and effective implementation of the CSC, 1972;
- b) Inspection of standards of containers carrying cargo in the port of Mombasa.

III. Existing Legal and Policy Framework:

- (i) Kenya Maritime Authority Act, CAP. 370;
- (ii) Kenya Ports Authority Act, CAP. 391;
- (iii) Merchant Shipping Act, CAP. 389; and
- (iv) Standards Act, CAP. 496.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Bureau of Standards (KEBS);
- (ii) Kenya Maritime Authority (KMA); and
- (iii) Kenya Ports Authority (KPA).

3.12.2.11 International Convention on Maritime Search and Rescue (SAR) 1979 as amended

731. The SAR, 1979, was adopted on 27th April, 1979, and entered into force on 22nd June, 1985. Kenya acceded to SAR, 1979 on 15th December, 1992.

732. The aim of the convention was to develop an international search and rescue plan so that no matter where accidents occur, the rescue of persons in distress at sea is Co-ordinated by a Search and Rescue Organization and, when necessary

733. By co-operation between neighbouring Search and Rescue Organizations.

I. Key Obligations for State Parties/Kenya under the Convention:

- a) Co-operation with other states and, as appropriate, participate in the development of search and rescue services to ensure that assistance is rendered to any person in distress at sea;
- b) Establish legal framework, assign a responsible authority and avail resources and communication facilities for coordination and operational functions; and
- c) Improve the services through training, planning and international co-operation.

⁷ 1981, 1983, 1991, 1993, 2010, 2013

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

734. The Government has undertaken/is undertaking the following:

- a) Conducted search and rescue efforts in three (3) maritime incidents;
- b) Strengthened the coordination between the Regulator and Kenya Coast Guard Service by finalizing on the development of an MoU whose objective is to create an effective collaborative framework on enforcement of maritime safety, security and search and rescue, among other enforcement measures;
- c) Reviewed the National Search and Rescue Plan, developed plans of operations for the region, plans of operations for rescue sub-centres and standard operating procedures relating to search and rescue operations;
- d) Trained twenty (20) Search and Rescue responders from stakeholders on SAR operations in both coastal and inland waters;
- e) Hosted on scene coordination training workshops for stakeholders in coastal and inland waters; and
- f) Conducting two (2) Search and Rescue on scene command training for stakeholders in both coastal and inland waters.

III. Existing Legal and Policy Framework:

- (i) Civil Aviation Act, CAP. 394;
- (ii) Kenya Coast Guard Service Act, CAP. 200;
- (iii) Kenya Defense Forces Act, CAP. 199;
- (iv) Kenya Maritime Authority Act, CAP. 370;
- (v) Kenya Ports Authority Act, CAP. 391; and
- (vi) Merchant Shipping Act, CAP. 389.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Civil Aviation Authority (KCAA);
- (ii) Kenya Coast Guard Service (KCGS);
- (iii) Kenya Maritime Authority (KMA); and
- (iv) Regional Maritime Search and Rescue Center (RMSRC).

3.12.2.12 Convention on Facilitation of International Maritime Traffic, 1965, as Amended (FAL 1965)⁸

735. The FAL Convention, 1965, was adopted on 9th April, 1965, and entered into force on 5th March, 1967. Kenya acceded to FAL, 1965, on 10th November, 2006.

736. The convention aims to prevent unnecessary delays in maritime traffic, aid cooperation between States, and secure the highest practicable degree of uniformity in formalities and other procedures.

I. Key Obligations for State Parties/Kenya under the Convention:

- a) Adopt all appropriate measures to facilitate and expedite international traffic and to prevent unnecessary delays to ships and to persons and property on board;

⁸ 1969, 1973, 1977, 1986, 1987, 1990, 1992, 1993, 1996, 1999, 2002, 2005, 2009, 2016

- b) Secure the highest practicable degree of uniformity in formalities, documentary requirements and procedures in all matters in which such uniformity will facilitate and improve international maritime traffic; and
- c) Keep to a minimum any alterations in formalities, documentary requirements and procedures necessary to meet special requirements and procedures, as well as their application to international maritime traffic.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

737. The Government has undertaken/is undertaking the following:

- a) Facilitating clearance of cargo under the national Single Window System. It also reviews documentation for clearance processes and awareness creation to stakeholders on maritime matters;
- b) Held sessions with the ERP 3 system developer on the licensing module of maritime service providers to provide the framework for online licensing. System testing and debugging was completed together with integration with the finance module for purposes of automating license fee payment;
- c) Developed the Coordination Sustainability Plan for the Mombasa Port and Northern Corridor Community Charter;
- d) Launched the Maritime Single Window System (MSWS) to facilitate the ship-shore process by utilizing modern ICT connectivity tools and riding on the already established National Single Window System. The system has connected all the relevant Government bodies involved in clearance of ships. Government agencies on the MSWS include Kenya Maritime Authority, Kenya Ports Authority, Kenya Revenue Authority, Port Health Services and Department of Immigration. The system assists shippers to apply for the below permits, seamlessly, via the internet:
 - (i) IMO FAL form 1—General declaration;
 - (ii) IMO FAL form 2—Cargo declaration;
 - (iii) IMO FAL form 3—Ship’s stores declaration;
 - (iv) IMO FAL form 4—Crew’s effects declaration;
 - (v) IMO FAL form 5—Crew’s list;
 - (vi) IMO FAL form 6 —Passenger list;
 - (vii) IMO FAL form 7—Dangerous Goods Manifest;
 - (viii) Last Ports of Call;
 - (ix) Maritime Declaration of Health Form (*incl. Crew Vaccination List);
 - (x) Waste Declaration Form with MARPOL annexes (*Fuel reporting);
 - (xi) Firearms Declaration (Customized);
 - (xii) ISPS & SOLAS Forms; and
 - (xiii) Ship Certificates (IMO, SOLAS, Registration, Class Society).
- e) Developing the Kenya Maritime Amendment Bill, 2023, the Draft Merchant Shipping Amendment Bill, 2023, and the Merchant Shipping (Maritime Transport Operators) Regulations, 2023;
- f) Formulating the National Maritime Transport Policy, 2023;

- g) Spearheaded the development of the IMO guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international maritime traffic; and
- h) Proposed inclusion of prevention and combat of illicit activities in maritime transport at the International Maritime Organization, to be included as an agenda under the programme for the National Maritime Facilitation Committee. The proposal was approved for inclusion under the FAL Convention which comes to force as amendments in January, 2024.

III. Existing Legal and Policy Framework:

- (i) Kenya Maritime Authority Act, CAP. 370;
- (ii) Merchant Shipping Act, CAP. 389; and
- (iii) National Electronic Single Window System Act, CAP. 485D.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Maritime Authority (KMA);
- (ii) Kenya Trade Network Agency (KenTrade); and
- (iii) Kenya Ports Authority (KPA).

3.12.2.13 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, as Amended by the London Protocol (London Convention 1972)⁹

738. The London Convention, 1972 was adopted on 13th November, 1972 and entered into force on 30th August, 1975. The London Protocol on the other hand was adopted on 7th November, 1996, and entered into force on 24th March, 2006. Kenya acceded to the London Convention, 1972 on 7th January, 1976, and to the London Protocol on 14th January, 2008.
739. The convention establishes a global legal framework to protect the marine environment from human activities. It aims at contributing to the international control and prevention of marine pollution by prohibiting the dumping of certain hazardous materials.

I. Key Obligations for State Parties/Kenya under the Convention:

- a) Protect and preserve the marine environment from all sources of pollution and take effective measures, according to their scientific, technical and economic capabilities to prevent, reduce and where practicable eliminate pollution caused by dumping or incineration at sea of wastes or other matter;
- b) Apply a pre-cautionary approach to environmental protection from dumping of wastes or other matter or from placement of matter for marine geo-engineering activities which may be considered for permits according to Annex 4 of MARPOL;
- c) Take appropriate preventative measures when there is reason to believe that wastes or other matter introduced into the marine environment are likely to cause harm even when there is no conclusive evidence to prove a causal relation between inputs and their effects; and
- d) Develop procedures regarding liability arising from the dumping or incineration at sea of wastes or other matter.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

740. The Government has undertaken/is undertaking the following:

⁹ 2006, 2009, 2013

- a) Increased its surveillance and enforcement capabilities to prevent dumping of wastes; and
- b) Organized marine litter awareness campaigns to sensitize the public on the impacts of dumping wastes into the sea. This also entailed beach clean-up activities.

III. Existing Legal and Policy Framework:

- (i) Environmental Management and Coordination Act, CAP. 387; and
- (ii) Kenya Maritime Authority Act, CAP. 370.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Coast Guard Service (KCGS);
- (ii) Kenya Maritime Authority (KMA);
- (iii) Kenya Ports Authority (KPA);
- (iv) Kenya Wildlife Service (KWS); and
- (v) National Environment Management Authority (NEMA).

3.12.2.14 Protocol of 1992 to Amend the International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC Prot 1992)¹⁰

741. The 1992 CLC Protocol was adopted on 27th November, 1992, and entered into force on 30th May, 1996. Kenya acceded to the 1992 CLC Protocol on 2nd February, 2000. The 1992 CLC Protocol ensures that adequate compensation is available to persons who suffer oil pollution damage resulting from maritime casualties involving oil-carrying ships. It exclusively applies to pollution damage caused by oil that is carried on board a ship. The 1992 CLC imposes strict liability on the ship-owner for any pollution damage caused by his ship as a result of an incident.

I. Key Obligations for State Parties/Kenya under the Convention:

- a) Obligates a member state in the event that an incident has caused pollution damage in the territory including the territorial sea and Exclusive Economic Zone (EEZ) or equivalent area of a member state of one or more contracting states or preventive measures have been taken to prevent or minimize pollution damage in such territory including the territorial sea or area, action for compensation may only be brought in the courts of any such contracting state or states;
- b) Each contracting state shall ensure that its courts possess the necessary jurisdiction to entertain such actions for compensation; and
- c) Enforce a judgment recognized under the convention.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

742. The Government has undertaken/is undertaking the following:

- a) Developing the National Maritime Transport Policy, 2023;
- b) Developed the National Marine Oil Spill Response Contingency Plan to provide a framework for response to oil pollution damage; and
- c) Organized training on response to oil spill pollution, including tabletop exercises and drills.

¹⁰ 2000

III. Existing Legal and Policy Framework:

Merchant Shipping Act, CAP. 389.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Maritime Authority.

3.12.2.15 Protocol of 1992 to Amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 (FUND PROT., 1992)¹¹

743. The FUND PROT., 1992, was adopted on 27th November, 1992, and entered into force on 30th May, 1996. Kenya ratified it on 2nd February, 2000.

744. The objective of the convention is to provide compensation for pollution damage and give relief to ship-owners in respect of the additional financial burden imposed on them by the 1992 Civil Liability Convention, such relief being subject to conditions designed to ensure compliance with safety at sea and other conventions.

I. Key Obligations for State Parties/Kenya under the Convention:

- a) Submit annual oil reports to the Fund Secretariat; and
- b) Recognize the International Oil Pollution Compensation Fund (IOPC) established to provide compensation for pollution damage as a legal person.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

745. The Government has undertaken/is undertaking the following:

- a) Submits annual reports to the IOPC Fund Secretariat;
- b) Issues IOPC clearance letters to various oil companies in implementation of the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992; and
- c) Developing the National Maritime Transport Policy, 2023.

III. Existing Legal and Policy Framework:

- (i) Energy Act, CAP. 314; and
- (ii) Merchant Shipping Act, CAP. 389.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Energy and Petroleum Regulatory Authority (EPRA); and
- (ii) Kenya Maritime Authority (KMA).

3.12.2.16 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA, 1988) as amended by the Protocol for the Suppression of unlawful acts against the safety of fixed platforms located on the continental shelf, 1988 (SUA PROT. 1988)

746. The SUA., 1988, was adopted on 10th March, 1988, and entered into force on 1st March, 1992. The SUA PROT., 2005, was adopted on 14th October, 2005, and entered into force on 28th July, 2010. Kenya acceded to the SUA., 1988, and SUA PROT., 1988, on 21st January, 2002.

¹¹ 2000, 2003

747. The convention establishes a legal regime applicable to acts against international maritime navigation that is similar to the regimes established for international aviation; and makes it an offence for a person to unlawfully and intentionally seize or exercise control over a ship by force, threat, or intimidation; to perform an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of the ship; to place a destructive device or substance aboard a ship; and other acts against the safety of ships.

I. Key Obligations for State Parties/Kenya under the Convention:

- a) Make the offences set forth in the convention punishable by appropriate penalties which take into account the grave nature of those offences;
- b) Take such measures as may be necessary to establish its jurisdiction over the offences set forth in the convention when the offence is committed against or on board a ship flying the flag of the State at the time the offence is committed; or in the territory of that State, including its territorial or by a national of that State; and
- c) Afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offences set forth in the convention, including assistance in obtaining evidence at their disposal necessary for the proceedings.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

748. The Government has undertaken/is undertaking the following:

- a) Hosted and chaired the CGIMA plenary in Nairobi on May, 2023. During this Plenary, Kenya was reelected as Chair of CGIMA for a period of one year. Kenya also chairs the working group on capacity building under the DCoC;
- b) Implemented Maritime Security Regulations and ISPS Code by conducting port security assessments of the Cruise terminal, Conventional (berths 1–12), Shimanzi Oil Terminal, Kipevu oil terminal, Kipevu container terminal 1 (berths 13–18) and Mbaraki wharf, and conducted annual audits of Base Titanium Limited, SECO and Lamu port facilities;
- c) Trained law enforcement agencies, ship and port facility personnel on ship and port security and the ISPS Code implementation. Kenya conducted two training workshops in Mombasa and Kisumu, as well as a tabletop security exercise for ports in Mombasa;
- d) Undertakes monitoring of the waters near Kenya–Somalia Border through the Maritime Joint Operation Centre based at the Lamu Navy Station;
- e) In partnership with the IMO, is currently developing the National Maritime Security Strategy which, among others, establish the National Maritime Security Committee. A draft National Maritime Security Risk Register had been developed in this regard and is awaiting stakeholder engagement for finalization;
- f) Collaborated with international security agencies such as the United States Coast Guard (USCG), British Navy, and the United Nations Office on Drugs and Crime (UNODC) who assist in capacity building on combating maritime crime through training and equipping;
- g) Put in place information sharing centers such as the Regional Maritime Rescue Coordination Center (RMRCC) and Joint Operations Committee (JOC). These centers provide 24/7 monitoring of waters in the region and are points of contact for ships in distress;
- h) Kenya participated in the US Coast Guard International Port Security Program Exercise at the Port of Mombasa, Bamburi Cement Wharf and KMA HQ.

- i) Participated in the review and finalization of the Maritime Security Risk Register for Kenya;
- j) Participated in the Fisheries Inter Agency In-Shore Patrol for Mombasa;
- k) Participated in Interpol’s Project Compass Crime Scene Investigations Training; and
- l) Organized a training workshop for ISPS implementation for vessels accessing the Port of Lamu;

III. Existing Legal and Policy Framework:

- (i) Kenya Coast Guard Service Act, CAP. 200;
- (ii) Kenya Maritime Authority Act, CAP. 370;
- (iii) National Police Service Act, CAP. 84;
- (iv) Prevention of Terrorism Act, CAP. 59B;
- (v) Proceeds of Crime and Anti-Money Laundering Act, CAP. 59A; and
- (vi) The Merchant Shipping Act, CAP. 389.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Anti-Terrorism Police Unit (ATPU).
- (ii) Kenya Coast Guard Service (KCGS);
- (iii) Kenya Maritime Authority (KMA); and
- (iv) Kenya Navy.

3.12.2.17 International Convention on Salvage, 1989 (Salvage 1989)

749. The Salvage Convention, 1989, was adopted on 28th April, 1989, and entered into force on 14th July, 1996. Kenya acceded to the Salvage, 1989, on 21st July, 1999.
750. The purpose of the Salvage 1989, is to establish a reward mechanism for salvors who engage in work in the nature of salvage operations in the event a ship is involved in an incident or an accident. The convention modified the convention on the Law of Salvage which incorporated the “no cure, no pay” principle under which a salvor is only rewarded for services if the operation is successful.

I. Key Obligations for State Parties/Kenya under the Convention:

- a) Obligated whenever regulating or deciding upon matters relating to salvage operations such as admittance to ports of vessels in distress or the provisions of facilities to salvors, take into account the need for cooperation between salvors, other interested parties and public authorities in order to ensure the effective and successful performance of salvage operations;
- b) Adopt the measures necessary to enforce and make sure that every master, so far as he can do so without serious danger to his vessel and persons thereon, renders assistance to any person in danger of being lost at sea; and
- c) Encourage with the consent of the parties, the publication of arbitral awards made in salvage cases.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

751. The Government continues facilitating cooperation between salvors and ship owners where necessary in the event of a salvage operation.

III. Existing Legal and Policy Framework:

Merchant Shipping Act, CAP. 389.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Maritime Authority (KMA).

3.12.2.18 International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC 1990)

752. The OPRC, 1990, was adopted on 30th November, 1990, and entered into force on 13th May, 1995. Kenya acceded to the OPRC, 1990, on 21st July, 1999.

753. The purpose of the OPRC, 1990 is to provide a global framework for international co-operation in combating major incidents or threats of marine pollution.

I. Key Obligations for State Parties/Kenya under the Convention:

- a) Establish measures for dealing with pollution incidents, either nationally or in cooperation with other countries;
- b) Undertake, individually or jointly and take all appropriate measures to prepare for and respond to an oil pollution incident;
- c) Use, in so far as practicable, the oil pollution reporting system developed by the IMO when exchanging information and communicating with other States and with the IMO;
- d) Agree that, subject to their capabilities and the availability of relevant resources, they will co-operate and provide advisory services, technical support and equipment for the purpose of responding to an oil pollution incident, when the severity of such incident so justifies, upon the request of any Party affected or likely to be affected;
- e) Agree to co-operate directly or, as appropriate, through the IMO or relevant regional organizations or arrangements in the promotion and exchange of results of research and development programmes relating to the enhancement of the state-of-the-art of oil pollution preparedness and response;
- f) Undertake directly or through the IMO and other international bodies in respect of oil pollution preparedness and response, to provide support for those Parties which request technical assistance; and
- g) Conclude bilateral or multilateral agreements for oil pollution preparedness and response. Copies of such agreements shall be communicated to the IMO which should make them available on request to Parties.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

754. The Government has undertaken/is undertaking the following:

- a) Put in place a National Oil Spill Response Contingency Plan including sensitivity mapping and dispersants policy;
- b) Put in place a National Oil Spill Response Contingency Plan including sensitivity mapping and dispersants policy; and
- c) Formed an Oil Spill Response Centre and Oil Spill Response team.

III. Existing Legal and Policy Framework:

- (i) Energy Act, CAP. 314;
- (ii) Environmental Management Coordination Act, CAP. 387;

- (iii) Kenya Coast Guard Service Act, CAP. 200;
- (iv) Kenya Maritime Authority Act, CAP. 370; and
- (v) Merchant Shipping Act, CAP. 389;

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Energy and Petroleum Regulatory Authority (EPRA); and
- (ii) Kenya Coast Guard Service (KCGS).
- (iii) Kenya Maritime Authority (KMA);
- (iv) Kenya National Shipping Line (KNSL);
- (v) Kenya Ports Authority (KPA);

3.12.2.19 International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM 2004)

755. The BWM, 2004, was adopted on 13th February, 2004. Kenya acceded to it on 14th January, 2008, and it entered into force on 8th September, 2017.
756. The convention 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.

I. Key Obligations for State Parties/Kenya under the Convention:

- a) 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;
- b) Cooperate for the purpose of effective implementation, compliance and enforcement of the Convention;
- c) Develop Ballast Water Management and Standards to prevent, minimize and ultimately eliminate the transfer of harmful aquatic organisms and pathogens through the control and management of ships' ballast water and sediments;
- d) Endeavor not to impair or damage their environment, human health, property or resources, or those of other States;
- e) Ensure that Ballast Water Management practices used comply with the convention and do not cause greater harm to the environment, human health, property or resources, or those of other States;
- f) Encourage ships entitled to fly their flag, and to which this convention applies, to avoid, as far as practicable, the uptake of Ballast Water with potentially Harmful Aquatic Organisms and Pathogens, as well as sediments that may contain such organisms, including promoting the adequate implementation of recommendations developed by IMO; and
- g) Address the risks to sensitive, vulnerable or threatened marine ecosystems and biodiversity in areas beyond the limits of the national jurisdiction in relation to Ballast Water Management.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

757. The Government has undertaken/is undertaking the following:
- a) Conducted 454 Port State Control inspections to check on ballast water management certificates on board ship;

- b) Surveillance in Kenyan territory waters to prevent unauthorized discharge of ballast water from ships; and
- c) Reviewing the Environment Management Coordination Act, CAP. 387.

III. Existing Legal and Policy Framework:

- (i) Environment Management Coordination Act, CAP. 387;
- (ii) Kenya Coast Guard Service Act, CAP. 200;
- (iii) Kenya Ports Authority Act, CAP 391; and
- (iv) Merchant Shipping Act, CAP. 389;

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Coast Guard Service (KCGS);
- (ii) Kenya Maritime Authority (KMA);
- (iii) Kenya National Shipping Line (KNSL).
- (iv) Kenya Ports Authority (KPA); and
- (v) National Environmental Management Authority (NEMA);

3.12.2.20 International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (Bunkers 2001)

758. The Bunkers, 2001, was adopted on 23rd March, 2001, and entered into force on 21st November, 2008. Kenya acceded to Bunkers, 2001, on 7th July, 2015.

759. The purpose of the Bunkers 2001, is to ensure that adequate, prompt, and effective compensation is available to persons who suffer damage caused by spills of oil, when carried as fuel in ships' bunkers. Compensation is in respect of damage caused on the territory, including the territorial sea, and exclusive economic zones of state parties.

I. Key Obligations for State Parties/Kenya under the Convention:

- a) The registered owner must maintain compulsory insurance cover; and
- b) The Convention also provides for the right of direct action which allows a claim for compensation for pollution damage to be brought directly against an insurer.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

760. The Government continues to intervene and ensure adequate prompt and effective compensation is available to persons who suffer damage caused by oils from bunkers.

III. Existing Legal and Policy Framework:

- (i) Energy Act, CAP. 314;
- (ii) Environment Management Coordination Act, CAP. 387;
- (iii) Kenya Coast Guard Service Act, CAP. 200;
- (iv) Kenya Maritime Authority Act, CAP. 370; and
- (v) Merchant Shipping Act, CAP. 389.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Coast Guard Service (KCGS);
- (ii) Kenya Maritime Authority (KMA);

- (iii) Kenya National Shipping Line (KNSL);
- (iv) Kenya Ports Authority (KPA); and
- (v) National Environmental Management Authority (NEMA).

3.12.2.21 Protocol of 1996 to Amend the Convention on Limitation of Liability for Maritime Claims, 1976 (LLMC PROT., 1996)

761. The LLMC PROT., 1996, sought to amend the LLMC, 1976, and was adopted on 2nd May, 1996, and entered into force on 13th May, 2004. Kenya acceded to the LLMC PROT., 1996, on 7th July, 2015.

762. The purpose of the convention is to provide a mechanism where ship owners and salvors may limit their liability, except where it is proved that the loss resulted from a personal act or omission, committed with the intent to cause such a loss, or recklessly and with knowledge that such loss would probably result.

I. Key Obligations for State Parties/Kenya under the Convention:

Calculate the limits of liability for claims arising on any distinct occasion for loss of life or injury, as in the convention.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

763. The Government is implementing the Merchant Shipping Act, 2009, that guides on the limits of maritime claims in case such claims occur.

III. Existing Legal and Policy Framework:

- (i) Insurance Act, CAP. 487; and
- (ii) Merchant Shipping Act, CAP. 389.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Insurance Regulatory Authority (IRA);
- (ii) Kenya Maritime Authority (KMA); and
- (iii) Kenya National Shipping Line (KNSL).

3.12.2.22 International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001 (AFS 2001)

764. The AFS, 2001, was adopted on 5th October, 2001, and entered into force on 17th September, 2008. Kenya acceded to AFS, 2001, on 7th July, 2015.

765. The purpose of AFS 2001, is to prohibit the use of harmful organotin in anti-fouling paints used on ships and establishes a mechanism to prevent the potential future use of other harmful substances in anti-fouling systems. Anti-fouling paints are used to coat the bottoms of ships to prevent sea-life such as algae and molluscs from attaching themselves to the hull, thereby slowing down the ship and increasing fuel consumption.

I. Key Obligations for State Parties/Kenya under the Convention:

- a) Prohibit and/or restrict the application, re-application, installation, or use of harmful anti-fouling systems on ships or whilst in a Party's port, shipyard, or offshore terminal; and
- b) Take appropriate measures in its territory to require that wastes from the application or removal of an anti-fouling system controlled in Annex 1 are collected, handled, treated and disposed of in a safe and environmentally sound manner to protect human health and the environment.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

766. The Government ensures that application, re-application, installation, or use of harmful anti-fouling systems on ships or whilst in Kenya's ports.

III. Existing Legal and Policy Framework:

- (i) Environmental Management and Coordination Act, CAP. 387;
- (ii) Kenya Maritime Authority Act, CAP. 370; and
- (iii) Merchant Shipping Act, CAP. 389.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Coast Guard Service (KCGS);
- (ii) Kenya Maritime Authority (KMA);
- (iii) Kenya National Shipping Line (KNSL);
- (iv) Kenya Ports Authority (KPA); and
- (v) National Environmental Management Authority (NEMA).

3.12.2.23 African Maritime Transport Charter, 2010 (Rev. 2014)

767. Kenya ratified the revised African Maritime Charter on 28th March, 2014.

768. The purpose of the charter is to cooperate in the implementation of maritime conventions and regulations, particularly in the areas of safety, security.

I. Key Obligations for State Parties/Kenya under the Convention:

- a) Declare, articulate and implement harmonized maritime transport policies capable of promoting sustained growth and development of African merchant fleets and to foster closer cooperation among the States Parties of the same region and between the regions;
- b) Promote the securing of training berths and opportunities for African seafarers on African owned vessels and on foreign owned vessels;
- c) Promote the establishment of Maritime Administration and National Ports Authorities wherever they do not exist and to make them functional and sustainable;
- d) Enhance the capacity and performance of Maritime Administrations in charge of the implementation of laws and regulations applicable in the areas of maritime navigation, safety, security and marine environment;
- e) Endeavor to utilize IMO's mechanisms and procedures to assess the level of performance of Maritime Administrations; and
- f) Ensure the provision of an appropriate and dedicated budget for the proper management, functioning and operation of their Maritime Administration.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

769. The Government has undertaken/is undertaking the following:

- a) Trained Port State Control Officers on Ports State Control;
- b) Participates in Africa Association of Maritime Authority (AAMA) Executive Council Meetings held in May, 2023, in Mombasa; and
- c) Developing the Maritime Transport Policy, 2023.

III. Existing Legal and Policy Framework:

- (i) Kenya Coast Guard Service Act, CAP. 200;
- (ii) Kenya Maritime Authority Act, CAP. 370; and
- (iii) Merchant Shipping Act, CAP. 389.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Coast Guard Service (KCGS);
- (ii) Kenya Maritime Authority (KMA);
- (iii) Kenya National Shipping Line (KNSL); and
- (iv) Kenya Ports Authority (KPA).

3.12.2.24 Nairobi International Convention on Removal of Wrecks, 2007 (NAIROBI WRC 2007)

770. The Nairobi WRC, 2007, was adopted on 18th May, 2007, and entered into force on 14th April, 2015. Kenya acceded to the Convention on 14th April, 2015.
771. The Convention provides an international legal framework aimed at ensuring the prompt and effective removal of wrecks located beyond the territorial sea.

I. Key Obligations for State Parties/Kenya under the Convention:

- a) Take measures in accordance with this convention in relation to the removal of a wreck which poses a hazard in the convention area;
- b) Co-operate when the effects of a maritime casualty resulting in a wreck involve a State other than the Affected State;
- c) Require the master and the operator of a ship flying its flag to report to the affected State without delay when that ship has been involved in a maritime casualty resulting in a wreck; and
- d) The registered owner of a ship of 300 gross tonnage and above and flying the flag of a State Party shall be required to maintain insurance or other financial security.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

772. The Government is implementing the Convention through the Merchant Shipping Act, CAP. 389.

III. Existing Legal and Policy Framework:

- (i) Insurance Act CAP. 487;
- (ii) Kenya Maritime Authority Act, CAP 370; and
- (iii) Merchant Shipping Act, CAP. 389.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Insurance Regulatory Authority (IRA); and
- (ii) Kenya Maritime Authority (KMA).

3.12.2.25 Dock Work Convention, No. 137 of 1973

773. The Convention was adopted on 25th June, 1973, entered into force on 24th July, 1974, and Kenya acceded to the Convention on 9th April, 1979.

774. The objective of the Convention is to ensure Member States afford protection to dock workers in their professional life and put in place appropriate mechanisms which are responsive to the dynamic work activities within the Port. It deals with new methods of work in the docks and their impact on the employment of various dock workers occupations.

I. Key Obligations for State Parties/Kenya under the Convention:

- a) Develop a national policy to encourage all concerned to provide permanent or regular employment for dockworkers in so far as practicable;
- b) Establish and maintain Registers for all occupational categories of dockworkers by national law or practice;
- c) Review the registers periodically to achieve levels adapted to the needs of the port and any necessary reduction in the strength of a register shall be accompanied by measures designed to prevent or minimize detrimental effects on dockworkers; and
- d) Ensure that appropriate safety, health, welfare and vocational training provisions apply to dockworkers.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

775. The Government is modernizing the Port of Mombasa to make it internationally competitive.
776. The Government has registered the Kenya Dockers Union to champion for the welfare of Dock Workers.
777. A total of 9,166 safety and health inspections were carried out by Occupation Safety and Health (OSH) Officers to ensure compliance with the provision of this convention.

III. Existing Legal and Policy Framework:

- (i) Environmental Management and coordination Act, CAP. 387;
- (ii) Kenya Ports Authority Act, CAP. 391; and
- (iii) The Merchant shipping Act, CAP. 389.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Ports Authority (KPA).

3.12.2.26 Seafarers' Identity Documents Convention (Revised), 2003, as Amended (No. 185)

778. The Convention was adopted on 19th June, 2003 entered into force on 9th February, 2005. Kenya ratified on 5th October, 2021.
779. The Convention enables the facilitation of entry by seafarers into the territory of members, for shore leave, transit, transfer, or repatriation by standardizing the seafarer's identity document.

I. Key Obligations for State Parties/Kenya under the Convention:

- a) Issue to each of its nationals who is a seafarer and make an application to that effect a seafarers' identity document;
- b) Issue seafarers' identity documents referring to seafarers who have been granted the status of permanent resident in its territory; and
- c) Ensure that seafarers' identity documents are issued without undue delay.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

780. Kenya ratified the Convention on 5th October, 2021. The Instrument of Ratification was deposited with the ILO on 4th February, 2022.

III. Existing Legal and Policy Framework:

(i) Merchant Shipping Act, CAP. 389.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

(i) Kenya Maritime Authority (KMA); and

(ii) Kenya National Shipping Line (KNSL).

3.12.2.27 Convention C188 on Work in Fishing Convention 2007

781. The convention was adopted on 14th June, 2007, and entered into force on 16th November, 2017. Kenya ratified the Work in Fishing Convention, 2007, on 5th October, 2021.

782. The convention aims to ensure that fishers have decent conditions of work on board fishing vessels with regard to minimum requirements for work on board; conditions of service; accommodation and food; occupational safety and health protection; medical care and social security.

I. Key Obligations for State Parties/Kenya under the Convention:

- a) Submit reports to the ILO Secretariat in line with the Constitution of the International Labour Organization;
- b) Implement and enforce laws, regulations or other measures that it has adopted to fulfil its commitments under this Convention concerning fishers and fishing vessels under its jurisdiction; and
- c) Establish mechanisms for coordination among relevant authorities for the fishing sector at the national and local levels, as appropriate, and define their functions and responsibilities, taking into account their complementarities and national conditions and practice.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

783. The Government is implementing the Convention C188 on Work in Fishing Convention, 2007, which was ratified on 5th October, 2021.

III. Existing Legal and Policy Framework:

Merchant Shipping Act, CAP. 389.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

(i) Kenya Maritime Authority (KMA); and

(ii) Kenya National Shipping Line (KNSL).

3.12.2.28 Cape Town Agreement of 2012 on Safety of Fishing Vessels

784. The convention was adopted on 11th October, 2012. It is yet to enter into force. The Convention was ratified by Kenya on 5th October, 2021, and the instrument of ratification was deposited on 17th March, 2022.

785. The convention aims to improve the safety and working conditions of commercial fishers and observers. The Agreement details standards for design, construction, and equipment including safety protections of fishing vessels 24 meters or more in length.

I. Key Obligations for State Parties/Kenya under the Convention:

- a) Establish, as a matter of high priority, uniform standards to be applied by Administrations to fishing vessels referred to in the Convention which operate in the same region, taking into account the mode of operation, sheltered nature and climatic conditions in such a region; and
- b) Communicate the uniform standards to the Organization for circulation to other Parties for information.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

786. The Government is implementing the Cape town Agreement, 2012, which was ratified on 5th October, 2021.

III. Existing Legal and Policy Framework:

Merchant Shipping Act, CAP. 389.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Maritime Authority (KMA); and
- (ii) Kenya National Shipping Line (KNSL).

3.12.2.29 International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (STCW-F)

787. The convention was adopted on 7th July, 1995, and entered into force on 29th September, 2012. The Convention was ratified by Kenya on 5th October, 2021, and the instrument of ratification was deposited on 17th March, 2022.

788. The 1995 STCW-F Convention is a binding treaty that sets certification and minimum training requirements for crews of seagoing fishing vessels intending to promote the safety of life at sea and the protection of the marine environment, taking into account the unique nature of the fishing industry and the fishing working environment.

I. Key Obligations for State Parties/Kenya under the Convention:

- a) Promulgate all laws, decrees, orders and regulations and to take all other steps which may be necessary to give the convention full effect.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

789. The Government is implementing the STCW (F) which was ratified on 5th October, 2021.

III. Existing Legal and Policy Framework:

- (i) Fisheries Management and Development Act, CAP 378;
- (ii) Merchant Shipping Act, CAP. 389; and
- (iii) Science, Technology and Innovation Act, CAP. 511.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Marine and Fisheries Research Institute (KEMFRI);
- (ii) Kenya Maritime Authority (KMA);
- (iii) Kenya National Shipping Line (KNSL); and
- (iv) National Commission for Science, Technology and Innovation; (NACOSTI).

3.12.3 FISHERIES

3.12.3.1 United Nations Fish Stock Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA)

790. This convention was adopted on 4th August, 1995, and entered into force on 11th December, 2001. Kenya ratified the Agreement on 13th July, 2004.
791. The Agreement is domesticated through Fisheries Management and Development Act, 2016; Maritimes Zones Act, Cap. 371; and Legal Notices on Foreign Fishing Fleets. The State Department for the Blue Economy and Fisheries is the focal institution in implementing the Agreement.
792. The State Department for Blue Economy and Fisheries is focused on the development of Kenya's Blue Economy. The State Department has developed Regulations to operationalize the Fisheries Management and Development Act, 2016. The Regulations have been forwarded to the Office of the Attorney General for review and advise.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) To cooperate directly or through the appropriate existing international organizations for the conservation of straddling fish stocks and highly migratory species;
- b) To exchange available scientific information, catch and fishing effort statistics and other data through the competent international organizations at the sub-regional, regional and global levels;
- c) To participate in negotiations for the adoption of conservation measures for the stocks concerned or to establish a sub-regional or regional fisheries management organizations;
- d) To protect the interests of artisanal and subsistence fishers; and
- e) To implement and enforce conservation measures through effective monitoring, control, and surveillance.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

793. The Government has undertaken/is undertaking the following:
- a) Formulating the Draft Marine Fisheries Regulations, 2023, to operationalize the Fisheries Management and Development Act, 2016;
 - b) A marine pelagic fish stock assessment in the Exclusive Economic Zone (EEZ);
 - c) Consulting with the Indian Ocean Tuna Commission (IOTC) member countries on a motion for the reduction in the usage of Fish Aggregating Devices (FADs) in the high seas in the Indian Ocean Tuna Commission area of jurisdiction; and

III. Existing Policy and Legal Framework:

- (i) Fisheries Management and Development Act, CAP. 378;
- (ii) Kenya Coast Guard Service Act, CAP. 200; and
- (iii) Maritime Zones Act, CAP. 371.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Coast Guard Service.
- (ii) Kenya Fisheries Service;
- (iii) Kenya Fishing Industries Corporation; and

(iv) Kenya Marine and Fisheries Research Institute (KMFRI).

3.12.3.2 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IUU)

794. The Agreement was adopted on 22nd November, 2009. Kenya signed and ratified the Agreement on 19th November, 2010, and 1st August, 2017, respectively.
795. The purpose of the Agreement is to prevent, deter and eliminate Illegal, Unreported and Unregulated (IUU) fishing. Kenya is also a signatory to the Code of Conduct for Responsible Fisheries (CCRF) which encourages states to form Regional Fisheries Management Organizations (RFMOs).
796. Kenya co-sponsored a motion for the reduction in the usage of Fish Aggregating Devices (FADs) in the high seas in the Indian Ocean Tuna Commission area of jurisdiction. The motion was however withdrawn to allow further consultations with the Indian Ocean Tuna Commission (IOTC) member countries.
797. The Agreement has been domesticated in the Fisheries Management and Development Act, of 2016. The Act created an inter-agency Monitoring Control Surveillance (MCS) unit composed of members of a variety of agencies under the national government.
798. The Government designated the Liwatoni Fisheries Complex in February, 2019, as a Fish Port in adherence to the Port State Measures Agreement and has undertaken refurbishing works on the Jetty and cold storage facilities at the Port. The two facilities are now operational.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) To establish an Inter-Agencies Entity for Port Inspection and to participate in regional forums and activities to deter the IUU;
- b) To integrate or coordinate fisheries-related Port State Measures with the broader system of port controls;
- c) To integrate Port State Measures with other measures to prevent, deter and eliminate IUU fishing and fishing related activities in support of such fishing, taking into account as appropriate the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing;
- d) To take measures to exchange information among relevant national agencies and to coordinate the activities of such agencies in the implementation of this Agreement;
- e) To designate and publicize the ports to which vessels may request entry pursuant to this Agreement. Each Party shall provide a list of its designated ports to FAO, which shall give it due publicity; and
- f) To set a Require as a minimum standard, the information requested to be provided before granting entry to a vessel to its port.

V. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

799. The Government has undertaken/is undertaking the following:
- a) Constructing an Ultra-Modern Tuna Fish Processing Hub at Liwatoni in Mombasa County. Phase 1 of the project has since been completed. The Government intends to finalise Phase 2 of the project through a Private Public Partnership (PPP);
 - b) Formulating regulations—Fisheries Management and Development (*Safety and Quality*) Regulations, 2023, and Marine Fisheries Regulations, 2023, to operationalize the Fisheries Management and Development Act, 2016;
 - c) Introduced Catch Certification Scheme for all landing and export fish to deter entry into the market of fish and fishery products from IUU fishing; and

- d) Pre-inspection of all fishing vessels applying for access to fishing in our EEZ, authorization for our flag states fishing in the High seas, reporting and compliance inspection as well as deterrent penalties for IUU offences and port entry denial for suspected IUU vessels.

VI. Existing Policy and Legal Framework:

- (i) Fisheries Management and Development Act, CAP. 378; and
- (ii) Kenya Coast Guard Service Act, CAP. 200.

VII. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Fisheries Service;
- (ii) Kenya Coast Guard Service;
- (iii) Kenya Fishing Industries Corporation; and
- (iv) Kenya Marine and Fisheries Research Institute (KMFRI).

3.12.3.3 International Convention for Regulation of Whaling, 1946

- 800. The convention was adopted on 2nd December, 1946, in Washington and entered into force on 10th November, 1948. Kenya signed the Convention on 1st January, 1970, and ratified it on 2nd December, 1981.
- 801. The objective of the convention is the conservation of world whale stocks, to promote the 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.
- 802. Kenya domesticated the convention through the Fisheries Management and Development Act, 2016. Kenya joined the IWC to manage her whale stocks, and benefit from IWC Programmes aimed at shark conservation.
- 803. The convention is implemented through the State Department for Fisheries and Aquaculture and the Blue-economy and Kenya Wildlife Service.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) To pay an annual subscription fee of Euros 12,067;
- b) To promptly transmit to the International Bureau for Whaling Statistics at Sandefjord in Norway, or to such other body as the Commission may designate, of notifications and statistical and other information required by this Convention in such form and manner as may be prescribed by the Commission.
- c) Promptly transmit notifications and statistical and other information to the International Whaling Commission (IWC) in such form and manner as may be prescribed;
- d) To ensure the application of the provisions of the Convention and the punishment of infractions against the said provisions in operations carried out by the persons or by vessels under its jurisdiction; and
- e) To take appropriate measures to ensure the application of the provisions of the Convention and the punishment of infractions against the said provisions in operations carried out by the persons or by vessels under its jurisdiction.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

- 804. The Government has undertaken/is undertaking the following:

- a) Deployed acoustic loggers to support acoustic surveys on Whales on migration patterns;
- b) Training centre for by-catch whaling training and a member of the Panel of By-catch Experts; and

III. Existing Policy and Legal Framework:

- (i) Fisheries Management and Development Act, CAP. 378; and
- (ii) Kenya Coast Guard Service Act, CAP. 200.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Coast Guard Service;
- (ii) Kenya Fisheries Service;
- (iii) Kenya Fishing Industries Corporation; and
- (iv) Kenya Marine and Fisheries Research Institute (KMFRI).

3.12.3.4 FAO Code of Conduct for Responsible Fisheries (CCRF)

805. The FAO Code of Conduct for Responsible Fisheries was adopted on 1st November, 1995 and entered into force on 11th December, 2001. Kenya signed the Agreement in 1995.
806. The objective of FAO-CCRF is to promote long-term conservation and sustainable use of fisheries through the ecosystem approach and Rights-Based Fisheries Management. CCRF is domesticated through the Fisheries Management and Development Act, of 2016.
807. Kenya participates in Technical and Scientific Committee Meetings and capacity-building activities. Participation at the meetings is geared towards sharing achievements on responsible conservation; management and development of fisheries the contribution of fisheries to food and nutritional security as well as the promotion of fish and fishery products trade.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) To cooperate directly or through the appropriate existing international organizations for the conservation of straddling fish stocks and highly migratory species;
- b) To exchange available scientific information, catch and fishing effort statistics, and other data through the competent international organizations at the sub-regional, regional and global levels;
- c) To participate in negotiations for the adoption of conservation measures for the stocks concerned or to establish a sub-regional or regional fisheries management organization;
- d) To apply the precautionary approach in the management of the stocks;
- e) To prevent the adverse impact of fishery activities and other human activities on the ecosystem; and
- f) To implement and enforce conservation measures through effective monitoring, control and surveillance.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

808. The Government has undertaken/is undertaking the following:
- a) Formulating the Marine Fisheries Regulations, 2023;
 - b) A marine pelagic fish stock assessment in the Exclusive Economic Zone;

- c) Co-sponsored a motion for the reduction in the usage of Fish Aggregating Devices (FADs) in the high seas in the Indian Ocean Tuna Commission area of jurisdiction. The motion was however withdrawn to allow further consultations with the Indian Ocean Tuna Commission (IOTC) Member Countries; and
- d) Established and operationalized a Vessel Monitoring System for its territorial waters including the Exclusive Economic Zone.

III. Existing Policy and Legal Framework:

- (i) Fisheries Management and Development Act, CAP. 378; and
- (ii) Kenya Coast Guard Service Act, CAP. 200.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Coast Guard Service;
- (ii) Kenya Fisheries Service;
- (iii) Kenya Fishing Industries Corporation; and
- (iv) Kenya Marine and Fisheries Research Institute (KMFRI).

3.12.3.5 UN 1993 FAO Fishing Vessel Compliance Agreement

809. The UN 1993 FAO Compliance 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 and develop a legal framework to manage its distant water fishing vessels.

I. Key Obligations for State Parties/Kenya under the Treaty:

Kenya is obligated to ensure that any fishing vessel entitled to fly its flag:

- a) Is prohibited from fishing on the high seas unless it has been authorized to be so used by the appropriate authority or authorities of that Party. A fishing vessel so authorized shall fish following the conditions of the authorization;
- b) Does not engage in any activity that undermines the effectiveness of international conservation and management measures;
- c) Is prohibited from fishing on the high seas unless the Government is satisfied that it is able, taking into account the links that exist between it and the fishing vessel concerned, to exercise effectively its responsibilities under this Agreement in respect of that fishing vessel;
- d) Shall not authorize any fishing vessel previously registered in the territory of another Party that has undermined the effectiveness of international conservation and management measures to be used for fishing on the high seas;
- e) Shall be marked in such a way that they can be readily identified in accordance with generally accepted standards, such as the FAO Standard Specifications for the Marking and Identification of Fishing Vessels;
- f) Shall provide it with such information on its operations as may be necessary to enable the country to fulfill its obligations under this Agreement, including in particular information pertaining to the area of its fishing operations and to its catches and landings; and
- g) Shall take enforcement measures in respect of fishing vessels entitled to fly its flag which act in contravention of the provisions of this Agreement, including, where appropriate, making the contravention of such provisions an offence under national legislation.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

810. The Government has undertaken/is undertaking:
- a) Established and operationalized a Vessel Monitoring System for its territorial waters including the Exclusive Economic Zone; and
 - b) Formulating the Marine Fisheries Regulations, 2023 to operationalize the Fisheries Management and Development Act, 2016.

III. Existing Policy and Legal Framework:

- (i) Fisheries Management and Development Act, CAP 378; and
- (ii) Kenya Coast Guard Service Act, CAP. 200.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Fisheries Service.
- (ii) Kenya Coast Guard Service.
- (iii) Kenya Fishing Industries Corporation.

3.12.3.6 UN 2009 FAO Port State Measures Agreement

811. The UN 2009 FAO Port State Measures Agreement was adopted in November, 2010, and Kenya ratified it on 2nd August, 2017. The objective of the agreement is to prevent, deter and eliminate Illegal, Unreported, and Unregulated (IUU) fishing.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Designate ports for use by foreign-flagged fishing vessels;
- b) Inspect foreign-flagged fishing vessels and other vessels supporting or servicing fishing vessels;
- c) Deny port entry or port use (including access to port services) to Illegal, Unreported and Unregulated (IUU) fishing vessels; and
- d) Take other measures in co-operation with flag States, coastal States, and regional fisheries management organizations (RFMOs) to ensure that fishing is conducted per agreed conservation and management measures.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

812. The Kenya Fishing Industries Corporation is responsible for the management of the Liwatoni Fisheries Complex.

III. Existing Policy and Legal Framework:

- (i) Fisheries Management and Development Act, CAP. 378;
- (ii) Kenya Coast Guard Service Act, CAP. 200; and
- (iii) Maritime Zones Act, CAP. 371.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Fishing Industries Corporation.

3.12.3.7 The Common Market for Eastern and Southern Africa Fisheries Strategy (COMESAFS)

813. Kenya became a signatory to the COMESA Fisheries Strategy in 2008, and participates in its programmes under the Comprehensive Africa Agriculture Development Programme (CAADP).
814. The objective of the programme is to restore agricultural growth, food security, reducing poverty, and promote rural development in partner states and Africa as a whole. COMESAFS's Priority Intervention areas include; fisheries management and governance; support to value addition and trade; and combating IUU fishing.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Designate a Ministry with whom the Secretary-General may communicate in connection with any matter arising out of the implementation and application of this Treaty, and notify such designation to the Secretary-General;
- b) Transmit to the Secretariat copies of all relevant existing and future legislation and its official gazettes;
- c) Where it is required under this Treaty, supply or exchange information to or with another Member State and send copies of such information to the Secretariat; and
- d) Accord the Common Market and its staff the privileges and immunities accorded to similar international organizations in their territories and in accordance with the Agreement on Privileges and Immunities.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

815. The Government has undertaken/is undertaking the following:
- a) Implementing the Manual of Standards and Operating Procedures in fish establishments countrywide;
 - b) Developing the National Blue Economy Strategy which underwent a national stakeholder validation in February, 2023;
 - c) Participated in the 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; and
 - d) Implementing the Common Market for Eastern and Southern Africa—Regional Integration Implementation Program (COMESA-RIIP) on food safety by sensitizing the fish handling and safety to reduce post-harvest and fish losses as well as enhance food security and income generation.

III. Existing Policy and Legal Framework:

The Fisheries Management and Development Act, CAP. 378.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Fisheries Service.

3.12.3.8 The Convention for the Establishment of the Lake Victoria Fisheries Organization (LVFO)

816. The Convention for the establishment of the Lake Victoria Fisheries Organization (LVFO) was adopted on 30th June, 1994, and signed by Kenya on the same date. Kenya ratified the convention on 24th May, 1996, and it entered into force on the same date. The convention was amended on 28th February, 2016, to open membership to all Partner States.

817. The convention establishes the Lake Victoria Fisheries Organization (LVFO) as an EAC Institution to harmonize fisheries conservation, management, and development initiatives for the sustainable utilization of living resources of the Lake.
818. The Organization serves as the depository for fisheries data. Kenya participates in the meetings of the Technical and the Scientific Committee, Regional Policy Steering Committee, Council of Ministers of the LVFO, and capacity building initiatives.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Kenya pays an annual subscription fee of USD 465,500;
- b) Kenya grants the LVFO organization and its property, funds, and assets such as privileges, immunities and facilities as may be appropriate to enable the organization to carry out its activities; and
- c) Foster co-operation among the Contracting Parties, harmonize national measures for the sustainable utilization of the fisheries and aquaculture resources of the East African Community water bodies and to develop and adopt conservation and management measures.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

819. The Government has undertaken/is undertaking the following:
- a) Implementing the following Guidelines and Plans:
 - i. LVFO Strategic Plan 2021/2022–2025/2026;
 - ii. Fisheries Management Plan (IV) 2021/2022–2025/2026;
 - iii. Nile Perch Management Plan 2021/2022–2025/2026;
 - iv. Lake Victoria Marine Spatial Plan;
 - v. Regional Guidelines for Fisheries Core Management on Lake Victoria, 2022;
 - vi. Regional Guidelines for the Certification of Fish Seed and Fish Feed in the EAC, 2022.
 - vii. simplified versions of the Guidelines on Extraction, Processing and Trading of Nile perch maws from Lake Victoria, 2022.
 - b) Implementing the responsible fisheries business chains on Lake Victoria Project, the EU-EAC True Fish Project, the Eco-Fish Project, the Lake Victoria Small Fish Project as well as the targeting mental models of climate change risk to facilitate climate action project in the Lake Victoria;
 - c) Participating in the review of the Convention which seeks to change the name from LVFO to East African Fisheries Organization (EAFO), to harmonize the legislative and implementation framework under the Convention with the EAC Treaty and to extend the scope and the mandate of the organization;
 - d) Domesticating the East African Fish Cage Culture Guidelines in the Aquaculture Development Regulations, 2023;
 - e) Implementing the Lake Victoria Fisheries Research Project I and II—Fisheries Management Project (LVMP) and the Lake Victoria Environmental Management Projects (LVEM);
 - f) Developed fish landing sites in Sori, Migori County and Luanda Kotieno in Siaya County. The landing sites were commissioned and handed over to the County Governments for sustainable utilization in October, 2023. The landing sites in Kilifi and Kwale Counties will also be handed over to respective County Governments;

- g) Constructing Kabonyo Aquaculture Training Centre and Fisheries School of Excellence in Kisumu County. This is a joint project between the Government of the Republic of Kenya and the Government of the Republic of Hungary;
- h) Constructing a Fisheries Complex (*Uvuvi* House) in Nairobi. This is a joint project between the Republic of Kenya and the World Bank;
- i) Constructing a National Mariculture Research and Training Centre at Shimoni in Kwale County; and
- j) Published the Aquaculture Development Regulations.

III. Existing Policy and Legal Framework:

- (i) Kenya Fisheries Policy, 2023; and
- (ii) National Phytosanitary Policy, 2023.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Fish Marketing Authority;
- (ii) Kenya Fisheries Service;
- (iii) Kenya Fishing Industries Corporation; and
- (iv) Kenya Marine Fisheries Research Institute.

3.13 ENVIRONMENT, CLIMATE CHANGE AND FORESTRY

3.13.1 Minamata Convention on Mercury

820. The Convention was adopted in Geneva, Switzerland on 19th January, 2013. The Convention entered into force on 16th August, 2017. Kenya signed the Convention on October, 2013 and ratified on 22nd September, 2023.
821. The objective of the Convention is to protect human health and environment from anthropogenic emissions and releases of mercury and its compounds.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Enactment of the legislations relating to the control of mercury supply, trade and emission to the environment;
- b) Take steps to reduce and where possible phase out use of mercury and mercury compounds and the emissions and releases of mercury to the environment;
- c) Development and review of the Mining Sub-Sector Strategic Plan;
- d) Promote dissemination and exchange of information relating to mercury to build public awareness through provision of technical support to institutions;
- e) Build the necessary institutions; and
- f) Support institutions building capacity on minerals exploration, processing and exploitation.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

822. The Government has undertaken the following:
- a) Supporting the Multi-Agency National Airborne Geo-Physical Survey in various parts of the country;
 - b) Provided infrastructure for use of the Online Transactional Cadaster Portal to ensure transparency and accountability in issuance of Mineral Rights licenses and permits, avoid conflict of interest and to shorten the application processing time;
 - c) Conducted capacity building in the mineral sub-sector;
 - d) Streamlined the Mineral Rights Board;
 - e) Developing National Mining Institute Bill;
 - f) Formulating the National Guidelines on Sound Management of Chemicals and Waste in Gold Mining;
 - g) Developed and submitted the National Action Plan for Artisanal and Small-Scale Gold Mining in Kenya; and
 - h) Implementing the integrated sound management of mercury in Artisanal Small-Scale Gold Mining project in various counties.

III. Existing Legal and Policy Framework:

- (i) Environmental Management and Coordination Act, CAP. 387;
- (ii) Kenya Information and Communications Act, CAP. 411A;
- (iii) Mining Act, CAP. 306; and
- (iv) Survey Act, CAP. 299.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Communications Authority of Kenya (CA); and
- (ii) National Mining Cooperation; and
- (iii) National Environment Management Authority (NEMA).

3.13.2 United Nations Framework Convention on Climate Change (UNFCCC)

823. The United Nations Framework Convention on Climate Change (UNFCCC) was adopted on 9th May, 1992, and it entered into force on 21st March, 1994. Kenya ratified the Convention on 30th August, 1994.
824. The objective of the Treaty is to stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous interference with the climate system.
825. The UNFCCC is operationalized by 2 tools:

(i) The Paris Agreement

The Paris Agreement on Climate Change (Paris Agreement) was adopted on 12th December, 2015, and entered into force on 4th November, 2016. Kenya signed it on 22nd April, 2016, and became a party to the Agreement on 28th December, 2016. The objective of the Agreement is to reaffirm the goal of limiting global temperature increase well below 2 Degrees Celsius while encouraging efforts to limit the increase to 1.5 Degrees Celsius.

(ii) The Kyoto Protocol to UNFCCC

The Kyoto Protocol was adopted on 11th December, 1997, and entered into force on 25th May, 2005. Kenya ratified the Protocol on 25th February, 2005. The objective of the Protocol is to limit and reduce greenhouse gases emissions in committed industrialized countries in accordance with the agreed individual targets.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Report bi-annually to the Conference of the Parties (COP) informing them of 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;
- b) Promote and cooperate in the development, application and diffusion, including transfer, technologies, practices and processes that control, reduce or prevent anthropogenic emissions of greenhouse gases not controlled by the Montreal Protocol in all relevant sectors, including the energy, transport, industry, agriculture, forestry and waste management sectors;
- c) Cooperate in preparing for adaptation to the impacts of climate change;
- d) Develop and elaborate appropriate and integrated plans for coastal zone management, water resources and agriculture; and
- e) Protection and rehabilitation of areas affected by drought and desertification.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

826. The Government has undertaken the following:
- a) Developed the Climate Change (Carbon Markets) Regulations, 2023;
 - b) Enacted the Climate Change Act, CAP. 387A;
 - c) Participated in all Convention meetings for negotiating multilateral responses to climate change, including 2023 UNFCCC/ COP 28 in November, 2023, at Expo City, Dubai, United Arab Emirates;

- d)* Hosted the Africa Climate Summit and Africa Climate Week held from 4th to 8th September, 2023;
- e)* Participated in the UN Climate Meeting (SB60) in June, 2024, in Bonn, Germany;
- f)* Launched the five-year National Climate Change Action Plan (NCCAP, 2023–2027) during the Africa Climate Summit;
- g)* Mainstreaming climate change in all sector functions;
- h)* Implementing the Kenya National Adaptation Plan, 2015–2030, and the National Strategy on Climate Change;
- i)* Established the National Climate Change Resource Centre (NCCRC). NCCRC is the focal point for Climate Change information and hosts the Climate Change Directorate (CCD) Offices;
- j)* Established Climate Change Units to champion climate change adaptations and report to the CCD Offices;
- k)* Implementing the Ecosystem Restoration Towards 15 Billion Tree Growing Programme of growing 15 Billion trees by 2030;
- l)* Implementing the Financing Locally Led Climate Action (FLLoCA) Project which is building resilience of the local communities in 47 Counties;
- m)* Strengthening Drought Resilience among Small Holder Farmers and Pastoralists in the IGAD region which is supporting resilience building in Samburu and Kitui Counties as a pilot programme;
- n)* Unveiled the Kenya Climate Change and Health Strategy, 2023–2027, during COP 28 in UAE to align climate action with health objectives;
- o)* Updated and submitted its NDCs in line with the requirements of the Paris Agreement. Parties to the Agreement are also parties to the UNFCCC. Kenya submits to the UNFCCC Secretariat her Nationally Determined Contributions (NDCs). The NDCs have been mainstreamed into sector planning of both County and National Governments;
- p)* Developed the Kenya Climate Change Knowledge Portal to provide easy access to all information pertaining to climate change to the public;
- q)* Implementing Circular No. 13/2020 (Tracking and Reporting of Climate Finance Flows and Climate Change Related Expenditures) which is in line with Article 13 of the Paris Agreement, which directs all Government entities and non-state actors to report on climate spending;
- r)* Developed a Training Handbook on climate finance coding, tracking and reporting; and
- s)* Developing a new Standard Chart of Accounts (SCOA) Codes and Manual to facilitate tracking within the Integrated Financial Management System (IFMIS).

III. Existing Legal and Policy Framework:

- (i) National Climate Finance Policy, 2017;
- (ii) National Forest Policy, 2023;
- (iii) National Policy on Climate Finance, 2016;
- (iv) Climate Change Act, CAP. 387A;
- (v) Environmental Management and Co-ordination Act, CAP. 387; and
- (vi) Forest Conservation and Management Act, CAP. 385.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Forest Research Institute;
- (ii) Kenya Forest Service;
- (iii) National Climate Change Council; and
- (iv) National Environment Management Authority.

3.13.3 United Nations Convention to Combat Desertification (UNCCD)

827. The Convention was adopted on 17th June, 1994. Kenya signed the Convention on 14th October, 1994, and ratified it on 24th June, 1997.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Combat desertification;
- b) Mitigate the effects of drought including land degradation and neutrality in the country; and
- c) Engage in 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.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

828. The Government has undertaken the following:

- a) Aligned the National Action Plan (NAP), 2015–2025, to the UNCCD;
- b) Aligned the National Action Plan (NAP) to the UNCCD through the development of the National Climate Change Action Plan (NCCAP), 2023–2027;
- c) Marked the World Desertification and Drought Day at Maiyanat Community Conservancy, Doldol, Laikipia North on 17th June, 2024, with a view of raising awareness about combating desertification, land degradation and mitigating the effects of drought through integrated approaches to enhance sustainable development in line with the United Nations Convention to Combat Desertification (UNCCD);
- d) Prepares national reports every two (2) years on status of the implementation of the Convention;
- e) Combatting desertification through massive tree planting around water bodies such as Mwache Dam at the Coast;
- f) Continues to conserve water catchment areas, including automation of gauging stations and support to Water Resource Users' Associations (WRUAs) to sustain water resource availability;
- g) Mapping, designing and implementing irrigation and land reclamation programmes/projects that increased area under irrigation by 112,000 acres;
- h) Developed the Resilience Programming Framework (RPF) to guide programming and investments in the ASALs with the aim of building resilience against all shocks including drought;
- i) Undertaking programmes to enhance community resilience against drought through sustainable resource management of Natural Resources and livelihood diversification;
- j) Undertaking a Public Private Partnership (PPP) to develop water resources for irrigation and a tariff for irrigation water;

- k) Finalized and published Guidelines for Promotion, Development and Management of Irrigation in Kenya, 2020;
- l) Implementing the National Irrigation Services Strategy, 2022–2026;
- m) Developed the County Irrigation Development Unit (CIDUs) which is being implemented by the County Government;
- n) Developing a framework to establish Irrigation Research and Training Institute (KIRITI);
- o) Formulated the Land Reclamation Policy, 2023; and the Land Reclamation Bill, 2023, which are due for public participation; and
- p) Participating in the second phase of the Land Degradation Neutrality Target Setting Programme (LDN TSP 2.0).

III. Existing Policy and Legal Framework:

- (i) Irrigation Policy, 2017;
- (ii) National Forest Policy, 2023;
- (iii) National Water Policy, 2021;
- (iv) Environmental Management and Conservation Act, CAP. 387;
- (v) Forest Conservation and Management Act, CAP. 385;
- (vi) Irrigation Act, CAP. 347;
- (vii) National Drought Management Act, CAP. 388; and
- (viii) Water Act, CAP. 372.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) County Irrigation Development Units (CIDUs);
- (ii) National Drought Management Authority (NDMA);
- (iii) National Irrigation Authority (NIA); and
- (iv) National Water Harvesting and Storage Authority (NWHSA).

3.13.4 United Nations Convention on Biological Diversity (CBD)

829. Kenya signed the Convention on 11th June, 1992. The Convention entered into force on 29th December, 1993. Kenya ratified it on 26th July, 1994. The main objectives of the Convention are conservation, sustainable utilization, fair and equitable sharing of benefits accruing from access to genetic resources and associated knowledge.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) To conserve biological diversity, promote sustainable use of its component and encourage equitable sharing of the benefits arising out of the utilization of genetic resources.
- b) Promote sustainable use of biological resources by integrating consideration of the conservation and sustainable use of biological resources into national decision-making;
- c) Adopting measures relating to the use of biological resources to avoid or minimize adverse impacts on biological diversity;
- d) Develop national strategies, plans or programmes for the conservation and sustainable use of biological diversity;

- e) Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements;
- f) Support local populations to develop and implement remedial action in degraded areas where biological diversity has been reduced;
- g) Encourage cooperation between its Governmental authorities and its private sector in developing methods for sustainable use of biological resources; and
- h) Updating the National Biodiversity Strategy Action Plan and aligning it to the Kunming Montreal Global Biodiversity Framework that was adopted in CBD COP 15.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

830. The Government has undertaken the following:

- a) Reviewing the Environment Policy, 2013;
- b) Reviewing the Environmental Management and Coordination Act (EMCA), CAP. 387;
- c) Undertaking an inclusive process of updating the National Biodiversity Strategy Action Plan and aligning it to the Kunming Montreal Global Biodiversity Framework that was adopted in CBD COP 15. The reporting for this will be done through the Clearing House Mechanism;
- d) Provides CBD National Reports biannually;
- e) Established an online permitting system on access and benefit sharing to genetic resources and the publication of the Kenya Biodiversity Atlas is in progress; and
- f) Banned single-use plastics in protected areas (national parks, beaches, forests and conservation areas) and implemented initiatives aimed at eco-system restoration.

III. Existing Legal and Policy Framework:

- (i) National Forest Policy, 2023;
- (ii) Biodiversity Act, CAP. 320;
- (iii) Climate Change Act, CAP. 387A;
- (iv) Environmental Management and Coordination Act, CAP. 387;
- (v) Forest Conservation and Management Act, CAP. 385;
- (vi) Sustainable Waste Management Act, CAP. 387C; and
- (vii) Wildlife Conservation and Management Act, CAP. 376.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Agricultural and Livestock Research Organization (KALRO);
- (ii) Kenya Forest Service (KFS);
- (iii) Kenya Forestry Research Institute (KEFRI);
- (iv) Kenya Wildlife Service (KWS);
- (v) National Biosafety Authority (NBA);
- (vi) National Environment Management Authority (NEMA);
- (vii) National Museums of Kenya (NMK); and
- (viii) Wildlife Research and Training Institute (WRTI).

3.13.5 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

831. The Protocol was adopted by the Conference of Parties to the CBD at its 10th Meeting (COP 10) on 29th October, 2010, and Kenya ratified it on 7th April, 2014. It entered into force on 12th October, 2014. The Protocol provides for access and equitable benefits sharing of genetic resources under the Convention on the Conservation of Bio-Diversity.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Take measures in relation to access to genetic resources, benefit sharing and compliance;
- b) Establish national focal points (NFPs) and competent national authorities to serve as contact points for information, grant access, or cooperate on issues of compliance;
- c) Establish an Access and Benefit-sharing Clearing House to share information such as domestic regulatory ABS requirements or information on NFPs and CNAs; and
- d) Conduct capacity building to support key aspects of implementation.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

832. The Government has issued one hundred and thirty (130) access permits for research and development.

III. Existing Legal and Policy Framework:

- (i) National Forest Policy, 2023;
- (ii) Environmental Management and Coordination Act, CAP. 387;
- (iii) Forest Conservation and Management Act, CAP. 385;
- (iv) Science, Technology and Innovation Act, CAP. 511; and
- (v) Wildlife Conservation and Management Act, CAP. 376.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Forest Service (KFS);
- (ii) Kenya Industrial Property Institute (KIPI);
- (iii) Kenya Plant Health Inspectorate Services (KEPHIS);
- (iv) Kenya Wildlife Service (KWS);
- (v) National Commission for Science, Technology & Innovation (NACOSTI); and
- (vi) National Environmental Management Authority (NEMA).

3.13.6 The Cartagena Protocol on Biosafety

833. The Cartagena Protocol of the CBD was adopted on 29th January, 2000, and it entered into force on 11th September, 2003, Kenya ratified it in 2013.

834. It is an international agreement on biosafety which aims to protect biological diversity from the potential risks posed by living modified organisms resulting from modern biotechnology.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Ensure an adequate level of protection in the field of the safe transfer, handling and use of living modified organisms (LMOs) taking also into account risks to human health, and specifically focusing on transboundary movement;

- b) Establish Competent Authorities which act as the National Focal Point for the Protocol and serve as the Biosafety Clearing House (BCH) to provide international linkages and exchanges of information;
- c) Co-operate in the development and strengthening of human resources and institutional capacities in biosafety in developing country parties, particularly least developed countries and small island developing States; and
- d) Adopt domestic measures to prevent and penalize transboundary movements of LMOs that occur in contravention of measures implementing the Protocol.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

The Government is reviewing the Environmental Policy, 2013 and the Environmental Management and Coordination Act, CAP. 387.

III. Existing Legal and Policy Framework:

- (i) National Biotechnology Development Policy, 2006;
- (ii) Biosafety Act, CAP. 320; and
- (iii) Environmental Management and Coordination Act, CAP. 387.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) National Biosafety Authority (NBA); and
- (ii) National Environment Management Authority (NEMA).

3.13.7 Vienna Convention for the Protection of the Ozone Layer

835. The Vienna Convention for the Protection of the Ozone Layer was adopted on 2nd March, 1985, and entered into force on 22nd September, 1988. Kenya acceded to the Convention on 9th November, 1988.
836. The ozone layer shields the earth from harmful ultraviolet radiation (UV-B) emanating from the sun causing skin cancer, eye cataracts, reduced plant and animal productivity, poor air quality, damage to plastics and impacts on climate.
837. The Vienna Convention for the Protection of the Ozone Layer is often called a Framework Convention because it serves as a framework for efforts to protect the globe's ozone layer.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Promote cooperation by means of systematic observations, research and information exchange on the effects of human activities on the ozone layer;
- b) Adopt legislative or administrative measures against activities likely to have adverse effects on the ozone layer;
- c) Cooperate in the formulation of agreed measures, procedures and standards for the implementation of the Convention; and
- d) Cooperate with competent international bodies to implement effectively this convention and protocols to which they are party to.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

838. The Government has undertaken the following:
- a) Adopted the use of friendly chemicals that promote the protection of the ozone, and replaced equipment that depended on ozone-depleting chemicals with friendly ones,

companies and agricultural enterprises are being encouraged to adopt ozone-friendly alternatives and technologies; and

- b)* Phased out the use of chlorofluorocarbons (CFC) and methyl bromide in soil fumigation in the agricultural sector.

III. Existing Legal and Policy Framework:

- (i) Environmental Management and Coordination Act (EMCA), CAP. 387; and
(ii) Sustainable Waste Management Act, CAP. 387C.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

National Environment Management Authority (NEMA);
National Ozone Unit.

3.13.8 Montreal Protocol on Substances that Deplete the Ozone Layer

839. The Montreal Protocol on substances that deplete the Ozone layer sets out a framework for mitigating depletion of the Ozone layer. The Protocol was adopted on 16th September, 1987, and Kenya signed on 16th September, 1987. Kenya ratified it on 9th November, 1988 and the Protocol entered into force on 20th August, 1989.

840. The Protocol has undergone five (5) amendments namely; London Amendment (1990), Copenhagen Amendment (1992), and Kigali Amendment (2016). Kenya has ratified all five amendments.

I. Key Obligation for State Parties/Kenya under the Treaty:

Phase-out the different groups of Ozone Depleting Substances (ODS), control of ODS trade, annual reporting of data, and national licensing systems to control ODS imports and exports.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

841. The Government has undertaken the following:

- a)* Participates in meetings of the Conference of Parties and commemorates the International Day for the Preservation of the Ozone Layer to enhance public awareness of ozone protection issues;
b) Ratified the Kigali Amendment to the Montreal Protocol on substances that deplete the Ozone Layer and the Instrument was deposited in September, 2023, during the UN General Assembly in New York;
c) Collected and submitted to the Multilateral Fund Secretariat Country Programme data on controlled substances for the year 2023; and
d) The Government is reviewing the Environment Policy, 2013, the Environmental Management and Coordination Act, CAP. 387 and the Environmental Management and Coordination (Controlled Substances) Regulations, 2020.

III. Existing Legal and Policy Framework:

- (i) Climate Change Act, CAP. 387A; and
(ii) Environmental Management and Coordination Act, CAP. 387.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) National Climate Change Council;
(ii) National Environment Management Authority (NEMA); and

(iii) National Ozone Unit.

3.13.9 The Basel Convention on the Control of Trans-boundary Movement of Hazardous Waste and their Disposal

842. The Convention was adopted on 22nd March, 1989, and entered into force on 5th May, 1992. Kenya acceded to the Convention on 1st June, 2000. The objective of the convention is to protect human health and the environment against the adverse effects of hazardous wastes and to ensure environmentally sound management and transboundary movement of hazardous waste.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Ensure that transboundary movement of hazardous and other wastes are minimized;
- b) Any such movement is conducted in a manner which will protect human health and the environment; and
- c) Ensure that only persons authorized or allowed to transport or dispose of wastes undertake such operations and that wastes subject to a transboundary movement be packaged, labelled and transported in conformity with generally accepted and recognized international rules and standards.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

843. The Government is reviewing the Environment Policy, 2013, the Environmental Management and Coordination Act, CAP. 387, e-Waste Regulations, Toxic and Hazardous Chemical Material Regulations and Extended Producer Responsibility (EPR) Regulations.

III. Existing Legal and Policy Framework:

- (i) Environmental Management and Coordination Act (EMCA), CAP. 387; and
- (ii) Sustainable Waste Management Act, CAP. 387C.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

National Environment Management Authority (NEMA).

3.13.10 Stockholm Convention on Persistent Organic Pollutants (POPS)

844. Kenya signed the Convention on 23rd May, 2001. The Convention entered into force on 17th May, 2004, and Kenya ratified it on 24th September, 2004.

845. The Convention aims at restricting the production and use of Persistent Organic Pollutants (POPS) to protect human health and the environment.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Protect human health and the environment from twenty-two (22) highly toxic chemicals that are persistent organic pollutants;
- b) Prohibit and/or take the legal and administrative measures necessary to eliminate production and use of chemicals;
- c) Restrict production and use of chemicals; and
- d) Chemicals listed are imported for environmentally sound disposal.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

846. The Government has undertaken the following:

- a) Reviewing the Environmental Management and Coordination (Controlled Substances) Regulations, 2020;

- b) Formulating the National Guideline on Sound Management of Chemicals and Waste in Gold Mining and Chemical Policy on Air Quality.

III. Existing Legal and Policy Framework:

Environmental Management and Coordination Act (EMCA), CAP. 387.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

National Environment Management Authority (NEMA).

3.13.11 Rotterdam Convention on Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade

847. The Convention was adopted on 10th September, 1998, and entered into force on 24th February, 2004. Kenya ratified the Convention on 3rd February, 2005.

848. The main objective of the Convention is to promote shared responsibility and cooperative efforts among Parties in the international trade of certain hazardous chemicals to protect human health and the environment from potential harm. This contributes to their environmentally sound use, by facilitating information exchange about their characteristics, by providing for a national decision-making process on their import and export and by disseminating these decisions to Parties.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Promote shared responsibility and cooperative efforts among parties in the international trade of certain hazardous chemicals;
- b) Designate one or more national authorities that shall be authorized to act on its behalf in the performance of the administrative functions required by the Convention;
- c) Notify final regulatory actions; and
- d) Provide import responses.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

849. The Government has undertaken/is undertaking the following:

- a) Monitors chemical and hazardous facilities on their impact on human health and the environment;
- b) Developing Environmental Management and Co-ordination (e-Waste Management) Regulations, 2022, as well as the Toxic and Hazardous Chemical Materials Chemicals Regulations; and
- c) Reviewing the Environment Policy, 2013, and the Environmental Management and Co-ordination Act, CAP. 387.

III. Existing Legal and Policy Framework:

- (i) Environmental Management and Co-ordination Act, CAP. 387; and
- (ii) Sustainable Waste Management Act, CAP. 387C.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

National Environment Management Authority (NEMA).

3.13.12 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)-

850. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) was adopted on 3rd March, 1973 and entered into force on 1st July, 1975. Kenya ratified it on 13th December, 1978, and it entered into force for Kenya on 13th March, 1979.

851. The object of CITES is to regulate international trade in endangered species to ensure that such species are not extinct. Kenya is obligated to cooperate with other parties and regulate international trade in the CITES-listed species of wild fauna and flora.

I. Key Obligations for State Parties/Kenya under the Treaty:

- (a) Cooperate with other parties and regulate International Trade in the CITES listed species of wild fauna and flora;
- (b) Once a species is placed upon either Appendix I or II then the protection of the treaty is triggered by requiring each State to prohibit the transboundary movement of the species unless a permit has been issued by the relevant country;
- (c) Adopt domestic legislation which will carry out the requirements of the treaty; and
- (d) Appoint a Management Authority and a Scientific Authority each of which has responsibilities in the process of granting CITES permits.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

852. The Government has undertaken/is undertaking the following:

- (a) Celebrates World Wildlife Day annually on the 5th of March and 2024 celebrations were held at the Nairobi National Park, Kenya;
- (b) Developed an electronic system for inventory and management of elephant ivory and rhino horn stockpile;
- (c) Delinked the Wildlife Research and Training Institute from Kenya Wildlife Service (KWS) to enable scientists to concentrate on their key mandate, which is research on wildlife especially the threatened species hence KWS can concentrate on wildlife security;
- (d) Updating wildlife inventory by carrying out a national wildlife census with key bias on threatened species for better management;
- (e) Designated the Wildlife Research and Training Institute was designated as the National Scientific Authority for CITES pending inclusion;
- (f) Licensing of CITES-listed species;
- (g) Reviewing the Wildlife Conservation and Management Act, CAP. 376 to meet Category I of CITES requirement for full implementation of the Convention;
- (h) Developed species specification plans for species that are endangered and listed in CITES appendices—Elephant Action Plan, Rhino Action Plans and Giraffes Recovery Action Plans;
- (i) Builds the capacity for law enforcement officers, judiciary, prosecution, and customs officers for effective implementation of the Convention—this is done in collaboration with Developing Partners;
- (j) Sensitizing local communities and Non-State Actors in CITES process to develop a common position for reporting and decision CITES making meetings; and
- (k) Implementing the National Wildlife Strategy, 2030.

III. Existing Legal and Policy Framework:

- (i) Wildlife Policy, 2020; and
- (ii) Wildlife Conservation and Management Act, CAP. 376.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Wildlife Service (KWS);
- (ii) National Museums of Kenya (NMK);
- (iii) Wildlife Clubs of Kenya (WCK); and
- (iv) Wildlife Research and Training Institute (WRTI).

3.13.13 Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention) (CMS)

853. The Convention was concluded on 26th March, 1979, in Bonn, Germany and entered into force on 1st November, 1983. Kenya acceded to the Convention on 26th February, 1999. It provides for the protection and conservation of migratory species, their habitats and migratory routes and addresses habitat loss and disparities in national laws across various jurisdictions that are range States for the migratory species is imperative.

I. Key Obligations of State Parties/Kenya under the Treaty

- a)* Take action to prevent any migratory species from becoming endangered;
- b)* Promote, cooperate in, and support research relating to migratory species;
- c)* Provide immediate protection for migratory species; and
- d)* Conclude agreements covering the conservation and management of migratory species.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

854. The Government has undertaken/is undertaking the following:

- a)* Ratified several agreements and signed MOUs under the CMS, including the African Eurasian Water Birds Agreement (AEWBA) and MoUs on Migratory Sharks, Sea Turtles, Raptors and Dugongs;
- b)* Implementing action plans and strategies for recovering and managing of species covered in the Convention;
- c)* Carried out marine census in June, 2023, in collaboration with IFAW;
- d)* Observes the World Turtle Day annually. This year's celebrations were held on 23rd May, 2024;
- e)* Conducted a marine/beach cleanup exercise, sensitization and awareness creation;
- f)* Developed Wildlife Conservation Trust Fund Regulations for Conservancies and Sanctuaries; and
- g)* Developing a Bill to repeal the Wildlife Conservation and Management Act, CAP. 376.

III. Existing Legal and Policy Framework:

- (i) Wildlife Policy, 2020; and
- (ii) Wildlife Conservation and Management Act, CAP. 376.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Wildlife Service (KWS);
- (ii) Wildlife Clubs of Kenya (WCK); and
- (iii) Wildlife Research and Training Institute (WRTI).

3.13.14 Convention on Wetlands of International Importance especially as Waterfowl Habitats (RAMSAR Convention)

855. The Convention is an Inter-Governmental Treaty adopted on 2nd February, 1971, in Ramsar, Iran. Kenya ratified it on 5th October, 1990, and it came into force on 5th October, 1990.

I. Key Obligations of State Parties/Kenya under the Treaty:

- a) Designate at least one wetland for inclusion in the List of Wetlands of international importance in accordance with the Ramsar List and to promote its conservation;
- b) Work towards the wise use of all their wetlands; and
- c) Cooperate internationally on transboundary wetlands, shared wetlands systems and shared species.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

856. The Government has undertaken/is undertaking the following:

- a) Held three (3) National Ramsar Committee meetings, for the Ramsar information sheet for 6 designated Ramsar sites;
- b) Celebrates the World Wetlands Day annually on 2nd February. The theme for the 2024 celebrations was “*Wetlands and Human Wellbeing*” and was held at Lake Narasha, Timboroa Dam;
- c) Undertakes waterbird counts in the Ramsar sites annually;
- d) Implementing the Integrated Coastal Zone Management Plan (ICZM), 2019–2023, to maintain an inventory of all the wetlands and updating their conservation status;
- e) Developed the National Wetlands and Conservation Policy, 2014, which is currently being reviewed;
- f) Launched Management Plans for Lake Elementaita, Lake Bogoria National Reserve, Tana Delta Ramsar Site, Lake Ol’bolosat and Sio-siteko transboundary wetland;
- g) Maintains an inventory of all the wetlands and updates their conservation status, including updating Ramsar Information System requirement;
- h) Developed Regulations for the Wildlife Conservation Trust Fund and for conservancies and sanctuaries. The Regulations are undergoing public participation;
- i) Developing a Bill to repeal the Wildlife Conservation and Management Act, CAP. 376. The Bill is currently undergoing public participation;
- j) Appointed the Wildlife Conservation Trust Fund Governing Board and is operationalizing the Trust Fund;
- k) Designated Lake Elementaita as a RAMSAR site and is designating Lake Ol’bolosat as a RAMSAR site, and Kisumu as a RAMSAR City; and
- l) Reviewing the Environment Policy, 2013, the Environmental Management and Coordination Act, CAP. 387 and the attendant Regulations.

III. Existing Legal and Policy Framework:

- (i) Wildlife Policy, 2020;
- (ii) Environment Management and Coordination Act, CAP. 387; and
- (iii) Wildlife Conservation and Management Act, CAP. 376.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Wildlife Service (KWS);
- (ii) National Environmental Management Authority (NEMA).
- (iii) Wildlife Research and Training Institute (WRTI); and

3.13.15 Convention on the Law of the Non-Navigational Uses of International Watercourses (1997 UN Watercourses Convention)

857. UN Watercourses Convention is a multilateral framework developed by the International Law Commission (ILC) and adopted by the UN on 21st May, 1997. The Convention entered into force on 17th August, 2014. Kenya shares over 50% of her water resources (including surface water and groundwater aquifers) with neighbouring countries. Kenya has initiated measures to ratify the Convention.

I. Key Obligations of State Parties/Kenya under the Treaty:

- a)* Cooperate internationally regarding equitable utilization and protection of shared water resources and has initiated measures to ratify the Convention;
- b)* Protect shared water resources for sustainable management and development of those resources; and
- c)* Cooperate with riparian partners through cooperative framework agreements, Memoranda of Understanding (MoUs), Regional Policies and Protocols among others.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

858. The Government has undertaken/is undertaking the following:

- a)* Developing a National Policy on Trans-boundary Waters;
- b)* Established Water Services Critical Infrastructure Police Service Unit. The Unit is established to curb Water infrastructure vandalism and loss of non-revenue water;
- c)* Re-negotiated with the Government of the Republic of Uganda the Memorandum of Understanding (MoU) between Sio-Malaba-Malakisi with facilitation from IGAD;
- d)* Through financing from the African Development Bank, is developing the Sio-Malaba-Malakisi projects after entering into an MoU with Uganda;
- e)* Implementing the Malaba Water Supply Project (Lot 1) which is at 80% completion;
- f)* Implementing the Malaba town Sewerage Project (Lot 2) which is at 99% completion, and negotiating with land owners to provide wayleave to lay sewer lines to complete the remaining 1%; and
- g)* In collaboration with the Government of Ethiopia, formed an Inter-Ministerial Committee to negotiate Gibe Dam III and KURA Irrigation Project.

III. Existing Legal and Policy Framework:

- (i) National Water Policy, 2021; and
- (ii) Water Act, CAP. 372.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Athi Water Works Development Agency (AWWDA);
- (ii) Central Rift Water Works Development Agency (CRWWDA);
- (iii) Coast Water Works Development Agency (CWWDA);
- (iv) Lake Victoria North Water Works Development Agency (LVNWWDA); and
- (v) Lake Victoria South Water Works Development Agency (LVSWWDA);
- (vi) National Water Harvesting and Storage Authority (NWHSA);
- (vii) National Water Police Service (NWPS);
- (viii) North Rift Water Works Development Agency (NRWWDA);
- (ix) Northern Water Works Development Agency (NWWDA).
- (x) Tana Water Works Development Agency (TWWDA);
- (xi) Tanathi Water Works Development Agency (TAWWDA);
- (xii) Water Resource Authority (WRA);
- (xiii) Water Sector Trust Fund (WSTF); and
- (xiv) Water Services Regulatory Authority (WSRA).

3.13.16 Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Western Indian Ocean (Nairobi Convention) and its Protocols

859. The Convention was adopted on 21st June, 1985, and entered into force on 11th September, 1990. Kenya acceded to the Nairobi Convention on 11th September, 1990. The objective of the Convention is to conserve the marine environment of the coastal areas of the Western Indian Ocean.
860. The Amended Nairobi Convention and the Protocol for the Protection of Marine and Coastal Environment of the Western Indian Ocean from Land Based Sources and Activities were adopted in Nairobi, Kenya on 31st March, 2010. Kenya ratified the Amended Convention and the Protocol on 29th June, 2023.

I. Key Obligations of State Parties/Kenya under the Treaty:

- a) Manage the Marine Environment of the Coastal areas of the Western Indian Ocean of the State;
- b) Accelerate degradation of the world's ocean and coastal areas through the sustainable management and use of the Marine and Coastal environment; and
- c) State Parties are encouraged to protect their shared Marine Environment.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

861. The Government has undertaken/is undertaking the following:
- a) Observes World Oceans Day annually on 8th June. The theme for the 2024 celebrations was “Awaken New Depths” and was celebrated by cleaning and planting mangroves in Kilifi County;
 - b) Participates in various programmes including the Western Indian Ocean Strategic Action Programme (WIOSAP) which is supporting the implementation of a Waste Treatment Plant at Shimo la Tewa Prisons;

- c) Participated in the 4th Negotiation Meeting for the Integrated Coastal Zone Management (ICZM) Protocol held in Dar es Saalam, Tanzania; and
- d) Reviewing the National Wetlands Policy.

III. Existing Legal and Policy Framework:

- (i) Integrated Coastal Zone Management Policy, 2013;
- (ii) National Ocean Policy, 2008;
- (iii) National Forest Policy, 2023;
- (iv) Environmental Management and Coordination Act (EMCA), CAP. 387;
- (v) Forest Conservation and Management Act, CAP. 385;
- (vi) Kenya Maritime Authority Act, CAP. 370; and
- (vii) Science, Technology and Innovation Act, CAP. 511.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Forest Service;
- (ii) Kenya Marine and Fisheries Research Institute;
- (iii) Kenya Maritime Authority;
- (iv) National Commission for Science, Technology and Innovation; and
- (v) National Environment Management Authority (NEMA).

3.13.17 Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora

862. The Lusaka Agreement (LA) was adopted on 10th December, 1996, in Lusaka, Zambia to facilitate cooperation among Member States to deter illegal trade in wild fauna and flora. Kenya signed the Agreement on 9th September, 1994, and it entered into force on 10th December, 1996. Kenya ratified on 17th January, 1997.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Facilitate cooperation among Party States to deter illegal trade in wild fauna and flora;
- b) Control poaching and trafficking of wildlife especially of ivory and rhino horns; and
- c) Control cross-border illegal wildlife trade in member states.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

863. The Government has undertaken the following:

- a) Banned poaching and trafficking of wildlife. Further, the Government is combating poaching and illegal wildlife trafficking through an Integrated Approach Project (IWT-KENYA) funded by UNDP;
- b) Cooperates with other member states to control cross-border illegal wildlife trade;
- c) Assumed presidency of the Lusaka Agreement from June, 2023, for a period of 2 years;
- d) Engaging other Nations who have shown interest in joining the Lusaka Agreement, namely Namibia, Botswana and those who are signatory states awaiting ratification of the Lusaka Agreement, namely Ethiopia, Eswatini, Liberia and South Africa;
- e) Holding bilateral talks with Uganda to rescind its intention to withdraw;

- f)* Developing Regulations for the Wildlife Conservation Trust Fund and for Conservancies and Sanctuaries which are undergoing public participation; and
- g)* Reviewing the Wildlife Conservation and Management Act, CAP. 376.

III. Existing Legal and Policy Framework:

- (i) Wildlife Policy 2020; and
- (ii) Wildlife Conservation and Management Act, CAP. 370.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Forest Service (KFS);
- (ii) Kenya Revenue Authority (KRA);
- (iii) Kenya Wildlife Service (KWS);
- (iv) National Bureau for Lusaka Agreement; and
- (v) Wildlife Research and Training Institute (WRTI).

3.13.18 Revised African Convention on the Conservation of Nature and Natural Resources (The Algiers Convention)

864. The African Convention for the Conservation of Nature and Natural Resources of 1968, (the “Algiers Convention”) was adopted on 15th September, 1968, and it came into force on 16th June, 1969. Kenya signed the Convention on 15th September, 1968, and ratified it on 12th May, 1969.
865. The Convention was revised and adopted on 11th July, 2003. Kenya signed on 17th December, 2003, and the Convention entered into force on 23rd July, 2016.
866. The objectives of the Convention are to enhance environmental protection, foster the conservation and sustainable use of natural resources, and harmonize and coordinate policies in this field with a view to achieving ecologically rational, sound and socially acceptable development policies and programmes.

I. Key Obligations for State Parties /Kenya under the Convention:

- a)* Increase vegetation cover;
- b)* Promote traditional rights of local communities and traditional knowledge;
- c)* Maintain and extend conservation areas within the framework of environment and natural resources policies and legislation especially conserve those ecosystems which are most representative of and peculiar to areas under their jurisdiction, or are characterized by a high degree of biological diversity;
- d)* Regulate domestic trade of specimens and products in conformity with domestic law and international obligations related to trade in species;
- e)* take every practical measure, during periods of armed conflict, to protect the environment against harm;
- f)* take all appropriate measures to prevent, mitigate and eliminate to the maximum extent possible, detrimental effects on the environment, in particular, from radioactive, toxic, and other hazardous substances and wastes;
- g)* take legislative and other measures to ensure that traditional rights and intellectual property rights of local communities including farmers’ rights are respected in accordance with the provisions of this Convention;
- h)* encourage and strengthen cooperation for the development and use, as well as access to and transfer of, environmentally sound technologies on mutually agreed terms,

with a view to accelerating the transition to sustainable development, in particular, by establishing joint research programmes and ventures; and

- i)* Participate in the conservation and rehabilitation of shared natural resources for future generations.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

867. The Government has undertaken/is undertaking the following:

- a)* National Tree Growing and Restoration Campaign of growing 15 billion trees by 2032 pursuant to a presidential directive. This will increase the tree cover from the current 12% to 30% by 2032 and ensure restoration of 10.6 million hectares of degraded ecosystems and landscapes;
- b)* Ensuring that all public forests are fenced to protect them from encroachment and illegal cattle grazing pursuant to a presidential directive;
- c)* Observes National Tree Growing Days which is dedicated to growing of trees by the whole country. In the period under review, the National Tree Growing Days were 13th November, 2023, and 10th May, 2024;
- d)* Developed the National Landscape and Ecosystem Strategy, 2023–2032;
- e)* Constructed eleven (11) new seed centres to increase access to high quality tree seedlings; and
- f)* Developed the Forest Adoption and Tree Growing Initiative Framework.

III. Existing Legal and Policy Framework:

- (i)* National Forest Policy, 2023;
- (ii)* Climate Change Act, CAP. 387A;
- (iii)* Environmental Management and Conservation Act, CAP. 387;
- (iv)* Forest Conservation and Management Act, CAP. 385; and
- (v)* Water Act, CAP. 372.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i)* Kenya Forest Research Institute;
- (ii)* Kenya Forest Service (KFS);
- (iii)* National Environmental Management Authority (NEMA); and
- (iv)* National Water Harvesting and Storage Authority (NWHSA).

3.13.19 East Africa Community Protocol on Environment and Natural Resources Management

868. The Protocol was adopted and signed on 26th June, 2017. Kenya ratified the Protocol on 26th June, 2017. The Protocol is yet to enter into force as some Partner States have not ratified it.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a)* Promote conservation of the environment and sustainable exploitation of natural resources in the Community;
- b)* Take measures to foster cooperation in the joint and efficient management, and sustainable utilization of natural resources; and

- c) Co-ordinate parties to adopt a common vision in addressing the challenges of achieving sustainable development at the local, national and regional levels through the sound environmental and natural resources management.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

869. The Government is participating in the review of the Protocol to streamline certain aspects with respect to the use and protection of natural resources in the East Africa Community (EAC) and exclude matters substantively provided for in the Treaty, in accordance with recommendations of the 22nd Meeting of the Sectoral Council on Legal and Judicial Affairs that was held at Dar es Salaam, Tanzania from 23rd October, 2021 to 1st November, 2021.

III. Existing Legal and Policy Framework:

Environmental Management and Coordination Act (EMCA), CAP. 387.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

National Environmental Management Authority (NEMA).

3.13.20 East African Community Protocol on Cooperation in Meteorological Services

870. Kenya signed the Protocol in 2016 and ratified it in May, 2019. The Protocol is yet to become operational due to delays in ratification by the other Partner States.

871. The Protocol recognizes that the partner states are members of the World Meteorological Organization (WMO).

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Promote cooperation in the provision of meteorological services within the Community; and
- b) Cooperate in the planning, designing and development of weather and climate observation networks and meteorological telecommunication systems; processing and analysis of data and sharing of meteorological information; and the development of early warning systems.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

872. The Government has undertaken/is undertaking the following:

- a) Modernizing the Kenya Meteorological Department (KMD) to a Meteorological Authority; and
- b) Is in the process of enacting the Meteorology Bill, 2023;

III. Existing Legal and Policy Framework:

- (i) Meteorology Policy, 2023; and
- (ii) Climate Change Act, CAP. 387A.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Meteorological Department (KMD).

3.13.21 East Africa Community Protocol for the Sustainable Development of Lake Victoria Basin

873. The Protocol was concluded on 29th November, 2003, and entered into force on 1st December, 2004. Kenya signed on 29th November, 2003 and ratified on December, 2004.
874. The Protocol establishes the Lake Victoria Basin Commission (LVBC) with its headquarters based in Kisumu, Kenya. The objectives and broad functions of the Commission are to promote, coordinate and facilitate development initiatives within the Lake Victoria Basin.

I. Key Obligations for State Parties/Kenya under the Protocol:

- a) Provide a framework for cooperation among the partner states in the conservation and sustainable utilization of the resources in the Lake Victoria Basin;
- b) Protect, conserve, and where necessary rehabilitate Lake Victoria Basin and its ecosystems; and
- c) 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.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

875. The Government has undertaken/is undertaking the following:
- a) Implementing the Lake Victoria Basin Integrated Water Resources Management Programme (LVB IWRMP) aimed at improving water quality and availability through strategic and sustainable management of the Lake Victoria Basin;
 - b) Implementing the Adapting to Climate Change in Lake Victoria Basin (ACC–LVB) Project aimed at reducing vulnerability to the negative effects of climate change in the Lake Victoria Basin by building climate resilience;
 - c) Implementing the multinational Lake Victoria Maritime Communication and Transport Project (MLVMCT) aimed at providing maritime communication system for safety on Lake Victoria;
 - d) Implementing the Nile Cooperation for Climate Resilience (NCCR) Project on water quality policy harmonization in the Lake Victoria Sub-Basin with a view to improving mechanisms for cooperation and water resources management and development in the Nile Basin;
 - e) Cooperates in the sustainable management and development of Lake Victoria Basin and is involved in the development and implementation of measures to enhance the safety of life, navigation and preservation of aquatic life; and
 - f) Constructing Lake Victoria Basin Commission Headquarters in Kisumu; Phase I is expected to be completed in 2024. Construction of the Headquarters on a 2.8 Ha piece of land donated by the Government of Kenya in Kisumu.
876. 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.
877. A joint programme has been developed for the overall management and rational utilization of the shared resources of the lake.

III. Existing Legal and Policy Framework:

- (i) Environmental Management and Coordination Act (EMCA), CAP. 387;
- (ii) Kenya Maritime Authority Act, CAP. 370;

- (iii) Lake Basin Development Authority Act, CAP. 442;
- (iv) Merchant Shipping Act, CAP. 389; and
- (v) Water Act, CAP. 372.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Maritime Authority;
- (ii) Lake Basin Development Authority;
- (iii) Lake Victoria Basin Commission (LVBC); and
- (iv) National Environmental Management Authority.

3.14 AGRICULTURE

3.14.1 International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)

878. The Treaty was adopted on 9th November, 2001. The Treaty is a global response to promote the conservation and sustainability of plant genetic resources as well as to protect farmer's rights to access and have fair and equitable sharing of benefits arising out of their use. Kenya became party on 27th May, 2003, while the Treaty entered into force on 29th June, 2004.
879. The Treaty recognizes the contribution of local and indigenous communities and farmers of all regions of the world, particularly those in the centres of origin and crop diversity, regarding the conservation and development of plant genetic resources as a basis of food and agricultural production throughout the world.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Realize farmers' rights, relating to plant genetic resources for food and agriculture and sell and exchange seeds that they have produced on their farms;
- b) Ensure conformity of its laws, regulations and procedures with its obligations as provided in this Treaty; and
- c) Promote conservation and sustainable use of plant genetic resources.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

880. The Government is developing the following:
- a) Seeds and Plant Varieties (Plant Breeder's Rights) Regulations, 2024, which is awaiting Cabinet approval.
 - b) Seeds and Plant Varieties (Conservation, Access and Benefits Sharing of Plant Genetic Resources) Regulations, 2024, which are awaiting Cabinet approval.

III. Existing Legal and Policy Framework:

- i) Agriculture Policy, 2021;
- ii) Crops Act, CAP. 318;
- iii) Kenya Agricultural and Livestock Research Act, CAP. 319;
- iv) Kenya Plant Health Inspectorate Service Act, CAP. 349;
- v) Livestock Policy, Sessional Paper No. 3 of 2020;
- vi) National Cereals and Produce Board Act, CAP. 338;
- vii) Plant Protection Act, CAP. 324; and
- viii) Seeds and Plant Varieties Act, CAP. 326.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Agriculture and Food Authority (AFA);
- (ii) Kenya Agricultural and Livestock Research Organization (KALRO);
- (iii) Kenya Plant Health Inspectorate Service (KEPHIS);
- (iv) Kenya Seed Company (KSC); and
- (v) National Cereals and Produce Board (NCPB).

3.14.2 International Convention for the Protection of New Varieties of Plants (UPOV)

881. The International Convention for the Protection of New Varieties of Plants was adopted on 2nd December, 1961, to recognize the rights of plant breeders internationally. Kenya acceded to UPOV on 13th May, 1999. UPOV Convention was revised in 1991. Kenya acceded to the Revised Convention on 11th May, 2016.
882. The UPOV Convention provides a unique form of intellectual property protection, specifically adopted for the process of plant breeding, and developed with the aim of encouraging breeders to develop new varieties of plants.
883. UPOV membership offers mechanisms for stimulating research, enables access to technology, promotes enterprise growth, and increases potential for further agricultural development.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Contracting parties undertake the following:
- (i) Grant and protect breeders' rights;
 - (ii) Protect genera and species in line with the provisions of the Convention; and
 - (iii) Accord nationals of the member states and entities the same treatment.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

884. The Government has undertaken/is undertaking the following:
- a) Participated in Technical Working Parties meetings in May, 2023, and May, 2024, for different crop groups that were held virtually, hosted several UPOV meetings and participated in decision making meetings of the UPOV Council; and
 - b) Developing Seeds and Plant Varieties (Plant Breeders' Rights) Regulations, 2024, which is awaiting cabinet approval.

III. Existing Legal and Policy Framework:

- (i) Agriculture Policy, 2021;
- (ii) Crops Act, CAP. 318;
- (iii) Kenya Plant Health Inspectorate Service Act, CAP. 349;
- (iv) National Cereals and Produce Board Act, CAP. 338; and
- (v) Seeds and Plants Varieties Act, CAP. 326.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Agriculture and Food Authority (AFA);
- (ii) Kenya Plant Health Inspectorate Service (KEPHIS);
- (iii) Kenya Seed Company (KSC); and
- (iv) National Cereals and Produce Board (NCPB).

3.14.3 International Plant Protection Convention (IPPC)

885. IPPC is a multilateral treaty for cooperation in plant protection that had its beginnings with the agreement by twelve countries to regulate measures for grapevines under the Phylloxera Convention of Berne in 1881. Kenya ratified the Convention on 7th May, 1974.
886. The Convention is aimed at protecting the world's plant resources from the spread and introduction of pests, and promoting safe trade. It emphasizes cooperation, the exchange of information and encourages use of International Standards for Phytosanitary Measures (ISPMs).

887. The Convention was revised in 1997 and Kenya accepted the amended Convention on 10th September, 2003. The Revised Convention entered into force on 2nd September, 2005.
888. It is recognized by the World Trade Organization's (WTO) Sanitary and Phytosanitary Measures (SPS) Agreement as a standard setting body for plant health matters. IPPC is deposited with FAO and administered by FAO but implemented through the cooperation of member governments and Regional Plant Protection Organizations.

I. Key obligations for State Parties/Kenya under the Treaty:

- a) Establish a national plant protection organization with the main responsibilities set out in this Convention;
- b) Disseminate information within the territory of the contracting party and undertake national reporting regarding regulated pests and the means of their prevention and control; and research and investigation in the field of plant protection;
- c) Provide for issuance of phytosanitary certification, with the objective of ensuring that exported plants, plant products and other regulated articles and consignments thereof are in conformity with the Convention; and
- d) Cooperate with one another to the fullest practicable extent in achieving the aims of this Convention regionally and international and in standard setting.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

889. The Government is formulating Phytosanitary Policy, 2024; and reviewing: Plant Protection Bill, 2021, Plant Protection Regulations, 2021, Plant Protection (Biological Articles and the Control Agencies) Regulations, 2021; Plant Protection (Imports and Exports) Regulations, 2021, and Plant Protection (Decontamination of Used Vehicles, Machinery and Equipment) Rules, 2021.

IV. Existing Legal and Policy Framework:

- (i) Agriculture Policy, 2021;
- (ii) Crops Act, CAP. 318;
- (iii) Kenya Plant Health Inspectorate Service Act, CAP. 349;
- (iv) National Cereals and Produce Board Act, CAP. 338; and
- (v) Seeds and Plant Varieties Act, CAP. 326.

IV. Existing institution, Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Agriculture and Food Authority (AFA);
- (ii) Kenya Plant Health Inspectorate Service (KEPHIS);
- (iii) Kenya Seed Company (KSC); and
- (iv) National Cereals and Produce Board (NCPB).

3.14.4 International Grains Agreement, 1995

890. The Agreement was adopted on 7th December, 1994, and entered into force on 1st July, 1995. Kenya acceded to the Agreement on 15th June, 1998.
891. The objective of the Agreement is to further international co-operation in all aspects of trade in grains.
892. The Agreement has two components, namely the Grain Trade Convention (GTC) and the Food Aid Convention (FAC). The GTC's aim is to provide for information-sharing, analysis

and consultations on grain market and policy developments. The FAC creates a forum where donor countries pledge to provide annually, specified amounts of food aid in cash or kind.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) 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 for crop production; and
- b) Provide information-sharing, analysis and consultations on grain market and policy developments in a bid to promote international grain trade.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

1745. The Government has undertaken/is undertaking the following:

- a) Reviewing Public Finance Management (National Food Reserve Fund) Regulations, 2022;
- b) Developing the National Food Reserve and Trading Corporation Bill, 2024, and the National Cereals and Produce Board (National Food Reserve) Regulations, 2024; and
- c) Implementing the Warehouse Receipt System Act, CAP. 350, and its Regulations to support the Cereal Value Chain.

III. Existing Legal and Policy Framework:

- (i) Agriculture Policy, 2022;
- (ii) Crops Act, CAP. 318;
- (iii) Kenya Plant Health Inspectorate Service Act, CAP. 349;
- (iv) National Cereals and Produce Board Act, CAP. 338;
- (v) Seeds and Plant Varieties Act, CAP. 326; and
- (vi) Warehouse Receipt System Act, CAP. 350.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Plant Health Inspectorate Service (KEPHIS); and
- (ii) National Cereals and Produce Board (NCPB).

3.14.5 International Sugar Agreement (ISA), 1969

893. The Agreement was adopted on 1st January, 1992, by United Nations Convention on Trade and Development. It entered into force in 1993. Kenya acceded to the Agreement on 6th November, 1995.

894. The objective is to ensure enhanced international cooperation in connection with the world sugar matters, provide a forum for developmental consultations on sugar to improve the world sugar economy, facilitate trade by collecting and providing information in the world sugar market and to encourage increased demand for sugar particularly for non-traditional uses.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Facilitate trade by collecting and providing information in the world sugar market; and
- b) Encourage increased demand for sugar, particularly for non-traditional uses.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

895. The Government has undertaken/is undertaking the following:



- a) Restructuring the sugar companies to revitalize the sugar industry;
- b) Implementing the Taskforce Report on Design, Development and Implementation of the Coffee and Sugar Price Stabilization Frameworks;
- c) Studies to review the cost elements in sugarcane and sugar production; and
- d) Developing Sugar Bill, 2023, which is at the Senate.

III. Existing Legal and Policy Framework:

- (i) Agriculture Policy, 2021;
- (ii) Agriculture and Food Authority Act, CAP. 317;
- (iii) Crops Act, CAP. 318;
- (iv) Kenya Plant Health Inspectorate Service Act, CAP. 349; and
- (v) Standards Act, CAP. 496.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Agriculture and Food Authority (AFA);
- (ii) Kenya Bureau of Standards (KEBS); and
- (iii) Kenya Plant Health Inspectorate Service (KEPHIS).

3.14.6 International Coffee Agreement (ICA)

896. 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.

897. 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.

I. Key Obligations for State Parties/Kenya under the Treaty

- a) Facilitate international trade through increased transparency and access to relevant information and promotion of a sustainable coffee economy;
- b) Ensure the proper issuing and use of certificates of origin according to the rules established by the council;
- c) Supply regular and accurate information on re-exports, in the form and manner determined by the council;
- d) Recognize that certificates of origin are important sources of information on the trade in coffee. Kenya is obligated to ensure the proper issuing and use of certificates of origin according to the rules established by the council;
- e) Recognize further that information on re-exports is also important for the proper analysis of the world coffee economy and therefore to supply regular and accurate information on re-exports, in the form and manner determined by the council;
- f) Kenya, as a member of the ICO, is mandated to adopt such measures as are necessary to enable her to fulfil her obligations under this Agreement; Kenya undertakes to provide all information necessary to facilitate the functioning of this Agreement;
- g) Pays her full annual contribution to the Administrative Budget for each financial year which is due on the first day of the financial year;
- h) Kenya, is mandated to attend two regular ICO Council Session meetings in a year; and
- i) Exercise her voting right as exporting member country.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

898. The Government has undertaken/is undertaking the following:
- a) Submits subsector reports to the International Coffee Organization;
 - b) Established a Public Finance Management (Coffee Cherry Advance Revolving) Fund with a seed capital of KSh. 4 billion;
 - c) Writing off KSh. 6.9 Billion debt owed by coffee cooperatives;
 - d) Facilitating smallholder coffee growers at small coffee estates with affordable and sustainable funding;
 - e) Enabling coffee farmers to access farm inputs, including fertilizers and pesticides which will be available from accredited suppliers at a subsidized cost with the Government subsidizing the cost by 40%;
 - f) Implementing the Taskforce Report on Design, Development and Implementation of the Coffee and Sugar Price Stabilization Frameworks;
 - g) Formulating the Coffee Policy, 2024 and Coffee Bill, 2024;
 - h) Implementing Agriculture Sector Transformation and Growth Strategy (2019–2029); and
 - i) Carrying out subsector reforms to improve the milling efficiency, remove the middlemen, streamline marketing and provide affordable credit to coffee farmers.

III. Existing Legal and Policy Framework:

- (i) Agricultural Policy, 2021;
- (ii) Agriculture and Food Authority Act, CAP. 317; and
- (iii) Crops Act, CAP. 318.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Agriculture and Food Authority (AFA);
- (ii) Coffee Research Foundation (CRA); and
- (iii) Coffee Research Institute (CRI).

3.14.7 Convention on the African Migratory Locust

899. The Convention on the African Migratory Locust was adopted on 25th May, 1962, and entered into force on 13th April, 1963. Kenya became a state party on 29th November, 1963.
900. The Convention aims to eliminate the trans-boundary pest which is very destructive to all kinds of vegetation. These include desert locust, fall army worm, quelea birds and tsetse fly.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Facilitate construction, on their own territory, of buildings necessary for the operation of the organization;
- b) Give assistance requested by the organization for the destruction of incipient swarms;
- c) Report any invasion of the mandatory migratory pests; and
- d) Honor its obligation of paying the annual subscription.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

901. The Government has undertaken/is undertaking the following:

- a) Implementing the Desert Locust Information Office (DLIO) Report submitted by FAO. The Report informs on key monitoring and early warning tools while responding to desert locust upsurges in Kenya and possibly the region;
- b) Implementing the Migratory and Invasive Pests and Weeds Management Strategy, 2022–2027;
- c) Formulating a Phytosanitary Policy, 2024; and
- d) Reviewing the Plant Protection Act, CAP. 324.

III. Existing Legal and Policy Framework:

- (i) Agricultural Policy, 2021;
- (ii) Agriculture and Food Authority Act, CAP. 317; and
- (iii) Crops Act, CAP. 318.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Agriculture and Food Authority;
- (ii) Desert Locust Control Organization for East Africa;
- (iii) Desert Locust Information Office (DLIO); and
- (iv) Kenya Plant Health Inspectorate Service (KEPHIS).

3.15 ICT, RADIO REGULATIONS AND TELECOMMUNICATIONS

3.15.1 East African Community Protocol on Information, Communications and Technology

902. The East African Community Protocol on Information, Communications and Technology was adopted on 30th June, 2013. Kenya signed the Protocol on 30th June, 2013, and ratified it in November, 2019. The objective of the Protocol is to promote ICT services in the EAC Common Market Protocol through e-commerce, harmonize ICT policies and establish and manage technology networks across the bloc.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) To implement the EAC Postal Development Strategy;
- b) To enhance cross border broadband connectivity; and
- c) To implement one network area for mobile communications.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

903. The Government has undertaken/is undertaking the following:

- a) Laying 600km of fiber from Eldoret to Nadapal, Southern Sudan Border under the Kenya Sudan Broadband Connectivity Project to promote cross border trade, connectivity and ease of doing business;
- b) Implementing and monitoring one network area for mobile communication with South Sudan, Uganda and Rwanda; and
- c) Implementing a Postal Corporation of Kenya Transformation Strategy, 2023.

III. Existing Legal and Policy Framework:

- (i) National Information, Communications and Technology (ICT) Policy, 2019;
- (ii) Kenya Information and Communications Act, CAP. 411A; and
- (iii) Postal Corporation of Kenya Act, CAP. 411.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Communications Authority of Kenya (CA); and
- (ii) Postal Corporation of Kenya (PCK).

3.15.2 Dubai Convention on International Telecommunication Regulations, 2012

904. Kenya adopted the Dubai Convention in 14th December, 2012, and signed it on 6th October, 2015.

905. The objectives of ITU are to coordinate the shared global use of the radio spectrum, promoting international cooperation in assigning satellite orbits, improving communication infrastructure in the developing world, and establishing the worldwide standards that foster seamless interconnection of a vast range of communication systems.

I. Key Obligations for State Parties/Kenya under the Regulations:

- a) Pursue national and regional initiatives on Child Online Protection Programme under Resolution 67;
- b) Develop and maintain efficient national and international networks;
- c) Promote international telecommunication services and ensure their availability to the public;

- d) Encourage all authorized operators to provide emergency numbers and inform all users in good time the numbers to call free of charge for safety of life and priority of telecommunications;
- e) Ensure security and robustness of networks;
- f) Take necessary measures to prevent propagation of unsolicited communication equipment;
- g) Encourage investment in international telecommunications networks and promote competition in communications; and
- h) Adoption of energy saving and e-waste best practices considering the relevant ITU recommendations.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

906. The Government has undertaken/is undertaking the following:

- a) Implementing the Data Protection Regulations, 2021;
- b) Continues to implement Phase II of the Child Online Protection Campaign targeting children and youth. The campaign targets to enable children to use the internet responsibly by equipping them with skills to stay safe online;
- c) Celebrates the Safer Internet Day on the 2nd week of February annually. The theme of the 2024 celebrations was “*Together for a Better Internet*” and was held on 6th February 2024.
- d) Mandated Communication Authority of Kenya (CA) and Kenya National Bureau of Statistics (KNBS) to collaborate in developing a joint proposal to undertake national study on child online protection based on the ITU child online protection indicators. This joint initiative shall support the collection and analysis of data and the production of statistics and indicators on child online protection that will contribute to public policy design and implementation, thus enabling cross-country comparisons;
- e) Established the National Kenya Computer Incident Response Team-Coordination Centre (National KE-CIRT/CC) under CA which collaborated with ITU in enhancing the country’s capacity in the management of cybersecurity and mitigating cybercrime;
- f) Established the National KE-CIRT/CC as multi-agency collaboration framework that consists of CA and law enforcement agencies that facilitate the cyber threat detection; prevention and cyber threat analysis, as well as cybercrime investigations, including digital forensics and the preparation of digital evidence for prosecution;
- g) Ensuring better protection of Kenya’s ICT infrastructure, including critical information infrastructure by enhancing the capabilities of the National KE-CIRT/CC.
- h) Upgraded the National KE-CIRT/CC administrative systems. This entails upgrading the National KE-CIRT/CC administrative systems to the latest versions to ensure enhanced security of the systems and enable the utilization of new system capabilities and features;
- i) Developing a Framework for Addressing Counterfeit, Stolen and Illegal Devices and Simboxing that has undergone public consultation process and is currently in the approval process. The Framework addresses the recommendations made in ITU-T Q.5050 standard;
- j) Through the Partner to Connect (P2C) initiative, has set its goal towards “*A Digitally Transformed Nation*” through the establishment of infrastructure connectivity services for purposes of attaining widespread access to ICT services, support capacity building and promoting innovation within the ICT sector. The Programme is specifically geared towards addressing the needs of disadvantaged communities, particularly those in unserved and underserved areas;

- k) Remains an active participant in ITU meetings in all the three sectors of the Union. It has further provided leadership at the ITU in various capacities which includes continued chairmanship of the Radiocommunication Advisory Group (2016–2023); Vice-Chair ITU-R SG 1: Spectrum Management (2020–2023); Vice-Chair of ITU-R SG 6: Broadcasting Services (2020–2023);
- l) Updated the National Table of Frequency Allocations, with highlights being the identification of additional spectrum:
 - i) International Mobile Telecommunications (IMT) services including the 5th Generation of Mobile Telecommunications Technology (5G);
 - ii) Broadcasting-satellite service (BSS)—Protection of frequency assignments, providing a priority mechanism for developing countries to regain access to spectrum orbit resources;
 - iii) Global Maritime Distress and Safety System (GMDSS)—Expanded coverage and enhanced capabilities for GMDSS;
 - iv) High-altitude platform stations (HAPS)—To facilitate telecommunications within a wide coverage area below for affordable broadband access in rural and remote areas;
 - v) Wi-Fi networks—Regulatory provisions revised to accommodate both indoor and outdoor usage and the growth in demand for wireless access systems;
 - vi) Railway radiocommunication systems between train and trackside (RSTT)—To facilitate the deployment of railway train and trackside systems to meet the needs of a high-speed railway environment; and
 - vii) Earth exploration-satellite (EESS) service—Protection accorded to EESS to allow its use for satellite tracking, telemetry and control.
- m) Promoting Telecommunication Quality of Service parameters by mandating the Communication Authority of Kenya (CA) to monitor the quality of service for Mobile Network Operators.
- n) Piloted the Telecommunication Quality of Experience parameters, which are still under discussion with the mobile operators for refinement and possible use by the Authority in monitoring quality of experience for Mobile Network Operators.
- o) Continued with the deployment of digital broadcast infrastructure to underserved and unserved areas where the national coverage has increased to 92% from the previous 90% reported in 2022. This is in line with ITU resolution on digital broadcast transmission.
- p) Continues to deploy and rehabilitate the National Fibre Backbone infrastructure to complement the undersea cables, namely SEACOM, Lion, TEAMS and Eassy to enhance cross border connectivity with the neighbouring countries: Uganda, Tanzania and Southern Sudan under the EAC declaration. During the period under review, 650 km of fibre from Eldoret to Nandapal, Kenya-Southern Sudan Border, were rehabilitated to promote ease of doing business; and
- q) Developing Regulatory Framework for Addressing Counterfeit, Stolen and Illegal Devices and Simboxing, 2021, and has undergone public consultation process and is awaiting Cabinet approvals. The Framework addresses the recommendations made in ITU-T Q.5050 standard.

III. Existing Legal and Policy Framework:

- (i) Data Protection Act, CAP. 411C;
- (ii) National Police Act, CAP. ;
- (iii) Childrens Act, 2022; and
- (iv) Kenya Information and Communication Act, 1998.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Office of the Data Protection Commissioner;
- (ii) Kenya Information Communication and Technology Authority (ICTA);
- (iii) Communication Authority (CA) and
- (iv) National Police Service (NPS).

3.16 ETHICS, INTEGRITY AND PUBLIC ADMINISTRATION

3.16.1 United Nations Convention Against Corruption (UNCAC)

907. The Convention was adopted on 31st October, 2003. Kenya signed and ratified the Convention on 9th December, 2003.

908. The Convention aims to promote, facilitate and support international cooperation and technical assistance in the prevention and fight against corruption. The Convention covers five (5) main areas, namely preventive measures, criminalization and law enforcement, international cooperation, asset recovery, and technical assistance and information exchange.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Formulate and implement effective anti-corruption measures;
- b) Periodically evaluate legal instruments and administrative measures in determining their adequacy in fighting corruption;
- c) Collaborate with other states and other international and regional organizations in promoting anti-corruption measures; and
- d) Set up appropriate bodies for fighting corruption.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

909. The Government has undertaken/is undertaking the following:

- a) Developing the Whistle Blower Protection Bill, 2023. The Bill was presented to Parliament for debate on 1st September, 2023;
- b) Implements the Convention through establishment of anti-corruption institutions that undertake public education, sensitization/awareness campaigns and formulates policies across all Government Ministries, Departments and Agencies (MDAs), including counties and the public;
- c) Celebrates International Anti-Corruption Day annually on 9th December. The theme for the 2023 celebrations was “*UNCAC at 20: Uniting the World Against Corruption*” and was celebrated in Muranga County;
- d) Instituted several court proceedings for recovery of proceeds of crime and successfully recovered proceeds of crime which include cash, motor vehicles, developed and undeveloped land, derived from crimes such as money laundering, wildlife crimes, trafficking of narcotics, human trafficking and other predicate offences;
- e) Implementing the Proceeds of Crime and Anti-Money Laundering (Criminal Assets Recovery Fund) Regulations, 2023;
- f) Developed a policy on management and disposal of seized, preserved, and forfeited assets which provide a framework for management of seized, preserved, and forfeited or confiscated assets;
- g) Participated in the 10th Conference of the State Parties (COSP) held in December, 2023, in Atlanta, United States of America;
- h) Disseminated the National Ethics and Anti-Corruption Policy to state agencies for increased awareness, creation and sensitization of the policy objectives and action areas to duty bearers on their role in promoting ethics and integrity;
- i) Developing a documentary to mark twenty (20) years of Kenya’s signing and ratification of the United Nations Convention Against Corruption; and
- j) Capacity building of public officers on integrity and anti-corruption measures.

III. Existing Legal and Policy Framework:

- (i) Anti-Corruption and Economic Crimes Act, CAP. 65;
- (ii) Anti-Bribery Act, CAP. 79B;
- (iii) Ethics and Anti-Corruption Commission Act, CAP. 7H;
- (iv) Leadership and Integrity Act, CAP. 185C;
- (v) Mutual Legal Assistance Act, CAP. 75A;
- (vi) National Police Service Act, CAP. 84;
- (vii) Office of the Director of Public Prosecutions Act, CAP. 6B;
- (viii) Proceeds of Crime and Anti-Money Laundering Act, CAP. 59A;
- (ix) Public Officer Ethics Act, CAP. 185B; and
- (x) Witness Protection Act, CAP. 79.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Assets Recovery Agency (ARA);
- (ii) Ethics and Anti-Corruption Commission (EACC);
- (iii) Financial Reporting Centre (FRC);
- (iv) National Anti-Corruption Campaign Steering Committee (NACCSC).
- (v) National Anti-Corruption Steering Committee;
- (vi) National Police Service (NPS);
- (vii) Office of the Attorney General; and
- (viii) Office of the Director of Public Prosecutions (ODPP).

3.16.2 African Convention on Preventing and Combating Corruption

910. The Convention was adopted on 1st July, 2003, and it entered into force on 5th August, 2006. Kenya signed the Convention on 17th December, 2003, and ratified it on 3rd February, 2007.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a)* Criminalize various acts of corruption identified in the Convention under national law;
- b)* Establishment of independent national anti-corruption institutions;
- c)* Submission of reports to the AU Commission on the implementation of the Convention;
- d)* Adopt legislative and other measures to protect witnesses of corrupt actions;
- e)* Adopt measures to promote education and public sensitization on ethics and integrity;
- f)* Adopt legislative and other measures to secure the public financial system especially public procurement, audit, accounting and tax from corrupt actions;
- g)* Facilitate the provision of extradition, mutual legal assistance and international co-operation in anti-corruption investigations and proceedings; and
- h)* The (AUCPCC) generally requires member states to establish and strengthen anti-corruption institutions and legal frameworks, promote transparency and accountability in public and private sectors, and enhance international cooperation in the fight against corruption.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

911. The Government has undertaken/is undertaking the following:
- a) Developing the Whistle Blower Protection Bill, 2023. The Bill was presented to Parliament for debate on 1st September, 2023;
 - b) Established the legal and institutional framework to implement the Convention;
 - c) Celebrates annually, on the 11th July, the African Anti-Corruption Day designated by the African Union. The theme for the 2023 celebrations was “*AUCPCC, 20 Years After: Achievements and Prospects*”; and
 - d) Capacity building of public sector legal practitioners on integrity and anti-corruption measures to equip the officers with the requisite knowledge and skills with which to mainstream ethics and integrity in their operational areas.

III. Existing Legal and Policy Framework:

- (i) Anti-Bribery Act, CAP. 79B;
- (ii) Anti-Corruption and Economic Crimes Act, CAP.65;
- (iii) Ethics and Anti-Corruption Commission Act, CAP. 7H;
- (iv) Leadership and Integrity Act, CAP. 185C;
- (v) Mutual Legal Assistance Act, CAP. 75A;
- (vi) National Police Service Act, CAP. 84;
- (vii) Proceeds of Crime and Anti-Money Laundering Act, CAP. 59A;
- (viii) Public Officer Ethics Act, CAP. 185; and
- (ix) Witness Protection Act, CAP. 79.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Assets Recovery Agency (ARA);
- (ii) County Anti-Corruption Civilian Oversight Committees (CACCOs).
- (iii) Ethics and Anti-Corruption Commission (EACC);
- (iv) Financial Reporting Centre (FRC);
- (v) National Anti-Corruption Campaign Steering Committee (NACCSC);
- (vi) National Anti-Corruption Steering Committee;
- (vii) National Police Service (NPS); and
- (viii) Office of the Director of Public Prosecutions (ODPP).

3.16.3 African Charter on Values and Principles of Public Service and Administration

912. The African Charter was adopted by the African Union Heads of State and Government on 31st January, 2011, and entered into force on 23rd July, 2016. Kenya signed on 14th May, 2011, and ratified it on 17th August, 2011.
913. The object of the Charter is to promote principles and values of equality, capacity building, participation, improvement of work conditions and cooperation among member states.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Take legislative and administrative actions to give effect to the Charter;
- b) Submit the periodic report on implementation of the Charter every two years;

- c) Provide adequate resources to facilitate the implementation of the Charter;
- d) Facilitate creation of good governance and delivery of quality public service on the continent;
- e) Coordinate evaluation of the implementation of the Charter; and
- f) Establish required mechanisms and capacities for implementation of the Charter.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

914. The Government has undertaken/is undertaking the following:

- a) Participated in the 9th Continental Africa Public Service Day (APSD) held in Victoria Falls, Zimbabwe on 23rd July, 2023, which was celebrated under the theme, “Africa Continental Free Trade Area”;
- b) Won three (3) awards: Automated Universal Sign Language Translation Innovation, won by a student from JKUAT; Coast Development Authority—Mangrove Restoration in Sandflat Desert; Huduma Kenya—Best Managed Organisation; and
- c) Continues to evaluate Ministries, Departments and Agencies (MDAs) on the values and principles of governance in public service.

III. Existing Legal and Policy Framework:

- (i) Constitution of Kenya, 2010;
- (ii) Commission for Revenue Allocation Act, CAP. 428;
- (iii) Commission for Revenue Allocation Policy, 2018;
- (iv) National Values and Principles of Governance Policy, Sessional Paper No. 8 of 2013;
- (v) Public Service Commission Diversity Management Policy, 2015;
- (vi) Public Service Commission HRD Policy, 2015;
- (vii) Public Service Commission Rewards and Sanctions Policy, 2015;
- (viii) Access to Information Act, CAP. 7M;
- (ix) Commission on Administrative Justice, CAP. 7J;
- (x) Leadership and Integrity Act, CAP. 185C;
- (xi) Proceeds of Crime and the Anti-Money Laundering Act, CAP. 59A;
- (xii) Public Finance Management Act, CAP. 412A;
- (xiii) Public Officer Ethics Act, CAP. 185B;
- (xiv) Public Procurement and Asset Disposal Act, CAP. 412C;
- (xv) Public Service (Values and Principles) Act, CAP. 185A; and
- (xvi) Public Service Commission Act, CAP. 185.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Asset Recovery Agency (ARA);
- (ii) Commission for Revenue Allocation;
- (iii) Commission on Administrative Justice;
- (iv) Ethics and Anti-Corruption Commission (EACC);
- (v) Financial Reporting Center (FRC);



- (vi) Public Procurement Regulatory Authority;
- (vii) Public Service Commission;
- (viii) Public Procurement Authority (PPA); and
- (ix) Public Service Commission (PSC).

3.17 LABOUR AND EMPLOYMENT

3.17.1 Fundamental Conventions

3.17.1.1 Forced Labour Convention, No. 29 of 1930

915. The Forced Labour Convention (FLC) was adopted on 28th June, 1930, entered into force on 1st May, 1932, and acceded to by Kenya on 13th January, 1964. The Convention forbids work or service which is exacted from any person under the menace of any penalty and for which the said person has not consented to.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Undertake to suppress the use of forced or compulsory labour in all its forms;
- b) Ensure that illegal exaction of forced or compulsory labour is punishable as a penal offence and the penalty imposed is adequate and strictly enforced;
- c) Develop a national policy and plan of action for the effective and sustained suppression of forced or compulsory labour in consultation with employers' and workers' organizations, which shall involve systematic action by the competent authorities;
- d) Educate and inform people, especially those considered to be particularly vulnerable, in order to prevent their becoming victims of forced or compulsory labour;
- e) Educate and inform employers, in order to prevent their becoming involved in forced or compulsory labour practices;
- f) Protecting persons, particularly migrant workers, from possible abusive and fraudulent practices during the recruitment and placement process;
- g) Cooperate with other member states to ensure the prevention and elimination of all forms of forced or compulsory labour;
- h) Supporting due diligence by both the public and private sectors to prevent and respond to risks of forced or compulsory labour; and
- i) Addressing the root causes and factors that heighten the risks of forced or compulsory labour.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

916. The Government has undertaken/is undertaking the following:

- a) Put in place mechanisms to prevent forced labour or compulsory labour in the country.
- b) Monitoring labour practices in all sectors to check existence of forced labour.

III. Existing Legal and Policy Framework:

- (i) Constitution of Kenya, 2010;
- (ii) Employment Act, CAP. 226;
- (iii) Labour Act, CAP. 234;
- (iv) Labour Relations Act, CAP. 233; and
- (v) National Employment Authority Act, CAP. 227.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Central Organization of Trade Unions (COTU);
- (ii) Employment and Labour Relations Court;
- (iii) Federation of Kenya Employers;

- (iv) National Employment Authority; and
- (v) Office of the Registrar of Trade Unions.

3.17.1.2 Right to Organize and Collective Bargaining Convention, No. 98 of 1949

917. The Convention was adopted on 1st July, 1949, entered into force on 19th July, 1951, and Kenya acceded to the Convention on 13th January, 1964.
918. 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.

I. Key Obligations for the State Parties/Kenya under the Convention:

- a) Provision of adequate protection to workers against acts of anti-union discrimination in respect of their employment;
- b) Protection ensured to workers' and employers' organizations against any acts of interference by each other;
- c) Action taken towards the establishment of exclusive machinery appropriate to encourage and promote voluntary negotiation between employers' and workers' organizations with a view to the regulating terms and conditions of employment by means of collective agreements; and
- d) Extent to which the guarantees provided in the Convention is applicable to members of the Armed Forces and Police.

II. Specific Measures Taken by the Government to Implement the Obligations Limited to the Period under Review (2023–2024)

919. The State Department registered, received and analyzed **305 CBAs** received from employers and workers representatives and forwarded them to the Employment and Labour Relations Court for registration for the FY 2023/24.

III. Existing Legal and Policy Framework:

- (i) Employment Act, CAP 226; and
- (ii) Labour Relations Act, CAP. 233.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Central Organization of Trade Unions (COTU);
- (ii) Employment and Labour Relations Court;
- (iii) Federation of Kenya Employers;
- (iv) National Employment Authority; and
- (v) Office of the Registrar of Trade Unions.

3.17.1.3 Equal Remuneration Convention, No. 100 of 1951

920. The Convention was adopted on 29th June, 1951, entered into force on 23rd May, 1953, and Kenya acceded 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.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Promote labour rights for both men and women without discrimination on the basis of sex. Men and women must be paid equal remuneration for work of equal value;
- b) Ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value through the following:
 - (i) national laws or regulations;
 - (ii) legally established or recognised machinery for wage determination;
 - (iii) collective agreements between employers and workers; or
 - (iv) a combination of these various means.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

921. The Government has undertaken/is undertaking the following:

- a) Review of the salary structures for public service for the 2021/22–2024/25 remuneration review cycle is ongoing.
- b) In August 2023, the SRC gazetted the Third Remuneration and Benefits Review Cycle for State and Public Officers for the Period 2023/2024 and 2024/2025.

III. Existing Legal and Policy Framework:

- (i) Constitution of Kenya, 2010;
- (ii) Employment Act, CAP. 226; and
- (iii) Labour Institutions Act, CAP. 234.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Salaries and Remuneration Commission.
- (ii) Public Service Commission.

3.17.1.4 Abolition of Forced Labour Convention No. 105 of 1957

922. The Abolition of Forced Labour Convention was adopted on 25th January, 1957, and it entered into force on 17th January, 1959. Kenya acceded to it on 13th January, 1964. The objective of the convention is to abolish forced labour which are allowed under Forced Labour Convention of 1930, such as punishments for strikes and political views. To implement both conventions, the ILO set up the Special Action Programme for Forced Labour.

I. Key Obligations for State Parties/Kenya under the Treaty:

Undertake to suppress and not to make use of any form of forced or compulsory labour:

- (a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;
- (b) as a method of mobilizing and using labour for purposes of economic development;
- (c) as a means of labour discipline;
- (d) as a punishment for having participated in strikes; and
- (e) as a means of racial, social, national or religious discrimination.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

923. The Government has undertaken/is undertaking the following:
- a) Put in place mechanisms to prevent forced labour or compulsory labour in the country.
 - b) Monitoring labour practices in all sectors to check existence of forced labour.
 - c) Deployed 49 Labour Inspectorates and continues to monitor labour practices to ensure Decent Work for All.

III. Existing Legal and Policy Framework:

- (i) National Employment Policy, Sessional Paper no. 4 ,2013; and
- (ii) Employment Act, CAP. 226.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Central Organization of Trade Unions-Kenya (COTU-Kenya);
- (ii) Employment and Labour Relations Court;
- (iii) Federation of Kenya Employers;
- (iv) National Employment Authority; and
- (v) Office of the Registrar of Trade Unions.

3.17.1.5 Discrimination (Employment and Occupation) Convention No. 111 of 1958

924. The Convention No. 111 of 1958, was adopted on 25th June, 1958, and came into force on 15th June, 1960. Kenya acceded to the Convention on 7th May, 2001. The Convention recognizes discrimination as a violation of human rights and aims to abolish it in all its forms without distinction. It affirms every persons right to pursue their material well-being and development irrespective of race, creed, sex, age, ethnicity or other extraction.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Declare and pursue a national policy designed to promote methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation with a view to eliminating any discrimination;
- b) Seek the cooperation of employers and workers organizations in promoting the conventions;
- c) Enact legislation to promote educational programmes to secure acceptance of observance of this policy; and
- d) To ensure observance of the policy in the activities of vocational guidance, training and placement services.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

925. The Government has undertaken/is undertaking the following:
- a) Implementing the Access to Government Procurement Opportunity (AGPO) Programme. The objective is to empower women, youth and persons with disability and create opportunity to do business with Government. The Programme facilitates these groups' access to government procurement, up to 30% of all opportunities available.
 - b) Implementing the Women Enterprise Fund, The National Government Affirmative Fund, Youth Fund, Uwezo Fund and Hustler Fund to provide access to credit for youth, women and persons with disabilities.
 - c) Continues to monitor the provisions of the law to ensure non- discrimination of all workers.

III. Existing Legal and Policy Framework:

- (i) Constitution of Kenya, 2010;
- (ii) Employment Policy and Strategy, 2013;
- (iii) Employment Act, CAP. 226;
- (iv) National Employment Authority Act, CAP. 227; and
- (v) Occupational Safety and Health Act, CAP 236A.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) National Advisory Council on Occupational Safety & Health (NACOSH); and
- (ii) National Labour Board (NLB).

3.17.1.6 Minimum Age Convention, No. 138 of 1973

926. The Convention was adopted on 6th June, 1973, entered into force on 19th June, 1976, and was acceded to by Kenya on 9th April, 1979. The objective of the Convention is to protect children against exploitation and sets the minimum age of admission to employment consistent with the fullest physical and mental development of children.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a)* Specify a minimum age for admission to employment; and
- b)* Pursue a national policy to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

927. The Government has undertaken/is undertaking the following:

- a)* Implementing the Decent Work Country Programme (DWCP) 2021–2024. A report for the year 2023 has been developed and is awaiting approval from the National Tripartite Steering Committee to validate and approve before submission to the ILO.
- b)* Put in place a National Steering Committee on Elimination of Child Labour to guide on policy formulation, monitoring the implementation and action plans that are geared towards elimination of child labour.
- c)* Trained 195 Labour Inspectorate Staff and Employment Staff on Worst Forms Child Labour in June 2023. The training built their capacity on child labour and guided on child labour Inspection as well as collaborating with other stakeholders through County Committees on Child Labour.
- d)* Extended the DWCP by one year and re-aligned it with the Bottom-Up Economic Transformation Agenda (BETA).
- e)* Reviewing the National Policy on the Elimination of Child Labour, 2015.
- f)* The process of developing the National Action Plan on Child Labour for the period 2024–2030.

III. Existing Legal and Policy Framework:

- (i) The National Policy on the Elimination of Child Labour, 2015;
- (ii) The National Childrens Policy Kenya, 2010;
- (iii) Children Act, CAP. 141; and
- (iv) Employment Act, CAP. 226.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Child Welfare Society of Kenya;
- (ii) County Child Labour Committees;
- (iii) County Children’s Advisory Committees;
- (iv) National Council for Children Services;
- (v) National Steering Committee on Child Labour; and
- (vi) National Technical Working Committee on Child Labour.

3.17.1.7 Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, No. 182 of 1999

928. The Convention was adopted on 17th June, 1999, entered into force on 19th November, 2000, and was acceded to by Kenya on 7th May, 2001. The Convention aims to prohibit and eliminate the worst forms of child labour with immediate action.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a)* Take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour;
- b)* Establish appropriate mechanisms to monitor the implementation of the convention;
- c)* Design and implement programmes of action to eliminate as a priority the worst forms of child labour;
- d)* Take necessary measures to ensure the effective implementation of the convention, including penalties;
- e)* Take into account the importance of education in eliminating child labour; and
- f)* Designate a competent authority responsible for implementation of the convention.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

929. The Government has undertaken/is undertaking the following:

- a)* Implementing the Decent Work Country Programme (DWCP) 2021–2024. The objective of the framework is based on three priority areas which includes human capital development, sustainable economic growth and social dialogue and tripartism. A report for the year 2023 has been developed and is awaiting approval from the National Tripartite Steering Committee to validate and approve before submission to the ILO.
- b)* Developing the National Action Plan on Child Labour in Kenya 2024–2030.
- c)* Extended the DWCP by one year and re-aligned it with the Bottom-Up Economic Transformation Agenda (BETA).
- d)* Revived the Technical Working Group on Child Labour and the County Child Labour Committees in Kwale, Kajiado, Nairobi, Vihiga, Busia, Bungoma, Kisii, Kericho, Kirinyaga, Meru, Muranga, Isiolo and Turkana Counties.
- e)* Trained 195 Labour Inspectorate Staff and Employment Staff on Worst Forms of Child Labour in June 2023. The training built their capacity on child labour and guided on child labour inspection as well as collaborating with other stakeholders through County Committees on Child Labour.
- f)* Reviewing the National Policy on Elimination of Child Labour, 2015 and the National Childrens Policy Kenya, 2010 to address emerging issues.

III. Existing Legal and Policy Framework:

- (i) The National Childrens Policy Kenya, 2010.
- (ii) The National Policy on the Elimination of Child Labour, 2015;
- (iii) Children Act, CAP. 141; and
- (iv) Employment Act, CAP. 226.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Child Welfare Society of Kenya;
- (ii) County Child Labour Committees;
- (iii) County Children's Advisory Committees;
- (iv) National Council for Children Services;
- (v) National Steering Committee on Child Labour; and
- (vi) National Technical Working Committee on Child Labour.

3.17.2 Governance Conventions

3.17.2.1 Labour Inspection (Industry) Convention, No. 81 of 1947

930. This Convention was adopted on 11th June, 1947, entered into force on 7th April, 1950, and was acceded to by Kenya on 13th January, 1964. The Convention's objective is to promote enforcement of minimum labour standards.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Establish an Authority under whose supervision and control of the labour inspection system is placed;
- b) Provide status and conditions of service of the inspection staff;
- c) Ensure the training of Labour Inspectors;
- d) Ensure additional duties are entrusted to Labour Inspectors other than those provided for in paragraph 1 of Article 3 of the Convention;
- e) Notify the Labour Inspectorate of industrial accidents and disease cases;
- f) Keep record of the frequency of Labour Inspections and thoroughness of inspection visits;
- g) Institute penalties for violations of the legal provisions enforceable by labour inspectors and for obstructing labour inspectors; and
- h) Submit Inspectorate Reports to the Central Authority.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

931. The Government has undertaken/is undertaking the following:

- a) Ensures effective consultations with respect to the matters concerning the activities of the International Labour Organization (ILO).
- b) Trained 195 Labour Inspectorate Staff and Employment Staff on Worst Forms of Child Labour in March 2024. The training built their capacity on child labour and guided on child labour inspection as well as collaborating with other stakeholders through County Committees on Child Labour.
- c) Reported 240 fatal cases out of which 108 were investigated and finalized.
- d) A total of 17,326 labour disputes were settled from 1st January 2023 to 31st December, 2023. This resulted in payment of KShs. 82,918,457.20 directly to the claimants.
- e) Labour inspections after every six (6) months. A total of 12,156 inspections were done from 30th June 2023 to date. A total of 6,560 safety and health inspections were carried out by Occupational Safety & Health (OSH) Officers.
- f) Monitors compliance with labour laws by the employers as well as advising on changes and implementation to the statute.
- g) For the period January 2023 to December 2023, the Employment and Labour Relations Court handled a total of 450 cases, while 390 cases were resolved.

III. Existing Legal and Policy Framework:

- (i) Employment Act, CAP 226;
- (ii) Occupational Safety and Health Act, CAP 236A; and
- (iii) Work Injury and Benefits Act, CAP. 236.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Employment and Labour Relations Court;
- (ii) National Advisory Council on Occupational Safety and Health (NACOSH); and
- (iii) National Labour Board (NLB).

3.17.2.2 Labour Inspection (Agriculture) Convention, No. 129 of 1969

932. This Convention was adopted on 25th June, 1969, entered into force on 19th January, 1972, and acceded to by Kenya on 9th April, 1979. The objective of the Convention is to protect workers engaged in agricultural undertakings, part of which include 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.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a)* Provision of National Laws or Regulations which define the term “Agricultural undertaking” for purposes of the Convention;
- b)* Maintain a system of labour inspection in Agriculture;
- c)* Provisions of National Laws or Regulations which determine the agricultural undertakings subject to the system of labour inspection in agriculture and the various categories of workers for whose protection the labour inspectorate is responsible;
- d)* Problems encountered by labour inspectors in agriculture in the exercise of their functions in respect of the categories of persons enumerated in Paragraph 1 of Article 5;
- e)* Make legal provisions for whose enforcement the system of labour inspection in agriculture is responsible;
- f)* Establishment of an Authority under whose supervision and control the system of labour inspection in agriculture is placed;
- g)* Ensure proper conditions governing recruitment of labour inspectors in agriculture;
- h)* Give labour inspectors in agriculture adequate training for the performance of their duties;
- i)* Ensure women are equally eligible for appointment to the labour inspection staff in agriculture as men; and
- j)* Furnish periodic reports of labour inspectors.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

III. The Government has undertaken/is undertaking the following:

- a)* Set up procedures which ensure effective consultations between the representatives of Government (The Ministry of Labour), employer representatives (Federation of Kenya Employers) and workers representatives (Trade Unions) with respect to the matters concerning the activities of the International Labour Organization (ILO).
- b)* Ensures effective consultations with respect to the matters concerning the activities of the International Labour Organization (ILO).
- c)* Trained 162 Labour Inspectorate Staff and Employment Staff on Worst Forms Child Labour in June, 2023. The training built their capacity on child labour and guided on child labour Inspection as well as collaborating with other stakeholders through County Committees on Child Labour.
- d)* Continuously monitors compliance of labour laws and advises employers on any changes in implementation of the statute.

- e) Carried out a total of 12,156 inspections from 1st January, 2023 to 31st December, 2023. A total of 6,560 safety and health inspections were carried out by Occupational Safety & Health (OSH) Officers.

IV. Existing Legal and Policy Framework:

- (i) Employment Act, CAP. 226;
- (ii) Occupational Safety and Health Act, CAP 236A; and
- (iii) Work Injury and Benefits Act, CAP 236.

V. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Employment and Labour Relations Court.

3.17.2.3 Tripartite Consultation (International Labour Standards) Convention, No. 144 of 1976

933. The Convention was adopted on 21st June, 1976, entered into force on 16th May, 1978, and acceded to by Kenya on 6th June, 1990. It obligates state parties to set up procedures which ensure effective consultations between representatives of the Government, Employers and Workers with respect to the matters concerning the activities of the International Labour Organization (ILO).

I. Key Obligations for the State Parties:

- a) Identify the representative organizations in the country for the purposes of the Convention;
- b) Procedures which ensure effective consultations with respect to the matters set out in Article 5, Paragraph 1 of the convention between representatives of the government, employers and workers;
- c) Manner in which the representatives of employers and workers for the purpose of this convention are chosen indicating the measures taken to ensure their representation on equal footing on any bodies through which consultations are undertaken;
- d) Manner in which administrative support is provided for the procedures operated for the purpose of this convention;
- e) Particulars of the consultations held during the period covered by the report on each of the matters set out in this convention including information as to the frequency of such consultations indicating the nature of any reports or recommendations made as a result of the consultations; and
- f) Annual Reporting.

II. Specific Measures Taken by the Government to Implement the Obligations Limited to the Period under Review (2023–2024)

934. The Government re-constituted the National Labour Board in May, 2023. The Board is tripartite in nature and is operational having held its First Meeting in August, 2023.

III. Existing Legal and Policy Framework:

- (i) Employment Act, CAP 226;
- (ii) Labour Institutions Act, CAP. 234;
- (iii) Labour Relations Act, CAP. 233; and
- (iv) Occupational Safety and Health Act, CAP. 236A.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) National Labour Board (NLB); and
- (ii) Wages Council.

3.17.3 Technical Conventions

3.17.3.1 Unemployment Convention, No. 2 of 1919

935. The Convention was adopted on 28th November, 1919, entered into force on 14th July, 1921, and acceded to by Kenya on 13th January, 1964. The objective of the Convention is to combat unemployment and to establish free public employment agencies under control of a central authority.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Establish a system of free public employment agencies under the control of a central authority;
- b) Appoint committees, which shall include representatives of employers and of workers to advise on matters concerning the carrying on of the public employment agencies; and
- c) Communicate to the International Labour Office, at intervals as short as possible and not exceeding three months, all available information, statistical or otherwise, concerning unemployment, including reports on measures taken or contemplated to combat unemployment.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

936. The Government has undertaken/is undertaking the following:

- a) In 2023, the Government, through the National Employment Authority Intergrated Management System (NEAIMS), placed 183,177 Kenyan migrant workers in jobs abroad. In addition to this, the following job orders have been secured with different countries and recruitment is on-going. Open recruitment of Healthcare Professionals particularly nurses with the United Kingdom, and 271 nurses already placed in employment. 1,500 job orders were secured on recruitment of Agricultural Seasonal Workers in the United Kingdom.
- b) Establishing an Unemployment Benefits Fund under the NSSF (Amendment Bill) and Migrant Workers Fund which are currently at Office of the Attorney General for legal drafting.
- c) With support of the African Development Bank (AfDB), under TVET Phase III (2021–2025), has embarked on capacity building and equipping TVET Institutions.

III. Existing Legal and Policy Framework:

- (i) Recognition of Prior Learning Policy, 2021;
- (ii) Kenya National Qualification Framework Act, CAP. 214;
- (iii) National Employment Authority Act, CAP. 227; and
- (iv) Technical and Vocational Education and Training Act, CAP. 210A.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation

- (i) National Employment Authority;
- (ii) Kenya National Qualification Authority;
- (iii) National Youth Service; and
- (iv) Technical and Vocational Education and Training Authority (TVETA).

3.17.3.2 Right of Association (Agriculture) Convention, No. 11 of 1921

937. The Convention was adopted on 12th November, 1921, entered into force on 11th May, 1923, and acceded to by Kenya on 13th January, 1964. The objective of the Convention is to secure the right of association for agricultural workers. It also requires Governments to put in place policy, legislative and institutional framework to ensure workers in the agriculture sector are properly compensated through wage fixing mechanism.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Secure to all those engaged in agriculture the same rights of association and combination as to industrial workers; and
- b) Put in place policy, legislative and institutional frameworks to ensure workers in the agriculture sector are properly compensated through wage fixing mechanism.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

938. The Government registered Kenya Export Horticulture and Allied Workers Union (KEHAWU).

939. The Government continues to put in place a conducive environment for the registration of new trade unions to protect workers in the agricultural sector.

940. A draft Agricultural (Amendment) Wages Order has been developed to improve the terms and conditions of workers in the agricultural sector and is awaiting validation.

III. Existing Legal and Policy Framework:

- (i) Employment Act, CAP. 226.
- (ii) Labour Institutions Act, CAP. 234; and
- (iii) Labour Relations Act, CAP. 233;

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Export Horticulture and Allied Workers Union (KEHAWU); and
- (ii) Kenya Plantation and Agricultural Workers Union (KPAWU).

3.17.3.3 Weekly Rest (Industry) Convention, 1921

941. The Convention was adopted on 17th November, 1921, entered into force on 19th June, 1923, and acceded to by Kenya on 13th January, 1964. The Convention requires that all workers in both private and public sector enjoy at least one (1) rest day in every period of seven (7) days.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Ensure that there is provision for a period of rest for employees in every period of 7 days; and
- b) Ensure that there is provision for compensatory period of rest.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

942. The Government undertakes Labour inspections after every six (6) months. A total of 12,156 inspections were done from 1st January 2023 to 31st December, 2023.

943. The Government has put in place efforts in implementing the provisions of the Employment Act, CAP. 226, which provides for a weekly rest day after working for 6 days consecutively.

944. The Government ensures compliance through the Labour Inspectorates stationed in the 49 Labour Offices to conduct Labour Inspections on all terms of employment including weekly rest days.
945. The Government monitors compliance with labour laws by the employers, as well as advising on changes and implementation to the statute.
946. The Government continues to implement the Human Resource Policies and Procedures Manual, 2016.

III. Existing Legal and Policy Framework:

- (i) Employment Act, CAP. 226; and
- (ii) Public Service Commission Act, CAP. 185.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Employment and Labour Relations Court;
- (ii) Public Service Commission; and
- (iii) Teachers Service Commission.

3.17.3.4 Protection Against Accidents (Dockers) Convention (Revised), No. 32 of 1932

947. The Convention was adopted on 27th April, 1932, entered into force on 30th April, 1934, and acceded to by Kenya on 13th January, 1964. The objective of the Convention is to protect workers (dockers) against accidents and injuries, hazard control in loading and unloading ships.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Ensure that appropriate measures to protect workers employed in loading and unloading ships against accidents are put in place and enforced appropriately; and
- b) Enter into reciprocal arrangements with other States which have ratified this Convention particularly the mutual recognition of the arrangements made in their respective countries.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

948. The Government has undertaken/is undertaking the following:
- a) A total of 6,560 safety and health inspections were carried out to ensure compliance with the provisions of this Convention.
 - b) The Government initiated the review of the Occupational Safety and Health Act, CAP. 236A and Work Injury and Benefits Act (WIBA), CAP 236. The two Bills are undergoing public participation.
 - c) The Government developed and reviewed subsidiary legislation on First Aid at Work Regulations under the Occupational, Safety and Health Act, CAP. 236A which were signed and submitted to the Office of the Attorney General for publication.
 - d) A total of 7,764 workers from 288 workplaces on Occupation, Safety and Health (OSH), First Aid and Fire Safety.
 - e) During the period under review a total of 59,288 workers were medically examined in hazardous occupations.
 - f) The Government inducted 65 OSH Champions from the public sector on the use of the inspection tool kit.

- g) The Government purchased a safety and health ambulant unit with modern specialized OSH surveillance equipment.
- h) An inspection tool kit was rolled out in the textile and apparel sector during the period under review.

III. Existing Legal and Policy Framework:

- (i) Kenya Ports Authority Act, CAP. 391;
- (ii) Merchant Shipping Act, CAP. 389;
- (iii) Occupational Safety and Health Act, CAP. 236A; and
- (iv) Work Injury Benefits Act, CAP. 236.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Maritime Authority (KMA);
- (ii) Kenya Ports Authority (KPA); and
- (iii) National Advisory Council on Occupational Safety and Health (NACOSH).

3.17.3.5 Labour Clauses (Public Contracts) Convention, No. 94 of 1949

949. The Convention was adopted on 29th June, 1949, entered into force on 20th September 1952, and was acceded to by Kenya on 13th January, 1964. The objective of the Convention is to ensure that in contracting for the execution of public works, or supply of goods and services, public authorities should concern themselves with working conditions under which operations are carried out. It requires that all bidders respect minimum established standards.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Ensure that labour clauses in public contracts are strictly observed;
- b) Adopt legislative measures with a view to enabling workers concerned to obtain the wages to which they are entitled;
- c) Establish a competent authority to determine the extent to which and the manner in which the Convention shall be applied to contracts awarded by authorities other than central authorities;
- d) The Convention applies to contracts which fulfil the following conditions:
 - (i) that at least one of the parties to the contract is a public authority;
 - (ii) that the execution of the contract involves:
 - (iii) the expenditure of funds by a public authority; and
 - (iv) the employment of workers by the other party to the contract;
- e) That the contract is a contract for—
 - (i) the construction, alteration, repair or demolition of public works;
 - (ii) the manufacture, assembly, handling or shipment of materials, supplies or equipment; and
 - (iii) the performance or supply of services.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

950. The Government has undertaken/is undertaking the following:

- a) Continuously monitors compliance with labour laws by the employers and undertakes routine labour inspections.
- b) Labour inspections after every six (6) months. A total of 12,156 inspections were done from 1st January 2023 to 31st December, 2023.
- c) A total of 6,560 safety and health inspections were carried out to ensure compliance with the Convention.

III. Existing Legal and Policy Framework:

Public Procurement and Asset Disposal Act, CAP. 412C.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Procurement Regulatory Authority.

3.17.3.6 Migration for Employment Convention No. 97 of 1949

951. The Convention was adopted on 1st July, 1949, entered into force on 22nd January, 1952, and acceded to by Kenya on 30th November, 1965. The Convention obligates state parties to report to the ILO measures concerning migration for employment and the conditions for work and livelihood of migrant workers.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Make available to ILO and other members information on national policies, laws and regulations relating to emigration and immigration, general agreements and special arrangements;
- b) Maintain an adequate and free service to assist migrants and provide them with accurate information;
- c) Take appropriate steps against misleading propaganda relating to emigration and immigration;
- d) Take measures to facilitate the departure, journey and reception of migrant for employment;
- e) Maintain within its jurisdiction appropriate medical services responsible for ascertaining that both at time of departure and on arrival, the migrants for employment are in good health; and
- f) Apply without discrimination to immigrants lawfully within its territory, treatment no less favourable than that which applies to its own nationals.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

952. The Government has undertaken/is undertaking the following:

- a) Initiated a review of all Bilateral Labour Agreements (BLAs) between Kenya and the Kingdom of Saudi Arabia, the Kingdom of Qatar, United Arab Emirates and the United Kingdom. A model BLA for use during these negotiations and a model Contract of Employment for the employers and employees have been developed;
- b) Introduced online attestation of foreign contracts. During the period between 1st July, 2023 to 31st January 2024, **27,369** Foreign Contracts of Service were attested to by the Government. **14,876** foreign contracts were attested between January to March 2024;
- c) Developed a Global Labour Migration Strategy, 2023 which is under implementation;

- d) The Directorate of Labour Migration Management was established vide Executive Order No. 2 of 2023 as one of the efforts to promote Labour Migration Governance in the Country;
- e) Established a desk at the Jomo Kenyatta International Airport to address the challenges of irregular migration that exposes migrant workers to distress;
- f) Stakeholder engagement in preparation for the ratification of the Private Employment Agencies Convention 1997 (No. 181); and
- g) Finalizing the Labour Migration Bill, 2023 and Labour Migration Policy, 2023.

III. Existing Legal and Policy Framework:

National Employment Authority Act, CAP. 227.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

National Employment Authority.

3.17.3.7 Minimum Wage Fixing Machinery (Agriculture) Convention, No. 99 of 1951

953. The Convention was adopted on 28th June, 1951, entered into force on 23rd August, 1953, and acceded to by Kenya on 9th February, 1971. The objective of the Convention is to set a general applicable lower limit under which wages are not permitted to fall.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Create or maintain machinery whereby minimum rates of wages can be fixed for workers;
- b) Determine, after consultation with the most representative organisations of employers and workers concerned, where such exist, to which undertakings, occupations and categories of persons the minimum wage fixing machinery referred to in the Convention;
- c) Take necessary measures, by way of supervision, and sanctions to ensure compliance;
- d) Take the necessary measures to ensure that the employers and workers concerned are informed of the minimum rates of wages in force and that wages are not paid at less than the applicable rates; and
- e) Communicate annually to the International Labour Office a general statement indicating the methods and the results of the application of the machinery and, in summary form, the occupations and approximate numbers of workers covered, the minimum rates of wages fixed, and the more important of the other conditions, if any, established relevant to the minimum rates.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

954. The Government has undertaken/is undertaking the following:

- a) Labour inspections after every six (6) months. A total of 12,156 inspections were done from 1st January, 2023 to 31st December, 2023; and
- b) Developing the National Wages and Remuneration Policy and is to be submitted to the Cabinet. The overall goal of the Policy is to ensure existence of a dynamic and equitable mechanism for determination and administration of wages and remuneration in the country.

III. Existing Legal and Policy Framework:

- (i) Agricultural Industry Wages Order 2023; and
- (ii) Labour Institutions Act, CAP. 234.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Agricultural Wages Council; and
- (ii) National Labour Board.

3.17.3.8 Dock Work Convention, No. 137 of 1973

955. The Convention was adopted on 25th June, 1973, entered into force on 24th July, 1974, and Kenya acceded to the Convention on 9th April, 1979. The objective of the Convention is to ensure member states afford protection to dock workers in their professional life and put in place appropriate mechanisms which are responsive to the dynamic work activities within the Port.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Develop a national policy to encourage all concerned to provide permanent or regular employment for dock workers in so far as practicable;
- b) Establish and maintain registers for all occupational categories of dock workers by national law or practice;
- c) Review of the registers periodically so as to achieve levels adapted to the needs of the port and any necessary reduction in the strength of a register shall be accompanied by measures designed to prevent or minimize detrimental effects on dock workers; and
- d) Ensure that appropriate safety, health, welfare and vocational training provisions apply to dock workers.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

956. A total of 6,560 inspections were carried out by health and safety officers to ensure compliance with the provisions of this Convention.

957. Four fatal injuries in the dock workers were investigated and concluded.

III. Existing Legal and Policy Framework:

- (i) Employment Act, CAP. 226.
- (ii) Kenya Ports Authority Act, CAP. 391;
- (iii) Merchant Shipping Act, CAP. 389;

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Maritime Authority (KMA); and
- (ii) Kenya Ports Authority (KPA).

3.17.3.9 Migrant Workers (Supplementary Provisions) Convention, No. 143 of 1975

958. The Convention was adopted on 24th June, 1975, entered into force on 9th December, 1978, and Kenya acceded to the Convention on 9th April, 1979. The objective of the Convention is to suppress clandestine movement of migrants for employment and illegal employment of migrants.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Determine whether there are illegally employed migrant workers on its territory;
- b) Suppress underground movements of migrants for employment and illegal employment of migrants;

- c) Adopt all necessary and appropriate measures, both within its jurisdiction and in collaboration with other Members—
 - (i) to suppress clandestine movements of migrants for employment and illegal employment of migrants; and
 - (ii) against the organisers of illicit or clandestine movements of migrants for employment departing from, passing through or arriving in its territory, and against those who employ workers who have immigrated in illegal conditions.
- d) Develop a national policy designed to promote and to guarantee equality of opportunity and treatment in respect of employment and occupation, of social security, of trade union and cultural rights and of individual and collective freedoms for persons who as migrant workers or as members of their families are lawfully within its territory; and
- e) Take such measures as are necessary, at the national and the international level, for systematic contact and exchange of information on the subject with other States.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

959. The Government has undertaken/is undertaking the following:

- a) Introduced online attestation of foreign contracts. During 1st July, 2023, to 31st January 2024 period, **27, 369** Foreign Contracts of Service were attested to by the Government;
- b) Initiated a review of Bilateral Labour Agreements (BLAs) between Kenya and other countries including Kingdom of Saudi Arabia, Kingdom of Qatar and United Arab Emirates. The review is guided by the model BLA and Contract of Employment. The existing BLA with United Kingdom are still under implementation;
- c) Developed a Global Labour Migration Strategy which is under implementation.
- d) The Directorate of Labour Migration Management was established vide Executive Order No. 2 of 2023 as one of the efforts to promote Labour Migration Governance in the Country;
- e) Established a desk at the Jomo Kenyatta International Airport to address the challenges of irregular migration that exposes migrant workers to distress;
- f) Through the support of ILO, the Government is in the process of ratifying Private Employment Agencies Convention 1997 (No. 181);
- g) Developing subsidiary Regulations for Private Employment Agencies Regulations to enhance coordination and enforcement mechanisms;
- h) The vetting of Private Recruitment Agencies has been enhanced to ensure that migrant workers are recruited through regular channel;
- i) Formulating the Labour Migration Bill, 2023 and the Labour Migration Policy, 2023; and
- j) The Government has enhanced pre-departure training through the National Industrial Training Authority (NITA). 91,789 migrant workers were trained.

III. Existing Legal and Policy Framework:

- (i) Industrial Training Act, CAP. 237.
- (ii) Labour Institutions Act, CAP. 234; and
- (iii) National Employment Authority Act, CAP 227.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Industrial Training Authority; and
- (ii) National Employment Authority (NEA).

3.17.3.10 Workmen’s Compensation (Accidents) Convention, No. 19 of 1925

960. The Workmen’s Compensation (Accidents) Convention was adopted on 10th June, 1925, entered into force on 1st April, 1927, and acceded to by Kenya on 13th January, 1964. The Convention is aimed at ensuring adequate compensation of workers injured or killed in the course of employment. The Convention requires Member States to ensure that workers who suffer injuries or death are subjected to same treatment as their own nationals.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Ensure that compensation shall be payable to workmen incapacitated by occupational diseases, or, in case of death from such diseases, to their dependents, in accordance with the general principles of the national legislation relating to compensation for industrial accidents;
- b) Prescribe in the national legislation rates for injury resulting from industrial accidents;
- c) Undertakes to consider as occupational diseases those diseases and poisonings produced by the substances set forth in the Convention when such diseases or such poisonings affect workers engaged in the trades, industries provided for in the Convention or result from occupation in an undertaking covered by national legislation; and
- d) Ensure that workers of Member States who suffer injuries or death are subjected to same treatment as their own nationals.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

961. A total of 240 fatal cases were reported and 108 cases investigated in the period under review.
962. A total of 4,136 Workmens Compensation cases were reported and 3,120 were resolved. Kshs. 12, 899,111 was paid out to the injured workers and their dependents.
963. The Government is finalizing the review of the Occupational Safety and Health Act, CAP. 236A and the Work Injury Benefits Act, CAP. 236. The two Bills were finalized and are ready for public participation.

III. Existing Legal and Policy Framework:

- (i) Occupational Safety and Health Act, CAP. 236A; and
- (ii) Work Injury Benefits Act, CAP. 236 (WIBA).

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

National Advisory Council on Occupational Safety and Health.

3.17.3.11 Minimum Wage-Fixing Machinery Convention, No. 26 of 1928

964. This Convention was adopted on 16th June, 1928, entered into force on 14th June, 1930, and acceded to by Kenya on 13th January, 1964. The Convention requires Governments to set up and maintain machinery to fix minimum wages for the lowest paid workers (particularly in home-working trades) in which no arrangement exists for effective regulation of the wages by collective agreements or otherwise.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Establish a system of minimum wages that covers all groups of wage earners whose terms of employment are such that coverage would be appropriate;
- b) Create and maintain machinery adapted to national conditions and requirements whereby wages can be fixed and adjusted from time to time; and
- c) Ensure appropriate measures such as inspections are taken to ensure effective application of the minimum wage.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

965. The Government has undertaken/is undertaking the following:

- a) Developing the National Wages and Remuneration Policy and will be submitted to the Cabinet. The overall goal of the Policy is to ensure existence of a dynamic and equitable mechanism for determination and administration of wages and remuneration in the country; and
- b) Established the Seafarers Wages Council to assist in determination of wages in the Maritime Sector.

III. Existing Legal and Policy Framework:

- (i) Employment Act, CAP. 226.
- (ii) Labour Institutions Act, CAP. 234; and
- (iii) Merchant Shipping Act, CAP. 389.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Maritime Authority;
- (ii) National Labour Board; and
- (iii) Wage Councils.

3.17.3.12 Convention Concerning Statistics of Wages and Hours of Work, No. 63 of 1938

966. This Convention was adopted on 20th June, 1938, entered into force on 22nd June, 1940, and acceded to by Kenya on 13th January, 1964. The Government is obligated to collect, compile and submit statistics relating to wages and hours of work to the International Labour Office in quarterly or periodic intervals.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Compile statistics relating to wages and hours of work as required by the Convention;
- b) Publish the data compiled as promptly as possible at quarterly or periodic intervals; and
- c) Communicate the data compiled to the International Labour Office.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

967. The Government has undertaken/is undertaking the following:

- a) Submitted the statistics on hours of work and wages as part of the Annual Report on the status of ratified Conventions and observations from the Committee of Experts for the period 1st January, 2023 to 31st August, 2023;
- b) Planning to undertake a National Labour Force Survey on employment parameters such as working hours; and

- c) The Minimum Wages Order, 2023 that is being enforced currently provides for hourly rates for all workers in different areas.

III. Existing Legal and Policy Framework:

- (i) Employment Act, CAP. 226;
(ii) Labour Institutions Act, CAP. 234; and
(iii) Standards Act, CAP. 496.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation

- (i) Kenya National Bureau of Statistics;
(ii) National Labour Board; and
(iii) The Wages Councils.

3.17.3.13 Employment Service Convention, No. 88 of 1948

968. The Convention was adopted on 9th July, 1948, entered into force on 10th August, 1950, and acceded to by Kenya on 13th January, 1964. The objective of the Convention is to ensure the maintenance of a free public employment service.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Ensure the maintenance of a free public employment service consisting of a system of employment offices under the direction of a National Authority;
b) The employment service shall ensure co-operation where necessary with other public and private bodies concerned; and
c) The general policy of the employment service in regard to referral of workers to available employment shall be developed after consultation of representatives of employers and workers.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

969. The Government has undertaken/is undertaking the following:

- a) Established the National Employment Authority Integrated Management System (NEAIMS). This is an Online Digital Portal used by the Citizens to have easy access to the services from the National Employment Authority;
b) Registered 183,177 job seekers on jobs abroad through the National Employment Authority Integrated Management System (NEAIMS); who were placed in gainful employment. 147 youth were placed on internship and attachment; and
c) The National Employment Authority (NEA) promotes employment both locally and internationally. The Authority regulates Private Employment Agencies that are placing people for work abroad.

III. Existing Legal and Policy Framework:

National Employment Authority Act, CAP. 227.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

National Employment Authority (NEA).

3.17.3.14 Night Work (Women) Convention (Revised), No. 89 of 1948

970. The Convention was adopted on 9th July, 1948, entered into force on 27th February, 1951, and acceded to by Kenya on 30th November, 1965. The Convention prohibits night work for women.

I. Key Obligation for State Parties/Kenya under the Treaty:

Prohibit employment of women during the night in specific types of employment (industrial, non-industrial or bakeries).

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

971. The Government has undertaken/is undertaking the following:

- a) Engaging stakeholders to consider denouncing this Convention because it has become obsolete.
- b) Night Work is generally controlled through Regulations under the Act and the various Wage Orders.
- c) Hours of work is one of the terms and conditions of employment regulated under the Employment Act, CAP. 226 and Labour Institutions Act, CAP. 234 which established the Sectoral Wages Councils that develops wages orders.

III. Existing Legal and Policy Framework:

Employment Act, CAP. 226.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:**3.17.3.15 Equality of Treatment (Social Security) Convention, No. 118 of 1962**

972. The Convention was adopted on 28th June, 1962, and entered into force on 25th April, 1964, and Kenya acceded to it on 9th February, 1971. The Convention requires member states to respect any one or more of the following branches of social security: medical care, sickness, maternity, invalidity, old-age, survivors', employment injury, unemployment benefit and family benefit.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Accept the obligations of this Convention in respect of any one or more of the following branches of social security: medical care, sickness, maternity, invalidity, old-age, survivors', employment injury, unemployment benefit and family benefit;
- b) Grant within its territory to the nationals of any other Member for which the Convention is in force equality of treatment under its legislation with its own nationals;
- c) Guarantee both to its own nationals and to the nationals of any other Member which has accepted the obligations of the Convention in respect of the branch or branches in question, when they are resident abroad, provision of invalidity benefits, old-age benefits, survivors' benefits and death grants, and employment injury pensions; and
- d) Guarantee the grant of family allowances both to its own nationals and to the nationals of any other Member which has accepted the obligations of this Convention, in respect of children who reside on the territory of any such Member.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

973. The Government has undertaken/is undertaking the following:

- a) Developing the Social Health Insurance Fund (SHIF) which is milestone that signifies a crucial step toward achieving Universal Health Coverage (UHC);
- b) Implementing the National Social Security Fund Act, CAP. 258 on tiers of membership contributions; and
- c) Developing the National Retirement Benefits Policy, 2024.

III. Existing Legal and Policy Framework:

- (i) Kenya Social Protection Policy, 2023.
- (ii) National Pension Policy, 2023;
- (iii) Children Act, CAP. 141;
- (iv) Health Act, CAP. 241;
- (v) National Social Security Fund Act, CAP. 258;
- (vi) Retirement Benefits Authority Act, CAP. 197;
- (vii) Social Health Insurance Act, No. 16 of 2023; and
- (viii) Work Injury Benefits Act, CAP. 236.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) National Hospital Insurance Fund;
- (ii) National Social Security Fund;
- (iii) Retirement Benefits Authority; and
- (iv) Social Health Insurance Authority.

3.17.3.16 Minimum Wage Fixing Convention, No. 131 of 1970

974. The Convention was adopted on 22nd June, 1970, and entered into force on 29th April, 1972. Kenya acceded to the Convention on 9th April, 1979. The Convention requires Governments, particularly in developing countries, to provide protection for wage earners against unduly low wages. It covers all groups of wage earners.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Set up and maintain machinery to fix minimum wages for the lowest paid workers (particularly in home-working trades) in which no arrangement exists for effective regulation of the wages by collective agreements or otherwise; and
- b) Establish a competent authority to determine the groups of wage earners to be covered after consultation with the representative organisations of employers and workers concerned.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

975. The Government has developed the National Wages and Remuneration Policy and is awaiting submission to the Cabinet. The overall goal of the Policy is to ensure existence of a dynamic and equitable mechanism for determination and administration of wages and remuneration in the country.

976. The Government established the Seafarers Wages Council to assist in determination of wages in the Maritime Sector.

III. Existing Legal and Policy Framework:

- (i) Employment Act, CAP. 226;

- (ii) Labour Institutions Act, CAP. 234; and
- (iii) Merchant Shipping Act, CAP. 389.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Maritime Authority;
- (ii) National Labour Board; and
- (iii) Wages Councils.

3.17.3.17 Holidays with Pay Convention (Rev.) No. 132 of 1970

977. The Convention was adopted on 24th June, 1970, and entered into force on 30th June, 1973. Kenya acceded to the Convention on 9th April, 1979. It aims at ensuring that workers shall enjoy an annual holiday with pay after period of continuous service with the same employer.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Ensure that every person to whom this Convention applies shall be entitled after one year of continuous service to an annual holiday with pay of at least six working days;
- b) Establish a system of sanctions to ensure the application of the provisions of the Convention;
- c) National laws or regulations may authorise in special circumstances the division into parts of any part of the annual holiday with pay which exceeds the prescribed minimum duration;
- d) National laws or regulations may provide that a person who engages in paid employment during the course of his annual holiday may be deprived of his right to payment in respect of the period of the holiday; and
- e) The Convention does not affect any law, award, custom or agreement between employers and workers which ensures more favourable conditions than those provided for in the Convention.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

978. The Government undertakes Labour inspections after every six (6) months. A total of 12,156 inspections were done from 1st January 2023 to 31st December, 2023.
979. The Government monitors compliance with labour laws by the employers, as well as advising on changes and implementation to the statute.
980. A total of 14,719 labour disputes on terms and conditions of employment were settled resulting to payment of KSh. 91,607,948 to the claimants in the period 1st January, 2023 to 31st December, 2023.

III. Existing Legal and Policy Framework:

Employment Act, CAP. 226.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation

3.17.3.18 Workers' Representatives Convention, No. 135 of 1971

981. The Convention was adopted on 23rd June, 1971, entered into force on 30th June, 1973. Kenya acceded to this Convention on 9th April, 1979. Its objective is to provide for protection of workers against anti-union discrimination in respect of their employment.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Place mechanisms where workers' representatives 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;
- b) Ensure that effect is given to this convention through national laws or regulations, or in any manner consistent with national practice; and
- c) Ensure that workers representatives in any undertaking shall enjoy effective protection against any act prejudicial to them based on their status or activities as workers' representatives.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

982. The Government ensures that the Workers representatives at the Workplaces are protected through Registration of Collective Bargaining Agreements. The Government has registered 305 CBAs in 2023.

III. Existing Legal and Policy Framework:

Labour Relations Act, CAP. 233.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:**3.17.3.19 Paid Educational Leave Convention, No. 140 of 1974**

983. The Convention was adopted on 24th June, 1974, entered into force on 23rd September, 1976, and acceded to by Kenya on 9th April, 1979. The Convention aims to grant workers time off for participation in education and training programmes.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Formulate and apply policies designed to promote the granting of paid educational leave for purpose of training at any level, general, social and civic education and trade union education; and
- b) Formulate and apply a policy designed to promote by methods appropriate to national conditions and practice the granting of paid educational leave to contribute to the acquisition, improvement and adaptation of occupational and functional skills.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

984. The Government is implementing the Human Resource Policies and Procedures Manual, 2016, which provides for paid educational leave.

III. Existing Legal and Policy Framework:

- (i) Employment Act, CAP. 226; and
- (ii) Public Service Commission Act, CAP. 185.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) National Police Service Commission;
- (ii) Public Service Commission; and
- (iii) Teachers Service Commission.

3.17.3.20 Rural Workers Organizations' Convention, No. 141 of 1975

985. The Convention was adopted on 23rd June, 1975, and entered into force on 24th November, 1977, and was acceded to by Kenya on 9th April, 1979. It's applicable to all types of

organizations of rural workers, including organizations not restricted to, but representative of rural workers. It is intended to ensure promotion of freedom of association for rural workers organizations and realization of labour rights.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Enact policy to facilitate the establishment and growth on a voluntary basis, of a strong and independent organization of rural workers as an effective means of ensuring the participation of rural workers in economic and social development; and
- b) Enable organizations of rural workers to play their role in economic and social development by adopting and carrying out a policy of active encouragement by eliminating obstacles to the establishment, growth and pursuit of their lawful activities.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

986. The Government has undertaken/is undertaking the following:

- a) Inspections in the rural agricultural sector working environment and wage fixing mechanism. A total of 12,156 inspections were carried out by the Labour Inspectorate from 1st July 2023 to 31st December, 2023 countrywide;
- b) Established the Agricultural Industry Wages Councils that oversees the labour issues in the agriculture sector through the Wages Orders. Further, routine labour inspections are conducted by the Labour Inspectorates to ensure compliance to minimum labour standards in the agriculture sector.

III. Existing Legal and Policy Framework:

- (i) Employment Act, CAP. 226;
- (ii) Labour Institutions Act, CAP. 234;
- (iii) Labour Relations Act, CAP. 233;
- (iv) Occupational Safety and Health Act, CAP. 236A; and
- (v) Work Injury and Benefits Act, CAP. 236.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

3.17.3.21 Human Resources Development Convention, No. 142 of 1975

987. This Convention was adopted on 23rd June, 1975, entered into force on 19th July, 1977, and was acceded to on 9th April, 1979. The objective of the Convention is to ensure adequate supply of skilled manpower at all levels of industry particularly through vocational guidance and training systems.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Adopt and develop comprehensive and Co-ordinated policies and programmes of vocational guidance and training closely linked with employment;
- b) Establish and develop open, flexible and complimentary systems of general, technical and vocational education;
- c) Gradually extend adapt and harmonize vocational training systems to meet the needs for vocational training throughout life for young persons and adults; and
- d) Formulate policies and programmes of vocational guidance and training in cooperation with employers and workers organizations.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

988. The Government has undertaken/is undertaking the following:

- a) Developed Public Service Human Resource Procedure Manual, 2016, that has made provisions for internship programme, induction, training, development and capacity building of public servants.
- b) Supports a number of internships programmes in the public service by funding, equipping, and providing space and supervision for the interns who are deployed to State Departments and State Corporations. These include;
 - (i) Public Service Internship Programme (PSIP);
 - (ii) Presidential Digi-Talent Programme (PDPT); and
 - (iii) Veterinary Interns Programme recruited and deployed interns to various institutions.
- c) The Programme offers opportunity for graduates to acquire and develop valuable technical and professional skills as well as work experience in the public service. Currently, there are 3,267 graduates were selected for the 12-month programme scheduled to run for the 2023/2024 financial year; and
- d) Developing the Capacities of the Public Servants and other cadres of workers through formulation of policies and programmes through Institutions such as TVETs, Kenya School of Government, National Industrial Training, the Department of skills development under Ministry of Labour and Social Protection.

III. Existing Legal and Policy Framework:

- (i) Constitution of Kenya, 2010;
- (ii) National Skills Development Policy, 2020;
- (iii) Kenya Integrated Performance Management Policy, 2021;
- (iv) Industrial Training Act, CAP. 237;
- (v) Public Service Commission Act, CAP. 185; and
- (vi) Technical and Vocational Education and Training (TVET) Act, CAP. 210 A.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Public Service Commission;
- (ii) The Kenya School of Government;
- (iii) Kenya School of Revenue Administration;
- (iv) Kenya School of Agriculture;
- (v) Judiciary Training Institute;
- (vi) Prosecution Training Institute; and
- (vii) Kenya School of Adventure and Leadership (KESAL).

3.17.3.22 Nursing Personnel Convention, No. 149 of 1977

989. The Convention was adopted on 21st June, 1977, entered into force on 11th July, 1979, and was acceded to by Kenya on 6th June, 1990. The objective of this Convention is to set minimum standards for nursing personnel and health workers and their wellbeing.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Adopt and apply a policy concerning nursing services and personnel designed to provide the quantity and quality of nursing care necessary for attaining the highest possible level of health for the population;
- b) Take necessary measure to provide nursing personnel with education and training appropriate to the exercise of the functions and employment and working conditions including career prospects and remuneration which are likely to attract persons to the profession and retain them;
- c) Lay down basic requirements for the practice of nursing and limit that practice to persons who meet those requirements;
- d) Take measures to promote the participation of nursing personnel in the planning of nursing services and consultation with such personnel on decisions concerning them; and
- e) Endeavour to improve the existing laws and regulations on occupational health and safety by adapting them to the special nature of the nursing work and the environment they work in.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

990. The Government has undertaken/is undertaking the following:

- a) Continues to accredit institutions to offer training to Nurses. The Government continues to implement the National Nursing and Midwifery Policy, 2022-2032 which discusses the importance of nursing and midwifery in Kenya, as they form approximately 70% of the health workforce and are responsible for over 80% of health indicators;
- b) In collaboration with WHO conducted training sessions to cascade Integrated Disease Surveillance and Response (IDSR) based on the 3rd Generation IDSR Technical Guidelines for Kajiado, Migori, Kisumu, and Busia counties. Over 200 healthcare workers at the Sub County Health Managers level attended this crucial training; and
- c) Negotiating with the Kingdom of Saudi Arabia for recruitment of Kenyan healthcare workers.

III. Existing Legal and Policy Framework:

- (i) Employment Act, CAP. 226;
- (ii) National Employment Authority Act, CAP. 227; and
- (iii) Nurses and Midwives Act, CAP 257.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) National Employment Authority (NEA); and
- (ii) Nursing Council of Kenya.

3.18 SPORTS, ARTS AND CULTURE

3.18.1 United Nations Educational, Scientific, and Cultural Organization (UNESCO) Convention on the Fight against Doping in Sport

991. The UNESCO Convention against Doping in Sports was adopted on 19th October, 2005. It entered into force on 1st February, 2007. Kenya signed it on 25th August, 2009, and ratified on 26th August, 2009. The objective of the Convention is to promote the prevention of and the fight against doping in Sports with a view to its elimination.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Adopt appropriate measures in the fight against doping in sport through enactment of legislation, regulations, policies, and administrative practices (Article 5);
- b) Commit to the principles of the world anti-doping code to coordinate the implementation, at the national and international levels, of the fight against doping in sport;
- c) Coordinate the implementation of the Convention in the fight against doping in sport, member states have committed themselves to the principles of the Code as a basis for the measures provided for under Article 5 of the Convention;
- d) Provide funding within their respective budgets to support a national testing programme across all sports or assist sports organizations and anti-doping organizations in financing doping controls either by direct subsidies or grants, or by recognizing the costs of such controls when determining the overall subsidies or grants to be awarded to those organization (Article 11 of the Convention);
- e) Encourage cooperation between anti-doping organizations, public authorities and sports organizations within their jurisdiction and those within the jurisdiction of other states parties to achieve, at the international level, the purpose of this convention;
- f) Encourage relevant competent professional associations and institutions to develop and implement appropriate codes of conduct, good practice and ethics related to anti-doping in sport that are consistent with the world anti-doping code;
- g) Foster international cooperation between state parties and leading organizations in the fight against doping in sport, in particular with the world anti-doping agency;
- h) Encourage, where appropriate, the relevant entities within their jurisdictions to adopt measures to prevent and to restrict the use and possession of prohibited substances and methods by athletes in sport; and
- i) Encourage and promote anti-doping research in cooperation with sports and other relevant organizations on:
 - Prevention, detection methods, behavioral and social aspects, and the health consequences of doping;
 - Ways and means of devising scientifically-based physiological and psychological training programmes respectful of the integrity of the person; and
 - The use of all emerging substances and methods resulting from scientific developments.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

992. The Government has undertaken/is undertaking the following:

- a) Continues to carry out the fight against Doping in Sports through Anti-Doping values-based education, sensitization and awareness campaigns, upholding integrity of sport through Intelligence Gathering, Investigations and Results Management and Anti-Doping Rules Violations (ADRVs) and protecting the “*clean athlete*” by carrying out effective doping tests among all Kenyan athletes;
- b) Continues to comply with the World Anti-Doping Code which allows Kenyan athletes to continue participating in local, regional and international competitions in line with the Convention; and
- c) Reviewing the Kenya National Sports Policy, 2002, and the Sessional Paper No. 3 of 2005 on Sports Development and the Sports Act, CAP. 223 for continuous development and promotion of the Sports Industry.

III. Existing Legal and Policy Framework:

- (i) Kenya National Sports Policy, 2002;
- (ii) Anti-Doping Act, CAP. 245 B; and
- (iii) Sports Act, 2013.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Anti-Doping Agency of Kenya (ADAK).

3.18.2 The 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (ICH)

993. The Convention was adopted on 17th October, 2003, entered into force on 20th April, 2006, and acceded to by Kenya on 24th October, 2007.
994. The Convention requires State Parties to safeguard intangible cultural heritage present in their territories. Kenya is obliged to protect and promote the diversity of cultural expressions and strengthen international co-operation to achieve the purposes of the Convention.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Identify and define the various elements of the intangible cultural heritage present in its territory, with the participation of communities, groups and relevant non-governmental organizations;
- b) Draw up and regularly update inventories of the intangible cultural heritage present in its territory;
- c) Adopt a general policy aimed at promoting the function of the intangible cultural heritage in society, and at integrating the safeguarding of heritage into planning programmes;
- d) Establish competent bodies for the safeguarding of the intangible cultural heritage present in its territory;
- e) Adopt appropriate legal, technical, administrative and financial measures to safeguard the intangible cultural heritage in its territory;
- f) Education, awareness-raising and capacity-building to ensure recognition of, respect for, and enhancement of the intangible cultural heritage in society; and
- g) Ensure the widest possible participation of communities, groups and, individuals that create, maintain and transmit such heritage, and to involve them actively in its management.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

995. The Government has undertaken/is undertaking the following:

- a) Participated in a training workshop that strengthened knowledge and understanding of the 2003 Convention's reformed periodic reporting mechanism and the related overall results framework, to build knowledge and skills to design and implement results-based participatory reporting and familiarize participants with the new online periodic reporting tool. The workshop took place in Algiers, Algeria, from the 25th to 29th April, 2023;
- b) Collaboration with UNESCO held a consultative meeting with key stakeholders to create awareness on the importance of 2003 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage (ICH) and its implementation, as a viable tool for sustainable development. The meeting was held at the Bomas of Kenya on 14th July, 2023;
- c) Submitted the periodic reports for elements on the Urgent Safeguarding List, namely: *Enikipaata, Eunoto and Olng'esheer*: (three male rites of the Maasai community) that were held in December 2023 in Narok;
- d) Submitted to UNESCO periodic reports for *Isukuti* dance of the Isukha and Idakho communities of Western Kenya, the *Kaya* sacred practices of the Mijikenda Communities and the 3 male rites of passage of the Maasai community;
- e) The recognition of National heroes and heroines during National celebrations days is celebrated annually on 20th October;
- f) Recognized, through certification, by UNESCO on indigenous knowledge systems of food ways;
- g) Committed to safeguarding related practices and expressions through traditional foodways which were under threat due to historical factors and the pressure of modern lifestyles;
- h) Reviewing the National Music Policy, 2020;
- i) the Culture Bill, 2023, was approved by the Cabinet and is currently before Parliament; and
- j) Developing the National Kiswahili Bill, 2023, and the Museums and Heritage Bill, 2023.

III. Existing Legal and Policy Framework:

- (i) National Policy on Culture and Heritage, 2009;
- (ii) National Music Policy, 2020;
- (iii) Protection of Traditional Knowledge and Cultural Expressions Act, 2016 (*Rev.* 2018); and
- (iv) Kenya Heroes Act, 2016.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya National Commission for UNESCO (KNATCOM);
- (ii) Permanent Presidential Music Commission;
- (iii) Kenya Cultural Centre;
- (iv) Bomas of Kenya; and
- (v) National Museums of Kenya (NMK).

3.18.3 The UNESCO 2005 Convention on the Protection and Promotion of Diversity of Cultural Expressions

996. The Convention was adopted on 20th October, 2005, came into force on 18th March, 2007, and was acceded to by Kenya on 24th October, 2007.

997. The purpose of the Convention is to promote creation, production, distribution/dissemination, access and enjoyment of cultural expressions transmitted by cultural activities, goods and services.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Formulate and implement cultural policies;
- b) Adopt measures to protect and promote the diversity of cultural expressions;
- c) Education and public awareness including strengthening international cooperation to achieve the purposes of this Convention; and
- d) Provide funding for implementation of the programmes in collaboration with UNESCO.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

998. The Government has undertaken/is undertaking the following:

- a) Celebrated the world Kiswahili day - Kenya celebrated the world Kiswahili day on the 7th July 2023 in Mombasa County at which awareness creation was the clarion call for the public to enhance Kiswahili usage;
- b) At the regional level, Kenya participated in the celebrations organized by the East African community in Kampala Uganda; and
- c) Cabinet approved for the establishment of the National Kiswahili Council of Kenya in December, 2023.

III. Existing Legal and Policy Framework:

- (i) National Policy on Culture and Heritage, 2021;
- (ii) Protection of Traditional Knowledge and Cultural Expressions Act, 2016;
- (iii) Copyright Act, 2019; and
- (iv) The Museums and Heritage Act, 2006.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya National Commission for UNESCO (KNATCOM);
- (ii) Permanent Presidential Music Commission;
- (iii) Kenya Cultural Centre;
- (iv) Kenya Copyrights Board (KECOBO);
- (v) Bomas of Kenya; and
- (vi) National Museums of Kenya (NMK).

3.18.4 The Convention concerning the Protection of the World Cultural and Natural Heritage—The World Heritage Convention (WHC)

999. The World Heritage Convention was adopted by the United Nations Education, Scientific and Cultural Organization (UNESCO) General Conference at its 17th session in Paris, France on 16th November, 1972. The Convention came into force in 1975 and Kenya became a member. The primary mission of the Convention is to identify and protect the World's natural and cultural heritage considered to be of Outstanding Universal Value.

I. Key Obligations for State Parties /Kenya under the Convention:

- a) Identify potential cultural and heritage sites;
- b) Protect and preserve the cultural and national heritage sites;
- c) Integrate the protection of the cultural and natural heritage into regional planning programs;
- d) Undertake scientific and technical conservation researches and adopt measures which give this heritage a function in the day -to-day life of the community; and
- e) Report regularly to the World Heritage Committee on the state of conservation of the World Heritage properties.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

1000. The Government has undertaken/is undertaking the following:

- a) Submitted State of Conservation Reports for Lamu Old Town, *Thimlich Ohinga* Archaeological Site World Heritage Properties in Nyatike, 2022 and 2023;
- b) Finalized the nomination dossier for the Historic and Archaeological of *Gedi file* and submitted to the UNESCO World Heritage Centre. A confirmation letter from UNESCO with completeness check affirmation has already been received;
- c) Conducted the evaluation mission together with UNESCO-ICOMOS experts for the Gedi nomination file in July, 2023;
- d) Provided a platform for youth participation in World Heritage conservation;
- e) Finalizing a proposal for extension of Mount Kenya World Heritage Site to include the Borana Conservancy. The report ought to have been submitted to UNESCO by end of September, 2023. The Government is in the process of gazetting new cultural and heritage sites with the aim of conserving and protecting them from human exploitation and destruction;
- f) Measures to protect underwater cultural heritage;
- g) Conducting a sensitization and consultancy on the ratification of the UNESCO 2001 Convention on the Protection of the Underwater Cultural Heritage from the threats of treasure hunters and uncontrolled development;
- h) Conducting consultative meetings with UNESCO World Heritage Centre and International Union for Conservation of Nature (IUCN) to discuss a funding proposal for the drafting of Desired State of Conservation for the Removal of Lake Turkana National parks from the list of World Heritage in Danger;
- i) Developing National Museums and Heritage (Declaration of Monuments) Rules, 2021.

III. Existing Legal and Policy Framework:

- (i) National Museums and Heritage Act, 2006; and
- (ii) Tourism Act, 2011.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) National Museums of Kenya (NMK);
- (ii) Kenya Cultural Center;
- (iii) Bomas of Kenya;
- (iv) Kenya National Archives and Documentation Service;

- (v) Kenya National Heroes Council;
- (vi) Kenya National Commission for Culture and Social Services;
- (vii) Ushanga Kenya Initiative; and
- (viii) Kenya Tourism Board.



3.19 DELIMITATION AND DEMARCATION OF INTERNATIONAL BOUNDARIES

3.19.1 Declaration on the African Union Border Programme (AUBP)

1001. The African Union Border Programme (AUBP) was adopted on 7th June, 2007, through Declaration AUBP/MIN/Decl. (II) by the 1st Conference of African Ministers in Charge of Border Issues. It is applicable to all African Union (AU) member states.
1002. AUBP was adopted on 25th March, 2010, and entered into force on 25th March, 2011. The aim is for African countries to agree on their common international boundaries so as to minimize border related conflicts while enhancing regional integration.
1003. The Declaration has provided for the African Geodetic Reference Framework (AFREF) Programme to facilitate the development of a common spatial reference system to unify the different geodetic reference frames of Africa. The Framework will facilitate cross border infrastructure development.

I. Key obligations for State Parties/Kenya under the Declaration:

- a) Address the regional issues surrounding border delimitation and demarcation;
- b) Address transnational criminal activities;
- c) Consolidate the gains made in the regional integration process, as demonstrated by the existence of the Regional Economic Communities (RECs) and of numerous large-scale cooperation initiatives; and
- d) Facilitate the development of cross-border integration dynamics, which are sustained by local stakeholders.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

1004. The Government has undertaken/is undertaking the following measures in relation to boundaries:
- a) ***Kenya-South Sudan boundary***
 - (i) Continuously collecting and analysing historical data in preparedness for engagement with South-Sudan authorities;
 - (ii) In collaboration with the African Union, EAC and GIZ, organized a peace caravan in July, 2023, to promote peaceful coexistence between the border communities Turkana of Kenya, Toposa of South Sudan and Karamojong of Uganda; and
 - (iii) Sensitized Ministries, Departments and Agencies on the implications and legal challenges arising from continuous use of the wrong map of Kenya at the Kenya School of Government (KSG) in December, 2023, and the Prisons Staff Training College in Ruiru in February, 2024.
 - b) ***Kenya-Tanzania Boundary***
 - (i) Completed the reaffirmation of 110km Kenya-Tanzania boundary (Namanga BP 43 to Oloitokitok BP 56) from 8th June, 2023, to 7th July, 2023;
 - (ii) Completed technical preparations in readiness to undertake Phase IV of the Border Reaffirmation exercise between Kenya and Tanzania which will cover the stretch between Loitokitok to TK 67 (Lake Jipe);
 - (iii) Participated in the Kenya-Tanzania Joint Technical Committee (JTC) meeting held in Loitokitok from 5th to 9th December, 2023, to prepare for the reaffirmation of 24km of the land section (BP 56/New to BP66/1) in Phase IV (excluding the riverine boundary) and 27km in Phase V (BP 67-BP85 New);

- (iv) Conducted extension of geodetic controls and data processing as agreed in the JTC of December, 2023, for reaffirmation of Phase III of the boundary (Namanga to Oloitokitok);
- (v) Prepared GNSS (Global Navigation Satellite System) observation plan to capture controls and photogrammetric controls and prepared Survey teams and a budget for the Inspection of 202km from TK 67 (Lake Jipe) to Vanga; and
- (vi) In readiness for the drafting of a new Border Treaty, prepared sixty-five (65) boundary maps covering Phase one (Lake Victoria to Lake Natron 238kms) of the boundary, completed photogrammetric feature extraction for Phase II (Lake Natron to Namanga 110kms) and is compiling documents to enable drafting of the boundary treaty for Phase I.

c) Kenya-Uganda Boundary

- (i) Held a bilateral meeting with Uganda on issues concerning Points of Entry/Exits at Lokiriama, Muluanda and Konyau and reaffirmed the boundary at Lokiriama Point of Entry (PoE) (UK 18 -UK 20) between 8th to 27th March, 2024;
- (ii) Participated in the Joint Ministerial Commission (JMC) preparatory meetings to prepare Kenya's country's position for the JMC that was held in Kampala, Uganda from 12th to 14th May, 2024; and
- (vii) Sensitized security teams and border communities at Lokiriama in March 2024.

d) Kenya-Uganda Boundary

- (iii) Held a bilateral meeting with Uganda on issues concerning Points of Entry/Exits at Lokiriama, Muluanda and Konyau and reaffirmed the boundary at Lokiriama Point of Entry (PoE) (UK 18 -UK 20) between 8th to 27th March, 2024;
- (iv) Participated in the Joint Ministerial Commission (JMC) preparatory meetings to prepare Kenya's country's position for the JMC that was held in Kampala, Uganda from 12th to 14th May, 2024; and
- (viii) Sensitized security teams and border communities at Lokiriama in March 2024.

e) Kenya-Ethiopia Boundary

- (i) Conducted a field inspection visit at Todenyang crossing point C23 for the determination of the location of Point of Entry in July, 2023, and a field inspection visit at Illeret point C52 for identification of land for the establishment of PoE in October, 2023, along the Kenya-Ethiopia boundary; and
- (ii) Participated in the 36th Session of Kenya-Ethiopia Joint Ministerial Committee (JMC) held from 19th to 21st February, 2024, whose objective was to review the status of implementation of the decisions and recommendations of the 35th Session of the JMC.

III. Existing Legal and Policy Framework:

- (i) Agreement Between Great Britain and Germany (East and West of Lake Victoria) Berlin, 1906;
- (ii) Agreement Between the British and German Governments Respecting Africa and Heligoland, Berlin, 1890;
- (iii) Agreement Between the British and German Governments, Respecting the Sultanate of Zanzibar and the Opposite East Africa Mainland and Their Spheres of Influence, 1886;
- (iv) Agreement Between the Republic of Kenya and the United Republic of Tanzania on Delimitation of Territorial Waters Boundary, 1976;

- (v) Agreement Between the Republic of Kenya and the United Republic of Tanzania on Delimitation of Maritime Boundary of the Exclusive Economic Zone (EEZ) and the Continental Shelf, 2009;
- (vi) Anglo-German Agreement Respecting Boundaries in East Africa from the Mouth of the Uмба River to Lake Jipe and Kilimanjaro, 1893;
- (vii) Draft Agreement Respecting the Boundary Between the British and German Territories in East Africa from Mount Sabinio to Lake Jipe, 1914;
- (viii) Land Act, CAP. 280;
- (ix) Land Adjudication Act, CAP. 284;
- (x) Land Consolidation Act, CAP. 283;
- (xi) Land Registration Act, CAP. 300;
- (xii) Memorandum of Understanding Between the Government of the Republic of Kenya and the Government of the Republic of Tanzania on the Reaffirmation of the International Boundary, 2021;
- (xiii) Memorandum of Understanding Between the Government of the Republic of Kenya and the Government of Republic of Uganda on the Reaffirmation and Demarcation of the Boundary, 2019;
- (xiv) Memorandum of Understanding between the Republic of Kenya and the Republic of South Sudan on Boundary Delimitation and Demarcation, 2019;
- (xv) Protocol Agreement between the British and German Governments Respecting the Jassini-Uмба Valley Boundary, 1900;
- (xvi) Survey Act, CAP. 299;
- (xvii) The 1914 Order in Council;
- (xviii) The 1926 Order in Council; and
- (xix) Treaty between the Republic of Kenya and the Empire of Ethiopia Respecting the Boundary Between the Two Countries, 1970.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya International Boundary Office (KIBO); and
- (ii) The Survey of Kenya.

3.19.2 Addis Ababa Declaration on Geospatial Information Management

1005. Kenya is bound by the Declaration pronounced on 22nd April, 2016, by virtue of being a member of the African Union. The Declaration is an affirmation of the importance of good land administration and management covered under African Geodetic Reference Framework (AFREF).

I. Key Obligations for State Parties/Kenya under the Declaration:

- a)* Promote cooperation between and among all UN-GGIM regional committees in setting up global frameworks, common standards and application of best practices in geospatial information management to achieve good and sustainable land governance;
- b)* Share and distribute geospatial and land information to improve and secure land and property rights for all;
- c)* Develop geospatial information elements for land governance as a subset of the UN-GGIM fundamental data themes aligned with the SDGs, considering the ISO 19152 Land

Administration Domain Model and progress in multi-dimensional cadaster and city models; and

- d)* Integrate geospatial and statistical information and the improvement of institutional coordination between National Geospatial and Mapping Agencies and National Statistical Offices in the context of the 2030 Agenda, the SDGs and the 2020 Round of Censuses.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

1006. The Government has established Kenya Geodetic Reference Frame (KENREF) to implement the requirements under the Declaration.

III. Existing Legal and Policy Framework:

Survey Act, CAP. 299.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation

- (i) Kenya Geodetic Reference Frame (KENREF); and
(ii) Kenya Institute of Survey and Mapping.

3.19.3 African Union Strategy for Enhancing Border Management in Africa, 2012

1007. The African Union Strategy for Enhancing Border Management in Africa, 2012, 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.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a)* Develop a National Border Governance Policy that takes African Union (AU) and Regional Economic Communities (REC) policies and legislative blueprints into account;
b) Develop National Roadmaps and implement the Strategy at national and bilateral levels; and
c) Regular reporting to the RECs/AU on the implementation of the Strategy.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

1008. The Government has undertaken/is undertaking the following:
- a)* Established a Secretariat on Border Management Control to enhance border management along Kenya's international borders;
- b)* Cross border co-operation and harmonization of policies which will lead to improved vigilance on border security and reduction of cross border conflicts, territorial disputes and research on inter-territorial challenges such as the hyacinth problem in Lake Victoria;
- c)* Launched and operationalized the Border Patrol, Administration and Border Survey Units. There have also been cross border consultative meetings among security agencies, CEWARNs and national focal points; and
- d)* Continues to train personnel at the Humanitarian Peace Support School (HPSS) and International Peace Support Training Centre (IPSTC) to enhance border control and use of development and peace initiatives along cross border areas involving community members.

III. Existing Legal and Policy Framework:

- (i) Kenya Coast Guard Service Act, CAP. 200;
- (ii) National Police Service Act, CAP. 84; and
- (iii) Survey Act, CAP. 299.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Coast Guard Service;
- (ii) National Police Service; and
- (iii) Secretariat on Border Management Control.

3.20 LANDS AND PUBLIC WORKS

1009. Constitution, 2010, Vision 2030 and the National Land Policy, 2009, National Land Use Policy, 2017 (Sessional Paper No.1 of 2017), National Spatial Plan 2015–2045 and the Bottoms – Up Economic Transformation Agenda (BETA) has ushered a new era in land use, management and administration at National, County and Community level.
1010. Sessional Paper No. 3 of 2009, on National Land Policy addresses the challenges related to land use, management and administration, and aims to secure rights over land and provide for sustainable growth, investment and the reduction of poverty. The key principles in the policy include equitable access to land, gender equity, secure land rights, effective regulation of land development, sustainable land use, and access to land information, efficient land management, vibrant land markets and governance of land.
1011. The Government is reviewing the National Land Policy, 2009 to mainstream imagined land dynamics and International best practices in the management, administration and land use. A multisectoral steering committee has been put in place to spearhead the review that envisaged to be concluded during the financial year 2023/2024.
1012. The Government also developed National Land Use Policy, 2017 (Sessional Paper No.1 of 2017). The policy provides for a legal, administrative, institutional, and technological framework for optimal utilization of land-related resources for sustainability at the national, county, and community levels.
1013. The key principles in the policy include access to land use, access to land information, equity, elimination of discrimination and public benefit sharing, administration, institutional and policy instruments, investment, urbanization and land tenure.
1014. National Spatial Policy, 2015-2045 details the national spatial vision that will guide the long time development of the country for a period of 30 years. It covers the entire territory of Kenya and defines the general trends and directions of spatial development for the country. The policy aims at achieving an organized, integrated, sustainable and balanced development in the country.
1015. Sectoral laws and policy framework are being reviewed and harmonized to align with the Constitution, National Land Policy, 2009 and National Land Use Policy, 2017. The Government is also reviewing the National Land Policy, 2009 to align it with the constitution.
1016. The State Department for Lands and Physical Planning Strategic Plan 2020/2024 contains four main strategic areas that included the digitalization of land records, national titling, decentralization of land services and policy, legal and institutional framework for streamlining land administration and management.
1017. The Government is reviewing the current Strategic Plan 2020/2024 to mainstream imagined land dynamics, Medium Term Plan IV (MTPAIV) and International best practices and the Bottom-Up Transformative Agenda (BETA).
1018. To implement the National Land Policy, 2009, National Land Use Policy 2017, the Constitution, the National Spatial Plan 2015-2045, the Government has developed various laws, Regulations, Guidelines and a Hand Book aligned to the Physical and Land Use Planning Act, 2019, Value Index Act, 2019, Sectional Property Act, 2020 and its Regulations to enhance the implementation of the policies and the existing laws.
1019. The Government is implementing the sixteen (16) sets of Physical and Land Use Planning Regulation, 2021 under the Physical and Land Use Act, 2019. The Regulations were approved and published in December, 2021.
1020. The Government is implementing the Sectional Properties Act, 2020 was enacted in December, 2020 and the Sectional Properties Regulations 2021. Key strategic guidelines have been developed to enhance collaboration between the Government and the key stakeholders in the lands sector to enhance the implementation of the law.

1021. The Government is reviewing the Survey Act, Cap. 299. Stakeholders' public participation has been conducted on three outcome documents. The Draft Land Surveying and Mapping Policy, 2023, Draft Land Surveying and Mapping Bill, 2023 and Draft Land Surveyors Bill, 2023 have been developed. The documents are to be submitted to the Cabinet, Offices of the Attorney General and Department of Justice (OAG&DJ) professional drafting and Parliament for approval, and enactment.
1022. Other laws under review include the Planners Registration Act, No. 3 of 1996. A Draft Planners Registration Bill, 2023 has been prepared. The Bill is awaiting submission to the Cabinet, the Office of the Attorney General and Department of Justice (OAG&DJ) and the parliament. The Valuers Amendment Bill, 2022 and the Estate Agents Bill, 2022 have been forwarded to the Office of the Attorney General and Department of Justice for Professional drafting. The Bills will thereafter be submitted for Cabinet approval, the OAG&DJ and Parliament.
1023. The Constitution of Kenya classifies land into public, private and community land. Approximately 70% of land mass in Kenya is categorised as Community Land. Article 63(5) of the Constitution and the Community Land Act, 2016 and related Regulations, 2017 contain provisions in relation to recognition, protection, registration of communities and related community land, management and administration in Kenya.
1024. The Government is implementing the Community Land Act, 2016, that targets to register 70% of land in Kenya, that is unregistered Community Land. The vast land is domiciled in twenty-four (24) counties in Kenya.
1025. To date, over 40,000 participants have been sensitized, being an increase of 10,000 participants that includes Senators, Members of Parliament, relevant Parliamentary Committees, National Government Administrative Officers at the County level, technical officers from the Ministry of Lands and the National Land Commission, Council of Governors and officers from County Governments, civil society organizations, professional bodies and communities in 124 sub-counties in twenty-four (24) counties identified for the exercise.
1026. The Government has registered fifty-eight (58) Communities and Community Land and Certificates of Registration (title deeds) issued during the period 2021 to February 2022. The (46) communities and include Samburu (26), Laikipia (15), Kajiado (3), West Pokot (4) and Garissa (2) The communities and community land include Ilngwesi and Musul, in Laikipia County, measuring 8675.5 and 2646.0 Hectares, Sereolipi and Girgir in Samburu County, Olkeri and Shopole in Kajiado County, Chemwochoi, Nakwijit, Chesra in West Pokot amongst others. The registration of these parcels is symbolic of the great achievement and progress made in implementation of Community Land Act, 2016 and the Land Governance Programme, and now the Digital Land Governance Programme 2022/2027 which is being implemented in collaboration with Food and Agriculture Organization (FAO) and funded by the European Union. Other state and non state actors have also been instrumental in achieving the great milestones.
1027. Publication of Adjudication Programme from inventories received from seven (7) counties with unregistered community land, containing eighty eight (88) communities for parts of West Pokot and nine (9), Samburu, nine (9), Turkana (63), Baringo (2), Kilifi (2), Taita Taveta (2), Tana River (1) and Baringo (2) was done in November, 2021, February, 2022, and 12th May 2023 respectively.
1028. The Government has designated 113 Community Land Registrars (CLRs) and 34 gazetted Adjudication Officers to fast-track implementation of the Act in the twenty four (24) counties with unregistered community land.
1029. The Government, in partnership with the World Bank has finalized a Study on the Implementation of Community Land Act, 2016 in the year 2022 and is awaiting the launch.

1030. Out of the twenty-four (24) counties, twelve (12) have submitted inventories containing one hundred and thirty three communities (133). The Government has published Adjudication Programme containing eighty-eight (88) communities with unregistered community land in Baringo, West Pokot, Tana River, Taita Taveta, Kilifi, Turkana, Isiolo, Wajir, Mandera, Garrisa, Lamu and Marsabit of their respective unregistered community land in readiness for the registration process as required by the law.
1031. The Government finalized the report to guide the roll out on digitalization of land records in the National and County Governments during the period in 2019/2021 to 2024. Numerous sectoral legislation and Regulations have been reviewed in line with the Constitution and other Government policies and strategies on digital records.
1032. The Government has also developed the National Land Information Management System (NLIMS) also known as digitization of land records. The objectives of the NLIMS are to enhance security of land records, improve access to land-based information and cut down the cost of land transactions. The benefits of the digitization include enhanced transparency and accountability in land transactions, increased Government revenue, reduced transaction costs for the public, minimized corruption, eased access of land records, minimized land disputes, and authenticated and paperless land transaction data among others.
1033. The NLIMS was launched in July, 2019 follows the finalization of Digitization of Land Records Report prepared in the year, 2019. The NLIMS is anchored under Section 6 (h) of the Land Act, 2012.
1034. The digitization of Nairobi County (Nairobi Registry) digital records was completed and launched in May, 2021. The benefits gained in the roll out in the Nairobi registry is being used to inform the Digitalization of land transactions for Machakos (Machakos Township, Mavoko, Athi River Township and Syokimau), Mombasa (Mombasa Island), Isiolo, Samburu, Uasin Gishu, Taita Taveta and Nandi Office. The launch of the digitization of Murang'a Municipality land services was affected by budget cuts. The process is being fast tracked under the financial year 2023/24. Technical staffs in the land registries have been sensitized on the key NLIM infrastructure to build their capacity to roll out the NLIMS.
1035. The Government will digitize the rest of the registries during the period 2022–2024. The digitization initiative will forestall disruptions and enhance service delivery on land transactions in the Country.
1036. The Government has established four (4) new land registries in Marsabit, Turkana, Mutomo, Malindi, Kajiado West/Olopolos, Kajiado South/Loitokitok. RIM amendment centres identified in Busia and Kirinyaga counties.
1037. The Government has also commenced the Land Title Conversion Programme under the Land Registration Act, 2012 and Land Registration (Registration Units) Order, 2017. The objective of the programme is to collapse land registration processes in the repealed land registration laws with the Land Registration Act, 2012.
1038. The Government issued a total of 403,241 title deeds from the subdivision, leases, adjudication sections and settlement schemes. A total of 9,970 land less persons were settled during the period under review and includes 1,679 landless households settled in Dongo Kundu settlement scheme in Mombasa County, 872 landless households were settled in Ramisi Kidimu (124) and Mwamdudu (748) in Kwale County, 448 landless households settled in Mikinduni in Lamu County, 2,053 landless households settled in Mtwapa/Maweni (1371), Mjanaheri (459) and Roka-Uyombo (223) settlement schemes in Kilifi County, 264 landless households settled in Mwachabo Phase I (105) and Mwachabo Phase II (159) Settlement schemes in Taita Taveta, 2,118 landless households settled in Miti Mingi (212), Majani Mingi (513) and Lomolo (1,393) settlement schemes in Nakuru County, 1,297 landless households settled in Syumile "B" (638) and Kai "B" (599) settlement scheme in Makeni, 411 landless households settled in Kapchure in Nandi County and 888 landless households settled in Mitamisya in Kitui County.

1039. The Government has cumulatively developed twenty-seven (27) indices including five (5) Land Value Index developed in Nyandarua, Embu, Taita Taveta, Murang'a and Kwale Counties during the period under review. Data collection and creation of sub-markets in Nyeri, Makueni, Laikipia, Tharaka Nithi and Kitui Counties is being carried out under the period under review. The land Value Indices will be submitted to Parliament during the period under review.
1040. The Government has prepared fourteen (14) numbers Spatial Plan that are being implemented, though not published, were disseminated to three (3) sectors namely human Settlement, Infrastructure & Transport) and 11 County Governments.
1041. The Government has developed 207 geodetic controls established in Nairobi City (52), Kiambu (72), Machakos (35), and Kajiado (48) Counties. Over-achievement was due to presidential directive and enhanced collaboration with counties. Most of land parcels in Nairobi and 6 parcels in Murang'a geo-referenced to produce cadastre plans and maps. The tool to enforce Sectional Properties Act was developed and is currently running in Ardhisasa platform.
1042. The Government has also completed Local Physical Land Use Development Plan for Olkaria has been completed and Stakeholders validation done. Reconnaissance survey and base map for Holili is also completed.
1043. The Government is preparing and implementing the Physical and Land Use Handbook. Stakeholders sensitisation has been carried out under the period under review.
1044. The Government has reduced the period for registration to three (3) days, ensured disclosure of land information to investors and shareholders through the issuance of searches instantly (auto-generated) in Nairobi and to two (2) days in land registries in Kiambu, Machakos and Kajiado under the ease of doing.
1045. To enhance credit access, the registration of charges and discharges is done in one (1) day down from two (2) days.

3.21 PUBLIC WORKS, BUILDINGS AND RELATED INFRASTRUCTURE

1046. The construction sector which constitutes of different disciplines with proliferated client and supplier base performs a key role in the national economy. To enhance safety and health in human habitation, the government in June 2015 adopted in Sendai agreement framework to compliment the 2015 Addis Ababa action agenda on financing for development, the new urban agenda and the Sustainable development goals. To strengthen the national platform on disaster risk reduction, National Action plan for 2015- 2018 was developed and the East Africa Disaster risk reduction parliamentary platform was established in 2015.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Substantially reduce disaster damage to critical infrastructure and disruption of basic services, among them health and educational facilities, including through developing their resilience by 2030;
- b) Develop measures leading to substantial reduction of disaster risk and losses in lives, livelihoods and health and in the economic, social, cultural and environmental assets of persons, businesses and communities;
- c) Promote the development of quality standards, such as certifications and awards for disaster risk management; and
- d) Revise existing or develop new building codes and standards and rehabilitation and reconstruction practices at the national and local levels with the aim of making them more applicable within the local context, particularly in informal and marginal human settlements, reinforce the capacity to implement, survey and enforce such codes through an appropriate approach, with a view to fostering disaster-resistant structures.

II. Specific Measures Being Undertaken by The Government (2022–2023)

1047. The Government has undertaken/is undertaking the following:

- a) Implementing the provisions of the Sendai framework on disaster risk reduction in buildings;
- b) Participated in the 7th Session of the global platform for disaster risk reduction in Bali, Indonesia in May, 2022. The platform was assessing the progress made on the implementation of the Sendia framework for disaster risk reduction;
- c) Initiated the process of ratification of the Safety and Health Convention of 1988 (No.167) to among others, enhance cooperation on shared knowledge information, adoption of global best practices and compliment national efforts relating to preventive and protective measures in the construction industry;
- d) Reviewing the National Building Code 2022, to incorporate new industry best practices, processes, procedures and technologies. The Code has been submitted to the parliament for approval;
- e) Carrying out a comprehensive audit of all buildings including those under construction, and immediate demolition of buildings and structures that do not meet the established standards for habitation;
- f) Established Multi sectoral technical committee's with member from the built environment professionals in an effort to survey, investigate and provide mitigation measures against collapsing of buildings and professional misconduct among sector players;
- g) Developing the Building Standard and Control Bill, 2023, with the overall goal of providing legal and institutional framework relating to administration, development, performance standards and enhance safety of buildings in Kenya. The bill is undergoing public participation;

- h) Sensitizing the public and key stakeholders on safety of buildings and the need to uphold established standards and industry codes;
- i) Developed MoU's with County Governments to provide technical assistance in the built environment;
- j) Drafted the National Public Works Policy, 2022, which is undergoing public participation; and
- k) Reviewing the National Construction Authority Act, 2011, to empower the authority in supervising the ongoing construction works in building site as well as strengthen the enforcement provisions to existing buildings standards to avert disaster in the construction sector.

III. Existing Legal and Policy Framework:

- (i) National Construction Authority Act, 2011;
- (ii) Board of Registration of Architects and Quantity Surveyors Act, 2010;
- (iii) Engineers Registration Board, 2011;
- (iv) Housing Act, Cap. 117;
- (v) The Physical and Land Use Act, 2019
- (vi) County Government Act, 2012;
- (vii) Sectional Properties Act, 2020 and Related Regulation, 2021;
- (viii) Estates and Agents Registration Board; and
- (ix) Built environment sectoral policies and regulations.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) National construction authority;
- (ii) National Building inspectorate;
- (iii) Board of Registration of Architects and Quantity Surveyors;
- (iv) Engineers Board of Kenya; and
- (v) Kenya Building Research Centre.

PART IV

TREATIES SIGNED BY KENYA

4.0 INTRODUCTION: INTERNATIONAL OBLIGATIONS OF SIGNATORIES TO AN UNRATIFIED TREATY

1048. Kenya is a signatory State to several treaties and conventions that she is yet to ratify. Where a State has signed a treaty subject to ratification, the Vienna Convention on the Law of Treaties, 1969, requires such States to refrain from acts which would defeat the object and purpose of a treaty. This interim obligation is well recognized in international practice and is applicable until the State indicates a clear intention not to become a party to the treaty. However, a signature by a State imposes no legal duty to ratify the respective treaty.
1049. In line with the said provisions of the Vienna Convention on the Law of Treaties, the Government implements the following treaties of which Kenya is a signatory State but is yet to ratify.

4.1 TREATIES SIGNED BY KENYA

4.1.1 Convention on Cluster Munitions

1050. The Convention was adopted in Dublin, Ireland on 30th May, 2008, and opened for signature at Oslo, Norway on 3rd December, 2008. The Convention entered into force on 1st August, 2010. Kenya signed the Convention on 3rd December, 2008.
1051. The Convention is a legally binding international instrument prohibiting cluster munitions that cause unacceptable harm to civilians, and the establishment of a framework for cooperation and assistance for the care and rehabilitation of survivors, the clearance of contaminated areas, risk education, and the destruction of prohibited cluster munitions.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Abide by the general prohibition not to use, develop, produce, otherwise acquire, stockpile, retain or transfer cluster munitions;
- b) Destroy its stockpile of treaty-defined cluster munitions within eight years of entry into force of the treaty for that State;
- c) Develop a national plan and budget to provide cluster munitions victims with medical care, rehabilitation, and psychological support and to closely consult with and actively involve cluster munitions victims;
- d) Seek and receive aid from other parties and international institutions; and
- e) Encourage non-members to ratify the Convention. The Convention however allows for military cooperation between States regardless of membership, even if states not party to the treaty might engage in prohibited activities.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

1052. The Government has undertaken/is undertaking the following:
- a) Participated in the Africa Regional Convention on Cluster Munitions Universalization Workshop from 23rd to 24th March, 2022 in Abuja, Nigeria; and
 - b) Kenya has been participating in various activities under the Convention to promote its support for the Convention. On 2nd November, 2021, during the 16th meeting of the United Nations General Assembly First Committee (Disarmament and International Security Committee) Kenya voted in favour of the adoption of Resolution A/C.1/76/L.41 on “Implementation of the Convention on Cluster Munitions”.

III. Existing Legal and Policy Framework:

- (i) Kenya’s Military Manual on Law of Armed Conflict (LOAC) (1997); and
- (ii) Kenya Defence Forces Act, CAP.199

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Defence Forces (KDF).

4.1.2 OAU Convention on Elimination of Mercenarism in Africa

1053. The Convention was adopted on 3rd July, 1977, in Libreville, Gabon and entered into force on 22nd April, 1985.

1054. Kenya signed the Convention on 17th December, 2003.

1055. The Convention's objective is to eradicate mercenaries and mercenarism.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Prevent its nationals or foreigners on its territory from engaging in any mercenary acts;
- b) Prevent entry into or passage through its territory of any mercenary or any equipment destined for mercenary use;
- c) Prohibit on its territory any activities by persons or organisations who use mercenaries against any African State member of the Organization of African Unity or the people of Africa in their struggle for liberation;
- d) Communicate to the other Member States of the Organization of African Unity either directly or through the Secretariat of the OAU any information related to the activities of mercenaries as soon as it comes to its knowledge;
- e) Forbid on its territory the recruitment, training, financing and equipment of mercenaries and any other form of activities likely to promote mercenarism;
- f) Take all the necessary legislative and other measures to ensure the immediate entry into force of this Convention.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

1056. The Government has continued not to provide mercenaries and combatants Prisoner of War Status (POW).

III. Existing Legal and Policy Framework:

- (i) Kenya Defence Forces Act, CAP.199; and
- (ii) Kenya's Military Manual on the Law of Armed Conflict (LOAC, 1997).

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Defence Forces (KDF).

4.1.3 Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

1057. The Optional Protocol was adopted on 25th May, 2000. Kenya signed the Protocol on 8th September, 2008.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Prohibit the sale of children, child prostitution and child pornography as provided for by the Protocol;
- b) Adopt legislative measures that ensure prohibition of the sale of children, child prostitution and child pornography;
- c) Adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the Protocol at all stages of the criminal justice process; and

- d) Take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

1058. The Government has undertaken/is undertaking the following:

- a) Signed a code of conduct for hoteliers to protect children and curb child prostitution;
- b) The National Plan of Action against Sexual Exploitation of Children in Kenya (2018–2022) is being implemented;
- c) The Government established a child online protection system to protect Kenyan children against online child abuse; and
- d) The Government established an Anti-Child Sexual Exploitation and Abuse (CSEA) Unit which investigates, advises and monitors CSEA reported cases. Guidelines are being developed on the same.

III. Existing Legal and Policy Framework:

- (i) National Children’s Policy Kenya, 2010;
- (ii) Children’s Act, CAP.141;
- (iii) National Police Service Act, CAP.84; and
- (iv) Computer Misuse and Cybercrimes Act, CAP79C.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) National Council for Children Service;
- (ii) National Police Service (NPS);
- (iii) Children’s Court;
- (iv) Child Welfare Society of Kenya; and
- (v) Communications Authority of Kenya (CA).

4.1.4 International Convention for the Protection of all Persons from Enforced Disappearance

1059. The Convention was adopted on 20th December, 2006, and entered into force on 23rd December, 2010. Kenya signed the Convention on 6th February, 2007.

1060. The Convention addresses the concerns of missing and disappeared persons. The Convention places an obligation on states to investigate acts of enforced disappearance and to bring those responsible to justice.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Take necessary measures to criminalize and investigate enforced disappearance;
- b) Taking action to stop enforced disappearance by ensuring effective control over all detention facilities, creating and maintaining official detainee registers, and ensuring quick access to legal representation and medical care;
- c) Cooperation with other States including by sharing information and providing reciprocal legal assistance; and
- d) Submission of periodic reports to the Committee on Enforced Disappearance on the measures taken to give effect to its obligations under the Convention.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

1061. In September 2023, the Government established a Multi-Agency Committee known as “*The Multi- Agency Committee on the Review of the Legislative, Policy and Institutional Framework for the Protection from Enforced Disappearance and Extra Judicial Killings In Kenya*” to review the legal framework with a view to criminalize enforced disappearances.

III. Existing Legal and Policy Framework:

- (i) Constitution, 2010;
- (ii) National Coroners Service Act, 2017; and
- (iii) Prevention of Torture Act, 2017.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

None.

4.1.5 WIPO Copyright Treaty (WCT)

1062. The WCT was concluded in 1996, and entered into force in 2002. Kenya signed the Treaty on 20th December, 1996.
1063. The WIPO Copyright Treaty (WCT) provides for two subject matters to be protected by copyright: computer programs, whatever the mode or form of their expression and compilations of data or other material (databases), in any form, which, by reason of the selection or arrangement of their contents, constitute intellectual creations.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Provide legal remedies against the circumvention of technological measures (e.g., encryption) used by authors in connection with the exercise of their rights, and against the removal or altering of information, such as certain data that identify works or their authors, necessary for the management (e.g., licensing, collecting and distribution of royalties) of their rights (“rights management information”);
- b) Adopt, in accordance with its legal system, the measures necessary to ensure the application of the treaty; and
- c) Ensure that enforcement procedures are available under its law so as to permit effective action against any act of infringement of rights covered by the treaty.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

1064. The Government has provided protection against circumvention of TPMs as provided for under national legislation.

III. Existing Legal and Policy Framework:

- (i) Copyright Policy, 2020; and
- (ii) Copyright Act, 2001.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Copyright Board (KECOBO).

4.1.6 WIPO Performances and Phonograms Treaty (WPPT)

1065. The Treaty was concluded in 1996, and entered into force in 2002. Kenya signed on 20th December, 1996.

1066. The WIPO Performances and Phonograms Treaty (WPPT) deals with the rights of two kinds of beneficiaries: performers (actors, singers, musicians, etc.) and producers of phonograms (persons or legal entities that take the initiative and have the responsibility for the fixation of sounds).

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Provide for legal remedies against the circumvention of technological measures (e.g., encryption) used by performers or phonogram producers in connection with the exercise of their rights;
- b) Adopt, in accordance with its legal system, the measures necessary to ensure the application of the treaty; and
- c) Ensure that enforcement procedures are available under its law so as to permit effective action against any act of infringement of rights covered by the treaty.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

1067. The Government launched an online platform for online copyright registration, namely the National Rights Registry Platform (NRR platform) in April, 2021. The National Rights Registry (NRR) portal is the central repository collating details pertaining to ownership of various copyright works. The portal will be used by copyright holders allowing them to register and view/download copyright certificates. It allows rights holders of the following types of works: music, video, spoken word, literary works etc.

III. Existing Legal and Policy Framework:

- (i) Copyright Policy, 2020; and
- (ii) Copyright Act, 2001.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Copyright Board (KECOBO).

4.1.7 Locarno Agreement establishing an International Classification for Industrial Designs

1068. The Locarno Agreement, concluded at Locarno, Italy in 1968, and amended in 1979, establishes a classification for industrial designs (the Locarno Classification).

1069. Kenya signed the Agreement on 8th October, 1968.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Indicate in official documents reflecting the deposit or registration of industrial designs the numbers of the classes and subclasses of the Classification to which the goods incorporating the designs belong.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

1070. The Government has published all applications for registration of industrial designs in the monthly Industrial Property Journal indicating the class under which the specific industrial design is being sought to be registered.

III. Existing Legal and Policy Framework:

Industrial Property Act, 2001.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

Kenya Industrial Property Institute (KIPI).

4.1.8 The Trademark Law Treaty

1071. Trademark Law Treaty was adopted on 27th October, 1994, to standardize and streamline national and regional trademark registration procedures through the simplification and harmonization of certain features of those procedures, thus making trademark applications and the administration of trademark registrations in multiple jurisdictions less complex and more predictable. It entered into force on 1st August, 1996. Kenya signed the Treaty on 28th October, 1994.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Apply the provisions of the Paris Convention concerning trademarks to service marks;
- b) Allows for a term of ten years for the initial registration of the trademark, with the option of its renewal for a further term of ten years; and
- c) Register service marks and apply to such marks the provisions of the Paris Convention which concern trademarks.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

1072. The Government through the Madrid System registers Trade Marks at the Kenya Industrial Property Institute and facilitates registration of Trade Marks the International Bureau at the World Intellectual Property Organization.

1073. In 2021, the Registrar of Trade Marks received 2,417 international trade mark applications that designated Kenya, which were processed according to the provisions of the Trade Marks Act, (Cap. 506).

III. Existing Legal and Policy Framework:

- (i) Trade Marks Act, Cap. 506; and
- (ii) Industrial Property Act, 2001.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya Industrial Property Institute; and
- (ii) Office of the Registrar of Trade Marks.

4.1.9 The Energy Charter Treaty

1074. The Energy Charter Treaty is an international agreement that establishes a multilateral framework for cross-border cooperation in the energy industry.

1075. Kenya signed the Treaty on 20th March, 2017.

1076. The International Energy Charter is a declaration of political intention aimed at strengthening energy cooperation between the Signatory States and which does not bear any legally binding obligation or financial commitment. The Treaty covers all aspects of commercial energy activities including trade, transit, investments and energy efficiency.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Strengthening energy cooperation between the State Parties;
- b) Work to promote access to international markets on commercial terms, and generally to develop an open and competitive market, for Energy Materials and Products and Energy-Related Equipment;
- c) Work to alleviate market distortions and barriers to competition in Economic Activity in the Energy Sector;

- d) Ensure that within its jurisdiction it has and enforces such laws as are necessary and appropriate to address unilateral and concerted anti-competitive conduct in Economic Activity in the Energy Sector; and
- e) Promote access to and transfer of energy technology on a commercial and non-discriminatory basis to assist effective trade in Energy Materials and Products and Investment.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

1077. The Government has undertaken/is undertaking the following:

- a) Attracted new investment projects with an estimated total capital outlay of KSh 3.025 billion. Out of this, foreign contribution amounts to KSh. 1.327 billion and local contribution KSh. 1.698 billion;
- b) Developed a Case and Inquiry Management System (CMS) which enabled easier online facilitation of new investment projects;
- c) Developed e-Regulations platform to provide easy access to investment procedures e.g., starting a business in Kenya;
- d) Established online investment facilitation portals to streamline more accurate and transparent access to investment procedures; and investment opportunities. The investment facilitation portals are Business Regulation and the Investment Opportunities Portal;
- e) Issued two (2) Investment Certificates;
- f) Hosted the Kenya International Investment Conference KIICO May, 2023; and
- g) Planned for nine (9) sector-specific business forums in Blue Economy, Housing, ICT, Education, Infrastructure, Innovation, Manufacturing, Tourism & Hospitality, Transport & Logistics and Universal Health during the Dubai Expo, 2021.

III. Existing Legal and Policy Framework:

- (i) Energy Act, 2019; and
- (ii) Investment Promotion Act, 2004

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Energy and Petroleum Regulatory Authority (EPRA); and
- (ii) Kenya Investment Authority (KenInvest).

4.1.10 The African Charter on Statistics

1078. The African Charter on Statistics was adopted by the Assembly of Heads of State and Government in February, 2009 in Addis Ababa, Ethiopia and it came into force on 8th February, 2015. Kenya signed the Charter on 25th January, 2010. The African Charter on Statistics is a legal instrument to regulate statistical activity and also acts as a tool for advocacy and the development of statistics in Africa.

I. Key Obligations for State Parties/Kenya under the Treaty:

- a) Accept the objectives and principles enshrined in the African Charter on Statistics to reinforce her national statistical policies and systems; and
- b) Undertake to institute appropriate legislative, regulatory and administrative measures to ensure conformity with the Charter.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

1079. The Government has undertaken/is undertaking the following:

- a) Launched the Kenya Economics Survey, Kenya Statistical Quality Assurance Framework and 12 Analytical Reports based on the 2019 Kenya Population and Housing Census in May, 2022;
- b) Launched the 2022 Kenya Demographic and Health Survey Key Indicators Report in January, 2023 and the Kenya Economics Survey, 2023 in May, 2023; and
- c) Developed the survey Report on 18th October 2023.

III. Existing Legal and Policy Framework:

- (i) Kenya National Bureau of Statistics Data Dissemination Policy, 2016;
- (ii) Statistics Act, 2006; and
- (iii) Kenya Institute of Public Policy Research and Analysis Act, 2006.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) Kenya National Bureau of Statistics (KNBS); and
- (ii) Kenya Institute of Public Policy Research and Analysis (KIPPRA).

4.1.11 The 2010 Nile Basin Cooperative Framework Agreement (CFA)

1080. The Nile River Basin negotiations started in 1997, to come up with the Nile River Basin Cooperative Framework which was opened for signature on 19th May, 2010. Kenya signed on 19th May, 2010.

1081. The Framework gives the riparian States equal opportunity to have equitable and reasonable access to water resources of the Nile River.

I. Key Obligations of State Parties/Kenya under the Treaty:

- a) Equitable and reasonable utilization of water resources of the Nile River;
- b) Protection and conservation of the Nile River Basin and its ecosystems;
- c) Cooperation management and development of waters of the Nile River System to facilitate achievement of water security and other benefits;
- d) Observe the rules and procedures established by the Nile River Basin Commission for exchanging information concerning planned measures;
- e) Regular exchange of data and information;
- f) Conduct environmental impact assessment and audits;
- g) Subsidiarity in the development and protection of the Nile River Basin;
- h) Prevention and mitigation of harmful conditions;
- i) Emergency Situations; and
- j) Protection of the Nile River Basin and related installations in time of armed conflict.

II. Specific Measures Taken by the Government Pursuant to the Outlined Obligations, Limited to the Period under Review (2023–2024)

1082. The Government has undertaken/is undertaking the following:

- a) Gazetted six basin areas, namely Rift Valley Basin Area, Lake Victoria North Basin Area, Lake Victoria South Basin Area, Athi River Basin Area, Tana Basin Area and

Ewaso Ngiro North Basin Area on 3rd December, 2021. In addition, the Government, the Basin Water Committees for each Basin Area were established in 2022;

- b) Implementing the MoU on Sio-Malaba-Malakisi with the Government of Uganda on the Malaba water supply project and Malaba sewerage project with the help of the African Development Bank;
- c) Re-negotiating with the Government of the Arab Republic of Egypt an MOU on an Egyptian grant to the Republic of Kenya for the implementation of technical cooperation in water resources development and management projects (WRDMP) in Kenya. The negotiations involve increasing the grant from Egypt from USD 5.5 million to USD15 million and the projects to be implemented;
- d) The Government of Kenya and the Government of the Arab Republic of Egypt drilled 150 boreholes to provide water for domestic use;
- e) Developing the water amendment bill, 2023 to onboard Public Private Partnership as a funding option in the water sector; and
- f) Formulating Water Services Regulations, 2021, Water Harvesting and Storage Regulations, 2021 and Water Resources Regulations, 2021.

III. Existing Legal and Policy Framework:

- (i) Water Act, 2016; and
- (ii) Sessional Paper No. 1 of 2021 on National Water Policy.

IV. Existing Institutions and Mechanisms Established to Ensure a Co-ordinated National Approach Towards Implementation:

- (i) National Water Harvesting and Storage Authority (NWHSA);
- (ii) Water Resources Authority (WRA);
- (iii) Water Sector Trust Fund (WSTF);
- (iv) Kenya Water Institute (KWI);
- (v) Kenya Water Towers Agency (KWTA); and
- (vi) Water Services Regulatory Board (WSRB).

MATRIX TABLE OF CONTENTS

MATRIX TABLE OF CONTENTS

369

DIPLOMACY, PRIVILEGES AND IMMUNITIES

380

1. The 1961 Vienna Convention on Diplomatic Relations
2. The Optional Protocol to the Vienna Convention on Diplomatic Relations concerning the Acquisition of Nationality
3. The 1963 Vienna Convention on Consular Relations
4. The 1963 Vienna Convention on Consular Relations and the Optional Protocol concerning the Acquisition of Nationality
5. Optional Protocol to the Vienna Convention on the Compulsory Settlement of Disputes
6. The 1946 Convention on the Privileges and Immunities of the United Nations
7. The 1948 Convention on the Privileges and Immunities of the UN Specialized Agencies
8. Agreement on Privileges and Immunities of the Organization for the Prohibition of Chemical Weapons
9. General Convention on Privileges and Immunities on the AU (General Convention)
10. EAC Protocol on Foreign Policy Co-ordination
11. EAC Protocol on Privileges and Immunities

PEACE AND SECURITY

388

1. Geneva Convention I for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field; Geneva Convention II for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; Geneva Convention III relative to the Treatment of Prisoners of War; Geneva Convention IV relative to the Protection of Civilian Persons in Time of War; Additional Protocol I to the Geneva Conventions relating to the Protection of Victims of International Armed Conflicts; Additional Protocol II to the Geneva Conventions relating to the Protection of Victims of Non-International Armed Conflicts; Additional Protocol III to the Geneva Conventions relating to the Adoption of an Additional Distinctive Emblem
2. Convention on the Prohibition of the Development, Production, Stockpiling and use of Chemical Weapons and on their Destruction (CWC) 1997
3. The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BTWC)
4. Protocol for the Prohibition of the use of Asphyxiating, Poisonous or other Gases and of Bacteriological Methods of Warfare
5. Comprehensive Nuclear Test Ban Treaty (CTBT)
6. Treaty on the Non-Proliferation of Nuclear Weapons (NPT)
7. The African Nuclear Weapon Free Zone Treaty (Treaty of Pelindaba)
8. The Hague Code of Conduct against Ballistic Missile Proliferation (HCoC)
9. Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction



10. Protocol Relating to the Establishment of the Peace and Security Council of the African Union
11. East African Community Protocol on Co-operation in Defence Affairs
12. East African Community Protocol on Peace and Security
13. Protocol on Combating Drug Trafficking in the East African Region
14. Mutual Defence Pact between Kenya, Uganda and Rwanda
15. Optional Protocol to the UN Convention on the Rights of the Child on Involvement of Children in Armed Conflict
16. UN Convention against Transnational Organized Crime
17. International Convention for the Suppression of Terrorist Bombings
18. International Convention for the Suppression of Acts of Nuclear Terrorism
19. International Convention for the Suppression of the Financing of Terrorism
20. International Convention Against Taking of Hostages
21. OAU Convention on the Prevention and Combating of Terrorism
22. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents
23. Convention on the Safety of United Nations and Associated Personnel
24. Convention on the Physical Protection of Nuclear Material (CPPNM) and the Amendment to the Convention on the Physical Protection of Nuclear Material
25. 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
26. Protocol on the Establishment of a Conflict Early Warning and Response Mechanism for IGAD Member States (CEWARN)
27. Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water

HUMAN RIGHTS AND SOCIAL PROTECTION

1. Universal Periodic Review (UPR)
2. Universal Declaration on Human Rights (UDHR)
3. The International Covenant on Civil and Political Rights (ICCPR)
4. The International Covenant on Economic, Social and Cultural Rights (ICESCR)
5. The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
6. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
7. The United Nations Convention on the Rights of the Child (UNCRC)
8. African Charter on the Rights and Welfare of the Child (ACRWC)



9. United Nations Convention on the Rights of Persons With Disabilities
10. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
11. The African Charter on Human and Peoples' Rights (ACHPR)
12. Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)
13. Great Lakes Protocol on the Prevention and Suppression of Sexual Violence against Women and Children
14. The Great Lake Protocol on the Protection and Assistance to Internally Displaced Persons (IDPs)
15. The African Youth Charter
16. Conventions on the Status of Refugees
17. The Rome Statute of the International Criminal Court (ICC)
18. Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity
19. Great Lakes Protocol on Prevention and Punishment of the Crime of Genocide, War Crimes and Crimes against Humanity and all forms of Discrimination
20. UN Standard Minimum Rules For The Treatment of Prisoners—Mandela Rules
21. United Nations Minimum Rules for the Administration of Juvenile Justice (1985) (The Beijing Rules), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (1990) and the United Nations Guidelines for the Prevention of Juvenile Delinquency
22. United Nations Standard Minimum Rules For Non-Custodial Measures (The Tokyo Rules)
23. Body of Principles for the Protection of Persons under any Form of Detention or Imprisonment
24. The Hague Convention on the Protection of Children and Cooperation in Respect of Inter Country Adoption
25. Madrid International Plan of Ageing (2002)
26. Protocol on African Charter on Human and Peoples Rights for Older Persons
27. Protocol on the African Charter on Human and Peoples Rights on Persons with Disabilities

INTERNATIONAL TRADE AND INVESTMENT

1. Protocol Amending the Marrakech Agreement Establishing the World Trade Organization
2. General Agreements on Tariffs and Trade 1994 (GATT 1994)
3. General Agreement on Trade and Services (GATS)
4. World Trade Organization Trade Facilitation Agreement (TFA)
5. World Trade Organization Technical Barriers to Trade (WTO/TBT) Agreement
6. World Trade Organization Agreement on Trade Related Investment Measures (TRIMS)
7. World Trade Organization Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS)



8. Protocol Amending the TRIPS Agreement
9. The World Trade Organization Dispute Settlement System
10. WTO Agreement on the Application of Sanitary and Phyto-sanitary Measures (SPS Agreement)
11. East African Community Protocol on Sanitary and Phyto-sanitary measures
12. EAC Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income
13. Cotonou-Partnership Agreement (ACP-EU Agreement)
14. East African Community (EAC)/European Union (EU) Economic Partnership Agreements (EPAs)
15. Protocol on the Establishment of the East African Community Common Market
16. Protocol on the Establishment of the East African Community Customs Union
17. Protocol on the Establishment of the East African Community Monetary Union
18. Marking of Weights (Packages Transported by Vessels Convention) No. 27 of 1929

STANDARDIZATION

477

1. The Metre Convention
2. East Africa Community Protocol on Standardization, Quality Assurance Metrology and Testing (EAC SQMT)

INTELLECTUAL PROPERTY

479

1. Paris Convention for the Protection of Industrial Property
2. Berne Convention for the Protection of Artistic and Literary Works
3. Madrid Agreement Concerning the International Registration of Marks (Madrid, 1891)
4. Patent Co-operation Treaty (PCT)
5. Brussels Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite
6. Marrakech Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or Otherwise Print Disabled
7. Beijing Treaty on Audio-visual Performances
8. Nairobi Treaty on the Protection of the Olympic Symbol
9. Geneva Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of their Phonograms (1971)

EDUCATION, SCIENCE AND TECHNOLOGY

485

1. Dakar Framework for Action, Education for All (EFA) Agreement
2. Djibouti Declaration on Regional Conference on Refugee Education in IGAD Member States
3. Protocol on the Establishment of the Inter-University Council for East Africa (IUCEA)



4. Protocol on the establishment of the East African Kiswahili Commission
 5. Protocol on the Establishment of the East African Science and Technology Commission
 6. The Africa Regional Cooperative Agreement for Research Development and Training Related to Nuclear Science and Technology (AFRA) **491**
- OUTER SPACE**
1. Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies
 2. Convention on International Liability for Damage caused by Space Objects (Liability Convention)
 3. Agreement on the African Resource and Environment Management Satellite Constellation Initiative (ARMC) **493**
- ELECTIONS, DEMOCRACY AND GOVERNANCE**
1. The African Charter On Democracy Elections And Governance (ACDEG) **494**
- HEALTH**
1. WHO Framework Convention on Tobacco Control (FCTC)
 2. Protocol to Eliminate Illicit Trade in Tobacco Products (ITP)
 3. The Single Convention on Narcotic Drugs (1961)
 4. The Convention on Psychotropic Substances, 1971
 5. United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances
 6. Protocol for the Establishment of the East African Health Research Commission (EAHRC) **499**
- TRANSPORT**
- Air Transport**
1. Convention for the Unification of Certain Rules of International Carriage by Air (1999 Montreal Convention) **499**
 2. Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991 Montreal)
 3. 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
 4. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971 Montreal Convention)
 5. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (1988 Montreal)
 6. Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface (1952 Rome Convention)
 7. Protocol to amend the Rome Convention of 1952 on Damage Caused by Foreign Aircraft to Third Parties on the Surface (1978 Montreal)
 8. Protocol on the Establishment of the East African Community Civil Aviation Safety and Security Oversight Agency (CASSOA)
 9. Search and Rescue Agreement Co-operation in Air Accident Investigations



10. EAC Multilateral Agreement on Aircraft Accident and Incident Investigations
11. Convention on the International Recognition of Rights in Aircraft (1948 Geneva Convention)
12. Convention for Unification of Certain Rules Relating to International Carriage by Air (1929 Warsaw)
13. Protocol to Amend the Warsaw Convention of 1929 (1955 Hague)
14. Convention on Offences and Certain other Acts Committed on Board Aircraft (1963 Tokyo)
15. Convention for the Suppression of Unlawful Seizure of Aircraft (1970 Hague)
16. International Civil Aviation Organization (1944 Chicago Convention)
17. Protocols relating to Articles 50(a) and 56 of the Chicago Convention on International Civil Aviation
18. Protocol to Amend the Convention on Offences and Certain Other Acts committed on Board Aircraft (Montreal Protocol 2014)

Road Transport

515

1. Geneva Convention on Road Traffic Accident
2. Vienna Convention on Road Traffic, 1968
3. The Northern Corridor Transit and Transport Agreement, 2007
4. Northern Corridor Integration Projects (NCIP)
5. Lamu Port - South Sudan Ethiopia Transport (LAPSSET) Corridor
6. 1993 COMESA Protocol for the Establishment of Third-Party Motor Vehicle Insurance Scheme Road Transport Market Liberalisation
7. Tripartite Agreement on Road Transport between the Government of the Republic of Kenya, the Government of Uganda and the Government of the United Republic of Tanzania
8. Regional Customs Transit Guarantee (RCTG) Agreement

Rail Transport

523

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

LAW OF THE SEA

524

1. United Nations Convention on the Law of the Sea (UNCLOS)

Maritime Transport

525

1. Maritime Labour Convention (MLC), 2006 as amended
2. International Convention for The Safety of Life At Sea, 1974, as amended (SOLAS 1974)
3. Protocol of 1978 Relating to the International Convention for the Safety of Life at Sea 1974 as amended (SOLAS PROTOCOL, 78)
4. Protocol of 1988 Relating to the International Convention for the Safety of Life at Sea, 1974 as amended (SOLAS PROT. 1988)



5. International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and by the Protocol of 1997 as amended (MARPOL/MARPOL PROT. 1997)
6. International Convention on Standards of Training, Certification and Watch-Keeping for Seafarers, 1978, as amended (STCW 1978)
7. International Convention on Load Lines, 1966 (LL 1966) as amended by the 1988 Protocol to the Load Lines Convention (1988 Protocol)
8. International Convention on Tonnage Measurement of Ships, 1969 as amended (TONNAGE 1969)
9. Convention on the International Regulations for Preventing Collisions at Sea, 1972, as amended (COLREG 1972)
10. International Convention for Safe Containers as amended (CSC), 1972
11. International Convention on Maritime Search and Rescue (SAR) 1979 as amended
12. Convention on Facilitation of International Maritime Traffic, 1965, as amended (FAL 1965)
13. Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter, 1972, as amended by the London Protocol (London Convention 1972)
14. Protocol of 1992 to Amend the International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC PROT 1992)
15. Protocol of 1992 to Amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 (FUND PROT 1992)
16. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA PROT. 2005)
17. International Convention on Salvage, 1989 (Salvage 1989)
18. International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC 1990)
19. International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM 2004)
20. International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (Bunkers 2001)
21. Protocol of 1996 to Amend the Convention on Limitation of Liability for Maritime Claims, 1976 (LLMC PROT. 1996)
22. International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001 (AFS 2001)
23. African Maritime Transport Charter, 2010 (Revised 2014)
24. Nairobi International Convention on Removal of Wrecks, 2007 (NAIROBI WRC 2007)
25. Dock Work Convention, No. 137 of 1973
26. Seafarers' Identity Documents Convention (Revised), 2003, as amended (No. 185)
27. Convention C188 on Work in Fishing Convention 2007
28. Cape Town Agreement of 2012 on Safety of Fishing Vessels
29. International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995

FISHERIES



1. United Nations Fish Stock Agreement, for Straddling and Highly Migratory Fish Stocks (UNFSA) 1995
 2. Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
 3. International Convention for Regulation of Whaling, 1946
 4. FAO Code of Conduct for Responsible Fisheries (CCRF)
 5. UN 1993 FAO Compliance Agreement
 6. UN 2009 FAO Port State Measures Agreement
 7. The Common Market for Eastern and Southern Africa Fisheries Strategy (COMESAFS)
 8. The Convention for the Establishment of the Lake Victoria Fisheries Organization
- ENVIRONMENT, FORESTRY AND WILDLIFE**
1. Minamata Convention on Mercury
 2. United Nations Framework Convention on Climate Change (UNFCCC)
 3. The Kyoto Protocol to the United Nations Framework Convention on Climate Change
 4. Paris Agreement on Climate Change
 5. United Nations Convention to Combat Desertification (UNCCD)
 6. Convention on Biological Diversity (CBD)
 7. 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
 8. The Cartagena Protocol on Biosafety
 9. Vienna Convention for the Protection of the Ozone layer and its Montreal Protocol on Substances that Deplete the Ozone Layer
 10. The Basel Convention on the Control of Transboundary Movement of Hazardous Waste and their Disposal
 11. Stockholm Convention on Persistent Organic Pollutants (POPS)
 12. Rottter Dam Convention on Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade
 13. Convention on International Trade in Endangered Species of wild Fauna and Flora (CITES)
 14. Convention on Wetlands of International Importance especially as Waterfowl Habitats (RAMSAR Convention)
 15. Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention) (CMS)
 16. Convention on the Law of the Non – Navigational Uses of International Watercourses (1997 UN Watercourses Convention)
 17. Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Western Indian Ocean
 18. Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora



19. Revised African Convention on the Conservation of Nature and Natural Resources (Algiers Convention)	
20. East Africa Community Protocol on Environment and Natural Resources Management	
21. East African Community Protocol on Cooperation in Meteorological Services	
22. East Africa Community Protocol for the Sustainable Development of Lake Victoria Basin	571
AGRICULTURE	
1. International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)	
2. International Convention for the Protection of New Varieties of Plants (UPOV)	
3. International Plant Protection Convention (IPPC)	
4. International Grains Agreement	
5. International Sugar Agreement 1969 (ISA)	
6. International Coffee Agreement (ICA)	
7. Convention on the African Migratory Locust	576
ICT, RADIO REGULATIONS AND TELECOMMUNICATIONS	
1. East African Community Protocol on Information, Communications and Technology	
2. Dubai Convention on International Telecommunication Regulations, 2012	582
ETHICS, INTEGRITY AND PUBLIC ADMINISTRATION	
1. United Nations Convention against Corruption (UNCAC)	
2. African Convention on Preventing and Combating Corruption	
3. African Charter on Values and Principles of Public Service and Administration	585
LABOUR AND EMPLOYMENT	
Fundamental Conventions	585
1. Forced Labour Convention, 29 of 1930	
2. Right to Organize and Collective Bargaining Convention, 98 of 1949	
3. Equal Remuneration Convention, 100 of 1951	
4. Abolition of False Labour Convention No. 105 of 1957	
5. Discrimination (Employment and Occupation) Convention No. 111 of 1958	
6. Minimum Age Convention, 138 of 1973	
7. Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, No.182 of 1999	



Governance Conventions

590

1. Labour Inspection (Industry) Convention, 81 of 1947
2. Labour Inspection (Agriculture) Convention, 129 of 1969
3. Tripartite Consultation (International Labour Standards) Convention, No. 144 of 1976

Technical Conventions

593

1. Unemployment Convention, 2 of 1919
2. Right of Association (Agriculture) Convention No. 11 of 1921
3. Weekly Rest (Industry) Convention, 1921
4. Protection Against Accidents (Dockers) Convention (Revised), 32 of 1932
5. Labour Clauses (Public Contracts) Convention, 94 of 1949
6. Migration for Employment Convention No. 97 of 1949
7. Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 No. 99
8. Dock Work Convention, 137 of 1973
9. Migrant Workers (Supplementary Provisions) Convention, 143 of 1975
10. Workmen's Compensation (Accidents) Convention, 19 of 1925
11. Minimum Wage-Fixing Machinery Convention, 26 of 1928
12. Convention Concerning Statistics of Wages and Hours of Work, 63 of 1938
13. Employment Service Convention, 88 of 1948
14. Night Work (Women) Convention (Revised), 89 of 1948
15. Equality of Treatment (Social Security) Convention, 118 of 1962
16. Minimum Wage Fixing Convention, 131 of 1970
17. Holidays With Pay Convention (Revised), 132 of 1970
18. Workers' Representatives Convention, 135 of 1971
19. Paid Educational Leave Convention, 140 of 1974
20. Rural Workers' Organizations' Convention, 141 of 1975
21. Human Resources Development Convention, 142 of 1975
22. Nursing Personnel Convention, 149 of 1977

SPORTS, ARTS AND CULTURE

607



1. United Nations Educational, Scientific, and Cultural Organization (UNESCO) Convention on the Fight against Doping in Sport
2. The 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (ICH)
3. The UNESCO 2005 Convention on the Protection and Promotion of Diversity of Cultural Expressions
4. The Convention concerning the Protection of the World Cultural and Natural Heritage—The World Heritage Convention (WHC)

DELIMITATION, DEMARCATION AND DELINEATION OF BOUNDARIES

1. Declaration on the African Union Border Programme (AUBP)
2. Addis Ababa Declaration on Geospatial Information Management
3. African Union Strategy for Enhancing Border Management in Africa (2012)



DIPLOMACY, PRIVILEGES AND IMMUNITIES			
1.	1961 VIENNA CONVENTION ON DIPLOMATIC RELATIONS	CHALLENGES	RECOMMENDATIONS
	<p>Adopted: 18th April, 1961 and 24th April, 1963. Entered into force: 24th April, 1964. Kenya became a State party to the Convention: 1st July, 1965. Obligation to Government: Adhere to the set rules on diplomatic relations in its diplomatic engagement</p>	<ul style="list-style-type: none"> ▪ Abuse of privileges and immunities. 	<ul style="list-style-type: none"> ▪ Strict adherence to the law of the receiving State.
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The government has undertaken/is undertaking the following:</p> <p><i>a)</i> Kenya hosts one hundred and nine (109) Embassies and High Commissions with residence in Kenya. It has thirty-nine (39) Embassies and High Commissions accredited to Kenya with residence in other countries and thirty-six (36) Honorary Consulates and Consulates General. In addition, Kenya hosts sixty (60) UN and UN Agencies and seventy-eight (78) International Organizations.</p> <p><i>b)</i> Through H.E. the President of the Republic of Kenya has made thirty-one (31) outbound visits. During the same period, Heads of State and Government, and Senior Officials have made nineteen (19) inbound state and official visits to Kenya</p> <p><i>c)</i> Fulfills its duty by ensuring that it grants diplomatic immunity to all diplomatic missions and diplomatic agents accredited to Kenya, in addition to delegations attending certain international meetings and conferences on her territory.</p> <p><i>d)</i> Facilitates State Protocols and hosting of diplomatic conferences and meetings.</p> <p><i>e)</i> Conducts Quarterly Briefing for the diplomatic corps in Kenya and quarterly meetings with the Host Country Liaison Committee.</p> <p><i>f)</i> Continues to process authority for the acquisition of assets for diplomatic missions and organizations and undertook the management of claims for tax and duty refunds for diplomatic</p>		

	<p>staff, missions and organizations in addition to the management of the protocol registry and documentations.</p> <p>g) Continues to process requests for exemption of stamp duty for resident Diplomatic and Consular Missions who are purchasing land; approved requests for the purchase of duty-free goods and motor vehicles and approved applications for Zero Rated Regular VAT & Excise Duty Exemptions, and Annual Blanket VAT exemptions on the Integrated Protocol Information System (IPMIS).</p>	
	<p>h) Kenya hosts 78 international organizations that have Host Country Agreements with the Country.</p>	
	<p>i) Reviewing the Privileges and Immunities Act, CAP. 179 to streamline the grant and administration of privileges, and immunities to international organizations. The Privileges and Immunities (Amendment) Bill, 2023, is pending before Parliament.</p>	
	<p>j) The Government has hosted the following six summits and events:</p> <ul style="list-style-type: none"> (i) The Africa Climate Summit from 4th to 6th September, 2023; (ii) The International Development Association (IDA) 21 for Africa Heads of State Summit from 28th to 29th April, 2024; (iii) The Annual meeting of the African Development Banking Group from 27th to 31st May, 2024; (iv) The Sixth Session of the United Nations Environment Assembly (UNEA 6) from 26th February to 1st March, 2024; (v) The Fifth Mid-Year Coordination Meeting of the African Union, Regional Economic Communities and Regional Mechanisms (5th MYCM) from 13th to 16th July, 2023; and (vi) Africa Fertilizer and Soil Health Summit from 7th to 9th May, 2024. 	

2. OPTIONAL PROTOCOL TO THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS CONCERNING ACQUISITION OF NATIONALITY		CHALLENGES	RECOMMENDATIONS
<p>Adopted: 24th April, 1963. Entered into force: 19th March, 1967. Kenya became a State party to the Convention: 1st July, 1965. Obligation to Government: To adhere to the set rules on consular relations in its engagement with foreign missions in the country.</p>	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government does not confer Kenyan nationality to a child whose father or mother is a member of a diplomatic mission resident in Kenya.</p>		
<p>THE 1963 VIENNA CONVENTION ON CONSULAR RELATIONS</p> <p>Adopted: 24th April, 1963. Entered into force: 19th March, 1967. Kenya became a State party to the Convention: 1st July, 1965. Obligation to Government: To adhere to the set rules on consular relations in its engagement with foreign missions in the country</p>			
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The government has undertaken/is undertaking the following:</p> <p>a) Hosts thirty-six (36) Honorary Consulates and Consulates Generals.</p> <p>b) Processed authority for the acquisition of assets for Consulate Generals and Honorary Consulates and undertook the management of claims for tax and duty refunds for consulate staff and missions in addition to the management of the protocol registry and documentation.</p> <p>c) Implement the Kenya Diaspora Policy, 2015.</p> <p>d) Processed requests for exemption of stamp duty for resident Consular Missions who are purchasing land; approved requests for the purchase of duty-free goods and motor vehicles and approved applications for Zero Rated Regular VAT & Excise Duty Exemptions, and Annual Blanket VAT exemptions on the Integrated Protocol Information System (IPMIS).</p> <p>e) Reviewing the Privileges and Immunities Act, CAP. 179 to adopt a template for use in negotiating future Host Country</p>		

	Agreements with international organizations and to control tax evasion and other forms of mischief. The Privileges and Immunities (Amendment) Bill, 2023, was approved by Cabinet in February, 2023, and is pending before Parliament.		
4.	<p>1963 VIENNA CONVENTION ON CONSULAR RELATIONS AND THE OPTIONAL PROTOCOL CONCERNING THE ACQUISITION OF NATIONALITY</p> <p>Adopted: 24th April, 1963. Entered into force: 20th March, 1971. Kenya became a State party to the Convention: 1st July, 1965. Obligation to Government: To adhere to the set rules on consular relations in its engagement with foreign missions in the country</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The government has undertaken/is undertaking the following:</p> <p><i>a)</i> Kenya hosts one hundred and nine (109) Embassies and High Commissions with residence in Kenya. It has thirty-nine (39) Embassies and High Commissions accredited to Kenya with residence in other countries and thirty-six (36) Honorary Consulates and Consulates General. In addition, Kenya hosts sixty (60) UN and UN Agencies and seventy-eight (78) International Organizations.</p> <p><i>b)</i> Does not confer Kenyan nationality to a child whose father or mother is a member of a consular mission resident in Kenya.</p>	CHALLENGES	RECOMMENDATIONS
5.	<p>OPTIONAL PROTOCOL TO THE VIENNA CONVENTION ON THE COMPULSORY SETTLEMENT OF DISPUTES</p> <p>Adopted: 24th April, 1963. Entered into force: 20th March, 1971. Kenya acceded to the Convention on: 1st July, 1965. Obligation to Government: To lodge disputes concerning the interpretation or application of the convention that lie within the compulsory jurisdiction of the International Court of Justice (ICJ).</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government reiterates to revoke its recognition of the (ICJ's) compulsory jurisdiction. This was informed by the Court's violation of Kenya's Declaration under the ICJ Treaty and subsequent imposition of the jurisdiction in the maritime claim by the Republic of Somalia.</p>	CHALLENGES	RECOMMENDATIONS



6.	<p>THE 1946 CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS</p> <p>Adopted: 13th February, 1946. Entered into force for each State on date of deposit of Ratification/Accession Instrument: 17th September 1946 Kenya became a State party to the Convention: 1st July, 1965.</p> <p>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 UN, UN officials and its representatives have from every legal process including its property and assets and the inviolability of its premises unless waived by the Secretary General.</p>	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The government has undertaken/is undertaking the following:</p> <p><i>a)</i> Grants certain privileges and immunities to all UN Agencies and Programmes, and their officials and delegates attending UN meetings in Kenya—Officials are granted privileges and immunities in the interests of the United Nations, not for personal gain.</p> <p><i>b)</i> Processed authority for the acquisition of assets for UN Agencies and Programmes and undertook the management of claims for their tax and duty refunds in addition to the management of the protocol registry and documentation.</p> <p><i>c)</i> Operationalized the Diplomatic Service Center in Gigiri.</p> <p><i>d)</i> Processes UN requests for the purchase of duty-free goods and motor vehicles and approved applications for Zero-Rated Regular VAT and excise duty exemptions, and annual blanket VAT exemptions on the Integrated Protocol Management Information System (IPMIS).</p> <p><i>e)</i> Reviewing the Privileges and Immunities Act, CAP. 179, to streamline the operations of international organisations in the country.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Misuse of privileges and immunities. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Strict adherence to the law of the receiving State.
7.	<p>THE 1948 CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UN SPECIALIZED AGENCIES.</p> <p>Adopted: 21st November, 1947. Entered into force: 2nd December, 1948. Kenya became a State party to the Convention: 1st July, 1965.</p>			



	<p>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, their officials and representatives have from every legal process including their property and assets and the inviolability of their premises.</p>		
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Granted certain privileges and immunities to all these UN Agencies and Programmes, and their officials and delegates attending UN meetings in Kenya.</p> <p><i>b)</i> Processed authority for the acquisition of assets for UN Agencies and Programmes and undertook the management of claims for their tax and duty refunds in addition to the management of the protocol registry and documentations.</p> <p><i>c)</i> Processed UN requests for the purchase of duty-free goods and motor vehicles and approved applications for zero rated regular VAT and excise duty exemptions, and annual blanket VAT exemptions on the §Integrated Protocol Management Information System (IPMIS).</p> <p><i>d)</i> Reviewing the Privileges and Immunities Act, CAP. 179 to streamline the operations of international organisations in the country.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Misuse of privileges and immunities 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Strict adherence to the law of the receiving State
8.	<p>AGREEMENT ON PRIVILEGES AND IMMUNITIES OF THE ORGANIZATION FOR THE PROHIBITION OF CHEMICAL WEAPONS (OPCW)</p> <p>Kenya Signed: 28th March, 2001. Kenya Ratified: 24th March, 2014. Entered into force: 19th February, 2015. Obligation to Government: To grant the OPCW, its officials and representatives' privileges and immunities within the territory of Kenya to facilitate the independent exercise of their functions.</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government continues to grant OPCW and its officials, such privileges and immunities as are necessary for the independent exercise of its functions.</p>		



9.	<p>GENERAL CONVENTION ON PRIVILEGES AND IMMUNITIES OF THE OAU (GENERAL CONVENTION)</p> <p>Adopted: 25th October, 1965. Entered into force: 25th October, 1965. Kenya became a State party to the Convention: 25th October, 1965. Obligation to Government: Member States are to grant the AU, its officials and representatives' privileges and immunities within their territories for independent exercise of their functions.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Grants certain privileges and immunities to the AU, its organs, its officials as well as delegates attending AU meetings in Kenya;</p> <p><i>b)</i> Hosted several AU meetings: the Africa Climate Summit from 4th to 6th September, 2023; the fifth Mid-Year Coordination Meeting of the African Union, Regional Economic Communities and Regional Mechanisms (5th MYCM) from 13th to 16th July, 2023; and Africa Fertilizer and Soil Health (AFSH) Summit from 7th to 9th May, 2024 and the Annual meeting of the African Development Banking Group from 27th to 31st May, 2024; and</p> <p><i>c)</i> Reviewing the Privileges and Immunities Act, CAP. 179, to streamline the operations of international organisations in the country.</p>	CHALLENGES	RECOMMENDATIONS
10.	<p>EAST AFRICAN COMMUNITY PROTOCOL ON FOREIGN POLICY COORDINATION</p> <p>Adopted: 3rd December, 2010. Signed : 3rd December, 2010. Ratified: 20th November, 2012. Obligation to Government: To safeguard the common values, fundamental interests and independence of the Community. To collaborate on diplomatic and consular matters and harmonize efforts in addressing regional needs in the international fora.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government participated in the 14th Sectoral Meeting of the Sectoral Council on Foreign Policy Coordination on 30th April, 2024 in Dar es Salaam, Tanzania.</p>	CHALLENGES	RECOMMENDATIONS



11.	EAST AFRICAN COMMUNITY PROTOCOL ON PRIVILEGES AND IMMUNITIES	RECOMMENDATIONS
<p>Adopted: 30th April, 2015. Kenya Ratified: 13th June, 2018. Obligation to Government: The Protocol aims to accord the Community, its organs, institutions and persons employed in different capacities in its service with such immunities and privileges as are accorded to similar international organizations in the territories of the partner states.</p>	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <ul style="list-style-type: none"> <i>a)</i> Ensures that the Diplomatic Corps and international staff of the EAC are accorded the privileged status due to them while ensuring that the diplomats respect the law; <i>b)</i> Continues to make great progress in the realization of its Foreign Policy and host country obligations within the EAC; <i>c)</i> Completed the construction of the Phase I of the Lake Victoria Basin Commission headquarters in Kisumu and is in the process of undertaking Phase II; and <i>d)</i> Completed the construction of the EAC Centre of Aviation Medicine within the Kenya Civil Aviation Authority (KCAA) headquarters, Nairobi. 	

PEACE AND SECURITY				
1.	<p>GENEVA CONVENTIONS (CONVENTION I - IV AND ADDITIONAL PROTOCOLS I, II, AND III) Adopted: 12th August, 1949. Entered into force: 21st October, 1950. Kenya acceded on: 20th September, 1996.</p> <p>Additional Protocol I Adopted: 8th June, 1977. Kenya acceded on: 23rd February, 1999. Entered into Force: 7th December, 1978.</p> <p>Additional Protocol II Adopted: 8th June, 1977. Kenya acceded on: 23rd February, 1999. Entered into Force: 7th December, 1978.</p> <p>Additional Protocol III Adopted: 8th December, 2005. Signed on: 30th March, 2006. Ratified: 28th October, 2013.</p> <p>Obligation to Government: The Geneva Conventions and Protocols oblige parties to an armed conflict and combatants to conduct hostilities or armed conflict in accordance and in strict compliance with generally accepted principles and rules of International Humanitarian Law (IHL).</p>	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Conducts continuous annual training of Kenya Defence Forces Soldiers in Defence Schools and operational areas on the provisions of the Geneva Conventions and other aspects of operational law;</p> <p><i>b)</i> Hosted the 16th Senior Workshop on the International</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Changing nature of warfare due to rapid advancement in technology. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Training on emerging technologies in warfare and acquisition of similar technology



	Rules Governing Military Operations (SWIRMO) held from 30 th October to 4 th November, 2023, to discuss International Humanitarian Law and its application in military operations;		
	<p><i>c)</i> Participates in the Annual Kenya Defence Force Peacekeeping Operations in Somalia (ATMIS), Democratic Republic of Congo (MONUSCO), Central African Republic (MINUSCA), Mali (MINUSMA), South Sudan (UNMISS), Lebanon (UNFIL) and Yemen;</p> <p><i>d)</i> Conducts KDF pre-deployment training before deployment for peacekeeping operations; and</p> <p><i>e)</i> Collaborate with Ally States in training in the field of defence.</p>		
2.	<p>CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION, STOCKPILING AND USE OF CHEMICAL WEAPONS AND ON THEIR DESTRUCTION (CWC), 1997</p> <p>Adopted: 1992.</p> <p>Entered into force: 29th April, 1997.</p> <p>Kenya signed on: 15th January, 1993.</p> <p>Kenya Ratified: 25th April, 1997.</p> <p>Obligation to Government: To prohibit the production and use of chemical weapons; To destroy all chemical weapons (including chemical weapons abandoned outside the State parties territory); To render assistance to other State Parties and the Organisation for the Prohibition of Chemical Weapons (OPCW) - OPCW is an organisation that has an inspection regime to verify States commitments; and to render international co-operation in the peaceful use of chemistry in relevant areas.</p>		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Formulating the Strategic Goods Control Bill, 2024, which seeks to control trade in strategic goods and prevent the proliferation of nuclear, chemical or biological weapons;</p> <p><i>b)</i> Formulating the Government Chemist Agency Bill, 2024, to domesticate the Convention;</p>	<ul style="list-style-type: none"> ▪ Slow enactment process ▪ Slow enactment process of the Government Chemist Agency Bill, 2024 	<ul style="list-style-type: none"> ▪ Fast track enactment of the Bill ▪ Fast track enactment process of the Bill



	<p>c) Attended the 103rd Session of OPCW's Executive Council between 11th and 14th July, 2023, where it re-affirmed its position against the use of chemical weapons by any state, persons or organizations, under any circumstances or justifications, as well as the pursuit of the goal of a world free of chemical weapons; and</p> <p>d) Participated in the training for first responders organized by the Organization for the Prohibition of Chemical Weapons (OPCW) and the Government of the Republic of Zambia from 10th to 14th July, 2023.</p>		
3.	<p>CONVENTION FOR THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION AND STOCKPILING OF BACTERIOLOGICAL (BIOLOGICAL) AND TOXIN WEAPONS AND ON THEIR DESTRUCTION (BTWC)</p> <p>Adopted: 16th December, 1971. Opened for signature on: 10th April, 1972. Entered into force: 26th March, 1975. Kenya acceded to the Convention on: 7th January, 1976.</p> <p>Obligation to Government: To never under any circumstances develop, produce, stockpile or otherwise acquire or retain bacteriological or biological weapons, 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 nor their means of delivery designed to use such agents or toxins for hostile purposes, or in armed conflict.</p>		
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p>a) Participated in the Second Meeting of the Working Group on the Strengthening of the Biological Weapons Convention (BWC) which took place from 7th August, 2023, to 18th August, 2023, in Geneva, Switzerland;</p> <p>b) Held a Workshop in Mombasa from 18th to 19th October, 2023, aimed at identifying concrete ways to strengthen the Biological Weapons Convention in Eastern African countries; and</p> <p>c) Formulating a Biosecurity Bill, 2024, which will give further effect to the Convention.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Inadequate collaboration among East African states. ▪ Slow enactment process 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Enhance collaboration among East African states. ▪ Fast track enactment



4.	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
<p>PROTOCOL FOR THE PROHIBITION OF THE USE OF ASPHYXIATING, POISONOUS OR OTHER GASES AND OF BACTERIOLOGICAL METHODS OF WARFARE</p> <p>Adopted: 17th June, 1925. Entered into force: 8th February, 1928. Kenya acceded to the Protocol on: 6th July, 1970. Obligation to Government: To take measures to account for secure production, use, storage, and transport of such materials; To adopt regulations for physical protection of facilities, materials and during transport; To license registration of facilities and people handling biological materials; To conduct reliability check of personnel; To take measures to account for, secure, physically protect means of delivery; To adopt regulations for genetic engineering work; and not to produce, develop, stockpile or otherwise acquire bacteriological weapons; To adopt legislation or regulations related to safety and security of biological materials.</p>	<p>The Government is developing the Government Chemist Agency Bill, 2024, which will give effect to the provisions of the Treaty.</p>	<ul style="list-style-type: none"> ▪ Slow process of development of the Bill due to technical issues to be captured in the proposed Bill. ▪ Inadequate technical personnel in law making process. 	<ul style="list-style-type: none"> ▪ Bringing together all key stakeholders in law making process ▪ Seek support from government and other key stakeholders. ▪ Enhance capacity building, ▪ Source expertise from OPCW on the Initial measures in the development of Kenya national legislation on CWC.
<p>5.</p>	<p>COMPREHENSIVE NUCLEAR TEST-BAN TREATY (CTBT)</p> <p>Adopted: 18th September, 1996. Opened for signature : 24th September, 1996. Entered into force: Has not yet entered into force. Kenya signed : 14th November, 1996. Kenya Ratified: 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 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.</p>		



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Hosted the 14th Anniversary of the African nuclear weapon Free Zone Treaty on 15th July, 2023, with the aim of reflecting on the achievements and challenges in implementing the Treaty's objectives;</p> <p><i>b)</i> Participated in the 67th Annual IAEA General Conference held from 25th to 29th September, 2023, in Vienna, Austria and was elected to serve on the 35-member IAEA Board of Governors for the period 2023-2024; and</p> <p><i>c)</i> Submitted its biannual reports for the year 2023 to International Atomic Energy Agency (IAEA) on the measures taken to implement the safeguards obligation at the national level.</p>		
6.	<p>TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS (NPT)</p> <p>Adopted: 12th June, 1968. Entered into force: 5th March, 1970. Kenya signed on: 1st July, 1968. Kenya Ratified: 11th June, 1970. Obligation to Government: To prevent the spread of nuclear weapons and nuclear weapons technology and furthers the goal of nuclear disarmament.</p>		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Formulating the Strategic Goods Control (SGC) Bill, 2024. It aims to establish controls for the trade in chemical, biological, nuclear or radiological goods that may be used for non-peaceful purposes;</p> <p><i>b)</i> Hosted the 14th Anniversary of the African nuclear weapon Free Zone Treaty on 15th July, 2023. The aim was to reflect on the achievements and challenges in implementing the Treaty's objectives; and</p> <p><i>c)</i> Participated in the 67th Annual IAEA General Conference and was further elected to serve on the 35-member IAEA Board of Governors for the period 2023-2024.</p>	<ul style="list-style-type: none"> ▪ Slow process of development of the Bill due to technical issues to be captured in the proposed Bill 	<ul style="list-style-type: none"> ▪ Bringing together all key stakeholders in law making process

7.	<p>AFRICAN NUCLEAR WEAPON FREE ZONE TREATY (TREATY OF PELINDABA)</p> <p>Adopted: 11th April, 1996. Entered into force: 15th July, 2009. Kenya signed on: 11th April, 1996. Kenya Ratified: 15th November, 2000.</p> <p>Obligation to Government: Take appropriate legal, policy and administrative measures to prevent and punish any prohibited nuclear activity; renunciation of nuclear explosive devices; prevention of stationing of nuclear explosive devices in the territory; 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.</p> <table border="1" data-bbox="568 199 767 1966"> <thead> <tr> <th data-bbox="568 1205 608 1966">MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</th> <th data-bbox="568 663 608 1205">CHALLENGES</th> <th data-bbox="568 199 608 663">RECOMMENDATIONS</th> </tr> </thead> <tbody> <tr> <td data-bbox="608 1205 767 1966">The Government hosted the 14th Anniversary of African Nuclear Weapon Free Zone Treaty (Treaty of Pelindaba) in Nairobi on 15th July, 2023. The objective of the event was to reflect, on the achievements and challenges in implementing the treaty's objectives.</td> <td data-bbox="608 663 767 1205"></td> <td data-bbox="608 199 767 663"></td> </tr> </tbody> </table>	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS	The Government hosted the 14th Anniversary of African Nuclear Weapon Free Zone Treaty (Treaty of Pelindaba) in Nairobi on 15 th July, 2023. The objective of the event was to reflect, on the achievements and challenges in implementing the treaty's objectives.		
MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS					
The Government hosted the 14th Anniversary of African Nuclear Weapon Free Zone Treaty (Treaty of Pelindaba) in Nairobi on 15 th July, 2023. The objective of the event was to reflect, on the achievements and challenges in implementing the treaty's objectives.							
8.	<p>THE HAGUE CODE OF CONDUCT AGAINST BALLISTIC MISSILE PROLIFERATION (HC6C)</p> <p>Kenya subscribed to the Code on: 25th November, 2002. It entered into force in: November, 2002. Obligation to Government: To provide Prelaunch Notifications (PLNs) on ballistic missiles, space launch vehicle launches and test flights.</p> <table border="1" data-bbox="951 199 1062 1966"> <thead> <tr> <th data-bbox="951 1205 991 1966">MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</th> <th data-bbox="951 663 991 1205">CHALLENGES</th> <th data-bbox="951 199 991 663">RECOMMENDATIONS</th> </tr> </thead> <tbody> <tr> <td data-bbox="991 1205 1062 1966">The Government is not embarking on any space launch on ballistic missile and other related issues of the Convention.</td> <td data-bbox="991 663 1062 1205"></td> <td data-bbox="991 199 1062 663"></td> </tr> </tbody> </table>	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS	The Government is not embarking on any space launch on ballistic missile and other related issues of the Convention.		
MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS					
The Government is not embarking on any space launch on ballistic missile and other related issues of the Convention.							
9.	<p>CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION</p> <p>Adopted: 18th September, 1997. Opened for signature on: 3rd December, 1997. Entered into force: 1st March, 1999. Kenya signed on: 5th December, 1997. Kenya Ratified: 23rd January, 2001.</p>						



	<p>Obligation to the Government: To prohibit the use, stockpiling, production and transfer of anti-personnel mines and to destroy any anti-personnel mines that may exist.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>Kenya reported that there were no mined areas under its jurisdiction or control.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Inadequate technical and financial capacity to implement the Convention. ▪ Low awareness on the Convention. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Build the technical and financial capacity to implement the Convention particularly in clearing mined areas. ▪ Conduct public awareness and sensitization on the Convention.
<p>10.</p>	<p>PROTOCOL RELATING TO THE ESTABLISHMENT OF PEACE AND SECURITY COUNCIL OF THE AFRICAN UNION</p> <p>Adopted: 9th July, 2002. Entered into force: 26th December, 2003. Kenya signed on: 7th July, 2003. Kenya ratified the Protocol on: 19th December, 2003.</p> <p>Obligation to Government: To anticipate and prevent disputes and conflicts; To facilitate timely and efficient response to conflict and crisis situations in Africa; To undertake peace-making and peace-building functions to resolve conflicts where they have occurred.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Is a Troop Contributing Country (TCC) towards international concerted efforts of restoring peace in Somalia (ATMIS), Democratic Republic of the Congo (MONUSCO), Central African Republic (MINUSCA), Mali (MINUSMA) and South Sudan (UNMISS);</p> <p><i>b)</i> Deployed Kenyan troops to the Democratic Republic of Congo (DRC) in 2023–2024 following a decision endorsed and adopted by regional leaders at the third East African Community (EAC) Heads of State Conclave on Peace and Security in Eastern DRC; and</p> <p><i>c)</i> Participated in the 27th Annual Conference of International Association of Peacekeeping Training Centres (IAPTC) on 6th November, 2023, in Nairobi, Kenya. The objective was to discuss global peace, security and stability.</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>

EAST AFRICAN COMMUNITY PROTOCOL ON COOPERATION IN DEFENCE AFFAIRS			
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATION
11.	<p>Adopted: 28th April, 2012. Entered into force: 19th November, 2015. Kenya signed on: 28th April, 2012. Kenya Ratified: 7th October, 2015. Obligation to Government: To enhance collective efforts to promote peace, security and stability within the EAC region.</p> <p>The Government has undertaken/is undertaking the following:</p> <p>a) Cooperating with other partner states to implement the Protocol in the following areas:</p> <ul style="list-style-type: none"> ▪ Military training; ▪ Joint operations; ▪ Technical cooperation; ▪ Visits and exchange of information; ▪ Liaison in military affairs; ▪ Exchange of military instructors; and ▪ Seconding staff to Defence Staff Colleges. <p>b) Deployed troops to the Democratic Republic of Congo (DRC) in 2023–2024, following a decision endorsed and adopted by regional leaders at the third East African Community (EAC) Heads of State conclave on peace and security in Eastern DRC;</p> <p>c) Cooperating with other Partner States in military training, exchange of directing staff and students in EAC Military Academies and Senior Command and Staff Colleges;</p> <p>d) Cooperating with other partner states in the harmonization of training doctrines, syllabi and curricular for EAC military training institutions; lectures of opportunity offered by EAC Defence Chiefs at Senior Command and Staff Colleges;</p> <p>e) Cooperating with other Partner States in the Conduct of semi-annual meetings of the Commandants of Military Academies and Commandants of Senior Command and Staff Colleges to</p>		

	operationalize the defence cooperation in training pursuant to the EAC Protocol on Cooperation in Defence Affairs;		
<i>f)</i>	Cooperating with other partner states in Joint Operations – EAC Partner States’ Armed Forces, Police, Civilian Components and other key stakeholders have been planning and conducting command post and field training exercises, codenamed <i>Ushirikiano Imara</i> , successfully on a rotational basis. The exercises are based on Peace Support Operations, Counter terrorism, Counter Piracy and Disaster Management themes. The Exercises also incorporate Civil–Military–Cooperation (CIMIC) activities, such as medical outreaches, construction, sanitation, environmental conservation and others. CIMIC activities are designed to support Partner States development agenda and enhance civil–military cooperation. The ultimate goal is to win the hearts and minds of the people;		
<i>g)</i>	Cooperating with other partner states in technical cooperation –EAC Partner States’ Armed Forces have been undertaking joint technical cooperation in various fields, including Defence Industrial Facilities and Military Health Services. Various Defence Industrial Facilities and Military Health Facilities have been offered by Partner States for joint utilization;		
<i>h)</i>	Cooperating with other partner states in Visits and Exchange of Information–Quarterly meetings of Military Intelligence Chiefs and editions of military games and cultural event have been conducted on a rotational basis;		
<i>i)</i>	Participated in the 37 th Meeting of the Sectoral Council on Cooperation in Defence Affairs from 4 th –8 th March, 2024, in Arusha, Tanzania to refine EAC Guidelines for the Planning and Conduct of EAC Armed Forces Exercises; and		
<i>j)</i>	Participated in the 12th Joint Meeting of the Sectoral Council on Cooperation in Defence Affairs, Interstate Security and Foreign Policy Coordination held in Dar Es Salaam, Tanzania on 30 th April, 2024.		

12.	EAST AFRICAN COMMUNITY PROTOCOL ON PEACE AND SECURITY	CHALLENGES	RECOMMENDATIONS
	<p>Adopted: 30th November, 2012. Kenya signed on: 15th February, 2013. Kenya Ratified: 23rd March, 2017.</p> <p>Obligations to Government: Under Article 124 of the Treaty establishing the East African Community (EAC), Partner States agreed that peace and security are prerequisites to social and economic development within the Community and vital to the achievement of the objectives of the Community. The Protocol identified over 20 objectives for fostering regional peace and security. These include combating terrorism and piracy, peace support operations, prevention of genocide, disaster management and crisis response, management of refugees, control of proliferation of small arms and light weapons, and combating transnational and cross-border crimes.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p>a) Jointly with Uganda, South Sudan and AU Border Programme on 3rd July, 2023, launched a Peace Caravan and Benchmarking Tour for border communities to promote peaceful co-existence, good neighbourliness and peaceful resolution of disputes among border communities through experiential learning from best practices of other border communities in the region;</p> <p>b) Continues operations, through the Kenya Quick Reaction Force (QRF) which is under the United Nations Organisation Stabilization Mission in the Democratic Republic of Congo (MONUSCO) to enhance peace and protect the people of Congo alongside the African countries of South Africa and Tanzania;</p> <p>c) Participated in the development and harmonization of Police Standard Operating Procedures from 3rd-6th April, 2023, in Dar es Salaam, Tanzania;</p> <p>d) participated in the EAC joint review of the results achieved, challenges, lessons learned during the implementation of the African Union Border Programme (AUBP) and other regional border governance initiatives from 29th August –1st September, 2023, in Zanzibar, Tanzania; and</p>	<ul style="list-style-type: none"> ▪ Inadequate number of troops contributed by some member states. 	<ul style="list-style-type: none"> ▪ Request member states to comply with their obligations under the treaty Enhanced Partner States' support for the regional peace and security Sector
		<ul style="list-style-type: none"> ▪ Heavy donor dependence in development and implementation of programmes 	<ul style="list-style-type: none"> ▪ Enhanced Partner States' support for the regional peace and security Sector



	<p>e) participated in the Regional Conference on Immigration and Border Governance from 25th to 26th January, 2024, in Bujumbura, Burundi.</p>		
<p>13.</p>	<p>PROTOCOL ON COMBATING DRUG TRAFFICKING IN THE EAST AFRICAN REGION</p> <p>Adopted and signed on: 13th January, 2001.</p> <p>Obligation to Government: To co-operate with other Partner States in offering mutual legal assistance in the investigation and prosecution of illicit drug trafficking.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken the following:</p> <p>a) Established the National Authority for the Campaign against Alcohol and Drug Abuse (NACADA), the Pharmacy and Poisons Board and the Anti-Narcotics Police Unit to implement the provisions of the Protocol.</p> <p>b) Formulated the Alcoholic Drinks Control Bill, 2024, to repeal the existing Alcoholic Drinks Control Act, 2010, and the Traffic Drink Driving Rules, 2024.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Inadequate budgetary allocation to support implementation of the Protocol. ▪ Rising level in poverty driving the youth into drug trafficking. ▪ Slow enactment process. ▪ Weak harmonization of Partner States legislation relating to Drugs/Narcotics abuse. ▪ Porous borders and corruption promoting the Drugs/Narcotics trade in the region. ▪ Weak harmonization of Partner States legislation relating to Drugs/Narcotics abuse. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Allocate more resources to support implementation of the Protocol. ▪ Engage the Youth in more community activities and provide employment opportunities. ▪ Fast track enactment process. ▪ Conduct public awareness and sensitization. ▪ Partner States to continue developing joint initiatives to reinforce personnel and institutional capacities of the Police Forces/Services in the Community. ▪ Harmonisation of Narcotic related legislation. ▪ Enhance regional and international engagement on the fight against drugs and illicit brews.



14.	<p>MUTUAL DEFENCE PACT BETWEEN KENYA, UGANDA AND RWANDA</p> <p>Signed: 20th February, 2014. Ratified: 7th October, 2015. Obligation to Government: The Mutual Defence Pact aims to establish and operationalize a mechanism for mutual defence among Member States.</p>						
	<table border="1"> <thead> <tr> <th data-bbox="408 1205 620 1301">MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</th> <th data-bbox="408 663 620 1205">CHALLENGES</th> <th data-bbox="408 199 620 663">RECOMMENDATION</th> </tr> </thead> <tbody> <tr> <td data-bbox="448 1205 620 1966"> <ul style="list-style-type: none"> ▪ The Government continues to conduct joint military operations with Uganda and Rwanda towards mutual preparedness in defence. </td> <td data-bbox="448 663 620 1205"> <ul style="list-style-type: none"> ▪ Financial constraints. ▪ Inadequate information sharing from partner states. </td> <td data-bbox="448 199 620 663"> <ul style="list-style-type: none"> ▪ Increase budgetary allocations. ▪ Strengthen communication channels between the partner states. </td> </tr> </tbody> </table>	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATION	<ul style="list-style-type: none"> ▪ The Government continues to conduct joint military operations with Uganda and Rwanda towards mutual preparedness in defence. 	<ul style="list-style-type: none"> ▪ Financial constraints. ▪ Inadequate information sharing from partner states. 	<ul style="list-style-type: none"> ▪ Increase budgetary allocations. ▪ Strengthen communication channels between the partner states.
MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATION					
<ul style="list-style-type: none"> ▪ The Government continues to conduct joint military operations with Uganda and Rwanda towards mutual preparedness in defence. 	<ul style="list-style-type: none"> ▪ Financial constraints. ▪ Inadequate information sharing from partner states. 	<ul style="list-style-type: none"> ▪ Increase budgetary allocations. ▪ Strengthen communication channels between the partner states. 					
15.	<p>OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON INVOLVEMENT OF CHILDREN IN ARMED CONFLICT</p> <p>Adopted: 30th November, 1999. Signed on: 8th September, 2000. Kenya ratified the Protocol on: 28th January, 2002. Entered into force: 12th July, 2002. Obligation to Government: To ensure children are not recruited to serve in armed conflict or other forms of military engagement.</p>						
	<table border="1"> <thead> <tr> <th data-bbox="900 1205 1150 1301">MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</th> <th data-bbox="900 663 1150 1205">CHALLENGES</th> <th data-bbox="900 199 1150 663">RECOMMENDATIONS</th> </tr> </thead> <tbody> <tr> <td data-bbox="940 1205 1150 1966"> <p>The Government has undertaken/is undertaking the following:</p> <ul style="list-style-type: none"> a) Through the Kenya Defence Forces, recruits annually persons of 18 years and above; and b) Formulating a Child Safeguarding Policy, which will address, <i>inter alia</i>, non-involvement and protection of children in armed conflict. </td> <td data-bbox="940 663 1150 1205"></td> <td data-bbox="940 199 1150 663"></td> </tr> </tbody> </table>	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS	<p>The Government has undertaken/is undertaking the following:</p> <ul style="list-style-type: none"> a) Through the Kenya Defence Forces, recruits annually persons of 18 years and above; and b) Formulating a Child Safeguarding Policy, which will address, <i>inter alia</i>, non-involvement and protection of children in armed conflict. 		
MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS					
<p>The Government has undertaken/is undertaking the following:</p> <ul style="list-style-type: none"> a) Through the Kenya Defence Forces, recruits annually persons of 18 years and above; and b) Formulating a Child Safeguarding Policy, which will address, <i>inter alia</i>, non-involvement and protection of children in armed conflict. 							
16.	<p>UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME (PALERMO CONVENTION)</p> <p>Adopted: 15th November, 2000. Entered into force: 29th September, 2003. Kenya accession on: 16th June, 2004. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing The United Nations Convention</p>						



	<p>Against Transnational Organized Crime. Adopted: 15th November, 2000. Entered into force: 25th December, 2003. Kenya accession on: 5th January, 2005.</p> <p>Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing The United Nations Convention Against Transnational Organized Crime. Adopted: 15th November, 2000. Entered into force: 28th January, 2004. Kenya accession on: 5th January, 2005.</p> <p>Protocol against the Illicit Manufacturing of and Trafficking In Firearms, Their Parts and Components and Ammunition, Supplementing The United Nations Convention against Transnational Organized Crime. Adopted: 31st May, 2001. Kenya Ratified: 5th January, 2005. Entered into force: 3rd July, 2005. Obligation to Government: The Convention requires the Government to take measures to prevent, suppress and punish transnational organized crimes.</p>	CHALLENGES	RECOMMENDATIONS
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken the following:</p> <ul style="list-style-type: none"> (a) Implementing the Counter Trafficking in Persons National Assistance Trust Fund Regulations, 2020, and disbursement of funds for direct assistance of victims; (b) Celebrates World Day Against Human Trafficking on 28th July, 2023; (c) Launched the National Plan of Action for Victims of Trafficking in Persons, 2022-2027, on 28th July, 2023. The Plan is anchored on the pillars of prevention, protecting, prosecution and partnership; (d) Launched the Guidelines for Assisting Victims of Trafficking. The Guidelines provide a mechanism to disburse funds of the National Assistance Trust Fund for Victims of Trafficking; (e) Holds Quarterly Statutory Meetings for the Counter Trafficking in Persons Advisory Committee and the Board of Trustees of National Assistance Trust Fund for Victims 		



	<p>of Trafficking;</p> <p>(f) Launched the Technical Working Group on the Review of the Counter Trafficking in Persons Act, CAP. 61, and has formulated a bill of the Counter Trafficking in Person (Amendment) Bill, 2022, to review the Counter Trafficking in Persons Act, CAP. 61;</p> <p>(g) Developed a Draft for Minimum Standard of Care for Victims of Trafficking in Persons which guides service providers on service provision for victims of residential and non-residential cares;</p> <p>(h) Provided economic empowerment to 36 survivors of Trafficking in Persons in the Coast Region. The funding was from the National Assistance Trust Fund for Victims of Trafficking;</p> <p>(i) Repatriated 15 Kenyan nationals from the People's Republic of Laos and Turkey. The funding was from the National Assistance Trust Fund for Victims of Trafficking;</p> <p>(j) Facilitated the repatriation of children—5 boys and 2 girls to Tanzania, Ethiopia, and Uganda and in country return of 3 (2 boys and 1 girl) Kenyans. Total Number was 10;</p> <p>(k) Identified an existing facility to be used as a government run shelter for victims of trafficking. The facility is currently under refurbishment;</p> <p>(l) The Counter Trafficking in Persons Secretariat Co-ordinated the Screening and referral of 164 victims of trafficking to services providers for various direct assistance; and</p> <p>(m) Dissemination of the National Referral Mechanism to Capacity building to seventy 70 law enforcement officers.</p>	
17.	<p>INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF TERRORIST BOMBINGS</p> <p>Adopted: 15th December, 1997. Entered into force: 23rd May, 2001. Kenya acceded to it: 16th November, 2001. Obligation to Government: To establish jurisdiction over and make punishable, under their domestic laws, the offences described in the Convention, to</p>	



	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	CHALLENGES	RECOMMENDATIONS	
	<p>The Government has undertaken the following:</p> <p>a) Conducted Counter-Terrorism (CT) sensitization fora in Bobo, Roka and Misumarini in the Boni frontier villages of Lamu County on 4th February, 2024; and</p> <p>b) Participated in the 2nd Meeting of the Islamic Military Counter-Terrorism Coalition (IMCTC) in Riyadh, Saudi Arabia on 3rd July, 2023. The IMCTC aimed to develop frameworks and policies to bolster efforts to suppress and degrade terror-related activities.</p>			
18.	<p>INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF ACTS OF NUCLEAR TERRORISM</p> <p>Adopted: 13th April, 2005. Entered into force: 7th July, 2007. Kenya signed: 15th September, 2005. Kenya Ratified: 13th April, 2006. Obligation to Government: To adopt measures to establish criminal offences under its national law and to make them punishable by appropriate penalties for criminal acts established in the Convention; To cooperate in preventing terrorist attacks by sharing information and assisting other State Parties in criminal investigations and extradition proceedings.</p>			
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS	
	<p>The Government has undertaken the following:</p> <p>a) Formulating the Strategic Goods Control Bill, 2024, intended to establish controls for Chemical, Biological, Radiological and Nuclear (CBRN) dual use items that may be used for non-peaceful purposes; and</p> <p>b) Conducts, through the Kenya Defence Forces training on the handling of hazardous material,</p>	<ul style="list-style-type: none"> ▪ Slow process of development of the bill due to technical issues to be captured in the proposed Bill 	<ul style="list-style-type: none"> ▪ Bringing together all key stakeholders in law making process 	



	including nuclear, as part of its disaster response preparedness.		
19.	<p>INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF THE FINANCING OF TERRORISM</p> <p>Adopted: 9th December, 1999. Entered into force: 10th April, 2002. Kenya signed on: 4th December, 2001. Kenya Ratified: 27th June, 2003.</p> <p>Obligation to Government: To take steps to prevent and counteract the financing of terrorism, 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.</p>		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken the following:</p> <p><i>a)</i> Issued guidelines to commercial banks aimed at detecting and stopping the finances to terrorist organizations and activities;</p> <p><i>b)</i> Continues to monitor the NGO sector compliance with the law;</p> <p><i>c)</i> Continues to abide by the Resolutions UNSCR/751 of 1992 and UNSCR/1267 of 1999 of the UN Security Council on sanctions imposed on Somalia through charcoal ban and arms component embargo in order to suppress Al-Shabaab financing;</p> <p><i>d)</i> Enhancing its Beneficial Ownership (BO), legal and institutional framework to align it with the FATF requirements and to allow the country to request and share information on BO with other jurisdictions;</p> <p><i>e)</i> Enacted the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Act, 2023 on 1st September, 2023 and entered into force on 15th September, 2023. The Act has made provisions in relation to anti-money laundering, anti-terrorism financing and counter-financing of proliferation of</p>	<ul style="list-style-type: none"> ▪ Unregistered financial institutions continue to facilitate transfer of funds to these organizations. 	<ul style="list-style-type: none"> ▪ Strict adherence to CBK Guidelines.

	<p>weapons of mass destruction;</p> <p><i>f)</i> Enhanced its international co-operation mechanisms with bilateral agreements. As at the date of submission, the country had been informed of the EGDMONT Plenary decision to admit Kenya to the group for purposes of international co-operation;</p> <p><i>g)</i> Implementing the recommendations of the MER that include the following:</p> <ul style="list-style-type: none"> (i) Embarking on undertaking Money Laundering & Terrorist Financing (ML/TF) Risk Assessment for legal persons, Virtual Asset Service Providers (VASPs) and Non-Profit Organizations (NPOs); (ii) Conducting and publishing background research through a technical paper on digital assets including the regulation of Virtual Assets (VAs) and VASPs; (iii) Conducting a comprehensive TF risk assessment that will encompass all TF threats faced by Kenya and identify sectors which are highly vulnerable to TF risk; (iv) Reviewing and updating the Kenya's AML/CFT Strategy for 2022–2026 to incorporate and to ensure coordination between various agencies on combating TF crimes. The updated Strategy will be consistent with, and considers, evolving and emerging TF risks, such as TF risk posed by Al Shabaab or other groups that authorities view as posing terrorist risks; (v) Strengthening information sharing and domestic coordination mechanisms through the re-gazettement of the National Taskforce on Anti-Money Laundering and Counter-Financing of Terrorism vide a Gazette Notice Vol. CXXV—No. 92 dated 20th April, 2023. 	<ul style="list-style-type: none"> ▪ Limited budget to implement the NRA report. 	<ul style="list-style-type: none"> ▪ Need for additional resource mobilization to complement government funding.
		<ul style="list-style-type: none"> ▪ Limited real sharing of intelligence and information between FRC and LEA 	

	<p>The Financial Reporting Centre (FRC), being the focal point on all AML/CFT measures in the country is the Secretariat to this Taskforce. This will ensure that all national efforts are Co-ordinated from a central agency in combating ML/TF crimes;</p> <p>(vi) Upgrading goAML schema from version 4.8 to version 5.3.—the new system will enable the onboarding of Law Enforcement Agencies (LEAs) on the goAML system. This will enhance secure real-time sharing of intelligence and information between FRC and LEAs. The new version will also be more useful in the collection, analysis and presentation of statistics; and</p> <p>(vii) Ensuring that lawyers are designated as reporting entities. During the period under review, the lawyers signed a pact with the State to report suspicious transactions by their client to the FRC.</p>	<ul style="list-style-type: none"> ▪ Suspension of the Proceeds of Crime and Anti-Money Laundering Act (POCAMLA), CAP. 59A which prevents lawyers from disclosing suspicious financial deals involving their clients. 	<ul style="list-style-type: none"> ▪ Fast track the upgrading of the goAML Schema from version 4.8 to 5.3. ▪ Fast track the lifting of the suspension to allow lawyers to become reporting entities
<p>20.</p>	<p>INTERNATIONAL CONVENTION AGAINST TAKING OF HOSTAGES</p> <p>Adopted: 17th December, 1979. Entered into force: 3rd June, 1983. Kenya acceded to the Convention on: 8th December, 1981. 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 and to facilitate the departure of the hostages.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government continues to cooperate with other states and assist each other in preventing and handling the offences stipulated in the Convention.</p>	<p>CHALLENGES</p>	<p>RECOMMENDATION</p>



21.	<p>OAU CONVENTION ON THE PREVENTION AND COMBATING OF TERRORISM</p> <p>Adopted: 1st July, 1999. Entered into force: 6th December, 2002. Kenya signed o: 10th December, 2001. Kenya Ratified: 28th November, 2001. Protocol to the Convention Adopted: 1st July, 2004. Kenya signed: 28th June, 2008.</p> <p>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 and to inform the Chairperson of the AU Commission of the jurisdiction they have established over terrorism. The Protocol is to enhance effective implementation of the Convention to give effect to Article 3 (d) of the Protocol relating to the Establishment of the Peace and Security council of the AU.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/ is undertaking the following:</p> <ol style="list-style-type: none"> Successfully been disrupting planned attacks and made a number of arrests; and Provided extra protection at volatile border points, including in areas near to the Somalia border and on the Kenyan coast. 	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Inadequate information sharing ▪ Porous borders 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Create public awareness ▪ Enhance surveillance
22.	<p>CONVENTION ON THE PREVENTION AND PUNISHMENT OF CRIMES AGAINST INTERNATIONALLY PROTECTED PERSONS, INCLUDING DIPLOMATIC AGENTS</p> <p>Adopted: 14th December, 1973. Entered into force: 20th February, 1977. Kenya acceded on: 16th November, 2001.</p> <p>Obligation to Government: To take measures to establish offences outlined in the Convention in their territory or jurisdiction, promote international cooperation to prevent such crimes, accord each other international assistance relating to criminal proceedings instituted to punish such acts, among others.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government is cooperating with member states on various matters including the assumption of jurisdiction in the first instance for internationally protected persons.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Inadequate cooperation amongst the member states. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Lobby member states to implement the existing legal framework



23.	<p align="center">CONVENTION ON THE SAFETY OF UNITED NATIONS AND ASSOCIATED PERSONNEL</p> <p>Adopted: 9th December, 1994. Entered into force: 15th January, 1999. Kenya acceded to the Convention: 19th October, 2004. Obligation to Government: To take measures to establish jurisdiction over the crimes committed in their territory, prosecute or extradite offenders, accord each other mutual assistance in the criminal proceedings for such offences and promote international cooperation to prevent the commission of crimes against UN and associated personnel.</p> <table border="1"> <thead> <tr> <th data-bbox="501 1205 544 1968">MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</th> <th data-bbox="501 663 544 1205">CHALLENGES</th> <th data-bbox="501 185 544 663">RECOMMENDATIONS</th> </tr> </thead> <tbody> <tr> <td data-bbox="544 1205 671 1968">The Government is implementing Extradition (Contiguous and Foreign Countries) Act, CAP. 76, Extradition (Commonwealth Countries) Act, CAP. 77, and the Privileges and Immunities Act, CAP. 179, to further the provisions in the Convention.</td> <td data-bbox="544 663 671 1205"> <ul style="list-style-type: none"> Slow implementation of Extradition (Contiguous and Foreign Countries) Act, CAP. 76, Extradition (Commonwealth Countries) Act, CAP. 77 </td> <td data-bbox="544 185 671 663"> <ul style="list-style-type: none"> Review of all existing legislations related to the Convention </td> </tr> </tbody> </table>	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS	The Government is implementing Extradition (Contiguous and Foreign Countries) Act, CAP. 76, Extradition (Commonwealth Countries) Act, CAP. 77, and the Privileges and Immunities Act, CAP. 179, to further the provisions in the Convention.	<ul style="list-style-type: none"> Slow implementation of Extradition (Contiguous and Foreign Countries) Act, CAP. 76, Extradition (Commonwealth Countries) Act, CAP. 77 	<ul style="list-style-type: none"> Review of all existing legislations related to the Convention
MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS					
The Government is implementing Extradition (Contiguous and Foreign Countries) Act, CAP. 76, Extradition (Commonwealth Countries) Act, CAP. 77, and the Privileges and Immunities Act, CAP. 179, to further the provisions in the Convention.	<ul style="list-style-type: none"> Slow implementation of Extradition (Contiguous and Foreign Countries) Act, CAP. 76, Extradition (Commonwealth Countries) Act, CAP. 77 	<ul style="list-style-type: none"> Review of all existing legislations related to the Convention 					
24.	<p align="center">CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL (CPPNM) AND THE AMENDMENT TO THE CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL</p> <p>Adopted: 3rd March, 1980. Entered into force: 8th February, 1987. Kenya acceded: 11th February, 2002. Obligation to Government: To combat nuclear Terrorism.</p> <table border="1"> <thead> <tr> <th data-bbox="919 1205 962 1968">MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</th> <th data-bbox="919 663 962 1205">CHALLENGES</th> <th data-bbox="919 185 962 663">RECOMMENDATIONS</th> </tr> </thead> <tbody> <tr> <td data-bbox="962 1205 1291 1968"> The Government has undertaken/is undertaking the following: <i>a)</i> Formulating the Strategic Goods Control Bill, 2024 intended to establish controls for Chemical, Biological, Radiological and Nuclear (CBRN) dual use items that may be used for non-peaceful purposes. <i>b)</i> Invited a team of experts from the International Atomic Energy Agency (IAEA) on 11th December, 2023, to review the preparations for a research reactor programme in Kenya and review the status of the country's nuclear infrastructure development. </td> <td data-bbox="962 663 1291 1205"> <ul style="list-style-type: none"> Slow process of development of the Bill due to technical issues to be captured in the proposed Bill </td> <td data-bbox="962 185 1291 663"> <ul style="list-style-type: none"> Bringing together all key stakeholders in law making process </td> </tr> </tbody> </table>	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS	The Government has undertaken/is undertaking the following: <i>a)</i> Formulating the Strategic Goods Control Bill, 2024 intended to establish controls for Chemical, Biological, Radiological and Nuclear (CBRN) dual use items that may be used for non-peaceful purposes. <i>b)</i> Invited a team of experts from the International Atomic Energy Agency (IAEA) on 11 th December, 2023, to review the preparations for a research reactor programme in Kenya and review the status of the country's nuclear infrastructure development.	<ul style="list-style-type: none"> Slow process of development of the Bill due to technical issues to be captured in the proposed Bill 	<ul style="list-style-type: none"> Bringing together all key stakeholders in law making process
MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS					
The Government has undertaken/is undertaking the following: <i>a)</i> Formulating the Strategic Goods Control Bill, 2024 intended to establish controls for Chemical, Biological, Radiological and Nuclear (CBRN) dual use items that may be used for non-peaceful purposes. <i>b)</i> Invited a team of experts from the International Atomic Energy Agency (IAEA) on 11 th December, 2023, to review the preparations for a research reactor programme in Kenya and review the status of the country's nuclear infrastructure development.	<ul style="list-style-type: none"> Slow process of development of the Bill due to technical issues to be captured in the proposed Bill 	<ul style="list-style-type: none"> Bringing together all key stakeholders in law making process 					
25.	<p align="center">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</p>						



	<p>Adopted: 21st April, 2004. Entered into force: 5th May, 2006. Kenya became a State party to the Protocol on: 6th September, 2005. Obligation to Government: To 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 licenses and maintain databases of SALW; To maintain inventory of SALW held by security forces and other state bodies; To mark each SALW with unique marking providing the name and place of the manufacturer and serial number; To provide mutual legal assistance and cooperation in the eradication of illicit manufacturing, trafficking and possession of SALW.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government continues to implement the Firearms Act, CAP. 144 and the National Police Service Act, CAP. 84, in furtherance of the Convention.</p> <p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Proliferation of illegal arms in the sub-region <p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Enhance surveillance
26.	<p>PROTOCOL ON THE ESTABLISHMENT OF A CONFLICT EARLY WARNING AND RESPONSE MECHANISM FOR IGAD MEMBER STATES (CEWARN)</p> <p>Adopted: 9th January, 2002. Entry in to force: 1st 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.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government participated in the National Steering Committee on Peacebuilding and Conflict Management on 8th August, 2023, where the need to prioritize conflict prevention through adequate and financial investments was discussed.</p> <p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Financial constraints <p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Enhance budgetary allocation
27.	<p>TREATY BANNING NUCLEAR WEAPON TESTS IN THE ATMOSPHERE, IN OUTER SPACE AND UNDER WATER</p> <p>Opened for signature on: 5th August, 1963. Entered into force: 10th October, 1963. Acceded on: 11th June, 1965. Obligation to Government: To abstain from carrying out nuclear tests and explosions in the atmosphere, in outer space, under water, or in any other environment if such explosions cause radioactive debris to be present outside the territorial limits of the State that conducts an explosion.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>CHALLENGES</p> <p>RECOMMENDATIONS</p>



	<p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Formulating the Strategic Goods Control (SGC) Bill, 2024. It aims to establish controls for the trade in chemical, biological, nuclear or radiological goods that may be used for non-peaceful purposes.</p> <p><i>b)</i> Hosted the 14th anniversary of the African nuclear weapon Free Zone Treaty on 15th July, 2023. The aim was to reflect on the achievements and challenges in implementing the Treaty's objectives.</p> <p><i>c)</i> Participated in the 67th Annual IAEA General Conference and was further elected to serve on the 35-member IAEA Board of Governors for the period 2023–2024.</p>	<ul style="list-style-type: none"> ▪ Slow process of development of the Bill due to technical issues to be captured in the proposed Bill 	<ul style="list-style-type: none"> ▪ Bringing together all key stakeholders
--	---	---	--

HUMAN RIGHTS AND SOCIAL PROTECTION			
1.	UNIVERSAL PERIODIC REVIEW (UPR)		
	<p>Adopted: 3rd April, 2006.</p> <p>Obligation to Government: To improve the human rights situation in their country and to fulfil their human rights obligations.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government is implementing the recommendations to the 3rd National Report under the UPR process. The Mid-Term Voluntary State Report to the 3rd Cycle Review Recommendations was submitted in January, 2024, providing an analysis of the measures taken to implement the 3rd Cycle recommendations.</p>	CHALLENGES	RECOMMENDATIONS
2.	UNIVERSAL DECLARATION ON HUMAN RIGHTS (UDHR)		
	<p>Adopted: 10th December, 1948.</p> <p>Obligation of the Government: Governments commit themselves and their people to measures which secure the universal and effective recognition and observance of the human rights set out in the Declaration.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Marked the 75th Anniversary of the UDHR on 10th December, 2023, and made four pledges namely developing a comprehensive National Human Rights Policy, ensuring clean energy transition by 2030, criminalizing enforced disappearances and having inclusive social protection mechanisms;</p> <p><i>b)</i> Developing an Enhanced Single Registry that will contain data of the poor and vulnerable persons in Kenya. Piloting was done in two Counties Vihiga and Makueni. In 2023/2024 data collection has been undertaken in 11 counties, namely Kajiado, Machakos, Elgeyo Marakwet, Meru, Kakamega, Bungoma, Nyamira, Homa Bay, Kirinyaga, Mombasa and Nyandarua. Additional data collection has been done in 8 counties by National Drought Management Authority (NDMA): Turkana, Mandera, Wajir, Garissa, Isiolo, Tana River, Samburu and Marsabit;</p> <p><i>c)</i> Developed training curriculums on Child and Social Protection have been developed and are domiciled at the Kenya School of Government (KSG). Ten (13) trainings have been done (five social protection and eight child protection) at KSG by May, 2024.</p>	CHALLENGES	RECOMMENDATIONS

	<p>d) Implementation of Kenya Social Protection Monitoring and Evaluation Framework, 2018–2023. The establishment of Community of Practice (CoP) for the Social Protection Sector is key in the dissemination of information and moving the social protection agenda forward;</p>		
	<p>e) In the process of increasing the beneficiaries of <i>Inua Jamii</i> to 2.5 million by 2025 in line with its commitment given during the Kenya Social Protection Conference held from 3rd to 6th of April, 2023, at the KSG, Kabete, where the theme was “<i>Scaling Up Investment in Social Protection for the Delivery of Kenya’s Vision 2030 and achievement of SDGs</i>”. In 2023/2024, additional numbers are as follows: The Older Persons cash transfer—352,326, Replacement—113,834 and the total is 466,160; Persons with Severe Disability- 18,281; Replaced—7,484 and the total is 25,765; and CT—OVC-, Registered—129,393; Replace-68,947 and the total is 198,340. Payment of the additional beneficiaries was done by June, 2024. <i>Inua Jamii</i> payments are done monthly;</p>	<ul style="list-style-type: none"> ▪ Inadequate funding ▪ Enhance budgetary allocation 	
	<p>f) Reviewing the National Policy and Action Plan on Human Rights, 2014. A baseline assessment was conducted to review the progress in implementing the policy actions and identify the emerging human rights issues;</p>		
	<p>g) Launched a Strategy for the Extension of Social Protection Coverage to Workers in the Informal and Rural Economy which was launched on 12th October, 2023. The Strategy provides clear guidelines to extend coverage and ensure adequacy of social protection for workers in the informal and rural economy; and</p>		
	<p>h) Developing the Social Protection Bill, 2024. Public participation was conducted in February 2024 and the Bill is awaiting submission to Cabinet.</p>		
<p>3.</p>	<p>THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR) Adopted:16th December, 1966. Entered into force: 23rd March, 1976. Kenya became a State party to the Convention: 1st May, 1972. Obligation to Government: To ensure the 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. It elaborates, in accordance with UDHR, civil and political rights and freedoms that are guaranteed to every human being.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVE</p> <p>The Government has undertaken/is undertaking the following:</p> <p>a) Implementing recommendations from the Human Rights Committee on the 4th Periodic State Report;</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>



	<p><i>b)</i> Reviewing the Kenya Mental Health Policy to align it with the Health Act, 2017;</p> <p><i>c)</i> Operationalized the Public Benefits Organizations Act, 2013. This Act which consolidates all legislation governing civil society organizations into one law came into effect on 14th May, 2024;</p> <p><i>d)</i> Developing a National Access to Information Policy, 2023 which is undergoing public consultations. The policy developed in line with Access to Information principles and best practices, seeks to promote, protect, fulfill, enhance and secure access to information in Kenya;</p> <p><i>e)</i> Enacted the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Act, 2023, which introduces extensive disclosure obligations for companies, branches, limited liability partnerships (llps) and foreign llps which reinforces the fight against money laundering and terrorism financing in Kenya;</p> <p><i>f)</i> Developed a National Plan of Action for combating trafficking in persons (2022-2027), which was launched in July, 2023. The Strategy provides a road map for capacity building for law enforcement officers through the use of intelligence-led investigations that will result in the successful prosecution of offenders;</p> <p><i>g)</i> Operationalized the Public Benefits Organizations Act, 2013. This Act which consolidates all legislation governing civil society organizations into one law came into effect on 14th May, 2024;</p> <p><i>h)</i> Developed a draft National Access to Information Policy 2023 which is undergoing public consultations. The policy developed in line with Access to Information principles and best practices, seeks to promote, protect, fulfill, enhance and secure access to information in Kenya;</p> <p><i>i)</i> Enacted the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Act, 2023 which introduces extensive disclosure obligations for companies, branches, limited liability partnerships (llps) and foreign llps which reinforces the fight against money laundering and terrorism financing in Kenya;</p> <p><i>j)</i> Developed a National Plan of Action for combating trafficking in persons (2022-2027) which was launched in July, 2023. The Strategy provides a road map for capacity building for law enforcement officers through the use of intelligence-led investigations that will result in the successful prosecution of offenders. The plan will also guide the Government to conduct a national mapping exercise to identify all existing support services available for trafficked persons.</p>	<ul style="list-style-type: none"> ▪ Slow review process. 	<ul style="list-style-type: none"> ▪ Fast track the review process.
--	---	--	--

	THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR)		CHALLENGES	RECOMMENDATION
4.	<p>Adopted: 16th December, 1966. Entered into force: 3rd January, 1976. Kenya became a State party to the Covenant: 1st May, 1972. Obligation to Government: Commit to undertake measures to secure the universal and effective recognition, observance, promotion and protection of the human rights and fundamental freedoms of their people.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <ol style="list-style-type: none"> a) Implementing the Bottom-Up Economic Transformation Agenda (BETA) pillars on Agriculture, Micro, Small and Medium Enterprise (MSME), Housing and Settlement, Healthcare and Digital Superhighway, and Creative Industry; b) Digitizing all government services; c) In the process of increasing the beneficiaries of Inua Jamii to 2.5 million by 2025 in line with its commitment given during the Kenya Social Protection Conference held from 3rd to 6th of April, 2023, at the KSG, Kabete, where the theme was “Scaling Up Investment in Social Protection for the Delivery of Kenya’s Vision 2030 and achievement of SDGs”. In 2023/2024, additional numbers are as follows: The Older Persons cash transfer—352,326, Replacement—113,834 and the total is 466,160; Persons with Severe Disability- 18,281; Replaced—7,484 and the total is 25,765; and CT—OVC-, Registered—129,393; Replace-68,947 and the total is 198,340. Payment of the additional beneficiaries was done by June, 2024. Inua jamii payments are done monthly; d) Developing an Enhanced Single Registry that will contain data of the poor and vulnerable persons in Kenya. Piloting was done in two counties Vihiga and Makueni. In 2023/2024 data collection will be undertaken in 11 more counties, namely Kajiado, Machakos, Elgeyo Marakwet, Meru, Kakamega, Bungoma, Nyamira, Homa Bay, Kirinyaga, Mombasa and Nyandarua; e) Implementing the Economic Inclusion Programme (EIP) for social protection covering a total of 7,500 extremely poor households in five counties (Kisumu, Muranga, Marsabit, Makueni and Taita Taveta). The Programme intends to increase the beneficiaries to 15,000. Recruitment and training of mentors and supervisors is ongoing. The Programme has increased access of these targeted poor households to skills, productive inputs, assets, savings, and economic opportunities with an aim of improving their livelihood and 			

	<p><i>f)</i> aiding their graduation from extreme poverty; Implementing the Kenya Social Protection Monitoring and Evaluation Framework 2018–2023; <i>g)</i> Submitted its Response to the list of issues raised by the Committee on Economic, Social and Cultural Rights in 2023, on the 6th Periodic State Report in April, 2024;</p> <p><i>h)</i> Developed training curriculums on Child and Social Protection have been developed and are domiciled at the Kenya School of Government (KSG). Ten (13) trainings have been done (five social protection and eight child protection) at KSG by May, 2024. The curriculum is under review;</p> <p><i>i)</i> Established the Community of Practice (CoP) for the Social Protection Sector for knowledge sharing in social protection interventions in Kenya. The CoP Kenyan Chapter had held six (6) webinars by February, 2024;</p> <p><i>j)</i> Enlisted over 1800 Lay Volunteer Counselors (LVCs) across the country to provide psychosocial support, guidance and counseling services including referral services to families including older persons in distress. 635 LVCs have been trained on various skills for effective service delivery. The target is to train the remaining 1065 LVCs;</p> <p><i>k)</i> Celebrated International Day of the Families annually on 15th May. In 2024 the theme was “Families Nad Climate Change”;</p> <p><i>l)</i> Launched the National Parenting Programme in 2023 and is being implemented. The programme is being implemented in the following 10 counties; Kisumu, Meru, Kilifi, Baringo, Nyeri, Samburu, Narok, Wajir, Marsabit, Migori and Garissa. The programme is aimed at enhancing parents and caregivers’ skills, behaviors, beliefs, practices and attitudes on parenting;</p> <p><i>m)</i> Empowering the youth, women and persons living with disabilities have been empowered through Affirmative Action funds such as: Youth Enterprise Development Fund (YEDF), Uwezo Fund, Women Enterprise Fund (WEF) and National Government Affirmative Action Fund (NGAAF) and reservation of at least thirty percent (30%) of the Government tenders through the Access to Government Procurement Opportunities (AGPO) initiative;</p>	<ul style="list-style-type: none"> ▪ Inadequate funds. ▪ Inadequate understanding of the concerns of Persons with Disabilities 	<ul style="list-style-type: none"> ▪ Increased funding to cover those who qualify. ▪ Sensitization and awareness creation.
	<ul style="list-style-type: none"> ▪ Inadequate funds towards implementation of Ending Drought Emergency (EE). 	<ul style="list-style-type: none"> ▪ Adopt a human rights-based approach to governance and service delivery at all levels 	

	<p><i>n)</i> Designing a program aimed at assisting the street connected children and youths to be assisted through cash or kind. Government is designing an integrated programme to take care of the adolescents and children in the street by rehabilitating and reuniting them with their families;</p>	<ul style="list-style-type: none"> ▪ Inadequate funding. 	<ul style="list-style-type: none"> ▪ Mobilize alternative sources of funding for upscaling the project.
	<p><i>o)</i> Launched the The National Policy on Rehabilitation of Street Families on 12th June, 2024;</p>		
	<p><i>p)</i> Put in place The Street Families' Rehabilitation Trust Fund (SFRTF) is in place to address the concerns of all homeless, destitute and vulnerable persons in urban areas;</p>	<ul style="list-style-type: none"> ▪ Inadequate finance to cover the poor and vulnerable population 	
	<p><i>q)</i> Designed a program aimed at assisting the street connected children and youths to be assisted through The Street Families' Rehabilitation Trust Fund (SFRTF) cash or kind. It is also designing an integrated programme to take care of the adolescents and children in the street by rehabilitating and reuniting them with their families. The second census will be done in 2024 and preparations are underway;</p>		
	<p><i>r)</i> Implementing drought and climate information, preparedness, response, coordination and resilience building through various programmes and projects. One of these projects is the Hunger Safety Net Programme (HSNP) in which regular bi-monthly cash transfers of KSh. 2,700 to each of the 133,640 households in eight arid counties of Turkana, Mandera, Wajir, Marsabit, Isiolo, Garissa, Tana River and Samburu. In addition, the Programme has a scalability component that provides cash transfers to up to KSh. 300,000 additional registered households affected by calamities such as drought;</p>		<ul style="list-style-type: none"> ▪ Increase budgetary allocations to EDE projects and explore alternative sources of funding.
	<p><i>s)</i> Launched a Strategy for the Extension of Social Protection Coverage to Workers in the Informal and Rural Economy in Kenya was launched on 12th October, 2023. The Strategy provides clear guidelines to extend coverage and ensure adequacy of social protection for workers in the informal and rural economy;</p>		
	<p><i>t)</i> Developed training curriculums on Child and Social Protection have been developed and are domiciled at the Kenya School of Government (KSG). Ten (13) trainings have been done (five social protection and eight child protection) at KSG by May, 2024. The curriculum is under review;</p>		
	<p><i>u)</i> Developing the Social Protection Bill. Public participation was conducted in February 2024 and the Bill is awaiting submission to the Cabinet;</p>	<ul style="list-style-type: none"> ▪ Delay in enactment. 	<ul style="list-style-type: none"> ▪ Fast track enactment.

	<p>v) Has enacted the Social Health Insurance Act, No. 16 of 2023, The Digital Health Act, No. 15 of 2023, Primary Health Care Act, No. 13 of 2023 and Facility Improvement Financing Act No. 14 of 2023 to facilitate attainment of Universal Health Coverage;</p> <p>w) Launched an initiative of Community Health Promoters which distributed 100,000 kits to assist in detecting early health issues and managing minor ones at the community level; and</p> <p>x) Released KSh 3 billion for Community Health Promoters stipend. The move aimed at recognizing the crucial role held by Community Health Promoters, this comes ahead of the implementation of the Universal Health Coverage (UHC) Agenda beginning in March 2024 under the new changes outlined in the Social Health Act.</p>		
5.	<p>THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (ICERD)</p> <p>Adopted: 7th March, 1966. Entered into force: 4th January, 1969. Kenya acceded on: 13th September, 2001. Obligation to Government: Prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization.</p>		
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p>a) Reviewing the National Policy on Disability, 2006, to align it to the Constitution and the Convention. The Draft policy is awaiting approval by Cabinet.</p> <p>b) Developing the Draft Representation of Special Interest Groups Laws (Amendment) Bill, 2019, to promote the representation of women, persons living with disabilities, youth, ethnic and other minority groups.</p> <p>c) Preparing its 10th and 11th periodic state reports.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Slow legislation process ▪ Financial constraints. ▪ Inadequate institutional capacity to implement the provisions of the relevant legislations 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Fast-track the process ▪ Resource mobilization and allocation of adequate funds. ▪ Strengthen institutional and human capacity of National Cohesion and Integration Commission

	THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMANE OR DEGRADING TREATMENT OR PUNISHMENT (CAT)	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
6.	<p>Adopted: 10th December, 1984. Entered into force: 26th June, 1987. Kenya acceded on: 21st February, 1997. Obligation to Government: To prevent torture and other cruel inhuman or degrading treatment or punishment for its citizens.</p>	<p>The Government has undertaken/is undertaking the following:</p> <ul style="list-style-type: none"> a) Continues to implement the recommendations issued by the Committee Against Torture to the 3rd Periodic Report; b) Developed a Prosecution Rapid Reference Guide that includes specimen charge sheet with all the possible offences under the Prevention of Torture Act, CAP. 88 to ensure effective and efficient prosecution of torture cases; c) Developed the Public Finance Management Act (Victim Protection Fund) Regulations, 2024, which are awaiting public participation. 	<ul style="list-style-type: none"> ▪ Under reported cases. 	<ul style="list-style-type: none"> ▪ Enhance sensitization.
	<p>International Convention for the Protection of all Persons from Enforced Disappearance [new] Adopted: 20th December, 2006 Entered into force: 23rd December, 2010. Kenya Ratified: 6th February, 2007 Obligation of the Government: Take necessary measures to criminalize and investigate enforced disappearance</p>			
	<p>In September 2023, the Government established a Multi-Agency Committee known as “<i>The Multi-Agency Committee on the Review of the Legislative, Policy and Institutional Framework for the Protection from Enforced Disappearance and Extra Judicial Killings In Kenya</i>” to review the legal framework with a view to criminalize enforced disappearances.</p>			
7.	<p>THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (UNCRC) Adopted: 20th November, 1989. Entered into force: 2nd September, 1990. Kenya Ratified: 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</p>			



jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.	
MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES
<p>The Government has undertaken/is undertaking the following:</p> <p>a) Placed 352,326 households under the Cash Transfer program for Orphans and Vulnerable Children (CT-OVC). This is meant to cushion the children against poverty and to protect their rights. The payment for the program is KSh. 2,000 monthly. Additional numbers of 129,393 households were paid in June, 2024;</p> <p>b) Introduced the Nutritional Improvement Cash and Health Education (NICHE) programme. The programme aims at improving nutrition outcomes for children under three years, expectant and lactating mothers. The target is for CT-OVC beneficiaries. The cash top up for NICHE beneficiaries is a minimum of KSh. 500 and a maximum of KSh. 1000 per household. The programme was piloted in Kitui and has been upscaled in four more counties, namely Marsabit, West Pokot, Turkana and Kilifi. Implementation period is from 2019 to December, 2024;</p> <p>c) Paid top up, under NICHE: A total of 16,200 households benefitted and the figure is expected to increase to 23,500 households in 2023/24. Registration is being undertaken and the number is expected to rise. Nutrition counselling and positive parenting programmes have been undertaken for the households;</p> <p>d) Under the Presidential Bursary Fund, KSh. 400 million is allocated annually to pay school fees for public boarding secondary school children who are orphaned and from poor families—22,000 students have benefitted annually;</p> <p>e) Awarded 12,000 students with the <i>Elimu</i> scholarships, including refugee learners;</p> <p>f) Celebrates annually the World Orphans Day, International Day of the Girl Child, World Adoption Month and the Day</p>	<ul style="list-style-type: none"> ▪ Increasing number of child abuse cases; Persistent cultural beliefs and perceptions on the place of a child in the society. ▪ Inadequate resources to support children programmes and children in conflict with the law.
	<ul style="list-style-type: none"> ▪ Strengthen institutions dealing with children's issues. ▪ Enhance public awareness on the rights of the child and what constitutes child abuse.
	<ul style="list-style-type: none"> ▪ Enhance budgetary allocation and strengthen institutions dealing with children's issues ▪ Improve on data collection, management and analysis for effective planning and resource allocation for children's programmes; ▪ Increased funding.
	<ul style="list-style-type: none"> ▪ Inadequate resources to cover more vulnerable households ▪ High poverty levels.
	<ul style="list-style-type: none"> ▪ Expand outreach of social protection programmes to households with orphans and vulnerable children. ▪ Enhance budgetary allocation
	<ul style="list-style-type: none"> ▪ Inadequate resources for country wide coverage



	<p>of the African Child in line with the convention. The Day of the African Child was launched in Garissa County and celebrated on 16th June, 2024, in Mwatate, Taita Taveta. International Day of the Girl Child, celebrations were done in various counties and a national one will be held on October, 2024. National celebrations of the World Orphans Day are done every year in May. The World's Children's Day, 2023, was held on 20th November, 2023, in Thika. The celebrations of the International Missing Children Day were held at Jomo Kenyatta University of Technology (JKUAT), Nairobi on 25th May, 2024;</p>		
g)	<p>Established and operationalized Kenya Children Assemblies (KCA) in all the counties and sub-counties to enable children voice their concerns and articulate children's issues with the three arms of Government. This is to enhance child participation as enshrined under the convention. The composition of the Assembly is gender-balanced and includes children with disabilities. In 2023 celebrations were done in various counties and new officials were elected.;</p>	<ul style="list-style-type: none"> ▪ Inadequate resources to organize country wide celebrations in all the 47 counties. ▪ Not all children have access to this structure. 	<ul style="list-style-type: none"> ▪ Improve budgetary allocation. ▪ Upscale the Kenya Children Assemblies structure to the division and locational level.
h)	<p>Implementing National Care Reform Strategy for Children, 2022-2032 in the following counties: Nairobi, Kisumu, Nyamira, Kilifi, Murang'a, Kiambu, Meru, Embu, Garissa, Mombasa, Turkana, Siaya, Uasin Gishu, Kisii, Machakos, Kakamega, Kajiado and Bungoma.</p>	<ul style="list-style-type: none"> ▪ Inadequate funds to cover more counties 	<ul style="list-style-type: none"> ▪ Increase budgetary allocation
i)	<p>Submitted the 6th and 7th reports on the implementation of the United Nations Convention on the Rights of the Child. It was recently published in the UN Committees website and Kenya is waiting for feedback;</p>		
j)	<p>Formulating the Universal Child Benefit (UCB) Programme which aims to provide every child with a social coverage as enshrined under Article 2 of the Convention and the Universal Declaration of Human Rights. A Feasibility Study and Design of the UCB Programme has been done. A pilot of the UCB is being conducted in three counties (Kajiado, Embu and Kisumu) targeting around 8,300 children. The cash transfer is KSh. 800 per month for 12 months. There is also a cash plus component which involves positive</p>	<ul style="list-style-type: none"> ▪ Dissemination of information has not been fully done. 	

	parenting, nutritional counselling and child protection. The impact assessment reports have been prepared and validated.		
<i>k)</i>	Developing a National Plan of Action for Children in Kenya (2023–2027);	<ul style="list-style-type: none"> ▪ Inadequate funds to complete the national plan 	<ul style="list-style-type: none"> ▪ Enhance resource allocation
<i>l)</i>	Established children offices across the country, Children Advisory Committees (CAC) in all the 47 counties, 300 sub-county offices, toll free 24-hour Child Helplines (116 and 1195), Child Protection Centres (CPCs) in Malindi, Nairobi, Nakuru, Kakamega, Garissa and Siaya, Child Protection Units (CPUs), Rescue Centres (RC), Gender Violence Recovery Centres (GVRC) and 51 Safe Spaces for women and girls, Child Help desks in police stations, 24 Child Protection Units (CPUs) and more Children’s Courts across the country;	<ul style="list-style-type: none"> ▪ Financial constraints ▪ The CPCs, CRCs, CPUs centres lack country wide coverage. 	<ul style="list-style-type: none"> ▪ More resources to be allocated to increase countrywide coverage.
<i>m)</i>	Recruited 1,500 Child Protection Volunteers (CPVs), to strengthen child protection at the community level;		
<i>n)</i>	Ensures children matters are heard in the court chambers in camera and prohibits participation of the public or press;		
<i>o)</i>	Continues to carry out de-worming and the immunization programme for learners. The Government has also provided free access to health/medical services for children under the age of five (5) years in public medical facilities.		
<i>p)</i>	Established Child Protection Information Management System (CPIMS) to capture disaggregated data into thirty-six (36) different case categories, including sex, disability, geographical location, family earning and parental status. The system has been rolled out in all the 47 counties and 300 sub-counties, 31 Statutory Institutions and 220 Charitable Children’s Institutions (CCI’s). 280 new Children Officers have been trained to provide support to CPIMS. To further enhance child protection in the country, the Directorate of Children Services has developed a Child Protection Costing Model;		
<i>q)</i>	Developing Guidelines on Admission of Refugees to Institutions of Basic Education and Training. It has also allowed the use of Kenya curriculum, Kenya National		

	<p>Examinations and disbursement of early grade material in refugee schools;</p> <p>r) Disseminated of the Response Plan on Violence Against Children 2023/24, in thirty-five (35) counties;</p> <p>s) Disemminating and implementing the Children Act, CAP. 141—Seven Regulations have been developed: the Children (National Council for Children Services) Regulations, the Charitable Children Institutions Regulations, the Children (Adoption) Regulations, Foster Care Regulations, Children Welfare Programmes Regulations, the Children (Kafaalah) Regulations and the Children Care and Protection Regulations are awaiting public participation;</p> <p>t) Reviewing the National Children Policy Kenya, 2010, which is awaiting validation. The Integrated Early Childhood Development Policy, 2024 is being developed</p> <p>u) Developed the National Plan of Action 2022–2026 to Tackle Online Child Sexual Exploitation and Abuse (OCSEA). The National Plan was launched in February, 2024. Currently, 31 Journalist have been trained on OCSEA in Nairobi and Mombasa. The country commemorated Safer Internet Day on 6th February, 2024. The County Children’s Assemblies were trained on Online Safety in Nairobi, Mombasa and Kiambu</p> <p>v) Developing the National Manual for Social Service Workforce on OCSEA as well as the National Standard Operating Procedures on the same; and</p> <p>w) Undertaking an assessment of the harmful practices as per the Children Act, CAP. 141 and is developing Guidelines for Children of Imprisoned Mothers.</p>		
8.	<p>THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD (ACWRC)</p> <p>Adopted: 1st July, 1990. Entered into force: 29th November, 1999. Kenya became a party: 25th July, 2000. Obligation to Government: To promote and protect the rights and welfare of the African Child.</p>		



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following:</p> <p>a) Implementing the international human rights and constitutional principle on the Best Interest of the child through the court system.</p> <p>b) Celebrates annually on 16th June the Day of the African Child. The launch was done 9th June 2024, in Kitui and the national celebrations were held on 16th June 2024, in Taita Taveta. The theme this year was 'Education for all children in Africa. The time is now';</p> <p>c) Developing a National Plan of Action for Children in Kenya (2023–2027);</p> <p>d) Established children offices across the country. As of 2023, Child Advisory Committees (CAC) in all the 47 counties and 300 sub-counties have been operationalized. Toll free 24-hour Child Helplines (116 and 1195) have been established and awareness on their existence created. Child Protection Centres (CPCs), Child Protection Units (CPUs) and Rescue Centres (RC) have been established and are operational;</p> <p>e) Gender Violence Recovery Centres (GVRRC), have also been established in all level five hospitals in the country and are at different stages of operations in terms of facilities, staffing financing and other operational costs. Online Training of 444 Children Officers on GBV has been undertaken;</p> <p>f) Established Child Help desks in police stations and 24 Child Protection Units and more Children's Courts across the country. In addition, toll free 24-hour Child Helplines (116 and 1195) have been established and awareness on their existence created. Additional eight (8) children's officers have been trained and posted in the period under review as call centers counselors. Child Helpline 116 has been integrated into CPIMS;</p> <p>g) Implementing the Child Protection in Emergency Guidelines (CPIE) which were launched on 22nd June, 2023. The</p>	<ul style="list-style-type: none"> ▪ Inadequate funds. ▪ The centres are few and officers not adequately equipped to handle the reported children issues 	<ul style="list-style-type: none"> ▪ Enhance budgetary allocation ▪ Capacity building of officers handling children issues
	<p>f) Established Child Help desks in police stations and 24 Child Protection Units and more Children's Courts across the country. In addition, toll free 24-hour Child Helplines (116 and 1195) have been established and awareness on their existence created. Additional eight (8) children's officers have been trained and posted in the period under review as call centers counselors. Child Helpline 116 has been integrated into CPIMS;</p>	<ul style="list-style-type: none"> ▪ Limited awareness. 	<ul style="list-style-type: none"> ▪ Create awareness
	<p>g) Implementing the Child Protection in Emergency Guidelines (CPIE) which were launched on 22nd June, 2023. The</p>	<ul style="list-style-type: none"> ▪ Limited awareness 	<ul style="list-style-type: none"> ▪ Create awareness



	<p>guidelines seek to supervise, network and direct children's issues such as defilement, child labour, child trafficking and separation from families, amongst others in times of emergencies have been pre-tested in five Counties. Implementation has been done in five Counties: Nairobi, Mandera, Wajir, Turkana and Isiolo. Coordination teams on emergencies have been established in twenty-four (24) counties;</p>		
h)	<p>Incorporated Anti-Female Genital Mutilation content in the school curriculum and established the Anti-FGM and Child Marriage Prosecution Units to fast-track the prosecution of FGM and child marriage cases with the Office of the Director of Public Prosecutions (ODPP);</p>	<ul style="list-style-type: none"> ▪ Cultural beliefs and resistance to the law. ▪ Medicalization of FGM. 	<ul style="list-style-type: none"> ▪ Sensitization and awareness ▪ Vigilance in implementing the law.
i)	<p>Building the capacity of teachers on Sexual and Gender Based Violence to reduce and ultimately eradicate the practice in various counties. The capacity building has been undertaken in Mombasa, Nairobi, Kisumu, Kwale, Kilifi, Kajjado, Machakos, Meru, Nakuru and Baringo;</p>		<ul style="list-style-type: none"> ▪ Further training of teachers
j)	<p>Establishment of the National Legal Aid Service (NLAS) to facilitate access to justice and provide legal aid to persons in need including children. ODPP has created a Children Victims and Witness Support Division which handles prosecution and diversion of children and juveniles who have committed offences under the Sexual Offenses Act, Penal Code and other laws;</p>		
k)	<p>The Street Family Rehabilitation Trust Fund (SFRTF) Board of Trustees through its Secretariat has continued to coordinate rehabilitation activities for street families and children;</p>	<ul style="list-style-type: none"> ▪ Continuous growing number of street families. 	<ul style="list-style-type: none"> ▪ Community initiative to strengthen the family institution
l)	<p>As a member of the WeProject Global Alliance developed the National Plan of Action, 2022–2026 to Tackle Online Child Sexual Exploitation and Abuse (OCSEA) which was launched February, 2024. Currently, 31 Journalist have been trained on OCSEA in Nairobi and Mombasa. The country commemorated Safer Internet Day on 6th February, 2024. The county Children's Assemblies were trained on Online</p>		

	Safety in Nairobi, Mombasa and Kiambu;		
	<i>m)</i> Developing the National Manual for Social Service Workforce on OCSEA as well as the National Standard Operating Procedures on the same;		
	<i>n)</i> streamlined the procurement of textbooks for schools to ensure that the book to child ratio of 1:1 is achieved;		
	<i>o)</i> Developing Guidelines on Admission of Refugees to Institutions of Basic Education and Training. It has also allowed the use of Kenya curriculum, Kenya National Examinations and disbursement of early grade material in refugee schools;		
	<i>p)</i> Implementing de-worming and immunization programme targeting over 6 million children throughout the country at risk of worm infection. The programme is aimed at improving children's school attendance, physical;		
	<i>q)</i> Disseminating the Response Plan on Violence Against Children, 2023/24, that has been done in thirty-five (35) counties;		
	<i>r)</i> Provided free access to health/medical services for children under the age of five (5) years in public medical facilities;		
	<i>s)</i> developing a Policy on Refugees and Asylum Seekers which is at the Cabinet awaiting approval;		
	<i>t)</i> reviewing the Basic Education Act, CAP. 211 to comprehensively provide for special needs education to ensure proper education of learners with special needs;		
	<i>u)</i> Implementing a National Care Reform Strategy for Children in Kenya 2022–2032;		
	<i>v)</i> Implementing the Concluding Observations of Kenya's 2nd and 3rd Periodic Report. Preparation of the 4th Periodic Report is ongoing;		
	<i>w)</i> Launched a National Policy on the Rehabilitation of Street Families, 12 th June, 2024; and		
	<i>x)</i> Established the National Council for Children's Services to		

	exercise general supervision and control over the planning, financing and coordination of child right activities and to advise the Government on all aspects related to children.		
9.	<p>UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES</p> <p>Adopted: 13th December, 2006. Entered into force: 3rd May, 2008. Kenya Ratified: 19th May, 2008.</p> <p>Obligation to Government: To promote, protect and ensure the free and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities and to promote respect for their inherent dignity.</p>		
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <ol style="list-style-type: none"> implementing the National Action Plan for implementation of the Global Disability Summit Commitments (2022 – 2025). The Action plan outlines key legislations, policy actions, reforms and programmes implemented to address disability inclusion; implementing the Disability Medical Assessment and Categorization Guideline in all the Counties. The Guidelines were developed with the International Classification of Functioning and Health (ICF) model and aims to provide a standard process, unified and consistent language for conducting the assessment and categorization of persons with disabilities; on boarded registration of persons with disabilities onto the e-Citizen Portal. This accomplishment marks a crucial step towards enhancing accessibility and convenience for individuals with disabilities, eliminating the necessity for them to undertake lengthy journeys to county offices for registration services; Conducted a second assessment on the level of disability inclusion in government. The 2nd Status Report on Disability Inclusion in Government highlights the progress made in Ministries, Departments, Agencies and Counties during the 2023/2024 financial year, in achieving disability inclusion. 	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Slow achievements in the implementation of the recommendations. ▪ More deserving cases are not reached. ▪ Very few PWDs enjoy this programme due to low awareness. ▪ The private sector is not applying the same to its employees with disabilities. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ More commitment to be put in the implementation. ▪ Need to expand the programme to accommodate all deserving cases. ▪ Level of awareness should be enhanced. ▪ Need for the law to be adhered to by all.

	<p>The Status Report on Disability Inclusion was launched in April, 2024;</p> <p>e) Implementing various programmes to improve the welfare of persons with disabilities through the National Development Fund for Persons with Disabilities (NDFPWD). The programmes include, provision of assistive devices and services to persons with disabilities to enable them live an independent life with dignity. Allocation of Kshs. 259 million annually to the Fund is done;</p> <p>f) Implementing the National Action Plan on the Rights of Persons with Disabilities (2015–2022). This is through the establishment of a Disability Inter-Agency Coordinating Committee to facilitate effective implementation of the disability agenda in the Country;</p> <p>g) Put in place a Cash Transfer Programme for 47,000 pwds through the social assistance programme (<i>Inua Jamii</i>). Additional 65,281 households have been added into the programme paid by June, 2024;</p> <p>h) Ensured that 30% of public procurement is reserved for pwds, Women and Youth. Affirmative action measures have been put in place to cater for the welfare of persons with disability;</p> <p>i) Registered 5,000 persons with albinism for support under other National Persons with Albinism Sunscreen Support Program which provides sunscreen lotion, protective clothing, eye care services and skin cancer screening and treatment for persons with albinism;</p> <p>j) Initiated an Autism and Related Developmental Disabilities Programme to improve the quality of life among 10,000 persons with Autism and related developmental disabilities which includes, cerebral palsy, down syndrome, epilepsy and intellectual disabilities;</p> <p>k) Developed and validated, a new registration system to register persons with disabilities. The new system provides real time socio-economic data which is particularly important for evidence-based planning and budgeting</p>	<ul style="list-style-type: none"> ▪ The training has been outdated and does not meet market demands. ▪ Very few PWDs get to participate in the celebrations. 	<ul style="list-style-type: none"> ▪ More resources should be availed to adopt competence-based training. ▪ More resources should be availed to increase the number of participants.
--	--	---	--

programs activities. Persons with disabilities registered through this system are being issued with new registration cards which have security features that prevents the cards from being duplicated. With the increased level of security, the system will be linked with other key information systems in the country. This includes the Ministry of Health and Kenya Revenue Authority. This allows real-time cross referencing, sharing and authentication of data;

- l)* Continued to register qualified persons with disabilities seeking employment Under the National Council for Persons with Disabilities Career Portal the Government has continued to register qualified persons with disabilities seeking employment and linking them to potential employers. The main goal of the portal is to provide equal career development to persons with disabilities. The portal has so far registered over 5,000 persons with disabilities seeking employment and 400 employers. The NCPWD Career Portal provides a platform for both jobseekers and employees with disabilities and employers' interface to address barriers to employment for persons with disabilities;
- m)* Implemented the Ustawi Education and Tunza mentorship programmes that are aimed at enhancing retention, 100% transition and completion rates among learners with disabilities for eventual engagement in employment;
- n)* Implementing disability mainstreaming in various MDAs as part of their Performance Contracting obligations;
- o)* Celebrates annually the World Autism Awareness Day (WAAD), World Down Syndrome Day, International Albinism Awareness Day (IAAD) and the International Day of Persons with Disabilities (IDPWD).
- p)* Reviewing the Persons with Disabilities Act, CAP.133 has been submitted to Parliament;
- q)* implemented programmes in Vocational Rehabilitation Centres to help in uplifting of persons with disability. Celebrates the international day of persons with disability on 3rd December;

- r) Formulating the National Policy on Disability has been reviewed and aligned with the Constitution and Convention and is awaiting approval by Cabinet;
- s) The Government is implementing various programmes to improve the welfare of persons with disabilities through the National Development Fund for Persons with Disabilities (NDFPWD). The programmes include, provision of assistive devices and services to persons with disabilities to enable them live an independent life with dignity; Provision of education scholarship and bursary grants to assist persons with disabilities access education and training; Provision of grants to groups of persons with disabilities to enable them engage in economic activities to earn them sustainable livelihoods;
- t) A National Action Plan on the Rights of Persons with Disabilities (2015–2022) is being implemented and a Standing Committee comprising of key stakeholders is in place to monitor its implementation; and
- u) The National Council for Persons with Disability has registered 5,000 persons with albinism for support under other National Persons with Albinism Sunscreen Support Program which provides sunscreen lotion, protective clothing, eye care services and skin cancer screening and treatment for persons with albinism. Following the 2019 National Housing and Population Census, 9,729 persons had albinism. In the period under review, the Council has embarked on a national registration exercise of all persons with albinism across the country for support under the Persons with Albinism Sunscreen Support Programme.

10. CONVENTION ON ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

Adopted: 18th December, 1979.

Entered into force in: 3rd September, 1981.

Accession on: 9th March, 1984.

Obligation to Government: To incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women, establish tribunals and other public institutions to ensure effective protection of women against discrimination and ensure elimination of all acts of discrimination against women by persons, institutions, organisations or enterprises.



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Participated in the Commission on The status of Women (CSW68) held from 11th to 22nd March, 2024, in New York and is now implementing eight thematic areas derived from the communique and disseminate and localize the Kenya's Second National Action Plan on Resolution 1325 on Women, Peace and Security in 8 counties and four counties have developed their County specific action plans;</p> <p><i>b)</i> Develop the localization tools for integration of 2nd KNAP into CIDs and community mechanisms was done;</p> <p><i>c)</i> Continued with the documentation of women's role in peace and security in Kenya and a Booklet on the role is in place;</p> <p><i>d)</i> Develop the localization tools for integration of 2nd KNAP into CIDs and community mechanisms was done;</p> <p><i>e)</i> Continued with the Implementation of the Board Diversity Initiative which was launched in partnership with KEPSA; aims at upscaling the inclusion of women and other marginalized communities;</p> <p><i>f)</i> Operationalized the POLICARE program in three counties. This is a National Police Service (NPS) integrated response to Sexual and Gender Based Violence (SGBV) in Kenya which is a one stop center for response to S/GBV. This is a complimentary role to the services rendered at the Gender Based Violence Recovery Centers domiciled in a number of County Referral hospitals;</p> <p><i>g)</i> Enhanced the training of duty bearers and right holder in the referral pathway on forensic and evidence preservation and management for strengthened access to justice by the survivors;</p> <p><i>h)</i> Upscaled Activities by the Multi-Agency Technical Committee (M-ATC) at county level to accelerate to eliminate Female Genital Mutilation;</p>	<ul style="list-style-type: none"> ▪ Inadequate personell ▪ Financial constraints ▪ Slow uptake on development of county specific action plans ▪ Lack of information on women in peace ▪ Inadequate human resource ▪ Lack of forensic labs at county referral hospitals 	<ul style="list-style-type: none"> ▪ Employ more personell ▪ Enhance budgetary allocation ▪ Continous capacity building ▪ Increased funding ▪ Sensitization enhancement ▪ Need to post staff to the centers ▪ Establish forensic labs



	<p><i>i)</i> Continued to hold public sensitization forums to special interest groups on gender equality and freedom from discrimination and equality;</p> <p><i>j)</i> Implemented of the National Strategy on SDG 5 on Gender Equality and Empowerment of all women and Girls (2020–2025);</p> <p><i>k)</i> Continued to implement of the National Strategy to Counter Violent Extremism (2016)- Calls for mainstreaming of gender in all efforts to prevent and counter violent extremism at the national and county level. It acknowledges that the drivers of violent extremism are gender-specific and therefore require gender-responsive interventions;</p> <p><i>l)</i> Continued with the dissemination of the National Policy on Gender and Development (NPGAD) of, 2019; National Policy on Eradication of Female Genital Mutilation, 2019 and the National Policy on Menstrual Hygiene, 2019;</p> <p><i>m)</i> The Government of Kenya’s Kenya National Bureau of Statistics (KNBS) as the principal agency of the for collecting, analyzing and disseminating data, collected gender disaggregated data by sex, gender, ethnicity, disability, and age, to inform policy and programmes on women and girls, as well as assist in the tracking of progress in the achievement of the gender-related targets of the Sustainable Development Goals;</p> <p><i>n)</i> Is drafting the National Care Policy and the Affirmative Action Policy;</p> <p><i>o)</i> Dissemination of and implementation of the Protection Against Domestic Violence Regulations to enforce Protection against Domestic Violence (PADV) Act, 2015; and</p> <p><i>p)</i> Is in the process of developing the initial plans to develop Gender Violence Recovery Centres (Executive Order, 1/2023) on going.</p>	<ul style="list-style-type: none"> ▪ Inadequate resources 	<ul style="list-style-type: none"> ▪ Allocate more funds
--	---	--	---

11.	THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS (ACHPR)	CHALLENGES	RECOMMENDATIONS
	<p>Adopted: 27th June, 1981. Entered into force: 21st October, 1986. Kenya ratified: on 23rd January, 1992. Obligation to Government: To adopt legislative or other measures to give effect to the rights, duties and freedoms enshrined in the Charter.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Continuously implementing the Bill of Rights under Chapter Four of the Constitution of Kenya, 2010;</p> <p><i>b)</i> Reviewing several legislations to align them with the Constitution and the respective international human rights standards. The Acts under review are; The Persons with Disability Act, 2003, Regulations to implement the Mental Health Act, 2022 is being developed, while the Persons with Disability Bill is currently before Parliament;</p> <p><i>c)</i> Preparing its report on the International Convention on the Elimination of all Forms of Racial Discrimination. With the recognition of the right to citizenship and nationality for Nubian and Shona communities as well, and people of Rwanda descent, the Committee observed that the Pamba people from the coast should be recognized. The Pamba Community members were issued with National Identification Cards in 2023;</p> <p><i>d)</i> Developing an Enhanced Single Registry that will contain data of the poor and vulnerable persons in Kenya. Piloting was done in two Counties Vihiga and Makenyi. In 2023/2024 data collection will be undertaken in 11 more counties, namely Kajjado, Machakos, Elgeyo Marakwet, Meru, Kakamega, Bungoma, Nyamira, Homa Bay, Kirinyaga, Mombasa and Nyandarua. This is in addition to the roll out which took place 16 counties in 2021/22 namely :Taita Taveta, Kisumu, Muranga, Kajjado, Kwale, Meru,</p>	<ul style="list-style-type: none"> ▪ Inadequate participation in the peer review mechanisms. ▪ Weak monitoring, enforcement and implementation of the Bill of Rights. 	<ul style="list-style-type: none"> ▪ The Government should maintain participation in the peer review mechanisms and readily address human rights issues arising from the reviews. ▪ Devise innovative ways to monitor adherence to the human rights standards as set out in the Constitution.

	<p>West Pokot, Baringo, Narok, Kisii, Kilifi, Migori, Lamu, Laikipia, Tharaka Nithi and Kitui. Additional data collection has been done in 8 counties by National Drought Management Authority (NDMA): Turkana, Mandera, Wajir, Garissa, Isiolo, Tana River, Samburu and Marsabit;</p> <p>e) Training curriculums on Child and Social Protection have been developed and trainings are domiciled at the Kenya School of Government (KSG). Ten (10) trainings were done, five (5) social protection and five (5) child protection at KSG by August, 2023;</p> <p>f) The 2023 Kenya Social Protection Conference was held from 3rd to 6th of April, 2023 at the Kenya School of Government Kabete. The theme of the conference was “Scaling Up Investment in Social Protection for the Delivery of Kenya’s Vision 2030 and achievement of sdgs”;</p> <p>g) Increasing the beneficiaries of <i>Inua Jamii</i> to 2.5 million by 2025 and has introduced monthly payment scheme for the beneficiaries;</p> <p>h) Kenya Social Protection Monitoring and Evaluation Framework, 2018-2023, is being implemented. The establishment of Community of Practice (cop) Kenyan Chapter for the Social Protection Sector. Cop is key in the dissemination of information and moving the social protection agenda forward;</p> <p>i) Held six (6) webinars for knowledge sharing in social protection interventions in Kenya by February, 2024;</p> <p>j) Implementing the National Policy and Action Plan on Human Rights—Sessional Paper No. 3 of 2014, in recognition of its primary responsibility to observe, respect, protect, promote and fulfil the human rights and fundamental freedoms in accordance with Constitution of Kenya, 2010;</p> <p>k) Continues to submit its periodic reports regularly to the ACHPR; and</p> <p>l) Formulating the Social Protection Bill, 2024 that will be</p>	<p>▪ Low public awareness and</p> <p>▪ Enhance public awareness and</p>
--	--	---

	submitted to the cabinet.	understanding of the guaranteed human rights and fundamental freedoms.	sensitization including training of law enforcement officials.
12.	<p>PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS ON THE RIGHTS OF WOMEN IN AFRICA (MAPUTO PROTOCOL)</p> <p>Adopted: 1st July, 2003. Entered into force: 25th November, 2005. Kenya ratified: on 6th October, 2010. Obligation to Government: To eliminate all forms of discrimination against women through appropriate policies, laws and other measures. To include the principle of equality between men and women, integrate gender perspective in policy decisions, legislation and development plans, programmes and activities in all other spheres of life.</p>		
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <ol style="list-style-type: none"> Continued with the implements and monitors of the 12 GEF commitments which is undertaken every three months; Continued to meet its obligation on financing by sustaining the budgetary allocation of KSh. 200 million and 102 million for GBV and FGM work respectively up to the year 2026; Developed guidelines for the Management of County Gender Based Violence Recovery Centres which are critical for ensuring that survivors have access to quality essential services; Supported resource mobilization through public private partnerships through: The Generation Equality Country Leadership Structure; Enhanced the Gender Sector Working Group that brings together diverse stakeholders to support and contributing to our country's priorities on Gender; Upscaled the collection and utilization of data which is critical for informing policy and interventions needed to 	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Inadequate resources for every three months.MFE ▪ Slow implementation of the guidelines ▪ Lack of central gender data repository 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Allocate more funds ▪ Enhance sensitization ▪ Enhance resourcing ▪ Establish a central gender data



	<p>end Gender-Based violence;</p> <p><i>g)</i> Established the <i>Thamini</i> fund under the Women Enterprise Fund. The objective is to reach widow led groups and is a group-based loan facility that gives widows equal opportunity to access interest free group loans with no administration cost;</p> <p><i>h)</i> Implemented Policare Policy which advances the National Police Service (NPS) integrated response to Gender Based Violence and guides the establishment, management and operations of one-stop centers dubbed ‘Policare’;</p> <p><i>i)</i> Developed a comprehensive FGM case-tracking tool to be used by the Anti-FGM Prosecution Unit in the Office of the Director of Public Prosecution and the Anti-FGM Board;</p> <p><i>j)</i> Enhanced the funding to the Affirmative Action funds— National Government Affirmative Action funds, and Women Empowerment Fund;</p> <p><i>k)</i> Sensitized communities and key stakeholders on FGM and its adverse effects and the need to include FGM content into competency-based school curriculum;</p> <p><i>l)</i> Reviewing the National Policy on Prevention of and Response to Gender Based Violence, 2014</p> <p><i>m)</i> Formulating the National Policy on Women’s Economic Empowerment; and</p> <p><i>n)</i> Developing the Land Information Management System (LIMS) that will capture, manages and analyzes geographically referenced land related data for decision making.</p>	<ul style="list-style-type: none"> ▪ Low staffing of policare ▪ Reluctance to abandon harmful practices. ▪ Cultural and patriarchal hindrances ▪ Technology facilitated SGBV 	<p>repository</p> <ul style="list-style-type: none"> ▪ Recruit/post staff ▪ Enhance capacity building ▪ Enforce cyber crime protection programmes
13.	<p>GREAT LAKES PROTOCOL ON THE PREVENTION AND SUPPRESSION OF SEXUAL VIOLENCE AGAINST WOMEN AND CHILDREN</p> <p>Adopted and Signed: December, 2006 Entered into Force: June, 2008</p> <p>Obligation of Government: The Protocol recognizes the need to prevent sexual violence and the exploitation of women and girls. States guarantee 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.</p>		



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following:</p> <ol style="list-style-type: none"> a) Enhanced coordination of the County GBV Working groups (restructuring and operationalization); b) Sensitized on 2nd Kenya National Action Plan (KNAP) on implementation of UNSCR 1325; c) Disseminated the GBV resource pack, GBVRC Safe and Protective Spaces guidelines and the National GBV Toll-free helpline 1195 to all counties; d) Supports the utilization of the established shelters/safe homes for GBV and FGM survivors: 52 safe homes in 14 counties for Civil Society organizations and 2 refurbished government safe houses in Nairobi and Migori counties; e) Implementating of the Kenya-Finland Bilateral Programme on strengthening Prevention of and Response to GBV. The Kenya- Finland bilateral GBV programme complements and continues to support the strengthening of the duty-bearers' capacity to provide GBV first-response services and accountability; f) Developed and is implementing the Model County policy on Sexual and Gender Based Violence (SGBV) to provide guidance to the County Governments on critical elements and considerations for Policy on SGBV; g) Reviewed the National Policy on Prevention of and Response to Gender Based Violence, 2014; h) Developed the localization tools for integration of 2nd KNAP into CDDPs and community mechanisms was done; i) Documented the role of women in peace and security in Kenya and a Booklet on the role of women in peace committees is available; and j) disseminated of the survey report on Violence against Children (VAC) has been done in 35 counties. Awareness creation and community engagement with the theme “<i>Spot it Stop it</i>”. 	<ul style="list-style-type: none"> ▪ Existence of amprphous working groups ▪ Inadequate implementation of Knap objectives ▪ Inadequate public sensitization and awareness of GBV and SGBV frameworks ▪ Inadequate government funded safe spaces ▪ Slow implementation of the policy 	<ul style="list-style-type: none"> ▪ Capacity builds the duty bearers ▪ Capacity build and sensitize communities ▪ Enhance sensitization solution ▪ Establish more shelters ▪ Enhance sensitization

	GREAT LAKES PROTOCOL ON THE PROTECTION AND ASSISTANCE TO INTERNALLY DISPLACED PERSONS (IDPs)			RECOMMENDATIONS
	AFRICAN YOUTH CHARTER (AYC)		CHALLENGE	RECOMMENDATIONS
14.	<p>Adopted: 15th December, 2006 Entry into force: June, 2008 Obligations to Government: 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. To also ensure legal protection of the physical and material needs of IDPs and reinforce Kenya's commitment to prevent and eliminate the root causes of displacement induced by conflict.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> developing a National Policy on Internally Displaced Persons which will be subjected to public participation; and</p> <p><i>b)</i> Established the National Consultative Co- ordination Committee to handle funds allocated for the resettlement and reintegration of IDPs and also provides for preventative and protective measures.</p>		<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Inadequate funding 	<ul style="list-style-type: none"> ▪ Enhance budgetary allocation
15.	<p>Adopted: 2nd July, 2006. 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.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government established the Kenya Youth Development Index (KYDI) which is an evidence based authoritative source of youth development data and information and guides policy makers in formulation of evidence-based youth policies interventions and helps in prioritization for funding. The KYDI will be developed periodically to adequately guide youth-centric programs and budgeting for the Ministries and County Departments and Agencies (MCDAs), Development partners, the private sector and other stakeholders.</p>		<p>CHALLENGE</p> <ul style="list-style-type: none"> ▪ Lengthy procedures for policy and law making. 	<ul style="list-style-type: none"> ▪ Fast-track the finalization the amendment process.



<p>The Government is currently formulating the Kenya Youth Development Bill whose purpose is to provide guidance on youth development matters. The draft Bill is awaiting public participation.</p>	<p>The Government established Kenya National Association of Youth Centres (KNAYC) via an Executive order No.1 of 2022 as an umbrella body that will coordinate all youth centres in the country.</p>	<ul style="list-style-type: none"> ▪ Fragmentation of different programmes/initiatives by various actors in the youth space ▪ Delaying of the operationalization of the gazetted regulations leading to a lack of proper mechanism and structure for harnessing the youth voice. ▪ Low uptake of the fund in some areas. 	<ul style="list-style-type: none"> ▪ Leverage on existing frameworks /actors /Harmonized approach to addressing youth issues ▪ Fast track the amendment of the act and operationalization- of the regulations
<p>Article 55 of the Constitution of Kenya 2010, places an obligation on the Government to take measures, including affirmative action, to ensure that the youth have access to relevant education and training, employment opportunities and are protected from harmful cultural practices and exploitation. It has widened the space and opportunities of youth participation in social, economic and political spheres within the national and devolved structure of Government.</p>	<p>The Government implemented the Kenya National Youth Development Policy (KNYDP), 2019, which provides a framework of inclusion of the youth in development across the country, by giving meaningful opportunities to reach their full potential through individual and institutional participation. The policy has been disseminated to various state and non-state actors in the youth space. Dissemination forums have been conducted in all the 47 counties and the State Department for Youth Affairs is working with counties on domesticating the policy and the development of County Integrated Development Plans. Round table meetings have been conducted in collaboration with various stakeholders to devise a mechanism for implementation of the policy.</p>	<ul style="list-style-type: none"> ▪ High number of applicants which surpasses the available slots. 	<ul style="list-style-type: none"> ▪ Awareness creation and capacity building on Affirmative Action Funds to the youth and youth groups. ▪ Rally stakeholders for partnerships and collaborations and replication of the program to other counties.
<p>The Government is implementing an initiative of the <i>Vijana Vuka na Afya</i> (VIVA) Project towards empowerment of young people. This is a project between Kenya Government and the Federal Republic of Germany. The main goal of the project is to positively enhance health among the young people aged between 15 to 24 years.</p>	<p>VIVA Project has two components which will be implemented within four years. Component one, will focus basically on sexual reproductive health service programmes through peer-to-peer learning. Project implementation is underway. Component two</p>	<ul style="list-style-type: none"> ▪ Negative perception towards entrepreneurship/self-employment. ▪ High demand/applicants. 	<ul style="list-style-type: none"> ▪ Promote a culture of entrepreneurship through training, internship, business incubation and mentorship. ▪ Initiate partnership and collaboration to support the initiative.

	<p>focuses on entrepreneurship training, skills training, and comprehensive sex education.</p> <p>In addition, a total number of 789,418 youth have been supported with business development services; out of which, 743,488 youth have been sensitized and trained on business opportunities and entrepreneurial skills; 26,527 youth have been facilitated to access jobs abroad; 14,267 youth facilitated to market their products both locally and internationally through trade fairs and other forums; and 5,136 youth entrepreneurs facilitated to secure affordable trading and working spaces.</p>		
<p>The Government is also implementing Kenya Youth Employment and Opportunities Project (KYEOP). It is a five-year initiative between the International Development Association/ World Bank and the Government of the Republic of Kenya for the period 2016-2023 (the project was extended due to Covid pandemic). The project targets youth of ages 18–29 and seeks to improve youth employability, support job creation, improve labour market information systems and strengthen youth policy development.</p> <p>Under the KYEOP Project, 74,220 youth benefitted from life skills training out of which 68,563 youth completed job specific skills training where 81% have secured employment according to Tracer study carried out. 81,890 youth have received business grants amounting to KSh. 3.27 billion through the grants; 70,470 youth owned businesses in both startups and business expansion was achieved. Grants disbursement is ongoing, while another 61,576-youth created wage and self-employment. 121,437 youth have received youth development services to assist them to conduct businesses profitably and sustainably, while another 217,000 youth were trained and sensitized on government procurement opportunities.</p>	<p>Limited resources</p> <ul style="list-style-type: none"> ▪ Lobby for more resources and partnerships. 		
	<p>Further, the project launched a new product called Future Bora Innovation Challenge, this intervention targets hard to serve youth which includes orphans, single mothers, youth in conflict areas and the youth in vulnerable and marginalized areas. This product aims to support the institutions that have a history of working with the youth in the hard to serve category. Towards this end, four (4) firms were contracted and delivered the services to approximately 2,500 youth targeted in the program.</p>		

	<p>Following the success of the KYEOP project the State Department for Youth Affairs and the Arts received approval by the Cabinet seeking scaling up of the project to 47 counties, under a proposal dubbed “<i>National Youth Opportunities Towards Advancement (NYOTA)</i>” The goal of the project is to address youth unemployment and increase earning opportunities for targeted youth, improve youth employability by providing necessary skills, business support and promote saving culture among the youth. The World Bank in co-operation with the Government of Kenya agreed that this project (NYOTA) will build upon the Kenya Youth Employment and Opportunities project (KYEOP) and cover all the 47 counties from the earlier 17 counties covered under KYEOP.</p>		
	<p>The Government is also conducting <i>Kikao-Gava Mashinani</i> forums which are a series of Co-ordinated Youth dialogue with various public service providers aimed at addressing challenges faced by the youth. It brings opportunities/programmes for the youth under one roof and focuses on addressing region- specific needs.</p>	<ul style="list-style-type: none"> ▪ Fragmentation of different programs /initiatives by various actors in the youth space. 	<ul style="list-style-type: none"> ▪ Fast track the enactment of youth sector regulations and coordination regulations and leveraging on the existing frameworks/actors/harmonized approach to addressing youth issues.
	<p>In the reporting period, four (4) youth “<i>Kikaos</i>” have been conducted in Marsabit, Kilifi, Narok and Embu and over 2,000 youth participated. Youth have been trained on employability, talents & innovation, skills, Saccos formation and mindset change. 2,365 youth entrepreneurs have also been offered market opportunities and linkages under this program. Further, under the <i>Kenya ni Mimi</i> Program, which is a campaign driven geared towards Peace, National Cohesion and Participation, ten (10) forums have been conducted in Kakamega, Isiolo, Nyeri, Machakos, Nakuru, Kapenguria, Eldoret, Mombasa, Nairobi and Narok. Plans are underway to reach out to the other Counties.</p>		
	<p>The Government upgraded twenty-eight (28) Youth Empowerment Centres (YECs) into Youth Development Centres (YDCs) of Excellence and equipped them. The Centres provide youth friendly services to the young people of Kenya in order to address their diverse and dynamic needs. The establishment of the YECs was a unique response to challenges facing the youth such as inadequate capacity and access to ICT services, guidance and counselling on drug and substance abuse, HIV-AIDS prevention among others. In</p>		

	<p>addition, the YECs promote and nurture youth talent, positive leisure, recreation and interaction. Further, the construction works for four (4) new centres for Dagoretti North, Mwea, Lafey and Chepalungu constituencies commenced.</p>		
	<p>The International Youth Day was celebrated on 12th August, 2023.</p>		
	<p>The Government enacted the National Youth Council Election of Certain Members Regulations, 2021. These election regulations will facilitate countrywide youth elections for establishing the Council, the apex organ for the National Youth Council (NYC), a Semi-Autonomous Government Agency that acts as a platform of engagement between the youth and policymakers. The Government has developed a draft youth inclusion Bill that will see youth included in all decision-making bodies, Boards and institutions.</p>		
	<p>The Government Co-ordinated over 2,500 Youth Serving organizations, through a programme code named 'Uzalendo' organized various youth leadership forums to discuss the status of youth participation in leadership, through a programme code named 'Faraja', in collaboration with 20 Youth organizations organized youth dialogue forums to sensitize youth on mental health and sexual reproductive health, and through a programme code named 'Sawazisha Gumzo' popularized Government opportunities and held intergenerational dialogues with the youth and other stakeholders to foster peace and social coexistence. Further, to the highlighted activities, the Government conducted a youth innovation challenge code named 'Fursa' Vs 'Economic Recovery' to award youth participants with innovative solutions post the advent of Covid-19 pandemic.</p>		
	<p>The Government is developing a creative economy policy to implement the BETA on recognizing, nurturing and monetizing the creatives in Kenya.</p>		
	<p>The Government is also developing the Creative Industries Bill, 2023, to provide for an incentive framework for the creatives and registration services for the creative industries.</p>		

16. CONVENTION RELATING TO THE STATUS OF THE REFUGEES

Adopted: 28th July 1951.

Entered into force: 22nd April, 1954.

Kenya became a State party to the Convention: 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 wiunder Article 35.

MEASURES UNDERTAKEN AND PROGRESS ACHIEVED

Kenya is one of the ten (10) developing countries hosting eighty six percent (86%) of the world's 22 million forced migrants, refugees and asylum-seekers. The principle of non-refoulement 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 Government has established a Refugee Affairs Committee that assists the Commissioner for Refugees in the recognition of persons as refugees under the Refugees Act, 2021.

The Government has formed a Technical Working Group (TWG) to develop regulations for the implementation of the Refugees Act, 2021 and an action plan in response to the refugee status. The Draft was forwarded to Attorney General for final drafting.

A Refugee Appeals Board established under the Act hears appeals of persons aggrieved by the refugee determination status made by the Commissioner.

CHALLENGES

- The refugees have been abusing the liberal provisions of the Act.

- Identification and vetting is procedural.

- Reluctance of the refugees to leave the host country

- Reluctance of the refugees to leave the host country.

- Engagement in criminal and terrorist activities.

- Inadequate funding.

RECOMMENDATIONS

- Review and enhance screening of refugees and asylum seekers.

- Review and enhancing screening of refugees

- Monitor refugees' movement and activities with a view to taking appropriate action in the interest of national security

- Monitor refugees' movement and activities with a view to taking appropriate action in the interest of national security.

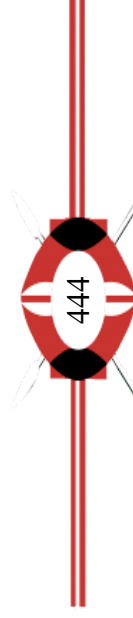
- Government to outsource more funding from international community including the UN.



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
17.	<p>THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT (ICC)</p> <p>Adopted: 17th July, 1998. Ratified: 15th March, 2005. Obligation to Government: The Statute creates individual criminal responsibility for international crimes namely: genocide, war crimes, crimes against humanity and obliges State parties to cooperate fully with the International Criminal Court to prosecute and punish perpetrators of these international crimes committed on their territories and by their nationals.</p>	<ul style="list-style-type: none"> ▪ Limited external cooperation framework. 	<ul style="list-style-type: none"> ▪ Negotiate conclusion of MOUs.
	<p>Kenya has also been submitting regular annual contributions to the court and is updated.</p> <p>The Witness Protection Agency is developing the Draft Witness Protection (Reciprocal Protection Arrangements) Regulations, 2022.</p> <p>At the 22nd Assembly of State Parties to the Rome Statute held in December 2023, Kenya was elected as a member of the ICC Bureau for the twenty-third to twenty-fifth sessions of the Assembly</p> <p>A Kenyan national, Ms. Sanyu Diana Awori elected as a member of the ICC Committee on Budget and Finance until 31st December, 2023. She was also elected as a Member of the Committee on Budget and Finance (CBF) for the period 2024-2026 At the above Assembly of States.</p>	<ul style="list-style-type: none"> ▪ Slow enactment process 	<ul style="list-style-type: none"> ▪ Fast track the enactment
	<p>There is an Inter-Ministerial Committee on ICC matters which is led by the Office of the Attorney-General.</p>		
18.	<p>CONVENTION ON THE NON-APPLICABILITY OF STATUTORY LIMITATIONS TO WAR CRIMES AND CRIMES AGAINST HUMANITY</p> <p>Adopted: 26th November, 1968. Entered into force: 11th November, 1970. Kenya acceded on: 1st May, 1972. Obligation to the Government: To comply with the Nuremberg Principles.</p>		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Through the International Crimes Act, 2008, Kenya continues to implement its obligations to the non-applicability of statutory limitations on the war crimes, and crimes against humanity.		
19.	<p>GREAT LAKES PROTOCOL ON PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE, WAR CRIMES AND CRIMES AGAINST HUMANITY AND ALL FORMS OF DISCRIMINATION</p> <p>Adopted: December, 2006. Entered into force: June, 2008. Kenya became a Party: December, 2006. Obligation to the Government: To prevent and punish the crime of genocide, war crimes and crimes against humanity including all forms of discrimination. To establish a national committee on the prevention and punishment of genocide, war crimes and crimes against humanity including all forms of discrimination.</p>		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	The Government has established a National Mechanism for the prevention of genocide and other atrocity crimes in compliance with the Protocol		
20.	<p>THE UN STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS – MANDELA RULES</p> <p>Adopted: 30th August, 1955. Entered into force: 31st July, 1957. Obligation of the Government: The Rules provide 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.</p>		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	The Government has upgraded the health facilities, completed the construction of the Magereza Ruiru Hospital, which is awaiting handing over and equipping to facilitate its operationalization		<ul style="list-style-type: none"> ▪ Fast tracking of the review of the Acts.
	In collaboration with State and non- state stakeholders, the Government is continuously sensitizing staff on issues of mental health and wellbeing, which is progressively cascaded to all the staff and inmates. A 3-day mental health wellness workshop was		

	<p>held on 22nd January, 2024 at the Prisons Staff Training College, Ruiru focusing on staff and inmates' wellbeing</p> <p>The Government has taken administrative and institutional reforms, eight key priority areas have been identified for reform under the correctional services. These are; administrative, legal and policy framework support, revitalization of prisons farms, modernization of prisons industry, social protection, offender rehabilitation, reformation and reintegration coordination, institutional infrastructure and operational capacity, housing and environment and climate change mitigation</p> <p>The Government has taken administrative and institutional reforms, eight key priority areas have been identified for reform under the correctional services. These are; administrative, legal and policy framework support, revitalization of prisons farms, modernization of prisons industry, social protection, offender rehabilitation, reformation and reintegration coordination, institutional infrastructure and operational capacity, housing and environment and climate change mitigation</p> <p>The Government is reviewing the Prisons Act, Cap 90 and the Probation of Offenders Act, Cap 64 to incorporate aftercare programs to address post-penal needs of prisoners and to facilitate reintegration and resettlement of ex-offenders. Further, the Government is developing Guidelines to administer halfway houses to guide on reintegration and resettlement of ex-offenders.</p> <p>The Government is finalizing the draft National Correctional Services policy.</p> <p>The Government seeks to provide affordable housing for the uniformed and non-uniformed staff in line with the Bottom up Economic Transformation Agenda on housing and settlement pillar</p> <p>The Government is implementing the formal and informal education for prisoners under the Directorate of Education. So far, 57 examination centres have been registered under formal education out of the 135 prison facilities. The Government has deployed 58 intern teachers in different prison institutions to impart knowledge to the inmates.</p>	<ul style="list-style-type: none"> ▪ Inadequate resources to facilitate the program. 	<ul style="list-style-type: none"> ▪ Mobilization of resources.
		<ul style="list-style-type: none"> ▪ Budget and medical supplies constraints. 	<ul style="list-style-type: none"> ▪ Increase medical supplies and funding.
		<ul style="list-style-type: none"> ▪ Lack of regulations to operationalize the law. 	<ul style="list-style-type: none"> ▪ Develop regulations.
		<ul style="list-style-type: none"> ▪ Inadequate water supply. 	<ul style="list-style-type: none"> ▪ Rain water harvesting and storage, borehole drilling and connection to the existing water infrastructure.



	<p>The Government continues to provide for practice of different religious beliefs of prisoners; the Kenya Prisons Service Chaplaincy provides spiritual nourishment, which plays a significant role in the behaviour change and character reformation of offenders. A Sexual and Gender based Violence Awareness and Sensitization workshop was held at the Prisons Staff Training College, on 28th February 2024 for 547 Prison Chaplains</p>		
	<p>Improvement of welfare of the inmates has been up-scaled with continuous provision of personal hygiene items such as sanitary towels, soaps, blankets with support from the development partners</p>		
	<p>The Government is developing an implementation matrix to implement the recommendations of the National Taskforce on Improvement of the Terms and Conditions and other Reforms for Members of the National Police Service, Kenya Prisons Service and the National Youth Service (Maraga Taskforce) which concluded its assignment in 2023.</p>		
<p>21.</p>	<p>UNITED NATIONS RULES FOR THE PROTECTION OF JUVENILES DEPRIVED OF THEIR LIBERTY (1985) (THE BEIJING RULES), THE UNITED NATIONS RULES FOR THE PROTECTION OF JUVENILES DEPRIVED OF THEIR LIBERTY (1990) AND THE UNITED NATIONS GUIDELINES FOR THE PREVENTION OF JUVENILE DELINQUENCY.</p> <p>Adopted: 29th November, 1985 Entered into force: 2nd April, 1991. Obligation of the Government: To guarantee juveniles the benefit of meaningful activities and programmes which would serve to promote and sustain their health and self-respect, to foster their sense of responsibility and encourage those attitudes and skills that will assist them in developing their potential as members of society.</p>		
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government established rehabilitation schools to provide rehabilitation services for children aged between 10 and 14 years. There are ten (10) rehabilitation schools, eight (8) for boys and two (2) for girls. The maximum duration for holding the children in the institutions is three (3) years. Additionally, there are fourteen (14) Children Remand Homes for those children whose cases are before the courts of law.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Inadequate funds to facilitate full implementation of the Act. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Government to increase funds to KPS to fully implement the Children’s Act.
	<p>A National Care Reform Strategy for Children in Kenya 2022–2032 has been developed. There is an implementation tool which has been</p>	<ul style="list-style-type: none"> ▪ Full operationalization 	<ul style="list-style-type: none"> ▪ Fast-track enactment of the Borstials Institutions Bill 2020



	<p>developed to operationalize the strategy. The Strategy was launched and is currently being implemented in the following Counties Nairobi, Kisumu, Niyamira, Kilifi, Murang'a, Kiambu, Meru, Embu, Garissa, Mombasa, Turkana, Siaya, Uasin Gishu, Kisii, Machakos, Kakamega, Kajiado and Bungoma. Sensitization has been carried out in all the in 47 counties.</p> <p>The KPS Borstal Institutions contain and train young offenders. The young offenders are held separately from adults. The Kamae Girls Borstal Institution at Kamiti Prison for rehabilitation of young female offenders (15–17 years) is complete and operational.</p>	<ul style="list-style-type: none"> ▪ Inadequate funding. 	<ul style="list-style-type: none"> ▪ Enhance budgetary allocation and resource mobilization.
	<p>The Government has introduced formal and informal education for young offenders with a fully-fledged Directorate of Education. Training of prevention and countering violent extremism has been done to the officers handling the juveniles in the institutions. Establishment of tailor -made education programmes with 5 Remand Homes have been done. Rehabilitation of 200 juveniles through education programmes in 28 statutory childrens institutions . Vocational training in 9 Rehabilitation Schools is being undertaken. There has been the enhancement of institutions CPIMS module to capture all data of children in the institution. The number of young offenders who sat for KCPE&KCSE .</p>		
	<p>Community Resource and Rehabilitation Centres have been established in Likoni, Mombasa and Webuye to rehabilitate the juvenile offenders. Probation hostels for both girls and boys established in Nakuru, Nairobi, Mombasa and Uasin Gishu continue to impart knowledge and skills through formal education and vocational training to the young offenders</p>		
	<p>To enhance rehabilitation for minors in conflict with the law, the Government has entered into a Record of Discussions with Japan International Cooperation Agency (JICA) for a three-year project for Community Based Crime Prevention, supervision, rehabilitation and reintegration of children and young persons in conflict with the law. Further, the project aims to provide training and capacity building to Community Probation Volunteers.</p>		

22.	<p>UNITED NATIONS STANDARD MINIMUM RULES FOR NON-CUSTODIAL MEASURES (THE TOKYO RULES)</p> <p>Adopted: 14th December, 1990. Entered into force: 11th 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.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government is reviewing the Probation of Offenders Act, Cap 64 and the Community Service Orders Act, No. 10 of 1998.</p> <p>371 Probation Officers have been recruited and posted to different regions of the country to enhance the human resource capacity and discharge their duties in the various probation institutions.</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>
23.	<p>BODY OF PRINCIPLES FOR THE PROTECTION OF PERSONS UNDER ANY FORM OF DETENTION OR IMPRISONMENT</p> <p>Adopted: 9th 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.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The renowned case of Francis Muruatetu whose judgement was pronounced in December, 2017, provided precedent that the mandatory death penalty for murder, was unconstitutional in Kenya. The court did not invalidate the death penalty itself, merely the requirement that it had to be imposed in any case where the accused was convicted of murder.</p> <p>The Government has implemented the judgement especially on resentencing of offenders. All offenders who have been subjected to the mandatory death sentence and desire to be heard on sentence are therefore entitled to a resentencing hearing. Where an appeal is pending at the Court of Appeal or High Court, the courts will entertain an application for resentencing upon being satisfied that the appeal had been withdrawn.</p>	<p>CHALLENGES ENCOUNTERED</p> <ul style="list-style-type: none"> ▪ UnCo-ordinated efforts by the actors. 	<ul style="list-style-type: none"> ▪ Enhance sensitization of the of policies
	<p>CHALLENGES ENCOUNTERED</p> <ul style="list-style-type: none"> ▪ Cases of torture are still being reported. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Enhance implementation of the principles by the stakeholders. 	

	<p>The Government continues to implement the judgment in Francis Muriatetu case delivered in December, 2017, through commutation of death sentence. Pursuant to Gazette Notice No. 9566 dated 21st July, 2023, under the Power of Mercy Act, No. 21 of 2011 as read together with Article 133 of the Constitution of Kenya on powers conferred to the President, death sentences imposed on every capital offender as at 21st November, 2022, were commuted to life sentence.</p>		
24.	<p>THE HAGUE CONVENTION ON THE PROTECTION OF CHILDREN AND COOPERATION IN RESPECT OF INTER-COUNTRY ADOPTION</p> <p>Adopted: 29th May, 1993. Entered into force: 1st May, 1993. Kenya ratified the Convention : 1st June, 2007. Obligation to the Government: To ensure that only children who deserve to be adopted undergo the process and that no rights of a child are violated in the process.</p>		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Guidelines for the Alternative Family Care of Children, 2014, are being implemented.	<ul style="list-style-type: none"> ▪ Low awareness and ignorance about the law and procedure of adoption in Kenya. ▪ Stigma and cultural beliefs associated with adoption of children. 	<ul style="list-style-type: none"> ▪ Enhanced public awareness on adoption procedures.
	A National Care Reform Strategy for Children in Kenya 2022–2032 has been developed. There is an implementation tool which has been developed to operationalize the strategy. The Strategy was launched and is currently being implemented. Sensitization has been carried out in forty-seven (47) counties.	<ul style="list-style-type: none"> ▪ Celebrations not done in all the 47 counties due to inadequate resources 	<ul style="list-style-type: none"> ▪ Sensitization to reduce stigma associated with adoption/adopted children. ▪ Allocation of adequate funds for countrywide celebrations.
	Celebrations for the World Adoption Month are held in November every year.		
	On 12 th September, 2019, the Government imposed a total ban on Inter-country and Foreign Resident Adoptions. The moratorium is still in place.		
	The National Council for Children Services has been designated as the Central Authority to regulate adoption matters in the country as per the Children’s Act, 2022.	<ul style="list-style-type: none"> ▪ The adoption process is perceived to be expensive and for childless couples ▪ Dissemination of the guidelines 	<ul style="list-style-type: none"> ▪ Subsidize the fee charged for adoption of children in Kenya, so as to be in line with free maternity services in Kenya.



25.		has not been done countrywide due to lack of resources	Allocation of more funds for sensitization on the guidelines.
MADRID INTERNATIONAL PLAN OF ACTION ON AGEING			
Adopted: April, 2002. Obligation to the Government: The Madrid Plan obliges UN Member States to ensure supportive environments for older persons and development: advancing health and well-being into old age, and ensuring enabling and supportive environments while the Vienna Plan seeks to ensure realization of UN principles stipulating the rights of the older persons to independence, participation, care, self-fulfillment and dignity.			
MEASURES UNDERTAKEN AND PROGRESS ACHIEVED		RECOMMENDATIONS	
The Government runs Cash Transfer programmes for vulnerable members of the society such as older persons, orphans and persons with severe disabilities through the Social Assistance Program in the State Department for Social Protection. Currently, a total of 833,129 older persons are in the Cash Transfer Programme. More beneficiaries are expected to join the program by March 2024.	<ul style="list-style-type: none"> ▪ Inadequate resources to support programmes for older persons. 	<ul style="list-style-type: none"> ▪ Allocation of resources to facilitate finalization of the policies and Bills for implementation. 	
The Government has signed an MOU with six (6) financial service providers namely: Kenya Commercial Bank, Equity Bank, National Bank, Cooperative Bank, Kenya Women Finance Trust and Post Bank. The service providers are expected to cascade payment services closer to the beneficiaries	<ul style="list-style-type: none"> ▪ Delay in formulation of the policy. 	<ul style="list-style-type: none"> ▪ Fast-track formulation of the policy. 	
The Government observes the International Day of Older Persons on 1 st October, every year. The celebrations give an opportunity to highlight the important contributions that older people make to society, raise awareness and take stock on measures taken to realize the rights of older persons in the country. The 2023 celebrations for the Older Persons' Day were observed on 3 rd October, 2023 in Laikipia County. The theme of the celebrations was <i>Fulfilling the Promises of the Universal Declaration of Human Rights for Older Person</i> . As part of the build up activities, a symposium was held on 2 nd October, 2023 in Gigiri, Nairobi. This is was an opportunity to raise awareness on the issues and challenges of ageing in today's world.	<ul style="list-style-type: none"> ▪ Existence of institutions for older persons which do not follow the guidelines. 	<ul style="list-style-type: none"> ▪ Monitoring of institutions to ensure they follow the guidelines. 	
A model centre at Mwea Community Capacity Support Centre in Kirinyaga County has been established and is expected to provide long term care for vulnerable older persons. Similar centres are expected to be replicated country wide.			



	<p>Guidelines for institutions of Older Persons has been launched and being disseminated</p>		
<p>The Government has recruited a total of one thousand eight hundred (1800) Lay Volunteer Counsellors (LVCs) that have been engaged in all the forty-seven (47) counties to help in family strengthening and parenting support programmes. The Government has trained 635 of the LVCs on various skills for effective service delivery. The target is to train the remaining 1065.</p>			
<p>Implementation of a National Parenting Programme is ongoing; the purpose is to prepare parents and caregivers with positive parenting skills for parenting roles and responsibilities, and train them to have and sustain stable families for a stronger society</p>			
<p>The World Elder Abuse Awareness Day is observed annually on the 15th of June, as a UN designated day. The 2023 celebrations took place in Kajiado County.</p>	<ul style="list-style-type: none"> ▪ Inadequate awareness of the existence of the International Day of the Older Persons. 	<ul style="list-style-type: none"> ▪ Sensitization and creation of awareness. 	
<p>Kenya is implementing the New Urban Agenda under UN Habitat to facilitate easy access of older persons to cities and facilitate their urban operations. The Bus Rapid Transit (BRT) Project being implemented in the six (6) marked major routes are within the Nairobi Metropolitan Area. The Nairobi metropolitan area covers the counties of Nairobi, Kiambu, Kajiado, Machakos and Murang'a. The project is being designed to have special facilities for the older persons in order to ease their travelling needs.</p>	<ul style="list-style-type: none"> ▪ Inadequate budgetary allocation. 	<ul style="list-style-type: none"> ▪ Increase budgetary allocation. 	
<p>Kenya is implementing the New Urban Agenda under UN Habitat to facilitate easy access of older persons to cities and facilitate their urban operations. The Bus Rapid Transit (BRT) Project being implemented in the six (6) marked major routes are within the Nairobi Metropolitan Area. The Nairobi metropolitan area covers the counties of Nairobi, Kiambu, Kajiado, Machakos and Murang'a. The project is being designed to have special facilities for the older persons in order to ease their travelling needs.</p>			
<p>The Government has intensified sensitization against abuse of elderly persons</p>			
<p>The Government is developing the Older Persons' Bill</p>			
<p>The National Policy on Older Persons and Ageing is being</p>			

	<p>implemented through the NSSF Act and NHIF Act which provide for social protection and assistance, and welfare of old people and other vulnerable members of society.</p>		
	<p>The Government runs Cash Transfer programmes for vulnerable members of the society such as older persons, orphans and persons with severe disabilities through the Social Assistance Program in the State Department for Social Protection. Currently, a total of 833,129 older persons are in the Cash Transfer Programme. 352,326 beneficiaries are expected to be paid through the Programme by June 2024.</p>		
	<p>The Government has signed an MOU with six (6) financial service providers namely: Kenya Commercial Bank, Equity Bank, National Bank, Cooperative Bank, Kenya Women Finance Trust and Post Bank. The service providers are expected to cascade payment services closer to the beneficiaries.</p>		
	<p>The Government observes the International Day of Older Persons on 1st October, every year. The celebrations give an opportunity to highlight the important contributions that older people make to society, raise awareness and take stock on measures taken to realize the rights of older persons in the country. The 2023 celebrations for the Older Persons' Day were observed on 3rd October in Laikipia County. The theme of the celebrations was <i>Fulfilling the Promises of the Universal Declaration of Human Rights for Older Person</i>. As part of the build-up activities, a symposium was held on 2nd October, 2023 in Gigiri, Nairobi. This is was an opportunity to raise awareness on the issues and challenges of ageing in today's world.</p>		
	<p>A model centre at Mwea Community Capacity Support Centre in Kirinyaga County has been established and is expected to provide long-term care for vulnerable older persons. The Cabinet Secretary, responsible for Social Protection launched the Kirinyaga Rescue Centre for Older Persons in June, 2021. Similar centres are expected to be replicated country wide.</p>		
	<p>The Government has recruited one thousand eight hundred (1800) Lay Volunteer Counsellors (LVCs) that have been engaged in all the forty-seven (47) counties to help in family strengthening and parenting support programmes. The Government has trained 635 of</p>		

	<p>the LVCs on various skills for effective service delivery. The target is to train the remaining 1065.</p> <p>The Government developed and launched the Positive Parenting Skills Manual on 15th May, 2023. Development of a National Parenting Programme whose purpose is to prepare parents and caregivers (grandparents) for parenting roles and responsibilities, train them to have and sustain stable families for a stronger society.</p> <p>The World Elder Abuse Awareness Day is observed annually on the 15th of June, as a UN designated day. The 2023 celebrations were observed physically in Kajiado County. Preparations for the 2024 celebrations for World Elder Abuse Awareness Day are underway.</p> <p>Kenya is implementing the New Urban Agenda under UN Habitat to facilitate easy access of older persons to cities and facilitate their urban operations. The Bus Rapid Transit (BRT) Project being implemented in the six (6) marked major routes are within the Nairobi Metropolitan Area. The Nairobi metropolitan area covers the counties of Nairobi, Kiambu, Kajiado, Machakos and Murang'a. The project is being designed to have special facilities for the older persons in order to ease their travelling needs.</p> <p>The Government is developing Older Members of Society Bill, 2024 and reviewing the Older Persons Policy that seek to give effect to Article 57 of the Constitution</p> <p>Kenya is set to submit the Country Position Paper for the 14th Session of the Open-Ended Working Group on Ageing in New York in May, 2024.</p> <p>The Government has intensified sensitization against abuse of elderly persons</p>		
26.	<p>PROTOCOL ON AFRICAN CHARTER ON HUMAN AND PEOPLES RIGHTS FOR OLDER PERSONS</p> <p>Adopted: 31st January, 2016. The Protocol is yet to enter into force Kenya ratified the Convention : 15th November, 2021. Obligation to the Government: Integrate, design and implement its laws or policy framework in a manner that will meet the individual and collective needs of older people.</p>		

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The National Policy on Older Persons and Ageing is being implemented through the NSSF Act and NHIF Act which provide for social protection and assistance, and welfare of old people and other vulnerable members of society.</p>	<ul style="list-style-type: none"> ▪ Inadequate resources to support programmes for older persons. 	<ul style="list-style-type: none"> ▪ Allocation of resources to facilitate finalization of the policies and Bills for implementation. ▪ Fast track development of the National Social Protection Bill.
	<p>The Government runs Cash Transfer programmes for vulnerable members of the society such as older persons, orphans and persons with severe disabilities through the Social Assistance Program in the State Department for Social Protection. Currently, a total of 833,129 older persons are in the Cash Transfer Programme. 352,326 beneficiaries are expected to be paid through the Programme by June 2024.</p>	<ul style="list-style-type: none"> ▪ Elder abuse is observed due to erosion of cultural and moral values. ▪ Lack of institutional mechanisms to cater for the needs and requirements of the elderly. ▪ Inadequate data on eligible elderly persons. 	<ul style="list-style-type: none"> ▪ Government should undertake a moral values campaign. ▪ Fast-track the enactment of the Bill into law to protect the elderly. ▪ Government should establish institutional mechanisms to cater for the elderly. ▪ The Government should intensify registration campaigns.
	<p>The Government has signed an MOU with six (6) financial service providers namely: Kenya Commercial Bank, Equity Bank, National Bank, Cooperative Bank, Kenya Women Finance Trust and Post Bank. The service providers are expected to cascade payment services closer to the beneficiaries.</p>	<ul style="list-style-type: none"> ▪ Delay in formulation of the policy. ▪ Existence of institutions for older persons which do not follow the guidelines. 	<ul style="list-style-type: none"> ▪ Fast-track formulation of the policy. ▪ Monitoring of institutions to ensure they follow the guidelines.
	<p>The Government observes the International Day of Older Persons on 1st October, every year. The celebrations give an opportunity to highlight the important contributions that older people make to society, raise awareness and take stock on measures taken to realize the rights of older persons in the country. The 2023 celebrations for the Older Persons' Day were observed on 3rd October in Laikipia County. The theme of the celebrations was <i>Fulfilling the Promises of the Universal Declaration of Human Rights for Older Person</i>. As part of the build-up activities, a symposium was held on 2nd October, 2023 in Gigiri, Nairobi. This is was an opportunity to raise awareness on the issues and challenges of ageing in today's world.</p>	<ul style="list-style-type: none"> ▪ Inadequate budgetary allocation. 	<ul style="list-style-type: none"> ▪ Increase budgetary allocation.
	<p>A model centre at Mwea Community Capacity Support Centre in Kirinyaga County has been established and is expected to provide long-term care for vulnerable older persons. The Cabinet Secretary,</p>		

	responsible for Social Protection launched the Kirinyaga Rescue Centre for Older Persons in June, 2021. Similar centres are expected to be replicated country wide.		
	The Government has recruited one thousand eight hundred (1800) Lay Volunteer Counsellors (LVCs) that have been engaged in all the forty-seven (47) counties to help in family strengthening and parenting support programmes. The Government has trained 635 of the LVCs on various skills for effective service delivery. The target is to train the remaining 1065.		
	The Government developed and launched the Positive Parenting Skills Manual on 15 th May, 2023. Development of a National Parenting Programme whose purpose is to prepare parents and caregivers (grandparents) for parenting roles and responsibilities, train them to have and sustain stable families for a stronger society.		
	The World Elder Abuse Awareness Day is observed annually on the 15 th of June, as a UN designated day. The 2023 celebrations were observed physically in Kajiado County. Preparations for the 2024 celebrations for World Elder Abuse Awareness Day are underway		
	Kenya is implementing the New Urban Agenda under UN Habitat to facilitate easy access of older persons to cities and facilitate their urban operations. The Bus Rapid Transit (BRT) Project being implemented in the six (6) marked major routes are within the Nairobi Metropolitan Area. The Nairobi metropolitan area covers the counties of Nairobi, Kiambu, Kajiado, Machakos and Murang'a. The project is being designed to have special facilities for the older persons in order to ease their travelling needs.		
	The Government is developing Older Members of Society Bill, 2024 and reviewing the Older Persons Policy that seek to give effect to Article 57 of the Constitution.		
	Kenya is set to submit the Country Position Paper for the 14 th Session of the Open-Ended Working Group on Ageing in New York in May, 2024.		
	The Government has intensified sensitization against abuse of elderly persons.		

27.	<p>PROTOCOL ON AFRICAN CHARTER ON HUMAN AND PEOPLES RIGHTS ON PERSONS WITH DISABILITIES</p> <p>Adopted: 29th January, 2018 The Protocol is yet to enter into force Kenya ratified the Convention on: 15th November, 2021 Obligation to the Government: Create awareness on the persons with disability, advocate for legislations that protect them, have them recognized and enjoy rights as other humans, be respected</p>	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government is implementing various programmes to improve the welfare of persons with disabilities through the National Development Fund for Persons with Disabilities (NDFPWD). The programmes include provision of assistive devices and services to persons with disabilities to enable them live an independent life with dignity; provision of education scholarship and bursary grants to assist persons with disabilities access education and training; Provision of grants to groups of persons with disabilities to enable them engage in economic activities to earn them sustainable livelihoods.</p> <p>A National Action Plan on the Rights of Persons with Disabilities (2015–2022) is being implemented and a Standing Committee comprising key stakeholders is in place to monitor its implementation.</p> <p>The Government has put in place a Cash Transfer Programme for PWDs to ensure support for people with disabilities through the Social Assistance Program. Currently, 47,000 persons with severe disabilities continue to receive cash transfers from the Programme. The number of beneficiaries is expected to go up by March, 2024.</p> <p>The Government has ensured that 30% of public procurement is reserved for PWDs, Women and Youth. The Government has also put in place affirmative action measures to cater for the welfare of persons with disability. These include tax exemptions on income, extension of retirement age up to 65 years, amongst others. Persons with disability have been granted representation in public service to meet the constitutional threshold of five percent (5%).</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Slow implementation of the provisions ▪ Long-time taken before such instruments are passed and adopted. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Enforcement for implementation to be enhanced. ▪ Lobby members of the Cabinet to pass the National Disability policy.
		<ul style="list-style-type: none"> ▪ Long-time taken before such instruments are passed and adopted ▪ More deserving cases are not reached. 	<ul style="list-style-type: none"> ▪ Lobby Members of Parliament to pass the amendments to the Act ▪ Need to expand the programme to accommodate all deserving cases 	
		<ul style="list-style-type: none"> ▪ Very few PWDs enjoy this programme due to low awareness 	<ul style="list-style-type: none"> ▪ Level of awareness should be enhanced 	



<p>The Convention is also being implemented through programmes in Vocational Rehabilitation Centres. Annually, the country observes the International Day of Persons with Disabilities on 3rd December</p> <p>The National Council of Persons with Disability has registered 5,000 persons with albinism for support under other National Persons with Albinism Sunscreen Support Program which provides sunscreen lotion, protective clothing, eye care services and skin cancer screening and treatment for persons with albinism. Following the 2019 National Housing and Population Census, 9,729 persons had albinism. In the period under review, the Council has embarked on a national registration exercise of all persons with albinism across the country for support under the persons with albinism sunscreen support programme.</p>	<ul style="list-style-type: none"> ▪ The private sector is not applying the same to its employees with disabilities ▪ The training has been outdated and does not meet market demands. 	<ul style="list-style-type: none"> ▪ Need for the law to be adhered to by all. ▪ More resources should be availed to adopt competence-based training
<p>A new registration system to register persons with disabilities has been developed and validated by stakeholders, including persons with disabilities, disabled persons organizations, Kenya National Bureau of Statistics, State Department for Social Protection and Senior Citizens Affairs. The new system provides real time socio-economic data which is particularly important for evidence-based planning and budgeting programs activities. Persons with disabilities registered through this system will be issued with new registration cards which have security features that will prevent the cards from being duplicated. With the increased level of security, the system will be linked with other key information systems in the country. This includes the Ministry of Health and Kenya Revenue Authority. This allows real-time cross referencing, sharing and authentication of data.</p>	<ul style="list-style-type: none"> ▪ Inadequate funding 	<ul style="list-style-type: none"> ▪ Enhance budgetary allocation and mobilization of resources
<p>Development of guidelines to standardize the disability assessment process across the country. The guidelines are now fully devolved to the County Director of Health. The registration of persons with disabilities at the counties via the new system has been informed by the Ministry of Health's new disability assessment and categorization guidelines.</p>	<ul style="list-style-type: none"> ▪ There are two competing bills for disability 	<ul style="list-style-type: none"> ▪ Consolidation of the Bills ▪ The AGs office and Parliament to advise on consolidation of the two bills
<p>The <i>Ustawi</i> Education scholarships and <i>Tunza</i> mentorship programme are part of a conglomerate of various scholarship programmes that target learners with disabilities and those under the care of guardians/parent with disabilities across the country, accessing secondary level and higher education. It comprises <i>Fautu</i>, <i>Wezesha</i> and Hellen McGowan Scholarships offered by the Council; <i>Inuka</i></p>		



	<p>Disability Scholarship offered by Kenya Pipeline Company, KCB-Foundation scholarship, and NCPWD-HEL B Scholarships. This program is aimed at enhancing retention, 100% transition and completion rates among learners with disabilities for eventual engagement in employment. The programmes were launched on 19th May, 2023, by the Cabinet Secretary Ministry of Labour and Social Protection.</p>		
	<p>The Government launched the Disability mainstreaming report 2021-2022. The report highlights the performance of various MDAs on disability mainstreaming as part of their Performance Contracting obligations in the period under review. It also gives emphasis on the challenges faced in promoting disability inclusion, as well as recommendations on how to mitigate them.</p>		
	<p>The Persons with Disability Bill, 2023 was submitted to Parliament awaiting 1st reading.</p>		
	<p>The Persons with Disabilities Act No. 14 of 2003 is being reviewed (through the Persons with Disabilities Bill) to align it to the Constitution of Kenya and provision under the Convention on the Rights of Persons with Disabilities, African Union Disability Agenda and the East African Community Disability Policy. The Persons with Disabilities Bill emphasizes the human rights aspect of the Constitution and moves towards a more dignified and non-discriminatory approach for all persons with disabilities. The Bill has been introduced to the National Assembly.</p>		
	<p>The Draft National Policy on Disability has been reviewed and aligned with the Constitution and Convention and is awaiting approval by Cabinet (DSD to confirm). The National Policy on Disability recognizes accessibility as a cross-cutting concern that should remain an underlying consideration in the built environment, information, and services. The Policy seeks to establish a framework within which the Governments shall provide services and further protect persons with disabilities while according them an environment conducive for the enjoyment of their freedoms, liberties and pursuit of happiness.</p>		
	<p>The State Department for Social Protection is implementing the National Action Plan for implementation of the Global Disability Summit Commitments (2022 – 2025).</p>		

INTERNATIONAL TRADE AND INVESTMENT			
1. PROTOCOL AMENDING THE MARRAKESH AGREEMENT ESTABLISHING THE WORLD TRADE ORGANISATION			
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
1.	<p>Adopted: 27th November, 2014. Signature: 3rd December, 2015. Ratification on: 10th December, 2015. Obligation to Government: Implementation of the Trade Facilitation Agreement.</p> <p>The Government has undertaken/is undertaking the following:</p> <ol style="list-style-type: none"> The Kenya Trade Remedies Agency publishes regular reports on the implementation of the Protocol in Kenya; The Trade Development Bill is being developed and is awaiting public participation; Enhancing inter-agency collaboration and promoting the sharing of available resources through Joint Border Committees (JBC); Implementing Agreements and MoUs with various member states of the WTO to facilitate cross-border trade; Institutions that oversee the movement, release and clearance of goods as well as transit goods include the Kenya Revenue Authority, the Kenya Ports Authority and the Kenya Maritime Authority; and Established a National Trade Facilitation Committee, Kenya Electronic Single Window System and Kenya Trade Portal Link Investors www.tradebarriers.org Portal. 	<ul style="list-style-type: none"> ▪ Reservations among Member States. 	<ul style="list-style-type: none"> ▪ Confidence building through continuous consultations and negotiations among Member States.
2.	<p>GENERAL AGREEMENT ON TARIFFS AND TRADE 1994 (GATT 1994)</p> <p>Adopted: October 1947. Kenya became a member on: 1st January, 1995. Obligation to Government: Liberalization of trade in goods through reduction of tariffs and other trade barriers and discrimination.</p>	<ul style="list-style-type: none"> ▪ Inadequate awareness on the existence of the portal. 	<ul style="list-style-type: none"> ▪ Enhance awareness creation.



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following;</p> <p>a) Submitted its goods schedule which is in line with eac common market principles and objectives.</p> <p>b) Currently reviewing the services schedule under the eac common market framework.</p>	<ul style="list-style-type: none"> NTBs, TBT and stringent SPS Measures still hamper market access of Kenyan goods to international destinations 	<ul style="list-style-type: none"> Capacity building to value chain actors on SPS measures and TBT issues such as standards. Addressing NTBs through regional bilateral engagements with trading partners
3.	<p>GENERAL AGREEMENT ON TRADE AND SERVICES (GATS) Kenya became a member on: 1st January, 1995. Obligation to Government: To facilitate the liberalization of trade in services.</p>		
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following;</p> <p>a) Participating in the review of Annex 5, the Revised Schedule of Commitments on the Progressive Liberalization of Services under the EAC Common Market Protocol; and</p> <p>b) Submitted its Goods Schedule to the WTO at the time of accession which is in line with the EAC Common Market principles and objectives;</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> Trade in services is still highly regulated in many countries thus hindering market access. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> Kenya to continue participating in the negotiations on trade in services at the WTO. National legislation will have to be guided by the Goods Schedule to the WTO since it contains commitments for market access and National Treatment in the sectors that Kenya has designated.
4.	<p>THE WORLD TRADE ORGANIZATION (WTO) TRADE FACILITATION AGREEMENT (TFA)</p> <p>Adopted: 2013. Kenya ratified: 10th December, 2015. Entered into force: 22nd February, 2017. Obligation to Government: To improve market access for goods (agricultural and industrial products) and services, improve trade in environmental goods and services, simplify and improve WTO rules on trade and ensure that the country has policy space to address its developmental concerns including Vision 2030 and Bottom-Up Agenda.</p>		



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following:</p> <ul style="list-style-type: none"> a) Implementing the Electronic Single Window System to facilitate international trade by reducing delays and lowering costs associated with clearing of goods at the Kenya's Port of entry; b) Undertaking the National Needs Assessment on Trade Facilitation; c) Implementing Trade Facilitation measures with various member states of WTO; and d) Facilitating ease of doing business through the Kenya Trade Portal which was established to link investors to trade opportunities. 	<ul style="list-style-type: none"> ▪ Delays and high costs associated with clearing goods. ▪ Inadequate awareness of the existence of the portal. 	<ul style="list-style-type: none"> ▪ Fast track the process and lower costs ▪ Enhance awareness creation.
5.	<p>WORLD TRADE ORGANISATION TECHNICAL BARRIERS TO TRADE (WTO/TBT) AGREEMENT</p> <p>Adopted: May, 2013. Obligation to Government: To use international standards in trade of goods, and avoid unnecessary barriers to trade.</p>		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following:</p> <ul style="list-style-type: none"> a) Providing conformity assessment for goods leaving and entering the country. Kenya Bureau of Standards (KEBS) is the designated WTO/TBT National Enquiry Point (NEP). The NEP seeks to address trade barriers for Kenyan producers to enhance access to international markets. b) Implementing the Elimination of Trade Barriers Act, 2017, which seeks to address Non-Tariff Barriers (ntbs). c) Adopted a total of 1845 standards out of the 2850 EAC Standards. 	<ul style="list-style-type: none"> ▪ The standards are developed on inquiry causing delay. ▪ Inadequate understanding on matters to do with NTBs. 	<ul style="list-style-type: none"> ▪ Early development of standards.
6.	<p>WTO TRADE RELATED INVESTMENT MEASURES (TRIMS)</p> <p>Adopted: 1994. Entered into force: 1st January, 1995. Obligation to Government: Facilitate investment across international frontiers to increase the economic growth of all trading partners while ensuring free competition.</p>		



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following:</p> <ol style="list-style-type: none"> Retained exemptions under Article III and XI of GATT which allows specified derogation from these provisions by virtue of their economic development needs. Establishment the “enquiry points” offices that provide information about the country’s technical regulations, test procedures, and adherence to various international standards. Retained exemptions under the Article XVIII of GATT which allows specified derogation from these provisions by virtue of their economic development needs. 	<ul style="list-style-type: none"> Inadequate knowledge of existence of enquiry points. 	<ul style="list-style-type: none"> Increase public awareness about the enquiry points.
7.	<p>WTO/TRIPS AGREEMENT (TRADE RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS)</p> <p>Entered into force: 1st January, 1995. Kenya became a State party to the Agreement on: 1st January, 1995. Obligation to Government: Reduce distortions and impediments to international trade and reciprocate protection of IP rights.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <ol style="list-style-type: none"> Formulating Intellectual Property Bill, 2021; and Building capacity sector through continuous employment Patent Examiners from various disciplines including Engineers, Biotechnologists, Bio-Chemists, Physicists and Biologists to consider applications in their respective fields. 	<p>CHALLENGES</p> <ul style="list-style-type: none"> Lengthy process of enactment delays implementation e.g. Geographical Indications Bill is still pending. Limited public awareness and knowledge of the Agreement. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> Fast-track the enactment of the Geographical Indications Bill. Enhance sensitization and awareness creation.
8.	<p>PROTOCOL AMENDING THE TRIPS AGREEMENT</p> <p>Adopted: 6th December, 2005. Signature: 7th July, 2015. Accession: 21st July, 2015. Entry into force: 23rd February, 2017. Obligation to Government: To improve health care through easy access to affordable versions of patented medicines needed to address public health problems (such as HIV/AIDS, malaria and other epidemics).</p>		



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following:</p> <p>a) Employed Patent Examiners from various disciplines, including engineers, biotechnologists, biochemists, physicists and biologists to consider applications in their respective fields;</p> <p>b) Developing the Intellectual Property Bill, 2022;</p> <p>c) The Kenya Drugs Authority Bill, 2022, has been submitted to parliament awaiting 1st reading; and</p> <p>d) Developed the Kenya National tradenet System (KESWS) which allows new pharmaceutical products to be imported efficiently by allowing importers to obtain product registration certificates from the Pharmacy and Poisons Board, which then issues an import permit for each consignment.</p>		
9.	THE WORLD TRADE ORGANIZATION DISPUTE SETTLEMENT SYSTEM		
	<p>Adopted: 1994. Entered into force: 1st January, 1995. Obligation to Government: Comply with the all the WTO multi-lateral agreements.</p>		
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p>a) Enhancing domestic legal capability to handle the dispute settlement process nationally and recommends initiatives to the general council for improvement in the dispute settlement process; and</p> <p>b) Implementing trade remedies, and investigates cases of dumping and subsidizing publishing reports with a view of assisting in initiating the dispute resolution process.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ There are delays in the relief granted by the system that may result in irreparable damage to Kenya's economy. ▪ Limited public awareness of the Agency 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Kenya to support the streamlining of the WTO Dispute Settlement System. ▪ Conduct more public awareness.
10.	WORLD TRADE ORGANIZATION (WTO) AGREEMENT ON APPLICATION OF SANITARY AND PHYTO-SANITARY MEASURES (SPS AGREEMENT)		
	<p>Adopted: 15th April, 1994. Date of ratification: 1st January, 1995. Entry into force: 1st January, 1995. Obligation to Government: Disease reporting, certification of animals and animal products for export. Facilitation of safe trade without undue barriers.</p>		



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
11.	<p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Animal Health Bill, 2023, Veterinary Public Health Bill, 2023 and Animal Welfare Bill, 2023;</p> <p><i>b)</i> Formulating the Food Safety Policy, 2023 and developing the Food and Feed Safety Coordination Bill, 2023 and transmitted to the National Assembly; and</p> <p><i>c)</i> Reviewing the Veterinary Practice and Veterinary Medicines Bill, 2024 and conducted public participation.</p>	<ul style="list-style-type: none"> ▪ Inadequate funding to participate in all activities such as Inter-Ministerial Trade Missions to prospective market countries and international WTO and SPS meetings. ▪ Inadequate technical and technological capacity ▪ Low awareness of the existing requirements by stakeholders. 	<ul style="list-style-type: none"> ▪ Improve budgetary allocation to trade facilitation activities and strengthening this function within the Directorate of Veterinary Services. ▪ Increase technical and technological capacity at Directorate of Veterinary Services on the single window system ▪ Create awareness.
	<p>EAST AFRICAN COMMUNITY PROTOCOL ON SANITARY AND PHYTO-SANITARY (SPS) MEASURES</p> <p>Adopted: 12th July, 2013.</p> <p>Ratified in: June, 2016.</p> <p>Not entered into force awaiting ratification by other Partner States.</p> <p>Obligation to Government: To review existing laws, regulations and administrative actions that are inconsistent to the SPS Protocol and harmonize Kenya's SPS regulatory environment to conform to the Protocol.</p>	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Implementing the 5th Edition of the Standard Operating Procedures of Inspecting Maize, Beans and Rice for Pest of Phytosanitary Importance in the EAC which was adopted by EAC Partner States;</p> <p><i>b)</i> Participating in the development of the Draft East African Community Seed and Plant Varieties Bill, 2021; and</p>	CHALLENGES	RECOMMENDATIONS



	<p>c) Hosted EAC Technical Representatives meeting with the legislative draft persons to harmonize SPS Measures which took place from 11th to 14th December, 2023 in Nairobi.</p>			
12.	<p>EAC AGREEMENT FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME</p> <p>Adopted: 30th November, 2011. Signed on: 30th November, 2011. Kenya ratified in: February, 2015. Obligation to Government: To co-operate in monetary and financial matters and ensure that our systems cater for taxation matters to avoid instances of double taxation and the prevention of fiscal evasion with respect to taxes on income.</p>			
	MEASURES UNDERTAKEN AND ACHIEVED	PROGRESS	CHALLENGES	RECOMMENDATIONS
	The Government is participating in the review of the EAC Double Taxation Agreement to provide the modalities for implementation			
13.	<p>COTONOU PARTNERSHIP AGREEMENT (ACP-EU PARTNERSHIP AGREEMENT)</p> <p>Adopted: June, 2000. Entered into force in: 2003. Kenya has been a party to the Agreement since: 1975 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.</p>			
	MEASURES UNDERTAKEN AND ACHIEVED	PROGRESS	CHALLENGES	RECOMMENDATIONS
	The Government has undertaken/is undertaking the following;			
	<p>a) Attracts EU support in different sectors among them infrastructure, agriculture and emergencies;</p> <p>b) Holds Executive powers of the Cotonou Partnership Agreement EU-ACP Secretariat and has advanced in eliminating tariffs by ensuring that 60% of goods exported to European countries are free of taxes;</p>			



	and c) The Economic Partnership Agreement between the Government and the United Kingdom of Great Britain and Northern Ireland (Kenya-UK EPA) is being implemented within existing administrative and legal frameworks.	<ul style="list-style-type: none"> ▪ Delays in contracting and disbursement of EU funds. 	<ul style="list-style-type: none"> ▪ Improve on utilization and reporting of EU funds and committing all the resources under the National Indicative Programme (NIP).
14.	<p>EAST AFRICA COMMUNITY (EAC) EUROPEAN UNION (EU) ECONOMIC PARTNERSHIP AGREEMENTS (EPAS)</p> <p>Date of Adoption: 16th October, 2014. Date of Signing: 1st September, 2016. Date of Ratification: 20th September, 2016. Obligation to Government: To coordinate implementation of the EAC-EU EPA.</p>		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Non-Ratification of the EAC/EPA Agreement by the other EAC Partner States led to conclusion of a separate arrangement between Kenya and the EU for continued market access to the EU.		
	Kenya has already ratified the EPA and deposited the Instrument of Ratification on 6 th June 2024.		
	Kenya has already ratified the EPA and deposited the Instrument of Ratification on 6 th June 2024.		
	The Government of Kenya continues to lobby the other EAC Partner States to convince them to ratify the Agreement.		
	The benefits that are not available currently 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 cumulative 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.		
15.	<p>PROTOCOL ON THE ESTABLISHMENT OF EAST AFRICAN COMMUNITY COMMON MARKET INPUT NEW SUBMISSIONS</p> <p>Adopted: 20th November, 2009. Signed on: 20th November, 2009. Ratified: 2010. Entered into force: 1st July, 2010.</p> <p>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.</p>	<p>MEASURES UNDERTAKEN SO FAR AND PROGRESS ACHIEVED</p>	<p>CHALLENGES</p>
	<p><i>All measures, challenges and recommendations under the Customs Union Protocol (No. 14 below) apply to the achievement of free movement of goods under the Common Market Protocol.</i></p> <p>The government has undertaken/is undertaking the following:</p> <p>a) Implementing the EAC One Stop Border Post (OSBP) Sustainability Strategy 2021/2022–2025/2026;</p> <p>b) Participated in the regional meeting to consider Draft Notification Procedures in compliance with requirements under the EAC Common Market Protocol in May, 2023;</p> <p>c) Participating in the development of Annex VII to the Protocol on the Establishment of the East African</p>	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Barriers to increased cross-border trade and investment in the region have been hampered as follows: <ul style="list-style-type: none"> ▪ Under the Free movement of goods, the Partner States have deviated from their commitments through application of tariff equivalent measures, resulting to an increase in Non-Tariff Barriers. ▪ Under the Free movement of services, EAC Partner States remain non-compliant in implementing their commitments 	<ul style="list-style-type: none"> ▪ Fast track implementation of the Common Market Protocol objectives



	<p>Community Common Market on the Mutual Recognition of Academic and Professional Qualifications;</p> <p><i>d)</i> Participated in the implementation of the Common Market Protocol and the Regional Monitoring Group (RMG) meeting held in December 2023 and January 2024, respectively to:</p> <p>(i) Update the framework for monitoring and evaluating the implementation of the EAC Common Market Protocol;</p> <p>(ii) Validate key country achievements and identify challenges in the implementation of the EAC Common Market Protocol at national level and provide strategies to address the identified challenges to progress implementation; and</p> <p>(iii) Validate the status report on EAC Common Market Protocol non-compliant laws.</p> <p><i>e)</i> Participated in the meeting of the Regional Taskforce (RTF) to compile a comprehensive list of levies, fees and charges for harmonization and/or removal, from 11th to 15th September 2023; and</p> <p><i>f)</i> Participated in the 43rd EAC Sectoral Council on Trade, Industry, Finance and Investment, held from 5th – 7th February 2024, where policy decisions were made and directives given to address policy, legal and regulatory challenges in order to progress implementation of the Common Market Protocol.</p>	<ul style="list-style-type: none"> ▪ Under the free movement of Capital, EAC Partner States continue to maintain some restrictions against the freedom of movement of capital. ▪ Barriers to increased cross-border trade and investment in the region have been hampered as follows: <ul style="list-style-type: none"> ▪ Under the Free movement of goods, the Partner States have deviated from their commitments through application of tariff equivalent measures, resulting to an increase in Non-Tariff Barriers. ▪ Under the Free movement of services, EAC Partner States remain non-compliant in implementing their commitments, with the total number of Non-Conforming Measures (NCMs) rising. ▪ Under the free movement of Capital, EAC Partner States continue to maintain some restrictions against the freedom of movement of capital 	<ul style="list-style-type: none"> ▪ Fast track implementation of the Common Market Protocol objectives.
--	--	---	---

16.	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following:</p> <p>a. Enhanced implementation of the EAC Single Customs Territory in the reporting year which has resulted in the following achievements:</p> <p>(i) Efficiency in clearance of goods—Processes have been reviewed and implemented according to the Single Customs Territory (SCT) principles of clearing cargo at first point of entry and point of exit for intra-regional trade;</p> <p>(ii) ICT systems interconnectivity—Enhancement and development of information systems solutions has significantly improved information sharing and coordination among Revenue, Port Authorities and other border agencies. Introduction of pre-arrival submission of manifests by shippers to customs administration at the entry points and destination within a span of 48 hours before docking of vessels has increased efficiency of document processing and border crossing. Declaration lodgement time has shortened at the destination Customs Document Processing Centres resulting in faster release of goods at the entry points and exit points for intra-regional trade;</p>	<ul style="list-style-type: none"> ▪ Lack of implementation of the Single Custom Territory by all Partner States ▪ Differences in Policy, Legal and Regulatory frameworks of the Partner States ▪ Lack of similar infrastructure by the Partner States - in terms of railways, road networks and border facilities. ▪ Lack of uniform capacities of key institutions such as the Revenue Authorities of the Partner States 	<ul style="list-style-type: none"> ▪ Partner States to fully implement the EAC Single Customs Territory. ▪ Harmonization of the Policy, Legal and regulatory frameworks ▪ Investment in infrastructure including road networks, railways, inland waterways and border facilities. ▪ Prioritizing automation and integration of the customs business systems. ▪ Capacity building

	<p>(iii) The Simplified Trade Regime (STR)—Procedure for small-scale cross-border traders engaged in intra region trade has been automated in the customs management systems. The STR enables lodging of declarations with limited paperwork such as Simplified Certificate of Origin along with proof of cost of goods (invoice or receipt); and</p> <p>(iv) E-certificate of Origin—The EAC Certificate of Origin is a key trade document that provides a basis for preferential treatment of goods produced in the region. Automation of this process has commenced and is aimed at exchange of electronic certificates to allow confirmation of the authenticity in the destination partner states.</p>	<ul style="list-style-type: none"> ▪ Non-submission of country list of levies, fees and charges for harmonization by some Partner States ▪ Non-transmission of e-certificates of origin by some Partner States 	<ul style="list-style-type: none"> ▪ Fast track compilation and submission of the comprehensive list of levies, fees and charges ▪ Fast track the transmission of e-certificates of origin by all Partner States
<p>b) Kenya is implementing the EAC Customs Strategy 2021/22–2025/26. The strategic interventions for the period 2021/22–2025/26 are as follows:</p> <p>a) Development Objective: Attaining a fully functioning Customs Union;</p> <p>b) Strategic interventions which include the following:</p> <p>(i) Leveraging on new technologies to maximize efficiency in Customs operations;</p> <p>(ii) Enhance trade facilitation through adoption and implementation of regional, continental, and international agreements;</p> <p>(iii) Strengthen Customs institutional capacity and human capital; and</p> <p>(iv) Strengthen public-private sector partnerships.</p>	<ul style="list-style-type: none"> ▪ Lack of appointment of members of the Regional One Stop Border Post Steering Committee by all Partner States ▪ High cost of sensitising and capacity building of public and private sector stakeholders in the Partner States ▪ Lack of a single regional currency to facilitate ease of exchange and reduce foreign exchange losses associate with conversion currencies to facilitate trading; ▪ Connectivity in terms road and air transport flagged out by exhibitors as expensive. ▪ Providing timely response by SACU on its revised tariff offer to the EAC; ▪ Finalising consultations by the EAC and SACU on the modalities for sensitive products and submitting their positions; and ▪ Mobilising adequate financial resource to develop the EAC-SACU Motor Vehicle (Automobile) Strategy. 	<ul style="list-style-type: none"> ▪ Fast-track the operationalisation of One Stop Border Post Management Committees by all Partner States ▪ The EAC Secretariat and Partner States to mobilize additional resources <ul style="list-style-type: none"> ▪ Fast track implementation of the EAC monetary union including actualizing the EAC single currency; ▪ Lowering of Transport costs between the Partner States ▪ EAC Secretariat to follow up with the SACU Secretariat to submit their revised tariff offer. ▪ The EAC Secretariat, in 	

		<ul style="list-style-type: none"> ▪ Lack of adequate financial resources to implement the regional strategy 	<p>collaboration with Partner States, be directed to fast track consultations on the modalities for sensitive products.</p> <ul style="list-style-type: none"> ▪ Both the EAC and SACU Secretariats need to mobilise adequate financial resource to develop the EAC-SACU Motor Vehicle (Automobile) Strategy.
<p>c) Concluding trade negotiations and developing strategies for implementation of AfCFTA and TFTA agreements and other key identified partners while aligning with the outcome of implications of EAC negotiating Agreements with third parties;</p>		<ul style="list-style-type: none"> ▪ Lack of awareness of potential production and trade opportunities provided by the AfCFTA ▪ Lack of convergence by Partner States on the products to be assigned under Category B and C. 	<ul style="list-style-type: none"> ▪ Partner States to mobilize adequate resources ▪ Sensitization and awareness creation ▪ The EAC Secretariat to continue convening dedicated meetings of Principal Secretaries` who are to guide on the outstanding tariff lines for Category B and C
<p>d) Participated in sessions to eliminate NTBs. As of April 2024, two hundred and sixty-nine (269) None Tariff Barriers (NTBs) had been cumulatively resolved since 2007, while nine (9) NTBs remained outstanding. Two (2) NTBs have been resolved in 2024;</p> <p>e) Participated in the enactment of the EAC Competition (Amendment) Act, 2022, during the 23rd Ordinary Meeting of the EAC Heads of State and Summit held on 24th November, 2023, in Arusha, Tanzania;</p>		<ul style="list-style-type: none"> ▪ Slow submission of legal input on the proposed amendments 	<ul style="list-style-type: none"> ▪ Fast track the submissions



- f)* Participated in the development of the EAC Competition (Mergers and Acquisitions) Regulations, 2022 and EAC Competition (Mergers and Acquisitions Sharing of Notification Fees) Regulations, 2022. The Draft Regulations are now before the Sectoral Council on Legal and Judicial Affairs, for consideration in a meeting to be held on 17th – 21st June, 2024, in Dar es Salaam, Tanzania;
- g)* Participating in the development of the Draft EAC Elimination of Non-Tariff Barriers (Amendment) Bill, 2022, which are now before the Sectoral Council on Legal and Judicial Affairs, for consideration;
- h)* Continues to implement the EAC Single Customs Territory (SCT). Jointly with the EAC Secretariat and the Northern Corridor Transit and Transport Coordination Authority, an assessment was undertaken on the status and impact of implementation of the EAC Single Customs Territory (SCT) along the Northern Corridor in August 2023. The assessment registered the following achievements:
- i. Cost and time of movement of cargo – Cost per kilometer in moving cargo containers has reduced significantly by up to 47% for moving a 20-foot container from Mombasa Port to Nairobi; by 10% to Kampala, 12% to Kigali; 26% to Goma (DRC); and 24% to Juba, South Sudan.
 - ii. Efficiency in clearance of goods: The average processing time has shown a significant improvement from an average of 3.6 hours in 2012 to 1 hour in 2022. In addition, average time for export clearance has decreased from 37 days to 10 days since the commencement of implementation of the EAC Single Customs Territory and from 55 days to 15 days for import clearance.
 - iii. Transit time – has reduced due to improved business environment, efficient Port and One Stop

	<p>Border Points' (OSBPs') operations and better road conditions. Duration required for border compliance in transferring of goods has decreased from an average of 72.96 in 2015 to 62.5 hours in 2022.</p> <p>iv. ICT systems interconnectivity: Enhancement and development of information systems solutions has significantly improved information sharing and coordination among Revenue, Port Authorities and other border agencies.</p> <p>v. The Simplified Trade Regime (STR): procedure for small-scale cross-border traders engaged in intra region trade has been automated in the customs management systems. The STR enables lodging of declarations with limited paperwork such as Simplified Certificate of Origin along with proof of cost of goods (invoice or receipt). In addition, the STR is undergoing review to make it more facilitative for MSMEs to effectively participate in cross border trade.</p> <p>i) Participated in the meeting of the Regional Taskforce (RTF) to compile a comprehensive list of levies, fees and charges for harmonization and/ or removal held from 11th to 15th September, 2023, in Dar es Salaam, Tanzania;</p> <p>j) Continues to automate and generate E-certificate of Origin aimed at exchange of electronic certificates to allow confirmation of the authenticity in the destination partner states;</p> <p>k) Established and operationalized Border Management Committees (BMCs): Policy decision made at Ministerial level to establish and operationalize Border Management Committees (BMCs) in key border points of Lunga-Lunga-Horo Horo, Taveta-Holili, Isebania-Serare, Namanga, Busia and Malaba;</p> <p>l) Developed the EAC Elimination of Non-Tariff Barriers (NTBs) Mobile Application with support from</p>	
--	--	--

- TradeMark Africa and launched during the 23rd MSMEs Trade Fair held in December, 2023, in Bujumbura, Burundi, to ease reporting, monitoring and elimination of NTBs in the Community. The EAC NTBs App allows the user to launch complaints;
- m)* Participated in the 23rd EAC MSMEs Trade Fair held in December, 2023, in Bujumbura, Burundi where 302 MSMEs from Kenya show-cased goods. 1,031 Exhibitors attended the Trade Fair from the EAC partner states. The Symposium was aimed at promoting MSMEs participation in intra-EAC trade through the annual EAC MSMEs Trade Fair and enhancing awareness and building capacity of MSMEs on intra-regional trade opportunities and understanding the EAC trade regime;
- n)* Participated in the Bilateral Tariff negotiations between the EAC and Southern Africa Customs Union (SACU) from 4th to 7th September, 2023, on the outstanding technical issues. This included transposition and verification of tariff offers exchanged between the EAC and SACU, review of SACU's tariff offer to 90% to match the EAC's, EAC-SACU Automobile Strategy, modalities for negotiations of sensitive products, modalities for implementing Tariff Rate Quotas for beef and the implementation of EAC-SACU tariff concessions;
- o)* Participated in the development of the EAC Regional Strategy, 2023–2033, on implementation of the African Continental Free Trade Area (AfCFTA) adopted by the 43rd Sectoral Council on Trade, Industry, Finance and Investment (SCTIFI) held from 5th to 7th February, 2024;
- p)* Working with other partner states to finalize the outstanding tariffs under Category B and C products which will be submitted to the AfCFTA Secretariat once finalised and approved by the EAC Council of Ministers;
- q)* Participated in the Meeting of Legal and Customs Experts held from 17th to 21st April, 2023, in Kigali, Rwanda, to

	<p>review the EAC Customs Management Regulations and align them with the proposed provisions of the EAC CMA, 2004;</p> <p>r) Participated in the Multi-sectoral National Stakeholders' Awareness and Sensitization on Implementation and Enforcement of EAC Competition Policy and Law, during a meeting held on 12th June, 2024, in Nairobi; and</p> <p>s) Participated in the drafting of EAC Competition Authority (Complaints, Investigation and Hearings) Rules of Procedure during a meeting held from 17th to 21st June, 2024, in Dar es Salaam, Tanzania, for consideration by the 25th Sectoral Council on Legal and Judicial Affairs.</p>		
17.	<p>PROTOCOL ON THE ESTABLISHMENT OF EAST AFRICAN COMMUNITY MONETARY UNION (EAMU)</p> <p>Adopted: 30th November, 2013.</p> <p>Entered into force: 30th November, 2013.</p> <p>Kenya Ratified: 28th November, 2014.</p> <p>Obligation to Government: To harmonize monetary and fiscal policies; harmonize financial, payment and settlement systems; harmonize financial accounting and reporting practices; harmonize policies and standards on statistical information; and establish an East African Central Bank.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Non-operationalization of Key institutions of EAMU: East Africa Monetary Institute, Surveillance, Compliance and Enforcement Commission, Financial Services Commission and the Statistics Bureau). <p>Global Challenges</p> <ul style="list-style-type: none"> ▪ Geopolitical tensions such as the Middle East 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ There is need to fast track finalization of EAMU Bills to aid the establishment of the East African Monetary Union by 2031 ▪ Fast track the operationalization of the key
MEASURES UNDERTAKEN AND ACHIEVED	<p>PROGRESS</p> <p>The Government is undertaking internal consultations on the East African Monetary Union (EAMU) Bills (EAC Surveillance, Compliance and Enforcement Commission and the EAC Financial Services Commission) which have been passed by the East African Legislative Assembly (EALA) and are awaiting assent by the Summit.</p> <p>The Government is considering the Draft Framework for Monitoring the Implementation of the EAMU Roadmap in February - March 2024. The Framework is expected to provide the status of implementation of all activities contained in the EAMU roadmap every six months, identify the remaining activities towards full implementation, track recent initiatives undertaken by all stakeholders and identify potential risks for non-implementation/delayed</p>		



<p>implementation of the roadmap as well as mitigation measures for such risks. The Draft Framework was adopted by the EAC Sectoral Council on Finance and Economic Affairs during their meeting held from 13th - 17th May 2024 in Arusha, Tanzania</p>	<p>crisis and the Russia- Ukrainian war which caused supply chain disruptions and hence led to high costs of imported inputs.</p> <ul style="list-style-type: none"> ▪ The tight global financial conditions such as the increase in the Federal Fund rate has increased the cost of external borrowing and also led to capital flight from the EAC region ▪ The volatility in global oil prices has affected production costs hence affecting overall productivity in the region and revenue collection for oil exporting Partner States. ▪ More frequent global and regional shocks – e.g. pandemics, wars, climate change related shocks, etc. ▪ Regional Challenges ▪ Conflicts within the region might pose major challenges on regional demand and stability. ▪ Failure to follow regional agreements for example the persistence of Non-tariff Barriers, stay of application on the EAC Common External Tariff (CET) and issues related to rules of origin pose major risks to regional trade. ▪ Climate change and its related impacts for example the regular occurrence of the droughts within the region has affected food production and thus prices. ▪ Multiple membership of Partner States also affect Partner State commitments to EAC Agreements. ▪ Divergence from the Macroeconomic Convergence Criteria partly due to external shocks like the Covid-19 pandemic and divergence in the coping mechanisms which were adopted by Partner States. 	<p>institutions for the establishment of the Monetary Union (EAMI, Surveillance, Compliance and Enforcement Commission, Financial Services Commission and the Statistics Bureau).</p> <ul style="list-style-type: none"> ▪ Promote import replacement to mitigate the negative impact of external shocks. ▪ Improve domestic savings for example through initiatives aimed at mobilizing funding from our people in the diaspora, domestic capital market development and improving savings culture. ▪ Explore Public Private Partnerships and build capacity of technical experts in negotiating PPPs. ▪ Need to develop a regional/national climate change strategy and to mobilize climate financing from the Multilateral Institutions. ▪ Expedite the establishment of a stabilization fund for the region to help in the management of shocks. ▪ Develop and implement regional value chain as part of
---	--	--



		<ul style="list-style-type: none"> ▪ The need to bridge the infrastructure gap coupled with insufficient domestic revenues has increased debt exposure for most EAC Partner States. ▪ Lack of capital and capacity of regional contractors to implement large projects, which results into use of foreign capital and companies leading to capital outflow. 	<ul style="list-style-type: none"> ▪ industrial strategy. ▪ Deliberately build capacity of regional contractors to be able to implement large projects.
	<p>The Government involved in the harmonization of domestic taxes in the EAC undertaken pursuant to the EAC Policy on Harmonisation of Domestic Taxes adopted by the EAC Council of Ministers in 2019. This include development of draft EAC Council Directive for Harmonization of Excise Tax in the EAC Region. The Policy calls for EAC Partner States to harmonize and coordinate, among others, the mandatory list of dutiable goods and services, optimal rates, base of excise duty as well as excise tax regime (ad-valorem or specific or hybrid).</p>	<p>Lack of convergence among Partner States on the minimum excise rates for the mandatory excise products.</p>	<p>Encourage consensus among the Partner States</p>
18.	<p>Marking of Weights (Packages Transported by Vessels Convention), No. 27 of 1929 Adopted: 11th November, 1921. Entered into force: 9th March, 1932. Kenya Ratified: 9th February, 1971. Obligation to Government: The Convention requires that any package or object weighing one (1) Metric Tonne and above consigned within the territory of any Member State shall have its gross weight clearly marked on it before it is loaded.</p>		
	<p>MEASURES UNDERTAKEN AND ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Provision of services through twenty-one (21) zonal offices at Nairobi, Mombasa, Malindi, Wundanyi, Nyeri, Thika, Meru, Embu, Machakos, Mwingi, Nakuru, Garissa, Eldoret, Kitale, Kericho, Kakamega, Bungoma, Busia, Kisii, Homa Bay and Kisumu; and</p> <p><i>b)</i> Conducting inspection services in line with the Weights and Measures Act CAP. 513 and Trade Descriptions Act, 2019.</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>



STANDARDIZATION			
1.	<p>THE METRE CONVENTION</p> <p>Date of adoption: 20th May, 1875. Date of Ratification: 1st January, 2010. Obligation to Government: To establish the degree of equivalence of national measurement standards thereby providing Governments and other parties with a secure technical foundation for wider agreements related to international trade, commerce and regulatory affairs.</p>		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>Kenya participates in International Bureau of Weights and Measures (BIPM) activities.</p> <p>Kenya has adopted a total of 1,428 standards: 507 are indigenous designated as East African Standards; and 921 International Standards.</p>	<ul style="list-style-type: none"> ▪ Inadequate resources (personnel, equipment, funds, facilities etc.) to fully participate the International Bureau of Weights and Measures. ▪ Limited finances, inadequate manpower to enforce calibration of weights and measures among concerned players in the sector. 	<ul style="list-style-type: none"> ▪ Mobilization of resources. ▪ Training and capacity building.
2.	<p>EAC PROTOCOL ON STANDARDIZATION, QUALITY ASSURANCE, METROLOGY AND TESTING</p> <p>Concluded in: 2010. Obligation to Government: To formulate and apply a common policy on standardization, quality assurance, metrology and testing of products produced and traded within the Community.</p>		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following:</p> <p>a) The EAC has harmonized a total of 2050 standards. The Government has adopted 1845 standards out of the total harmonized EAC standards;</p> <p>b) Maintained its membership to the East Africa Accreditation Board (EAAB). This has contributed to deeper East Africa integration process;</p>	<ul style="list-style-type: none"> ▪ Delays in finalizing the review of the EAC SQMT Act and approval of Metrology Bill, 2021 by organs of the Community ▪ Delay in completion of Public Hearings in the other Partner States 1 by organs of the Community. 	<ul style="list-style-type: none"> ▪ Fast Track Public Hearings on the Bills in the other Partner States



	<p><i>c)</i> Participated in Standards Harmonization Technical Committees and its Secretariat to various Sectoral Committees of the EAC. The 13th CODEX Forum meeting was held from 15th - 17th April 2024, virtually; the 27th Metrology Technical Sub-Committee met from 18th - 19th April 2024 in Kampala, Uganda; the 4th TBT Forum met on 22nd - 23rd April 2024 Virtually; Extra-Ordinary Meeting of the Standards Management Committee met from 23rd - 25th April 204 in Arusha, Tanzania; Extra-Ordinary Meeting of the Quality Assurance Technical Sub-Committee met on 23rd - 24th April 2024 Virtually; 28th Testing Technical Sub-Committee met from 24th - 25th April 2024, virtually; and the EAC Standards Committee was held from 8th to 10th May, 2024;</p>	
	<p><i>d)</i> Participated in meetings to review the EAC SQMT Act, 2006. The review process has resulted in the development of a Draft EAC Metrology Bill, 2021, and the Draft Standards, Assessment and Conformity Assurance Bill, 2022. The East Africa Legislative Assembly (EALA) Public Hearings on the Bills was undertaken from 8th to 10th May, 2024 in Nairobi;</p>	<ul style="list-style-type: none"> ▪ Inadequate budgetary allocation.
	<p><i>e)</i> Participated in meetings to review the EAC SQMT Act, 2006. The review process has resulted in the development of a Draft EAC Metrology Bill, 2021, and the Draft Standards, Assessment and Conformity Assurance Bill, 2022. The East Africa Legislative Assembly (EALA) Public Hearings on the Bills was undertaken from 8th - 10th May, 2024 in Nairobi; and</p>	
	<p><i>f)</i> The EAC Standards, Assessment and Conformity Assurance Bill, 2022, was adopted by the 41st Ordinary Council and introduced in the East Africa Legislative Assembly as Bill No. 5 of 2022. The Bill is awaiting debate and enactment.</p>	

INTELLECTUAL PROPERTY			
1.	<p>PARIS CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY</p> <p>Adopted: 20th March, 1883. Entered into force: 1883, 1900, 1911, 1925, 1934, 1958, 14th July, 1967, amended 1979. Kenya became a State party to the Convention: 14th June, 1965 to Paris Convention and 26th October, 1967 to Stockholm Act. Obligation to Government: Amending/enacting intellectual property laws to comply with the Agreement on patents, utility models, industrial designs, trademarks, trade names and geographical indications.</p>		
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Received and processed 896 trademarks that sought to claim priority under the convention. Such priority claims are taken into consideration when the filing date for the respective application is being given to the applicants;</p> <p><i>b)</i> Enacted the Industrial Property Act, 2001; and</p> <p><i>c)</i> Actively involved in protecting and enforcing Industrial Property Rights through the Kenya Industrial Property Institute.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Limited awareness by applicants on priority date limitations that jeopardizes the novelty requirement and the eventual acquisition of industrial property rights. ▪ Manual system of application that is slow and cumbersome. ▪ Inadequate financial resources in the implementation and administration of industrial property rights. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Public awareness creation and support on outreach programs by the Government. ▪ Automation to give effect to system notifications and reminders to applicants before expiry of priority dates. ▪ Mobilize additional financial resources.
2.	<p>BERNE CONVENTION ON THE PROTECTION OF LITERARY AND ARTISTIC WORKS</p> <p>Adopted: 9th September, 1886. Entered into force: 11th March, 1993. Kenya became a State party to the Convention: 11th March, 1993. Obligation to Government: Recognize the copyright of works of authors from other signatory countries in the same way it recognizes the copyright of its own nationals.</p>		



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
3.	<p>MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS</p> <p>Adopted: 1891. Entered into force: 14th April, 1891 (amended 1900, 1911, 1925, 1934, 1957, 1967, and finally 28th September, 1979). Kenya became a State party to the Agreement on: 26th June, 1998. Obligation to Government: To ensure that Kenyan nationals secure protection for their marks applicable to goods and services by filing the said marks at the International Bureau of Intellectual Property.</p>	<ul style="list-style-type: none"> ▪ Limited public awareness and knowledge on copyright and related rights. ▪ Inadequate financial resources. ▪ Weak enforcement of copyrights. 	<ul style="list-style-type: none"> ▪ Enhance public sensitization and awareness creation on Intellectual Property (IP). ▪ Mobilize additional financial resources. ▪ Establish partnerships. ▪ Enforce copyright and related rights.
	<p>The Government has undertaken/is undertaking the following:</p> <p>a) The Kenya Industrial Property Institute (KIPI) has a unit under the Trade Marks Division that is solely dedicated to registration of trade marks under the Madrid System;</p> <p>b) KIPI publishes Trade Marks applications that designate Kenya under Madrid System in the monthly Kenya Industrial Property Journal; and</p> <p>a) The Kenya Industrial Property Institute established under the Industrial Property Act, CAP 509, and has</p>	<ul style="list-style-type: none"> ▪ Inadequate resources to support attendance of meetings at WIPO, outreach and creation of awareness programs and activities. ▪ Low levels of public awareness and knowledge on Trade Marks. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Increase funding to facilitate attendance of Madrid related Meetings in WIPO in order to contribute to the development of the Madrid System of registration. ▪ Resource mobilization and provision of adequate funds to facilitate implementation. ▪ Enhance public awareness and sensitization through funding programs geared towards public awareness.



	formulated The Institute Strategic Plan for the period 2023–2027 to fulfill its mandate.		
4.	<p>PATENT CO-OPERATION TREATY (PCT) Adopted: 1970. Entered into force in: 1970. Kenya became a State party to the Treaty on: 8th March, 1994. Obligation to Government: Protection and registration of patents, enacting intellectual property laws to comply with the Treaty.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <ol style="list-style-type: none"> Transmitted all the International Patent applications that were filed by Kenya residents to WIPO; Participated in the Sixty-Third Series of Meetings of Assemblies of the member states of WIPO that were held from 14th to 22nd July, 2022; The Kenya Industrial Property Institute was established under the Industrial Property Act, No. 3 of 2001. To enable the Institute to implement its mandate, the following have been put in place: <ol style="list-style-type: none"> The Institute Strategic Plan for the period 2023–2027; The Institute Performance Contract for the Financial Year 2023–2024; and The Institute Budget for the Financial Year 2023–2024. 	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Inadequate resources to support the programs and activities. ▪ Inadequate participation by Kenya at the meetings. ▪ Limited personnel with Intellectual Property Rights (IPR) skills and knowledge. ▪ Inadequate skills by users of the PCT system. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Resource mobilization for the programs and activities. ▪ Increased funding for Kenya to be represented in all PCT meetings. ▪ Enhance training and capacity building in IPRs. ▪ Improve skills and competencies of personnel and PCT users.
5.	<p>SINGAPORE TREATY ON THE LAW OF TRADEMARKS Adopted: 27th March, 2006. Entered into force: 16th March, 2009. Kenya signed the Treaty on: 28th March, 2006. Obligation to Government: To ensure protection and registration of trademarks.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>



	<p>The Registrar of Trade Marks protects trademarks under the Trade Marks Act, CAP 506 of the Laws of Kenya.</p> <p>Registration of three (3) dimensional Trade Marks available to applicants.</p> <p>The Kenya Industrial Property Institute is in the process of adopting on-line filing or e-filing of trade mark applications.</p>	<ul style="list-style-type: none"> ▪ Human resource challenges ▪ Low levels of public awareness. ▪ Capacity constraints ▪ Financial Constrain 	<ul style="list-style-type: none"> ▪ Registration of sound marks and holograms ▪ Enhance awareness amongst members of the public. ▪ Consider non-traditional marks. ▪ Enhance capacity building. ▪ Increase funds to facilitate e-filing.
<p>6.</p>	<p>BRUSSELS CONVENTION RELATING TO THE DISTRIBUTION OF PROGRAMME-CARRYING SIGNALS TRANSMITTED BY SATELLITE</p> <p>Adopted: 1974. Kenya signed on: 21st May, 1974. Ratified: 6th January, 1976. Obligation to the Government: To take adequate measures to prevent the unauthorized distribution on or from its territory of any programme-carrying signal transmitted by satellite</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <ol style="list-style-type: none"> a) Protection of transmission by wire or wireless means including by satellite was incorporated in the Copyright Act, CAP .130 b) Encouraging use of the National Rights Registry Platform (NRRP) for the registration, viewing and downloading copyright certificate. 	<p>CHALLENGES</p> <p>Inadequate awareness and technical capacity</p>	<p>RECOMMENDATIONS</p> <p>Increase public awareness and capacity building.</p>
<p>7.</p>	<p>MARRAKESH TREATY TO FACILITATE ACCESS TO PUBLISHED WORKS FOR PERSONS WHO ARE BLIND, VISUALLY IMPAIRED OR OTHERWISE PRINT DISABLED</p> <p>Adopted: 27th June, 2013. Kenya signed on: 28th June, 2013. Kenya Ratified: 2nd June, 2017. Obligation to the Government: To introduce a set of limitations and expectations to copyright rules in order to permit reproduction, distribution and making available of published works in formats designed to be accessible to Visually Impaired Persons, and to permit exchange of these works across borders by organizations that serve those beneficiaries.</p>		

	MEASURES UNDERTAKEN AND ACHIEVED	PROGRESS	CHALLENGES	RECOMMENDATIONS
8.	<p>The Kenya Copyright Board has been in the forefront to ensure provisions of the Treaty are incorporated in the national legislation. Definitions of works includes audio visual work. Provisions of the Treaty have been incorporated in the Copyright Act.</p>	<p>BEIJING TREATY ON AUDIO-VISUAL PERFORMANCES Adopted: 24th June, 2012. Kenya signed on: 26th June, 2012. Ratified: 15th November, 2019. Obligation to Government: To grant performers four kinds of economic rights for their performances fixed on audiovisual fixations such as motion pictures: the right of reproduction, the right of distribution, the right of rental and the right of making available.</p>		
	MEASURES UNDERTAKEN AND ACHIEVED	PROGRESS	CHALLENGES	RECOMMENDATIONS
	Protection and remedies for audio visual performers was incorporated in the national legislation.			
9.	<p>NAIROBI TREATY ON THE PROTECTION OF THE OLYMPIC SYMBOL (1981) Kenya signed on: 24th October, 1981. Ratified: 18th November, 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.</p>			
	MEASURES UNDERTAKEN AND ACHIEVED	PROGRESS	CHALLENGES	RECOMMENDATIONS
	The Trade Mark Examiners are obligated to refuse an application for registration of a trade mark that consists of the Olympic Symbol. The Government did not receive any trade marks that were considered to be in contravention of the Nairobi Treaty.			
	The Kenya Industrial Property Institute was established under the Industrial Property Act, No. 3 of 2001. To enable the Institute to implement its mandate, the following have been put in place:			
	(i) The Institute Strategic Plan for the period 2023–			
			<ul style="list-style-type: none"> ▪ Monitoring the use of the Olympic symbol without the authorization of the International Olympic Committee. ▪ Enforcement of the offence is difficult 	<ul style="list-style-type: none"> ▪ Ensure the use of the Olympic symbol is done with authorization. ▪ Strengthen enforcement mechanisms

	2027; (ii) The Institute Performance Contract for the Financial Year 2023–2024; and (iii) The Institute Budget for the Financial Year 2023–2024.	partly because of lack of awareness by enforcement agencies and authorities.	and create awareness to the relevant enforcement agencies.
10.	PATENT LAW TREATY (PLT) Adopted: 2000. Entered into force in: 2005. Kenya acceded on: 8 th March, 1994. Obligation to the Government: To seek patent protection for an invention simultaneously in each of a large number of countries by filing an “international” patent application.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED Domesticated in the Industrial Property Act, 2001 administered by KIPi.	CHALLENGES ▪ Lack of awareness by applicants. ▪ Inadequate technical personnel and limited funding.	RECOMMENDATIONS ▪ Enhanced awareness to users ▪ Increase personnel and more financial resource
11.	GENEVA CONVENTION FOR THE PROTECTION OF PRODUCERS OF PHONOGRAMS AGAINST UNAUTHORIZED DUPLICATION OF THEIR PHONOGRAMS (1971) Adopted: 1971. Kenya signed on: 4 th April, 1972. Ratified: 6 th January, 1976. Obligation to the Government: To protect a producer of phonograms who is a national of another Contracting State against the making of duplicates without that producer's consent; against the importation of such duplicates, where the making or importation is for the purpose of distribution to the public; and against the distribution of such duplicates to the public.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED The Government has included the protection of producers of sound recordings as laid out the Copyright Act, 2001 (<i>Rev.</i> 2020).	CHALLENGES	RECOMMENDATIONS
	Provisions on take down notice and ISP liability have been included in the Copyright Act, 2001 (<i>Rev.</i> 2020) to protect copyright owners in the digital environment.		

EDUCATION, SCIENCE AND TECHNOLOGY			
1. DAKAR FRAMEWORK FOR ACTION: EDUCATION FOR ALL (EFA) AGREEMENT			
	<p>Signatory Date: 26th to 28th April, 2000.</p> <p>Obligation to Government: To develop National Education for All (EFA) goals.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>a) The Government has undertaken/is undertaking the following:</p> <p>b) Put in place measures to ensure that all Kenyans enjoy access to education without discrimination. The Government has provided free and compulsory basic education through Free Primary Education (FPE) and Free Day Secondary Education (FDSE) leading to an increase in school enrolment. A total of 9,922,193 learners benefitted from the free day secondary education programme while a total of 8,849,268 learners benefitted from the free primary education;</p> <p>c) Constructed 11 dining halls cum kitchens and 34 dormitories in 43 public low-cost boarding primary schools and supplied 360,000 desks to 5,106 primary schools;</p> <p>d) Provided 17,802,788 set books for english literature and fasihi ya kiswahili to 8,935 public secondary schools;</p> <p>e) Rationalized the learning areas to a maximum of 5 for pre-primary, from 9 to not more than 7 for lower primary, from 12 to not more than 8 for upper primary, from 14 to not more than 9 for junior secondary, and from 9 to not more than 7 for senior secondary;</p> <p>f) Implemented kenya primary school education assessment (kpsea) for grade 6 to monitor learners' progress and provide feedback to education sector players on areas that require intervention and not for placement;</p> <p>g) Lowered the entry qualification to the teacher training colleges (ttc) for diploma primary teacher education raising the enrollment to the colleges from 6,044 to 20,105 in 2023;</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Delay in disbursement of funds. ▪ Inadequate funding. ▪ Shortage of teachers. ▪ Inadequate infrastructure. ▪ Insufficient funding. ▪ Insufficient funding ▪ High cost of living. ▪ Retention of learners. ▪ Inadequate infrastructure. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Timely disbursement of funds. ▪ Enhanced budgetary allocations. ▪ Recruit and train more teachers. ▪ Improve infrastructure. ▪ Enhanced budgetary allocation ▪ Enhanced budgetary allocation ▪ Enhance budgetary allocation. ▪ Strengthen the Directorate of Audit of schools for quality assurance.

	<p>Increased enrolment and retention of girls and boys in pre-primary, primary and secondary education, particularly in ASAL counties and informal settlements through the following:</p> <ul style="list-style-type: none"> i. Digitization of contents to reach the un-reached and strengthen National Education Management Information System (NEMIS); ii. Revitalizing the vocational and technical education; iii. Provision of sanitary towels to girls in primary schools to ensure equity in access to learning opportunities; and iv. Implementation of school feeding programme in selected primary schools in asals, slums and pockets of poverty areas. <p><i>h)</i> Adopted a whole Government approach to facilitate the mop up exercise aimed at ensuring every child attains the next level of school towards implementing the 100% transition policy.</p> <p><i>i)</i> Allocated a capitation of 15,043 to every learner in Junior School and employed 35,000 teachers to support the transition process from Primary School to Junior School.</p> <p><i>j)</i> In the Financial Year 2023/2024, the Government allocated a total of ksh.628.6 Billion to the education sector which is 84.2 Billion increase from Kshs. 544.4 million allocated in the Financial Year 2022/2023.</p> <p><i>k)</i> The Government disbursed a total of ksh. 3,863,417,000 as capitation to trainees in TVET Institutions to subsidize on school fees .</p> <p><i>l)</i> The Government is processing the employment of 1,300 TVET Trainers to address the shortage of trainers in TVET institutions. .</p> <p><i>m)</i> Developing the following policy and legislations to facilitate the implementation of the Presidential Working Party on Education Reforms (PWPER) Report:</p> <ul style="list-style-type: none"> i. National Education Policy, 2024 ii. Basic Education Bill, 2024 iii. Basic Education Scholarships and Bursaries Bill, 2024 iv. Kenya Institute of Curriculum Development (Amendment) Bill, 2024 v. Kenya National Examination Council (Amendment) Bill, 2024 vi. Teachers Service Commission (Amendment) Bill, 2024 	<ul style="list-style-type: none"> ▪ Lack of time for co-curricular activities for learners. 	<ul style="list-style-type: none"> ▪ Normalize the school calendar.
--	--	---	--

	<ul style="list-style-type: none"> vii. Kenya Literature Bureau (Amendment) Bill, 2024 viii. Education Appeals Tribunal Bill, 2024 ix. Technical and Vocational Education and Training Bill, 2024 x. Universities Bill, 2024 xi. Tertiary Education Placement and Funding Bill, 2024 xii. Kenya National Qualification Framework (Amendment) Bill, 2024 xiii. Science and Technology Innovation (Amendment) Bill, 2024 n) Implementing the new financing model for Universities and TVET institutions. o) Operationalized the Open University of Kenya at Konza Technopolis and has received 1,009 applications as at 29th September, 2023. p) Approved the establishment of 13 National Polytechnics bringing the total number to 24 countrywide. q) Implementing the new grading system where the computation of Kenya Certificate of Secondary Education mean score is based on English/Kiswahili/Kenya Sign Language, Mathematics and 5 other best performing subjects. r) Implementing the Competency Based Assessment Framework (CBA) and strengthening examination administration. Developed and issued a guideline on the implementation of the Junior School level of education. 		
2.	<p>THE DJIBOUTI DECLARATION ON REGIONAL CONFERENCE ON REFUGEE EDUCATION IN IGAD MEMBER STATES</p> <p>Adopted: 14th December, 2017. Kenya acceded on: 14th December, 2017. Obligation to Government: To ensure that every refugee, returnee, and members of host communities have access to quality education in a safe learning environment within our respective countries without discrimination.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government is developing the Education and Training Policy on the inclusion of refugees and asylum seekers</p>	<p>CHALLENGES</p> <p>Resource constraints.</p>	<p>RECOMMENDATIONS</p> <p>Resource mobilization to provide education for refugees.</p>



3.	<p>PROTOCOL ON THE ESTABLISHMENT OF THE INTER-UNIVERSITY COUNCIL FOR EAST AFRICA (IUCEA)</p> <p>Adopted: 13th September, 2002. Signed: 13th September, 2002.</p> <p>Obligation to Government: To provide technical and financial support to IUCEA to facilitate implementation of programmes and projects under the Council, participate in technical meetings for policy development and furthering Kenya's interests in the region and encourage development of mutually beneficial collaboration among Universities and Governments, public and private sector and other organizations for sustainable socio-economic development.</p>		
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government is implementing the online matchmaking platform for skills Digital Skills Platform developed by the EAC through its project 'Digital Skills for an Innovative East African Industry' (dSkills@EA).</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Technology challenges ▪ Non-compliance by partner states to implement uniform fees for East Africans in higher education institutions 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Fast track the process. ▪ IUCEA to flag out and sanction institutions that are not compliant with the council directives
4.	<p>PROTOCOL ON THE ESTABLISHMENT OF THE EAST AFRICAN KISWAHILI COMMISSION</p> <p>Concluded on: 18th April, 2007. Kenya Ratified: 2010.</p> <p>Obligation to Government: To establish the East African Kiswahili Commission as a tool for providing advice to the Partner States on all matters relating to Kiswahili research, teaching, learning and development.</p>		
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following;</p> <ol style="list-style-type: none"> a) Implementing a multilateral collaboration framework for furthering the EAKC agenda which has resulted in establishment of National Kiswahili Council in all the Partner States; b) Implementing the Staff-Student Exchange and Mentorship Programme in and beyond the EAC; c) Participated in the development of draft amendments to the EAC Treaty to incorporate Kiswahili and French as official languages of the Community. The amendments are now before the Sectoral Council on Legal and Judicial Affairs, for consideration; 	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Slow progress in amendment of the Protocol. ▪ Consultant working on the Strategic Plan withdrew from the activity due to unavoidable circumstances. ▪ Some Partner States are yet to establish National Kiswahili Councils to facilitate recognition of Kiswahili as an official language. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ EAKC Secretariat to fast track the process. ▪ EAKC to fast-track development of the 2nd EAKC strategic plan. ▪ Collaborate with partner states to expedite establishment of NKCs for enhanced policy formulation and



	<p>d) Developed a National Kiswahili Council of Kenya Bill, 2023, which seeks to establish the National Kiswahili Council of Kenya to promote the development of Kiswahili as a <i>lingua franca</i> of the partner states;</p> <p>e) Developed a Draft Languages of Kenya Policy, 2021;</p> <p>f) Translation of the East African Treaty into Kiswahili is undergoing and awaiting validation by partner states; and</p> <p>g) Developing training manuals and programs for teaching and training Kiswahili in partner states as per (EAC/CM 35/Directive 35).</p>	<ul style="list-style-type: none"> ▪ Inadequate resources which cause delay in implementation. ▪ Limited awareness on the programme 	<p>implementation on use of Kiswahili as an official language.</p> <ul style="list-style-type: none"> ▪ Sensitize the public on available opportunities.
5.	<p>PROTOCOL ON THE ESTABLISHMENT OF THE EAST AFRICAN SCIENCE AND TECHNOLOGY COMMISSION</p> <p>Adopted: 18th April, 2007. Entered into force: 1st July, 2014. Obligation of Government: To promote and co-ordinate the development, management and application of science and technology in the EAC.</p>		
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p>a) Developed the Startup Bill, 2022.</p> <p>b) Co-ordinated participation of Kenyan researchers and innovators to publish their research in the East African Journal of Science, Technology and Innovation, Volume 3, Issue No. 3 June, 2022, and Volume 4, Issue No. 2 (2023)</p> <p>c) Participated in the development and implementation of the EAC Regional Strategy for Science, Technology, Engineering and Mathematics, EAC Regional Strategy for indigenous knowledge and Technology Systems, 2nd EAC strategic Plan (2023–2028), EAC Regional innovation and technology transfer strategy, EAC Regional Intellectual Property Policy and the EASTECO Resource Mobilization Strategy</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Lack of adequate funding 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Provision of adequate funding

	CHALLENGES	RECOMMENDATIONS
<p>6. AFRICA REGIONAL COOPERATIVE AGREEMENT FOR RESEARCH DEVELOPMENT AND TRAINING RELATED TO NUCLEAR SCIENCE AND TECHNOLOGY (AFRA)</p> <p>Kenya became a party in: 1991. Fifth Extension of Agreement on: 4th April, 2015. Acceded to the 5th Extension of the Agreement on: 4th February, 2016. Obligation to Government: To promote and develop the use of nuclear science and technology, through regional cooperation, safely and cost effectively in order to meet the challenges of socio-economic development on the African continent.</p>	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <ol style="list-style-type: none"> Supports this initiative through allocation and disbursement of recurrent grants to National Commission for Science, Technology and Innovation; Supporting thirty- eight (38) AFRA projects which are under the AFRA 2022-2023 technical cooperation cycle and are aligned with five priority areas of cooperation; and Kenya was chosen to pilot the Nuclear Science Education in secondary schools and already, two schools for pilot programme have been selected. The Government has already appointed a team to review the Secondary School Curriculum with an aim of incorporating nuclear science technology in secondary schools. This will help demystify nuclear science and technology. 	<ul style="list-style-type: none"> ▪ Undertake budgetary allocations for implementation of projects including through partnerships and collaboration with stakeholders. ▪ Enhance public awareness, education and training on the benefits of nuclear science and technology. ▪ Enhance inter-agency collaborations.



OUTER SPACE			
1.	TREATY ON PRINCIPLES GOVERNING THE ACTIVITIES OF STATES IN THE EXPLORATION AND USE OF OUTER SPACE INCLUDING THE MOON AND OUTER CELESTIAL BODIES	CHALLENGES	RECOMMENDATIONS
	<p>Ratified: 27th January, 1967. Entered into force: 10th October, 1967. Adopted: 19th December, 1966. Obligation to Government: To regulate outer space activities.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Developed the Kenya Space Agency Strategic Plan (2020–2025) with a multi-agency approach;</p> <p><i>b)</i> Proposed the construction of an optical astronomical observatory and a modern radio telescope and a center for microsatellite development through the medium term 3 for implementing vision 2030 (MTP-3) as part of science, technology and information;</p> <p><i>c)</i> Establishment of the Longonot-Earth Station, Nakuru County to, among others, monitor signals from deep space;</p> <p><i>d)</i> Instituted research grant programmes for Nano Satellite Development and Operational Space Weather; and</p> <p><i>e)</i> Drafting a Kenya Space Bill, 2023, and reviewing of the Kenya Space Policy, 2016, to coordinate the sector.</p>	<ul style="list-style-type: none"> ▪ Limited inter-agency collaboration. ▪ Inadequate funding ▪ The station is outdated, inoperable and has been subjected to vandalism. ▪ Limited engineering facilities and space weather sensors. 	<ul style="list-style-type: none"> ▪ Strengthen collaboration among agencies. ▪ Lobby for funds to implement proposal. ▪ Resource mobilization and refurbishment of the stations. ▪ Cooperation with other stakeholders to revive activities at the station and provide security. ▪ Resource mobilization.

2.	CONVENTION ON INTERNATIONAL LIABILITY FOR DAMAGE CAUSED BY SPACE OBJECTS (LIABILITY CONVENTION)		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following:</p> <ul style="list-style-type: none"> a) Conducts regular and continuous training on implementation of the treaty; b) Developed the Kenya Space Agency Strategic Plan (2020–2025) with a multi-agency approach; and c) Drafting Kenya Space Bill, 2023, to coordinate the sector. 	<ul style="list-style-type: none"> ▪ Limited inter-agency collaboration. ▪ Lengthy legislative process. 	<ul style="list-style-type: none"> ▪ Strengthen collaboration among agencies. ▪ Fast-track the process.
3.	AGREEMENT ON THE AFRICAN RESOURCE AND ENVIRONMENT MANAGEMENT SATELLITE CONSTELLATION INITIATIVE		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following:</p> <ul style="list-style-type: none"> a) Kenya's first satellite (<i>Taiifa-1</i>) was developed by nine (9) engineers from KDF; and b) <i>Taiifa-1</i> was launched to space aboard a space X Falcon 9 Rocket Vandenberg Space Force Base in California, USA on 15th April, 2023. 	<ul style="list-style-type: none"> ▪ Limited inter-agency collaboration. 	<ul style="list-style-type: none"> ▪ Strengthen collaboration among agencies.

ELECTIONS, DEMOCRACY AND GOVERNANCE			
THE AFRICAN CHARTER ON DEMOCRACY ELECTIONS AND GOVERNANCE (ACDEG)			
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
1	<p>Adopted: 30th January, 2007 Entered into force: 15th February, 2012. Kenya acceded to the Charter on: 7th January 2021. Obligation to Government: Promote adherence, by each State Party, to the universal values and principles of democracy and respect for human rights; the rule of law premised upon the respect for, and the supremacy of, the Constitution and constitutional order in the political arrangements of the State Parties; and the holding of regular free and fair elections.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Slow legislative process 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Fast track the enactment process
	<p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> The Elections (Amendment) Bill, 2024 which was published on 7th March 2024; and</p> <p><i>b)</i> Aligned the Laws of Kenya and independent institutions with the provisions of the Charter.</p>		

HEALTH			
1.	<p>WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL (FCTC)</p> <p>Adopted: 21st May, 2003. Entered into force: 27th February, 2005. Kenya became a State party to the Convention: 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.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Implementation of the Tobacco Control Act, 2007, to control the production, manufacture, sale, labelling, advertising, promotion and sponsorship of tobacco products, to create the Tobacco Control Board and to regulate smoking in specified areas and for related purposes;</p> <p><i>b)</i> 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; and</p> <p><i>c)</i> Implementation of the Tobacco Control Regulations, 2014.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Inadequate enforcement of enacted legislation. ▪ Inadequate alternative livelihood opportunities available to tobacco growing communities. ▪ Inadequate funding to the Tobacco Control Board and the Ministry of Health Programme to support TC activities. ▪ Resistance from the Tobacco Industry and re-innovation of new products to defeat the restricting regulations. ▪ Delay in implementation of Tobacco Control Regulations 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Relevant Ministries, Departments and Agencies (MDAs) should strengthen modalities for effective enforcement of legislation. ▪ Train tobacco growing communities on alternative livelihood opportunities. ▪ Increased allocation to Tobacco control programmes, increase awareness creation activities in the public and in tobacco growing communities. ▪ Tobacco Board to continually implement Strategies to counter the Industry with support from relevant Ministries, Departments and Agencies (MDA). ▪ All relevant Government agencies should commit to implementing and enforcing

			the Regulations in its entirety.
2.	<p>PROTOCOL TO ELIMINATE ILLICIT TRADE IN TOBACCO PRODUCTS (ITP)</p> <p>Adopted: 12th November, 2012. Opened for signature on: 10th January, 2013. Kenya signed Protocol on: 22nd May, 2013. Kenya Ratified: 15th July, 2019</p> <p>Obligation to Government: To combat illegal trade in tobacco products through control of the supply chain and international cooperation.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <ol style="list-style-type: none"> Implementation of National Guidelines on Tobacco Cessation developed in 2017; Implementation of the National Tobacco Control Strategic Plan developed in the year 2019; participated in the member of parties conference for countries that have ratified the treaty; committed 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; Initiation of Tobacco Free Farms Projects where over 1500 farmers shifted from Tobacco farming to viable alternatives; and Tobacco Control Act, 2007 and Division of Tobacco Control. 	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Inadequate Budget. ▪ Influx of counterfeit tobacco products. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Enhance budgetary allocation ▪ Enhance surveillance at entry points and local markets.
3.	<p>THE SINGLE CONVENTION ON NARCOTIC DRUGS (1961)</p> <p>Amended by the Protocol: 25th March, 1972. Entered into force: 8th August, 1975. Kenya ratified the Convention: 9th February, 1973.</p> <p>Obligation to Government: To combat drug abuse by Co-ordinated international action.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <ol style="list-style-type: none"> The Pharmacy and Poisons Board regulates the practice of pharmacy and the manufacture and trade in drugs and poisons; 	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>



	<p>b) Reviewing the Narcotic Drugs and Psychotropic Substances (Control) Act, 1994 through a 2021 Amendment bill;</p> <p>c) Conducting continuous market registration testing and surveillance on drugs in the Kenyan market; and</p> <p>d) The Pharmacy and Poisons Board submits periodic annual reports under the Convention to the International Narcotics Control Board (INCB).</p>	<ul style="list-style-type: none"> ▪ Delay in the review process. ▪ Influx of counterfeit drugs. ▪ Financial and capacity constraints. 	<ul style="list-style-type: none"> ▪ Fast track the review process. ▪ Enhance training and capacity building. ▪ Provide adequate financial resources and budgetary provisions to relevant institutions.
4.	<p>CONVENTION ON PSYCHOTROPIC SUBSTANCES, 1971</p> <p>Adopted: 21st February, 1971. Entered into force: 16th August, 1976. Kenya ratified: 18th October, 2000. Obligation to the Government: To implement the provisions of the Convention and cooperate with other State parties to exercise control over psychotropic substances and synthetic drugs.</p>		
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p>a) The Pharmacy and Poisons Board regulates the practice of pharmacy, manufacture and trade in drugs and poisons;</p> <p>b) Kenya is a member of the Commission of Narcotic Drugs (CND)</p> <p>c) submits periodic annual reports under the Convention to the International Narcotics Control Board (INCB); and</p> <p>d) The Anti-Narcotics Police Unit enforces the Narcotic Drugs And Psychotropic Substances (Control) Act, 1994.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Influx of counterfeit drugs in the market. ▪ Low public awareness on counterfeit drugs. ▪ Inadequate capacity and human resource constraints. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Increase public awareness and sensitization campaigns especially on recent trends. ▪ Intensify surveillance at the border points and the retail outlets. ▪ Increase public awareness and sensitization campaigns especially on recent trends. ▪ Enhance capacity building and recruitment of experts in the relevant field.



UNITED NATIONS CONVENTION AGAINST ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES			
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
5.	<p>Adopted: 20th December, 1988. Entered into force: 11th November, 1990. Kenya Acceded: 19th October, 1992. Obligation to Government: To provide comprehensive measures against drug trafficking, including provisions against money laundering and the diversion of precursor chemicals; and to cooperate in extradition process.</p> <p>The Government has undertaken/is undertaking the following;</p> <p>a) Implementation of the Narcotic Drugs and Psychotropic Substances Amendment Bill 2023; and</p> <p>b) The Government submits periodic annual reports under the Convention to the International Narcotics Control Board (INCB).</p>	<ul style="list-style-type: none"> ▪ Financial constraints and inadequate human resources to combat drug trafficking. ▪ Kenya is a transit route for narcotic drugs and psychotropic substances 	<ul style="list-style-type: none"> ▪ Increase budgetary and human resources to institutions combating drug trafficking. ▪ Enhance public awareness and sensitization. ▪ Strengthen regional and international cooperation to combat drug trafficking.
6.	<p>PROTOCOL FOR THE ESTABLISHMENT OF THE EAST AFRICAN HEALTH RESEARCH COMMISSION (EAHRC)</p> <p>Kenya Signed: 13th September, 2008. Obligation to Government: To coordinate, conduct, in the region, and source, gather and disseminate findings from research for policy formulation and practice. and promote health research.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p>a) The Partner States are amending the Protocol to address issues of the Governing Board and to provide clarity in the mandate of the Commission.</p> <p>b) Participated in the 9th East African Health and Scientific Conference held from 27th to 29th September, 2023 in Kigali, Rwanda.</p> <p>c) Amendment of the Protocol on the Establishment of the East African Health Research Commission is still ongoing to remove and address</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>



	issues of a represented Governing Body and provide clarity on the mandate of the Institution.		
<i>d)</i>	Implementing a Project on Water, Sanitation and Hygiene (WASH) that will strengthen the capacity of Partner States to prevent and address infectious diseases at hot spot areas in the region.		
<i>e)</i>	Developed the Strategic Plan with a focus on improvement of health care in the region.		
<i>f)</i>	Participated in the Medical and Dental Conference held from the 27th June to 5th July, 2022, in Karatu, Tanzania.		
<i>g)</i>	Developed legal and operational frameworks (the Digital Regional EAC Health Initiative) to address the emerging issues in the EAC region.		
<i>h)</i>	Participating in a Regional Programme on Medicines Regulatory Harmonization (EAC-MRH) since March 2012. The Initiative has established a joint assessment of medicinal products dossiers approach in the assessment of safety, quality and efficacy of medicinal products before a marketing authorization is granted.		
<i>i)</i>	Implementing the EAC Medicines Regulatory Harmonization (EAC-MRH) Programme to harmonize technical requirements and optimize processes for medicines regulation, to facilitate timely access to safe, affordable, efficacious and quality essential medicines, vaccines and medical devices for treatment, management and diagnosis of diseases of public health importance.		

TRANSPORT				
AIR TRANSPORT				
1.	<p>CONVENTION ON THE UNIFICATION OF CERTAIN RULES OF INTERNATIONAL CARRIAGE BY AIR, (1999 MONTREAL CONVENTION) Adopted: 28th May, 1999. Entered into force: 4th November, 2003. Kenya became a State party to the Convention: 7th January, 2002. Obligation to Government: To adhere to uniformity and predictability of rules relating to the international carriage of passengers, baggage and cargo.</p>	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Continues to ensure that consumers are informed of their rights and responsibilities through sensitization (educating and protecting consumers);</p> <p><i>b)</i> Established the National Civil Aviation Administrative Review Tribunal to address consumer's complaints;</p> <p><i>c)</i> Reviewing the Civil Aviation (Consumer Protection) Regulations, 2018; and</p> <p><i>d)</i> Enforces policies, rules, regulations and procedures relating to the rights of consumers.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Some air travelers do not know their rights. ▪ Only small percentage was sensitized. ▪ Some cases take long in proving liability. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Government to remain committed to ensuring that passengers rights are not violated by airlines. ▪ Create more awareness through public sensitization, social media advertisements and among others. ▪ Should try as much as possible to have cases take short time as possible.
	2.	<p>CONVENTION ON THE MARKING OF PLASTIC EXPLOSIVES FOR THE PURPOSE OF DETECTION (1991 MONTREAL) Adopted: 1st March, 1991. Entered into force: 21st June, 1998. Kenya became a State party to the Convention: 22nd October, 2002 Obligation to Government: To ensure no explosive including plastic explosive accesses the airport.</p>		



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following:</p> <p>a) Undertake surveillance measures to prohibit the manufacture, storage, transport or entry of unmarked plastic explosives in Kenya;</p> <p>b) Implement the anti-terrorism framework to mitigate the ability and risk of terrorists utilizing plastic explosives;</p> <p>c) Deploys the Anti-Terrorism Police Units (atpus) to all airports serving international flights and continuously share information and terrorism with other ICAO member states;</p> <p>d) Continuously ensures no aircraft carrying weapons or explosives (dangerous goods) overfly Kenyan airspace without permission; and</p> <p>e) Process of reviewing the Civil Aviation (Security) Regulations, Legal Notice No.128 of 2022.</p>	<ul style="list-style-type: none"> ▪ Culprits are keen on advancing ways of transporting explosives undetected. ▪ Culpit may be prosecuted and found not guilty and set free. ▪ Inadequate trained police officers. ▪ An airline may not be honest in their declaration of cargo when overflying Kenyan air space. ▪ Currently the Regulations are in draft form. 	<ul style="list-style-type: none"> ▪ The Government should maintain thorough screening of persons, cargo, luggage, mail and any automobile accessing the airport. ▪ The agencies responsible in prosecution of terrorism cases should ensure provision of incriminating evidence in order for the suspect not to go scot-free. ▪ Enhance budgetary allocation for training of skilled personnel. ▪ Government should ensure compliance of laws regulating overfly aircrafts in Kenya airspace and actual declaration by airlines. ▪ Fast track the process.
3.	<p>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)</p> <p>Adopted: 16th November, 2001. Entered into force: 1st March, 2006. Kenya became a State party to the Convention: 13th October, 2006 Obligation to Government: To facilitate the acquisition and use of mobile equipment of high value or particular economic significance</p>		



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Facilitated air operators to acquire aircraft at a discount due to assurance to the sellers that their interests in such equipment are recognized and protected;</p> <p><i>b)</i> Negotiates for avoidance of double taxation for Kenyan airline companies. In reciprocity, the Government continues to grant tax waivers on items to be used in aircraft during flight and spare parts on board foreign aircraft;</p> <p><i>c)</i> Continues to register aircrafts according to ICAO guidelines and issued licenses;</p> <p><i>d)</i> Ensures that airlines submit aircraft documents for analysis and scrutiny before allowing the vessel to fly into the country such as registration certificate, air operator's certificate, air worthiness certificate, aircraft insurance among others;</p> <p><i>e)</i> Implementing its commitment under ICAO, which requires review of the regulations every two years; and</p> <p><i>f)</i> Liaises with the International Registry established under the Cape Town Convention to ensure harmonization of all interests in aircraft and aircraft parts.</p>	<ul style="list-style-type: none"> ▪ The cost of Aircraft is high, hence fewer purchases are made ▪ Differences in National laws of States in some instances make it difficult to conclude an MoU on avoidance of double taxation 	<ul style="list-style-type: none"> ▪ Government to remain committed to facilitating individuals and companies seeking to procure aircraft equipment ▪ The Government through the National Treasury should be keen on signing a clause on double taxation with the States to which Kenyan carriers operate. ▪ The Government should continue getting ICAO documents, manuals and guidance materials in order to be current with new development in aviation.
4.	<p>CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF CIVIL AVIATION (1971 MONTREAL CONVENTION)</p> <p>Adopted: 23rd September, 1971. Entered into force: 26th January, 1973. Kenya became a State party to the Convention: 11th January, 1977. Obligation to Government: To prohibit and punish behavior which threatens the safety of civil aviation.</p>		



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Continuous security surveillance to enhance deterrence;</p> <p><i>b)</i> Conducts body screening on passengers by security personnel at check in points as well as the second screening points leading to the sterile area;</p> <p><i>c)</i> Confiscates all unwanted and undeclared items by passengers;</p> <p><i>d)</i> Deploys anti-terrorism personnel and Kenya Airport Police Unit (KAPU) to airports serving international flights;</p> <p><i>e)</i> Collaborates with airlines to report any suspicious item or passenger to the security personnel;</p> <p><i>f)</i> Enforce declaration and surrender of firearms to the pilot and returns at the destination.</p> <p><i>g)</i> Installed CCTV in all strategic areas at airport.</p>	<ul style="list-style-type: none"> ▪ Terrorism activities are planned in secrecy. ▪ An item may go through screening undetected. ▪ Currently, the scanner is dysfunctional. ▪ Both machine screening and physical screening are not 100% fool proof. ▪ Inadequate number of officers. ▪ Technology outdated. ▪ Airlines fail to disclose the suspicious passengers with security personnel. 	<ul style="list-style-type: none"> ▪ The Government should continue to provide intelligence and security to deter any unlawful activities. ▪ Government should ensure continued screening at both primary screening yards and access gates. ▪ KAA should carry out urgent repairs on the scanner and stop manual screening. ▪ KAA should remain committed to safety and security through screening of passengers, luggage's, cargo and motor vehicles accessing the airports. ▪ Increase number of officers. ▪ Continue to update the CCTV system and employing new technology. ▪ The government to ensure that the airlines have reported the suspicious passengers.
5.	<p>PROTOCOL FOR THE SUPPRESSION OF UNLAWFUL ACTS OF VIOLENCE AT AIRPORTS SERVING INTERNATIONAL CIVIL AVIATION (1988 MONTREAL PROTOCOL)</p> <p>Adopted: 24th February, 1988. Entered into force: 6th August, 1989.</p>		



Kenya became a State party to the Convention: 5 th October, 1995. Obligation to Government: Prosecute acts of violence against a passenger on board an aircraft on flight as it can endanger the safety of aircraft		
MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
<p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Ensured safety of passengers at airports and recognize 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;</p> <p><i>b)</i> Undertakes continuous surveillance to prohibit any unlawful act which threaten the safety of civil aviation;</p> <p><i>c)</i> Committed to take necessary legal action for any person trying to commit or committed violence against a passenger which threaten the safety of aircraft;</p> <p><i>d)</i> Restricted to the control tower and other places hosting air navigation facilities e.g., radars are guarded by security personnel such as regular Police, GSU or AP officers;</p> <p><i>e)</i> Undertaking regular security patrols by KAA and GSU officers around the airports;</p> <p><i>f)</i> Construction of watch towers to continuously keep surveillance all-round international airports in Kenya;</p> <p><i>g)</i> Continuously prosecute criminals who commit acts of sabotage, violence, destruction or damage, giving false information, terrorism among others; and</p> <p><i>h)</i> Domesticated the protocol for suppression of unlawful acts of violence at the international airports.</p>	<ul style="list-style-type: none"> ▪ In some instances, it's hard to punish a culprit who is a National of a non-contracting State. ▪ Some passengers resist arrest ▪ Some air navigational facilities are located in remote areas. ▪ Some airports do not have a security patrol road around their fence. 	<ul style="list-style-type: none"> ▪ Government should be committed to punishing passengers whose behaviour threatens the safety of aircraft on flight. ▪ Government should ensure thorough training of security personnel to overcome such resistant persons. ▪ Only authorized persons should access air navigational facilities. ▪ The security officers attached at the air navigational facilities should be rotated on a scheduled basis. ▪ KAA should ensure construction of a security patrol road around all airports to enable frequent patrols by airport security.



6.	CONVENTION ON DAMAGE CAUSED BY FOREIGN AIRCRAFT TO THIRD PARTIES ON THE SURFACE (1952 ROME CONVENTION)		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The government has undertaken/is undertaking the following:</p> <p><i>a)</i> Ensuring that the foreign aircraft compensates for any damage caused on the ground within her territory; and</p> <p><i>b)</i> Ensuring that evaluation of the liability incurred is done in a reasonable manner as not to exceed the damage caused so as not to hinder the development of air transport.</p>	<ul style="list-style-type: none"> ▪ There is no legal framework on compensation 	<ul style="list-style-type: none"> ▪ Establishment of a legal framework ▪ Government should ensure that any compensation arising from damage on the ground is based on the rates set in the convention
7.	PROTOCOL TO AMEND THE ROME CONVENTION OF 1952 ON DAMAGE CAUSED BY FOREIGN AIRCRAFT TO THIRD PARTIES ON THE SURFACE (1978 MONTREAL)		
	<p>Adopted: 23rd September, 1978. Acceded on: 25th July, 2002. Kenya became a State party to the Convention: 23rd October, 2002. Obligation to Government: To ensure adequate compensation to those who suffer damage caused by a foreign aircraft on the ground</p>	<p>Challenges:</p> <ul style="list-style-type: none"> ▪ Inadequate harmonization on the use of foreign currency for compensation. ▪ Lengthy period for compensation. 	<p>Recommendations:</p> <ul style="list-style-type: none"> ▪ The Government should remain committed to ensuring that the compensation rates set in the protocol apply in case of damage caused by foreign aircrafts to a third party on the surface. ▪ The Government should ensure adequate compensation is done



	<p>c) Continues to carryout safety inspections on aircraft;</p> <p>d) Monitoring and assessing the safety and security measures are maintained to ensure that all aerodromes are safe and secure to operate;</p> <p>e) Issue certificates to approved maintenance organizations in compliance with the regulations;</p> <p>f) Ensuring that fire engines are on stand-by in case of an emergency to limit the damage;</p> <p>g) Developed the Civil Aviation various Regulations which deals with various aspects of aviation;</p> <p>h) Facilitate the adoption of the ICAO sarps to ensure safe, secure and orderly operation of transport;</p>	<ul style="list-style-type: none"> ▪ KCAA inspectors are fewer compared to the number aircraft. ▪ Sometimes victims want to be paid more. ▪ Failure of the navigation facilities ▪ Outdated screening machines 	<p>in case of damage occurring on the surface caused by a foreign aircraft to a third party.</p> <ul style="list-style-type: none"> ▪ KCAA should ensure full compliance by operators on fulfilment of the insurance requirement. ▪ In the event of damage caused by a foreign aircraft to a third party on the surface the Government should ensure that fast and commensurate compensation is done. ▪ Regularly update the navigation facility with new technology. ▪ Acquisition of new screening machines.
8.	<p>PROTOCOL ON THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY CIVIL AVIATION SAFETY AND SECURITY OVERSIGHT AGENCY (CASSOA) Adopted on : 18th April, 2007. Entered into force: 18th April, 2007. Obligation to Government: To meet the International Civil Aviation Organization (ICAO) requirements, developing consensus among Partner States in coordinating activities, sharing technical expertise and facilities and achieving effective oversight of civil aviation safety and security.</p>	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following;</p> <p>a) Implemented the CASSOA Protocol on Harmonization of the Civil Aviation Regulations in the EAC region in several areas: Revised Aircraft Operations, Airworthiness and Personnel Licensing Security and Aerodromes; and Air Navigation Regulations;</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Slow pace in implementation of the harmonized regulations by partner states.
	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Fast track implementation process by the other partner states for optimal benefits 		



	<p>b) Implementing CASSOA guidelines on civil aviation measures addressing COVID-19 pandemic including the following: the EAC-CASSOA mitigating plan for COVID-19 and its impact on civil aviation operations, harmonized implementation of COVID-19 mitigation measures, COVID-19 Teleworking Guidelines and Procedures, and Guidelines to identify Safety Risks and Mitigation Measures during COVID-19;</p> <p>c) Constructed the Centre for Aviation Medicine (CAM) in Nairobi at the Kenya Civil Aviation Authority (KCAA) Headquarters;</p> <p>d) Implementing the CASSOA Regulations on Harmonization of the Civil Aviation Regulations in the EAC region in several areas: Revised Aircraft Operations, Airworthiness and Personnel Licensing Security and Aerodromes; and Air Navigation Regulations. Kenya is participating in the development of CASSOA Regulations;</p> <p>e) In collaboration with the EAC Secretariat, CASSOA and other EAC Partner States, are developing the competition, dispute settlement and consumer protection regulatory mechanisms that will facilitate the implementation of liberalization of Air Transport in the Region; and</p> <p>f) Participated in the preparation of amendments to the CASSOA Protocol and CASSOA Act 2009, during a meeting held from 27th to 31st May, 2024, in Kampala, Uganda, for consideration by the 25th Sectoral Council on Legal and Judicial Affairs.</p>		
9.	<p>SEARCH AND RESCUE AGREEMENT CO-OPERATION IN AIR ACCIDENT INVESTIGATIONS.</p> <p>Adopted: 13th September, 2003. Signed on: 13th September, 2003. Obligation to Government: To cooperate in the activities of Interstate search and rescue services.</p>		
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p>a) Implementing the Roadmap for the Operationalization of the</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Slow implementation process. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Lobby partner States to fast-track



	<p>EAC Search and Rescue Agreement;</p> <p>b) Established the Air Search and Rescue Committee in 2023;</p> <p>c) The EAC has also considered and adopted the proposed EAC Search and Rescue (SAR) Joint Technical Committee composed of the 5 National SAR Coordinators, one from each of the EAC partner states to participate in coordination activities;</p> <p>d) Acquire droppable survival and medical kits for the responding units; and</p> <p>e) Undertaking the Mapping of aircraft wreckages, single points of contacts and SAR assets and personnel.</p>		implementation process of the Agreement.
10.	<p>EAC MULTILATERAL AGREEMENT ON AIRCRAFT ACCIDENT AND INCIDENT INVESTIGATIONS</p> <p>Adopted on: 28th June, 2019 Signed on: 29th June, 2019 Ratified on: 22nd January, 2024</p> <p>Obligation to Government: Establishes a framework for legal collaboration between Partner States in managing investigations into aircraft accidents and incidents.</p>		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following:</p> <p>a) Participated in the development of the Roadmap and Operationalization of EAC Aircraft Accident and Incident Investigation Agreement; and</p> <p>b) Participated in the development of the Standards Operating Procedures (sops) for operationalization of EAC Aeronautical and Maritime SAR Agreement.</p>		
11.	<p>CONVENTION ON THE INTERNATIONAL RECOGNITION OF RIGHTS IN AIRCRAFT (1948 GENEVA CONVENTION)</p> <p>Adopted: 19th June, 1948. Kenya became a State party to the Convention: 15th January, 1997. Obligation to Government: To recognize rights of individuals and private companies to own aircraft.</p>		



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following:</p> <ol style="list-style-type: none"> a) Recognizes the rights of property in aircraft, purchase and ownership/possession under lease and mortgages; b) Registers all aircraft in the country and issues aircraft licenses c) Approves lease agreements for Aircraft operators, formulates and implements aircraft lease regulations; d) Gives technical advice to private aircraft owners on civil aviation issues; e) Conducts inspections to check on the safety of runways and aerodromes on a continuous basis; f) Complies with ICAO Standards and Recommended Practices (sarps) on private airstrips and helipads which recognizes the rights of individuals and companies to own and operate aircraft either for private or commercial purposes; g) Conducts inspections to check on the safety of aerodromes and runways; and h) Formulates Lease Regulations. (FOCAL POINT TO GIVE THE NAME OF THE REGULATIONS). 	<ul style="list-style-type: none"> ▪ Fast changing aviation technology and the introduction of drones. ▪ There are over 600 aerodromes country wide making it difficult for the Government to effectively maintain them. ▪ The Aircraft lease regulations are in the process of being formulated. ▪ Lack of security personnel. ▪ Encroachment by the neighbouring communities in the airports. ▪ Lack of navigation facilities. 	<ul style="list-style-type: none"> ▪ The Government should Fast-track the gazette of unmanned aerial vehicles (UAVs). ▪ The Government should give priority to the commercially viable aerodromes. ▪ The KCAA to fast-track the process of formulating Aircraft lease regulations. ▪ Add more security personnel. ▪ Set up fences to prevent encroachment. ▪ Acquisition of navigation facilities.
12.	<p>CONVENTION FOR THE UNIFICATION OF CERTAIN RULES RELATING TO INTERNATIONAL CARRIAGE BY AIR (1929 WARSAW)</p> <p>Adopted: 12th October, 1929. Acceded: 7th October, 1964. Kenya became a State party to the Convention: 12th December, 1963. Obligation to Government: To ensure compensation for damage or loss of luggage or goods while on carriage by air and of persons in case of death or injury while on board a flight,</p>		



MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
<p>The Government has undertaken/is undertaking the following:</p> <ul style="list-style-type: none"> <i>a)</i> Implementation of Civil Aviation Act, CAP. 394; <i>b)</i> Conducted sensitization of stakeholders at major airports; <i>c)</i> Ensure Air travel agents issue tickets for passengers, luggage goods and consignment in accordance to the provisions of the Convention; <i>d)</i> Ensure The date, departure and destination are indicated in the ticket; <i>e)</i> Ensure Airlines are liable for death, injury or damage occasioned by air carriage; <i>f)</i> Ensure Airlines are liable for damage occasioned by delay of persons or goods; <i>g)</i> Formulating a National Civil Aviation Policy; <i>h)</i> Ensures that all travel agents are licensed. Ticketing of passengers, cargo and consignment is done either at a travel agent's office or at an airline's office; <i>i)</i> In conjunction with airlines, is committed to receiving in advance the passenger, cargo and consignment manifest and analysed the data; <i>j)</i> Verifies the passengers, cargo and consignment against the manifest on a continuous basis; and <i>k)</i> Regulates the Airlines and Travel Agents to ensure they comply with the regulations, and withdraws a license or withholds operating authorization if an operator does not comply with the regulations. 	<ul style="list-style-type: none"> ▪ Some air travellers do not know their rights ▪ Brokers are not licensed and can give untrue information ▪ Inadequate compliance to the regulations 	<ul style="list-style-type: none"> ▪ The KCAA consumer protection unit and the NCAART should continuously undertake sensitization programmes to educate the air travellers on their rights ▪ Ticketing of passengers, cargo, luggage and mail should be done at travel agent office or airline office ▪ Enforcement of the regulation

	PROTOCOL TO AMEND THE CONVENTION FOR THE UNIFICATION OF CERTAIN RULES RELATING TO INTERNATIONAL CARRIAGE BY AIR (1955 HAGUE PROTOCOL)	CHALLENGES	RECOMMENDATION
13.	<p>Adopted: 28th September, 1955.</p> <p>Kenya became a State party to the Convention: 6th July, 1999.</p> <p>Obligation to Government: To ensure that compensation for the damage, loss, delay resulting from international carriage of persons, luggage, cargo, goods and consignment is done according to the rules under the Protocol.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <ol style="list-style-type: none"> <i>a)</i> Undertake various measures to ensure operators adjust their compensation amounts to be in line with the minimum compensation levels prescribed by Montreal Convention, 1999; <i>b)</i> Made it mandatory for all operators to have insurance cover that is adequate to meet the requirements of The Hague Protocol 1955 before issuance of an air transport license; <i>c)</i> Formulating Rules and Procedures on The National Civil Aviation Administrative Review Tribunal (NCAART), 2023; <i>d)</i> Finalizing the National Civil Aviation Policy; <i>e)</i> Ensuring Air travel agents issue tickets for passengers, luggage goods and consignment in accordance the Regulations of the Convention; <i>f)</i> Ensuring The date, departure and destination are indicated in the ticket; <i>g)</i> Ensuring Airlines are liable for death, injury or damage occasioned by air carriage; and <i>h)</i> Ensuring Airlines are liable for damage occasioned by delay of persons or goods. 	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Currently the Regulations is pending approval from Parliament. ▪ Currently, KCARs are under review ▪ NCAART Regulations are in the process of formulation and CPU has no regulations. 	<p>RECOMMENDATION</p> <ul style="list-style-type: none"> ▪ The Government should be committed to adhering to the objectives of the protocol. ▪ KCAA should finalize and fast-track the gazettelement of the Regulations on Operation of Aircraft for Commercial Air Transport. ▪ KCAA should finalize and fast-track the gazettelement of the.KCARs. ▪ The NCAART and CPU should develop their respective Regulations.



14	<p>CONVENTION ON OFFENCES AND CERTAIN OTHER ACTS COMMITTED ON BOARD AIRCRAFT (1963 TOKYO) Adopted: 14th September, 1963. Entry into force: 4th December, 1969. Acceded: 22nd June, 1970. Obligation to Government: To prosecute as an offence any act jeopardizing the safety of persons, aircraft or property on board civilian aircraft while in-flight</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Has put in place mechanism to ensure continuous screening on passengers and cargo as well as conducting security surveillance of the airports to ensure safety; <i>b)</i> The Magistrate's Court at JKIA continues to prosecute offences committed on board aircraft; <i>c)</i> Banning of prohibited items on board an aircraft; a designated bin has been provided for collection of prohibited items at airports serving international flights; <i>d)</i> Deploys security personnel at airports to provide security to air travellers; and <i>e)</i> Has deployed security agents to deal with acts that threaten the safety of persons and property.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Outdated surveillance technology. ▪ Passengers who are in most cases eye witnesses are not available to testify in the case. ▪ Hearing and verdict may be made hurriedly especially when the suspect is transiting. No time for adequate investigation. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Update surveillance technology. ▪ The Government should continue adhering to the objectives of the convention on offenses and certain other acts committed on board aircraft. ▪ The magistrate should try to be thorough as much as possible in offences that require such a short time.
15.	<p>CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT (1970 HAGUE) Adopted: 16th December, 1970. Entered into force: 14th October, 1971. Kenya became a State party to the Convention: 11th January, 1977. Obligation to Government: To prevent acts of unlawful seizure of aircraft by providing security at the airport</p>		



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMANDITIONS
	<p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Reports to the International Civil Aviation Organization (ICAO) any incidence of aircraft hijacking;</p> <p><i>b)</i> Cooperates with other state parties in prosecution of offenders under the Convention;</p> <p><i>c)</i> Continuous screening of passengers, cargo and luggage is done to ensure no weapon or prohibited item gets into the aircraft;</p> <p><i>d)</i> Physical screening is done to passengers to complement the walk-through and hand-held screening machines. Prohibited items found on passengers during screening are confiscated. Random sampling of luggage for physical screening is also done;</p> <p><i>e)</i> Acquired and installed explosive tracing machines at airports serving at JKIA international flights; and</p> <p><i>f)</i> Uses canines to help in sniffing explosives and drugs.</p>	<ul style="list-style-type: none"> ▪ At peak hours screening may not be thorough as passengers are checking in at the same time ▪ Some of the prohibited items cannot be incinerated. A big heap of such items remains at the airport ▪ The installations have been done only at JKIA and Moi International Airport but not in other international airports in the country ▪ Male passengers are screened by a male and female passenger are screened by a female. Sometimes you may find one gender screener ▪ In some instances, a passenger may become wild ▪ Crafty transfer of illegal weapons to the Aircraft 	<ul style="list-style-type: none"> ▪ KAA should increase the number of cargo and passengers screening machines ▪ KAA security should consider requesting passengers to collect their items on return if applicable ▪ KAA should install and continue carrying out regular maintenance and to upgrade to the latest technology of the machines in all the international airports in the country ▪ KAA to balance the number of male and female screeners so that at any one time both genders are available to undertake the screening ▪ Random sampling of luggage for physical screening should continue as it may lead to the discovery of an item concealed in a screener proof way ▪ Enhance screening by using the latest security technologies ▪ Enhance coordination of all the Agencies involved in security
16.	<p>INTERNATIONAL CIVIL AVIATION ORGANIZATION (1944 CHICAGO CONVENTION)</p> <p>Adopted: 7th December, 1944. Entered into force: 4th April, 1947. Acceded: 1st May, 1964. Obligation to Government: To develop minimum standards to govern safety and security of international civil aviation.</p>		



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>Kenya hosted the 8th ICAO Africa and Indian Ocean (AFI) Aviation week in Nairobi from 21st to 25th August, 2023 to discuss the progress made in implementing ICAO Global and Regional Plans and interventions to enhance aviation safety, security and facilitation in the Region</p>		
17.	<p>PROTOCOLS RELATING TO ARTICLES 50(A) AND 56 OF THE CHICAGO CONVENTION ON INTERNATIONAL CIVIL AVIATION</p> <p>Signed at Montreal on 6th October, 2016 that amends Articles 50 (a) and 56 increasing ICAO Council Membership from 36 to 40 and ICAO Air Navigation Commission Membership from 19 to 21.</p> <p>Obligation to Government: To note the amendment to Articles 50 (a) and 56 of the Chicago Convention which increases the number of ICAO Council Members from 36 to 40 and Air Navigation Commission membership from 19 to 21.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ As the aviation industry grows globally, the need for more representation will arise. ▪ Advancing a Kenyan position for adoption may require lobbying. ▪ Slow process of ratification. ▪ Lobbying for support by other States requires time and resources. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ There is adequate membership representation in the ICAO council and air navigation commission. ▪ The Government should support the Kenyan Air Navigation Technical Persons in terms of resources to enable them attend the air navigation commission technical working group meetings. ▪ Fast-track the ratification process. ▪ Avail resources to support the campaign.
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <ol style="list-style-type: none"> a) Ratified the Protocol Amending Article 50A of the Convention on International Civil Aviation and Article 56 of the Chicago Convention; b) Continued to lobby for support for representation in the ICAO Council under Part II and representation in the Air Navigation Commission; and c) Established an Air Navigation Services Department that deals with air navigation services on a continuous basis in line with the Civil Aviation Regulations. 	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ As the aviation industry grows globally, the need for more representation will arise. ▪ Advancing a Kenyan position for adoption may require lobbying. ▪ Slow process of ratification. ▪ Lobbying for support by other States requires time and resources. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ There is adequate membership representation in the ICAO council and air navigation commission. ▪ The Government should support the Kenyan Air Navigation Technical Persons in terms of resources to enable them attend the air navigation commission technical working group meetings. ▪ Fast-track the ratification process. ▪ Avail resources to support the campaign.

18.	<p>PROTOCOL TO AMEND THE CONVENTION ON OFFENCES AND CERTAIN OTHER ACTS COMMITTED ON BOARD AIRCRAFT (MONTREAL PROTOCOL 2014) Adopted: 4th April, 2014 Entered into force: 1st January, 2020. Acceded: 7th June, 2022. Obligation to Government: To address the issue of rising incidents of unruly and disruptive behaviour on board aircraft by significantly improving the ability of States to expand jurisdiction over relevant offences and acts to the State of landing and the State of the operator.</p>
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government continuously implements the Protection of Aircraft Act, CAP. 68 to give effect to the provisions of the Tokyo Convention, 1963, on Convention on Offences and Certain Other Acts Committed on Board Aircraft.</p>
	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ To be established upon implementation of the Protocol.
	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ KCAA to undertake sensitization of the aviation industry and general public on the coming into force of the Protocol as well as implication on the flying public on acts that may be considered unruly and disruptive behaviour on board aircraft. ▪ To enhance offences in the penal laws to ensure that unruly and disruptive behaviours punishment is deterrent

ROAD TRANSPORT		
1.	GENEVA CONVENTION ON ROAD TRAFFIC ACCIDENT	RECOMMENDATIONS
	<p>Entered into force: 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.</p>	
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Formulating the National Electric Mobility Policy, 2024;</p> <p><i>b)</i> Secured financing for development and construction of BRT Line 2 which will serve only fully electric buses in an effort to mitigate the effects of climate change;</p> <p><i>c)</i> Implementating the Nairobi Intelligent Transport Systems (ITS) Establishment and Junction Improvement Project. This is expected to revolutionize traffic management by streamlining payment of penalties of traffic offences;</p> <p><i>d)</i> Put the following measures aimed at reducing road carnages which stands at over 4,000 deaths per year, the number of the deaths on roads in 2023 was reported at 4,324 a reduction compared to the 2022 report:</p> <p>(iv) All public service vehicles are required to belong to a Savings and Credit Co-operative Societies (SACCOs) (863) which have self-regulating mechanisms. Bus companies are required to employ two qualified drivers for night travels;</p> <p>(v) Fleet owners are 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; and</p> <p>(vi) All vehicles, including private vehicles are required to have an ownership sticker and undergo inspection.</p>	<p>CHALLENGES</p>
		<ul style="list-style-type: none"> ▪ Failure to adhere to traffic rules by drivers. ▪ Strict enforcement of traffic rules.



	<p>e) Standardized the Curriculum for driver training and testing for use in all driving schools in Kenya;</p> <p>f) Directed that all motorists should acquire Digitized Vehicle Registration Plates in all vehicle categories by 30th March, 2024;</p> <p>g) Reviewing the Integrated National Transport Policy, 2012;</p> <p>h) Undertakes sensitization programme dubbed <i>Usalama Barabarani</i> among other programmes that aims to sensitize motorvehicle operators and pedestrians in a bid to curb road accidents;</p> <p>i) Launched the National Road Safety Action Plan 2024–2028 on 17th April, 2024; and</p> <p>j) Implementing the Traffic (Driving Schools Driving Instructors, Curriculum) Rules, 2020.</p>	<ul style="list-style-type: none"> ▪ Inadequate coordination amongst the various implementing Partners ▪ System challenges ▪ Low uptake of applications ▪ Slow review process ▪ Poor response from targeted persons 	<ul style="list-style-type: none"> ▪ Adopt multi-agency approach to road safety ▪ Update of the system ▪ Enhance sensitization ▪ Fast track the review ▪ Multi-agency approach
2.	<p>VIENNA CONVENTION ON ROAD TRAFFIC, 1968 Adopted: 8th November, 1968. Entered into force: 21st May 1977 Kenya became a state party on: 9th September, 2009. Obligation to Government: To develop and promote rules on all aspects of road traffic and safety.</p>		
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p>a) Continuously regulates the training of drivers, including, offering refresher courses, inspection and licensing of driving school and providing a standard curriculum;</p> <p>b) Preparing a feasibility study to inform the proposal of the establishment of the Road Accident Fund. The proposal has been forwarded to Parliament for deliberation. Currently the court is in charge of calculating compensation for the family of the deceased persons involved in road accidents;</p> <p>c) Launched the National Road Safety Action Plan, 2024–2028 to identify and initiate major development projects to</p>	<p>CHALLENGES</p> <p>Inadequate coordination amongst the</p>	<p>RECOMMENDATIONS</p> <p>Adopt multiagency approach to road</p>

	support Kenya's Road Safety Goals; and d) Reviewing the National Transport and Safety Authority Act, CAP. 404, and the Traffic Act, CAP. 403.	various implementing partners.	safety.
3.	<p>THE NORTHERN CORRIDOR TRANSIT AND TRANSPORT AGREEMENT, 2007</p> <p>Signed on: 18th November, 1995 and Revised on 7th October, 2007. Entered into force: 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, develop and integrate the regional transport facilities and services, facilitate inter-State and transit trade and yearly subscriptions.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p>a) Requested a transitory three-year period for stakeholder engagement and finalization of legislative processes to allow adoption of the levy mechanism which was recommended by the Council of Ministers;</p> <p>b) Finalize the reviewed Northern Corridor Transit and Transport Agreement which is critical in addressing the varying national interests that may exist among Member States. The process of adopting the levy mechanism was discussed during the 35th meeting of the Council of Ministers in Kigali, Rwanda in July, 2023, where they approved USD 4.5 Million budget;</p> <p>c) Adopted the use of electronic cargo and truck tracking systems coupled with online transmission of COVID-19 test certificates from the source to One-Stop-Boarder-Posts (OSBP) which efficiently addressed truck clearance delays and long queues at the border posts;</p> <p>d) Implementing the ongoing projects in 2023/2024 included in Performance Based Maintenance Contracts on the following routes: Mombasa–Malaba (929 km);</p> <p>i. Mau Summit–Busia (247 km);</p> <p>ii. Isebania–Ahero–Kakamega–Kitale–Lokichar–Nadapal</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Budgetary constraints due to unpaid subscription arrears from a number of Member States. ▪ Varying national interests and priorities across member states. ▪ Double testing at the border points (Kenya and Uganda) ▪ Delay in project implementation due to delay in disbursement of funds 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ The member states to ensure payment of subscription are paid in time. ▪ Countries to adopt a harmonize approach ▪ Issuing of one standard COVID 19 certificate at border points ▪ Improve disbursement of project fund



	<p>(892 km);</p> <p>iii. Voi–Taveta (110 km); and</p> <p>iv. Athi River–Namanga (245 km).</p> <p>e) NCTTCA undertook a study to identify alternative border points to ease congestion at Busia–Malaba border post. Through the study, Lwakhakha and Nadapal were identified as alternative border points. The study also took note that there is need to develop a border station at Lokiriama, Kenya /Nakiloro, Uganda.</p>		
4.	<p>NORTHERN CORRIDOR INTEGRATION PROJECTS (NCIP)</p> <p>Established in: 2013 between the Heads of State of Kenya, Uganda, Rwanda and South Sudan,</p> <p>Obligation to Government: Strengthen cooperation to speed up infrastructure and ease of movement of people, goods and services across the regions.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p>a) Implementing the directives of the 14th NCIP Summit at different levels in the various clusters of NCIP. Each of these clusters are chaired by Kenya, Rwanda and Uganda but Co-ordinated by the different Government agencies in those countries;</p> <p>b) Implementing directives from the 14th Summit in most of the following clusters:</p> <ol style="list-style-type: none"> i. Connection between SGR and Meter gauge railway was done in Naivasha easing the transfer of goods and onwards transportation to various destinations; ii. Refined Petroleum & Oil Products Pipeline—the Kisumu Oil Jetty (KOJ) is complete and awaiting completion of Bukasa Oil Jetty in Uganda; and iii. Rehabilitation of Kisumu port has facilitated transportation of fuel from Kisumu through Lake Victoria using KR vessels to Port Bell; <p>c) Installing the Commodity Exchange (COMEX)–Trading and Settlement System (TSM) and Market Information System (MIS) installations are on-going. Kenya has</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Geopolitical dynamics and lack of political goodwill 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Enhance diplomatic engagements

	<p>established COMEX on agricultural and non-agricultural exchange. Kenya, Uganda and Rwanda decided to establish a joint exchange and warehouse receiving system to allow transparency in pricing and standards of agricultural products;</p> <p><i>d)</i> Trade-developing of the One Stop Border Point and the Single Custom Territory (SCT) to ease movement of goods and services, and the costs of imports and exports in the region; and</p>		
<p>5.</p>	<p><i>e)</i> Held a Joint and Ministerial meeting on the SGR cluster from 2nd –3rd May, 2024. The partner states agreed to jointly mobilize resources to expedite the completion of construction of the remaining SGR sections from Naivasha–Malaba, Kenya and subsequently to Uganda, Rwanda, South Sudan and DRC in order to realise the full benefits of lower transportation cost, reduced road maintenance cost and accidents, reduction of carbon footprint due to modal shift from road to rail in addition to supporting social economic development along the entire corridor.</p>		
<p>LAMU PORT – SOUTH-SUDAN ETHIOPIA TRANSPORT (LAPSSET) CORRIDOR</p> <p>Established in: 2nd March, 2013</p> <p>Obligation to Government: To foster transport linkage between Kenya, South Sudan and Ethiopia and promotion of socio-economic development along the corridor.</p>			
<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p>		<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>
<p>The Government has undertaken/is undertaking the following:</p>			
<p><i>a)</i> Implementing the Ministerial resolution from the Ministerial Conference held in Juba, South Sudan on 17th May, 2023;</p> <p><i>b)</i> Made significant progress on the following project components:</p> <p>i. Construction of the 1.2 km 1st three berths is already complete with berth 1 currently operating and offering cargo trans-shipment. The port is on the verge of being equipped in readiness of its full</p>			

	<p>commission and operation. The 2nd berth will be receiving equipment for operationalization;</p> <p>ii. The Lamu-Ijara-Garissa (250km), Lokichar-Nadapal (338km) and Garissa-Isiolo (258kms) are under construction and are at an advanced stage.</p> <p>iii. The railway project preliminary feasibility study has been undertaken for the Kenyan and Ethiopian route and is expected to proceed to the technical designs review for a seamless railway line;</p> <p>iv. The Front-End Engineering Designs (FEED) for the Grude Oil Pipeline (COP) completed and the source of water identified; land acquisition is ongoing and will pave way for final investment decision on the COP;</p> <p>v. Ongoing rehabilitation and expansion (lengthening of the cargo shed) of the Isiolo Airport (runway and related facilities);</p> <p>vi. The integrated Master Planning and Investment Framework for Lamu port city is complete. The feasibility and preliminary design were undertaken and is expected to proceed to Detailed Engineering Design stage;</p> <p>vii. The Government of Kenya and the Government of Ethiopia signed a bilateral agreement to jointly pursue the development of the LAPSET SGR; and</p> <p>viii. A Memorandum of Understanding was signed between LAPSET Coordination and Development Authority and Intergovernmental Authority on Development (IGAD) to facilitate the financing of this stage through an Infrastructure Project Preparatory Fund (IPPF) available through the New Partnership for African Development (NEPAD).</p>		
<p>c) Reached consensus on the technical and commercial proposals which specified the equipment to be deployed as well as fees and charges to be levied on operationalization of the 1st berth of port of Lamu, Kenya Ports Authority (KPA) and the Lamu Port Consortium (LPC).</p>	<ul style="list-style-type: none"> ▪ Financial constraints 	<ul style="list-style-type: none"> ▪ Prioritizing the project. 	



6.	<p>1993 COMESA PROTOCOL FOR THE ESTABLISHMENT OF A THIRD-PARTY MOTOR VEHICLE INSURANCE SCHEME ROAD TRANSPORT MARKET LIBERALISATION</p> <p>Adopted: 1993. Obligation to Government: To recognize 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.</p>	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p>a) Regulates, supervises and licenses and reinsurers; and</p> <p>b) Implementing the Transport Transit Trade Facilitation Programme (TTTTFP).</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Different tariffs are applied by different member states 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Harmonization of tariffs
7.	<p>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</p> <p>Adopted: 29th November, 2001. Entered into force: 29th November, 2001. Obligation to Government: Harmonize policies with regard to trade, customs, transport, communications, natural resources, and promotion of free movement of goods, services, and people and the establishment of residence.</p>	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p>a) Implementing the EAC Secretariat programme to operationalize the Tripartite Agreement on Road Transport, which will require financial support;</p> <p>b) Carrying out container terminal improvements and expansions at Mombasa and is also actively seeking to enhance the link between the port and Northern Corridor land transport routes. In addition, the Government is developing a second international trade port in Lamu, along Kenya's North Eastern coast; and</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Inadequate funding ▪ Inadequate funding 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Enhance budgetary allocation ▪ Enhance budgetary allocation

	c) Implementing the Transport Transit Trade Facilitation Programme (TTTTFP).		
8.	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.		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	The Government has undertaken/is undertaking the following: a) Digitized and intergrated the Regional Customs Transit Guarantee (RCTG Carnet) with the National Customs IT Systems; and b) Implementing transit and customs measures to remove trade and transport barriers in the region.	<ul style="list-style-type: none"> ▪ Downtime on the system ▪ Different trade measures and tariffs between the Member states 	<ul style="list-style-type: none"> ▪ Enhance bandwidth and administrative user support ▪ Harmonize trade tariffs from various Partner States

RAIL TRANSPORT		
1. PROTOCOL FOR THE DEVELOPMENT AND OPERATION OF THE STANDARD GAUGE RAILWAY		
MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES ENCOUNTERED	RECOMMENDATIONS
<p>Signed :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</p> <p>The Government is undertaking the following:</p> <ol style="list-style-type: none"> Continuously maintaining and rehabilitating the Meter Gauge Railway (MGR) to achieve interoperability. The Government is rehabilitating Meter Gauge Railway and supporting road networks on Nairobi–Nakuru–Eldoret–Malaba as part of Phase II of the SGR Project; Created a Railway Development Levy Fund supported by a 1.5% levy on the cost of all imports to support the railway development. The fund is used to support the construction of the SGR; Developing the Railway Bill, 2024; Acquired extra 300 SGR assorted wagons, 200 MGR assorted wagons and 20 assorted passenger coaches in the FY 2023/2024; Developing the SGR Phase 2B: Naivasha- Kisumu (262 Km), SGR Phase 2C: Kisumu- Malaba (107 Km) simultaneously. The two contracts also include acquisition of additional locomotives and Rolling stock; and Developed a new port on Lake Victoria in Kisumu during the construction of SGR Phase 2B and SGR Phase 2C. 	<ul style="list-style-type: none"> ▪ High cost of Construction ▪ Slow technology transfer ▪ Resistance from the truck transport operators against the use of the SGR ▪ High cost of land compensation 	<ul style="list-style-type: none"> ▪ Resource mobilization and increase in budgetary allocation. ▪ Fast track technology transfer ▪ Sensitization of transporters on the benefits of the use of the SGR ▪ Increase budgetary allocation



LAW OF THE SEA		
(I)		
UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS)		
1.	<p>Adopted: 10th December, 1982. Entered into force: 16th November, 1994. Ratified: 2nd March, 1989. Kenya became a member to the Convention on: 29th July, 1994. Obligations to Government: To delineate its maritime zones, sustain its marine environment, fisheries, monitoring and surveillance of territorial waters and generally regulate its ocean affairs in accordance with the Convention.</p>	
	<p>MEASURES TAKEN AND PROGRESS ACHIEVED</p> <p>The Government is undertaking the following:</p> <ol style="list-style-type: none"> Developed Fisheries Management and Development—Marine Fisheries Regulations, 2024, to operationalise the Fisheries Management and Development Act, Cap. 378; Developing National Maritime Transport Policy and the National Maritime Education and Training Policy which was subjected to Stakeholder validation and currently awaiting transmission to Cabinet for consideration and approval; Register of ships containing the names and particulars of ships flying its flag and assumes jurisdiction over each ship flying its flag, seafarers in respect of administrative, technical and social matters concerning the ship; The Government carries out its flag and port state responsibilities by carrying out inspections of ships to ensure compliance. It has carried out 105 inspections and ensured compliance; and Issues notices and weather broadcasts to mariners from time to time to ensure safe navigation in the Kenyan Coastal waters. 	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Weak capacity to enforce and fight against Illegal unreported and unregulated fishing in Kenya's EEZ. ▪ Limited legal framework (Regulations) that provides for comprehensive development and governance of the oceans and fisheries resources. ▪ Limited legal framework that provides for engagement with the private sector in respect of Joint Ventures. ▪ Unpredictable weather forecasts.
		<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Fast-track the development of Regulations to operationalize the various legal instruments. ▪ Fast-track the gazettement of Regulations to operationalize the Fisheries Management and Development Act 2016 ▪ Fast-track the development of Legal Rules of engagement with the private sector ▪ Employ modern technology in weather forecast.

(II) MARITIME TRANSPORT				
1.	<p>MARITIME LABOUR CONVENTION (MLC), 2006 AS AMENDED</p> <p>Adopted: February, 2006. Kenya ratified it: 31st July, 2014. Entry into Force: 20th August, 2013.</p> <p>Obligation to Government: To ensure that ships flying its flag are duly inspected and certified in accordance with international standards set out in MLC, 2006 in terms of decent working and living conditions for seafarers and that Kenyan seafarers are apprised of their rights set out in the MLC 2006 while on-board ships flying a flag of a Member State.</p>	<p>MEASURES TAKEN AND PROGRESS ACHIEVED</p> <p>The Government is undertaking the following:</p> <p><i>a)</i> Developed Merchant Shipping (Maritime Labour) Regulations, 2023;</p> <p><i>b)</i> Issued Marine notices to support seafarers' employment during the COVID-19 pandemic to allow for reduced manning levels for ships in cases where it is no possible to get a reliever when one of the seafarers disembarks. The notices also allow for the extension of sea service on mutual agreement between the seafarer and the ship owner;</p> <p><i>c)</i> Developing of a wage standard for Kenyan Maritime workers; and</p> <p><i>d)</i> Establishment of a seafarer's wages council.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Lengthy legislative process 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Fast track the process ▪ Amends incorporated in the draft MLC regulations ▪ Collaboration with the labour to finalize the matter. ▪ Fast-track the process.
2.	<p>INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, as amended (SOLAS 1974)</p> <p>Adopted: 1st November, 1974. Entered into force: 25th May, 1980. Kenya ratified the convention on: 21st July, 1999. Entry into force for Kenya on: 21st October, 1999.</p> <p>Obligation to Government: To ensure that ships under their flag comply with its requirements, and a number of certificates are prescribed in the Convention as proof that this has been done.</p>			



	MEASURES TAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government is undertaking the following:</p> <p><i>a)</i> Carried out 454 inspections at the port of Mombasa between January, 2022 and June, 2023, to ensure compliance;</p> <p><i>b)</i> Carried out 900 inspections at the port of Mombasa between January 2021 to December, 2023 to ensure compliance;</p> <p><i>c)</i> Developing National Maritime Transport Policy, 2023;</p> <p><i>d)</i> Developing Merchant Shipping (Port State Control) Regulations, 2011, to ensure uniformity with the current resolutions in force—IMO Resolutions A.1138 (31) on Port State Control Procedures and the Memorandum of Understanding on Port State Control for the Indian Ocean Region;</p> <p><i>e)</i> Developing Merchant Shipping (Recognized Organizations) Regulations which is a Code under SOLAS; therefore, transposing the provisions of the Code into national legislation;</p> <p><i>f)</i> Developing 11 other regulations to domesticate the different SOLAS Chapters. The regulations are as follows:</p> <p>(i) Merchant Shipping (Construction) Regulations;</p> <p>(ii) Merchant Shipping (Construction — Fire Protection, Fire Detection and Fire Extinction) Regulations;</p> <p>(iii) Merchant Shipping (Life Saving Appliances and Arrangements) Regulations;</p> <p>(iv) Merchant Shipping (Radio Communication) Regulations;</p> <p>(v) Merchant Shipping (Safety of Navigation)</p>	<ul style="list-style-type: none"> ▪ Inadequate legal framework. ▪ Financial and human resource constraints. ▪ Delay in the finalization of the Agreements/MOUs. ▪ Delay in the finalization of the Policy. 	<ul style="list-style-type: none"> ▪ Review and update of the legal framework. ▪ Mobilization and allocation of more funds and capacity building. ▪ Continuous awareness campaigns to encourage local ship construction, ownership and finance. ▪ Expedite the finalization process for the Agreements/MOUs. ▪ The policy is undergoing stakeholder validation in both Coastal and Inland waters Counties.

	<p>Regulation;</p> <p>(vi) Merchant Shipping (Carriage of Cargoes and Oil Fuels) Regulations;</p> <p>(vii) Merchant Shipping (Carriage of Dangerous Goods) Regulations;</p> <p>(viii) Merchant Shipping (Nuclear Ships) Regulations;</p> <p>(ix) Merchant Shipping (Safety of High-Speed Craft) Regulations;</p> <p>(x) Merchant Shipping (Bulk Carrier Safety) Regulations; and</p> <p>(xi) Merchant Shipping (Safety of Ships Operating in Polar Waters) Regulations</p>		
3.	<p>PROTOCOL OF 1978 RELATING TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA 1974 AS AMENDED (SOLAS PROT., 78)</p> <p>Adopted: 17th February, 1978. Entered into force: 1st May, 1981. Kenya acceded: 7th March, 1994. Obligation to Government: To carry out unscheduled inspections and/or mandatory annual surveys thus strengthening Port State Control inspections.</p> <p>MEASURES TAKEN AND PROGRESS ACHIEVED</p> <p>The Government is undertaking the following:</p> <p><i>a)</i> Carried out 454 port state control inspections on vessels to enhance compliance with the Protocol; and</p> <p><i>b)</i> Developing National Maritime Transport Policy, 2023.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Delay in the finalization of the policy. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ The Policy is undergoing stakeholder validation.
4.	<p>PROTOCOL OF 1988 RELATING TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974 AS AMENDED (SOLAS PROT., 1988)</p> <p>Adopted: 11th November, 1988. Entered into force: 3rd February, 2000. Kenya acceded: 7th July, 2015. Government Obligation: To undertake Co-ordinated system of surveys and certification.</p>		



	MEASURES TAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
5.	<p>The Government is undertaking the following:</p> <p><i>a)</i> Developing National Maritime Transport Policy, 2023;</p> <p><i>b)</i> Enhanced implementation of the convention in terms of inspection of waste reception facilities within the port and inspection and certification of oil tankers, respectively; and</p> <p><i>c)</i> Developed the National IMO Instruments Implementation (III strategy) where MDAs which implement IMO instruments collaborate and report to KMA for the purpose of communication to the IMO. The III Strategy is still in force with the review process initiated in March, 2023.</p>	<ul style="list-style-type: none"> ▪ Inadequate legal framework. 	<ul style="list-style-type: none"> ▪ Review and update of legal framework and MOU's.
	<p>INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973, AS MODIFIED BY THE PROTOCOL OF 1978 RELATING THERETO AND BY THE PROTOCOL OF 1997 AS AMENDED (MARPOL/MARPOL PROT., 1997)</p> <p>Adopted: 2nd November, 1973, 1978, 1997. Entered into force: 2nd October, 1983, 19th May, 2005. Kenya ratified MARPOL and acceded to Annexes I–V & Accepted Annex VI: 15th December, 1992. Kenya acceded to MARPOL PROT. 1997: 14th January, 2008.</p> <p>Obligation to Government: To prevent and minimize pollution from routine operations and/or accidents caused by ships and control and/or minimize pollution by oil from operational measures, provide a discharge criterion including the need for reception facilities, measures of handling and carriage of harmful substances that pose a risk to the marine environment, disposal of garbage from ships and prevention of air pollution from ships.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Inadequate legal framework. ▪ Weak coordination of Stakeholders. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Review and update of legal framework. ▪ Enhance collaboration amongst Stakeholders.
	<p>MEASURES TAKEN AND PROGRESS ACHIEVED</p> <p>The Government is undertaking the following:</p> <p><i>a)</i> Undertakes surveillance in Kenyan territorial waters to prevent unauthorized discharge of oil, sewage or harmful substances from ships</p> <p><i>b)</i> Conducts quarterly workshops to create awareness on prevention of ships source pollution.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Inadequate legal framework. ▪ Weak coordination of Stakeholders. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Review and update of legal framework. ▪ Enhance collaboration amongst Stakeholders.



	<p><i>c)</i> In collaboration with the IMO through the Maritime Technology cooperation center for Africa Region (MTCC Africa) is involved in reduction of greenhouse gas emissions.</p> <p><i>d)</i> Drafted regulations to fully domesticate Annex I to VI of MARPOL during the period under review. The regulations are as follows:</p> <ul style="list-style-type: none"> (viii) Merchant Shipping (Prevention of Pollution by Oil from Ships) Regulations for MARPOL Annex I; (ix) Merchant Shipping (Control of Pollution by Hazardous Noxious Liquids Substances in Bulk) Regulations for MARPOL Annex II; (x) Merchant Shipping (Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Form) Regulations for MARPOL Annex III; (xi) Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations for MARPOL Annex IV; (xii) Merchant Shipping (Prevention of Pollution by Garbage from Ships) Regulations for MARPOL Annex V; (xiii) Merchant Shipping (Prevention of Air Pollution from Ships) Regulations for MARPOL Annex VI; and (xiv) Merchant Shipping (Waste Reception Facilities) Regulations. <p><i>e)</i> In collaboration with the IMO, is involved in reduction of greenhouse gas (GHG) emissions.</p> <p><i>f)</i> Implementing the GloLitter Partnerships Project which aims at assisting developing countries to prevent and reduce marine litter, especially plastic marine litter</p>	<ul style="list-style-type: none"> ▪ Inadequate resources to implement the MTCC Project. ▪ Lack of cooperation from the relevant stakeholders. ▪ Insufficient reception facilities. ▪ Minimal monitoring measures. 	<ul style="list-style-type: none"> ▪ Full support in the MTCC Project. ▪ Enhance cooperation through awareness creation. ▪ Enhancement of the reception facilities at the Port. ▪ Enhancement of monitoring measures.
--	---	--	---

- g)* Implementation of the Green Voyage 2050 Partnerships Project. The project is supporting developing countries, including Small Islands Developing States (SIDS) and Least Developed Countries (LDCs), in meeting their commitment towards relevant climate change and energy efficiency goals, for international shipping, through supporting the Initial IMO GHG Strategy
- h)* Participated in the 14th Session of the Inter-Sessional Working Group on Reduction of Green House Gas Emission and 79th Session of the Marine Environment Protection Committee Meeting held at International Maritime Organization Headquarters in United Kingdom
- i)* Participated in the Green Shipping Conference from 15th to 16th February, 2023. The Conference was organized by the Ghana Maritime Authority. The Conference was aimed at preparing the crucial transition of the sector to cleaner fuels for shipping.
- j)* Undertaking the Environmental Impact Assessment study for the proposed search and rescue centres to be constructed around Lake Victoria.
- k)* In conjunction with Oil Spill Mutual Group, conducted oil spill training and exercise in Mombasa on 28th November to 2nd December, 2022. The objective of the training was to build capacity for oil spill preparedness and response in the County.
- l)* Participated in the 13th Session of the Inter-Sessional Working Group on Reduction of Green House Gas Emission and 79th Session of the Marine Environment Protection Committee Meeting held at International Maritime Organization Headquarters in United Kingdom from 12th to 16th December, 2022



6.	<p>INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCH-KEEPING FOR SEAFARERS, 1978, AS AMENDED (STCW 1978)</p> <p>Adopted: 7th July, 1978. Entered into force: 28th April, 1984. Accession: 15th December, 1992. Entry into force for Kenya: 15th March, 1993. Obligation to Government: To apply the minimum standards for countries in relation to training, certification and watch keeping for seafarers.</p> <p>MEASURES TAKEN AND PROGRESS ACHIEVED</p> <p>The Government is undertaking the following:</p> <p><i>a)</i> Issued 3,544 Continuous Certificate of Discharge (CDC) books to seafarers and 4,955 STCW safety certificates were issued;</p> <p><i>b)</i> Complied with its international obligations under the Convention and ready for the, 2023, STCW audit; and</p> <p><i>c)</i> Evaluated under the quality standards system requirements and the report submitted to the International Maritime Organization (IMO) for consideration by the IMO panel of competent persons.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Limited opportunities for sea-time training. ▪ Inadequate human capacity and limited financial resource. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Monitor implementation of the Convention to enhance reporting. ▪ Up-scale sea time training. ▪ Capacity building and increased budgetary allocation. ▪ Development of sufficient procedures and creating training opportunities. ▪ Enhance Training of Trainers programme. ▪ Preparation and execution of MOUs towards advancement of shipboard training opportunities for Kenyan seafarers.
----	---	--	---



7.	<p>INTERNATIONAL CONVENTION ON LOAD LINES, 1966 (LL 1966) AS AMENDED BY THE 1988 PROTOCOL TO THE LOAD LINES CONVENTION (1988 PROTOCOL)</p> <p>Signed: 5th April, 1966. Entered into force: 21st July, 1968. Accession on to the LL1966: 12nd September, 1975 Accession to the 1988 Protocol: 7th July, 2015. Adoption of 1988 Protocol: November, 1988. Entered into force: 3rd February 2000. Obligation to Government: To ensure stability and avoid excessive stress on the ship's hull as a result of overloading.</p>	<p>MEASURES TAKEN AND PROGRESS ACHIEVED</p> <p>The Government is undertaking the following:</p> <ol style="list-style-type: none"> Conducted Port state control inspection on a total of 454 foreign ships in Kenyan ports; Developed the Merchant Shipping (Load Lines) Regulations, 2023, to give complete effect to the Convention; and Registered ships were surveyed and inspected and 400 foreign ships in Kenyan ports were inspected. 	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Inadequate legal framework. ▪ Inadequate technical capacity and limited financial resources. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Review and update the legal framework ▪ Capacity building and increase resource mobilization.
8.	<p>INTERNATIONAL CONVENTION ON TONNAGE MEASUREMENT OF SHIPS, 1969 AS AMENDED (TONNAGE 1969)</p> <p>Adopted: 23rd June, 1969. Entered into force: 18th July, 1982. Accession: 15th December, 1992. Entered into force for Kenya: 15th March 1993. Obligation to Government: To implement the Universal Tonnage measurement system which is used in determining port and harbour dues, pilotage charges, insurance premiums, manning levels, maritime statistics and limitations of liability.</p>	<p>MEASURES TAKEN AND PROGRESS ACHIEVED</p> <p>The Government is undertaking the following:</p> <ol style="list-style-type: none"> Inspected 454 foreign ships to confirm that the ships had valid international tonnage certificates; and 	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Inadequate technical and financial resources. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Capacity building and increase budgetary allocation.



	<p>b) Reviewing the Merchant Shipping (Tonnage) Regulations, 2023 to give complete effect to the Convention.</p>	<ul style="list-style-type: none"> ▪ Delay in the finalization of the Regulations 	<ul style="list-style-type: none"> ▪ Fast track the review of the Merchant Shipping Act, 2009
<p>9.</p>	<p>CONVENTION ON THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972, AS AMENDED (COLREG 1972)</p> <p>Adopted: 20th October, 1972. Entered into force: 15th July, 1977. Accession: 15th December, 1992. Entered into force for Kenya: 15th December, 1992. Obligation to Government: To apply the minimum standards for acceptable forms of navigational aids and establish mandatory traffic separation schemes for ship navigation to avoid collisions and enhance safety in navigation.</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>
	<p>MEASURES TAKEN AND PROGRESS ACHIEVED</p> <p>The Government is undertaking the following:</p> <p><i>a)</i> Embarked on Port Channel marking exercise for the Lamu Port in compliance with requirements of the Convention;</p> <p><i>b)</i> Mapped and maintained Aids to Navigation;</p>		
	<p><i>c)</i> Developing Merchant Shipping (Distress Signals and Prevention of Collision) Regulations, 2023; and</p> <p><i>d)</i> Enhancing collaboration between the implementing agencies, facilitated development of a MoU on Aids to Navigation between Kenya Maritime Authority and Kenya Ports Authority.</p>	<ul style="list-style-type: none"> ▪ Insufficient legal framework. ▪ Delays in finalization of the MOUs between the agencies. ▪ Inadequate technical capacity and limited financial resources. ▪ Illegal construction/structures interfering with safe navigation. 	<ul style="list-style-type: none"> ▪ Review and update the legal framework. ▪ Expedite the finalization process for the MOUs. ▪ Capacity building and increase resource mobilization. ▪ Expedite decisions to demolish illegal construction/structures interfering with safe navigation. ▪ Enhance monitoring mechanism.



10.	<p>INTERNATIONAL CONVENTION FOR SAFE CONTAINERS, AS AMENDED (CSC) 1972</p> <p>Adopted: 2nd December, 1972. Entered into force: 6th September, 1977. Accession: 2nd February, 2000. Obligation to Government: 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.</p> <p>MEASURES TAKEN AND PROGRESS ACHIEVED</p> <p>The Government is undertaking the following:</p> <p><i>a)</i> Undertakes inspection for compliance of containers in Kenyan ports for efficient and effective implementation of the CSC, 1972; and</p> <p><i>b)</i> Carry out inspections through KEBS on standards of containers carrying cargo in the port of Mombasa.</p>			<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Inadequate technical capacity and limited financial resources. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Capacity building and increase resource mobilization.
11.	<p>INTERNATIONAL CONVENTION ON MARITIME SEARCH AND RESCUE (SAR) 1979 AS AMENDED</p> <p>Adopted: 27th April, 1979. Entered into force: 22nd June, 1985. Accession: 15th December, 1992. Obligation to Government: To utilize the international search and rescue plan so that no matter where accidents occur, the rescue of persons in distress at sea is Co-ordinated by a search and rescue organization and, when necessary, by co-operation between neighbouring search and rescue organisations.</p> <p>MEASURES TAKEN AND PROGRESS ACHIEVED</p> <p>The Government is undertaking the following:</p> <p><i>a)</i> Conducted search and rescue efforts in three (3) maritime incidents;</p> <p><i>b)</i> Strengthened the coordination between the Regulator and Kenya Coast Guard Service by finalizing on the development of an MoU whose objective is to create an effective collaborative framework on enforcement of maritime safety, security and search and rescue, among other enforcement measures;</p>			<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>

	<p>c) Reviewed the National Search and Rescue Plan, developed plans of operations for the region, plans of operations for rescue sub-centres and standard operating procedures relating to search and rescue operations;</p> <p>d) Training twenty (20) Search and Rescue responders from stakeholders on SAR operations in both coastal and inland waters;</p> <p>e) Hosting on scene coordination training workshops for stakeholders in coastal and inland waters; and</p> <p>f) Conducting two (2) Search and Rescue on scene command training for stakeholders in both coastal and inland waters.</p>		
12.	<p>CONVENTION ON FACILITATION OF INTERNATIONAL MARITIME TRAFFIC, 1965, AS AMENDED (FAL 1965)</p> <p>Adopted: 9th April, 1965. Entered into force: 5th March, 1967. Acceded: 10th November, 2006. Obligation to Government: To prevent unnecessary delays in maritime traffic and to secure the highest practicable degree of uniformity in formalities and other procedures.</p>		
	<p>MEASURES TAKEN AND PROGRESS ACHIEVED</p> <p>The Government is undertaking the following:</p> <p>a) Facilitates clearance of cargo under the national Single Window System. It also reviews documentation for clearance processes and awareness creation to stakeholders on maritime matters;</p> <p>b) Held sessions with the ERP 3 system developer on the licensing module of maritime service providers to provide the framework for online licensing. System testing and debugging was completed together with integration with the finance module for purposes of automating license fee payment;</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Inadequate collaboration among State agencies. ▪ Inadequate technical capacity and limited financial resources. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Enhance collaboration among State agencies. ▪ Capacity building and increase resource mobilization.



	<p>c) Developed the Coordination Sustainability Plan for the Mombasa Port and Northern Corridor Community Charter;</p>		
	<p>d) Launched the Maritime Single Window System (MSWS) to facilitate the ship-shore process by utilizing modern ICT connectivity tools and riding on the already established National Single Window System. The system has connected all the relevant Government bodies involved in clearance of ships. Government agencies on the MSWS include Kenya Maritime Authority, Kenya Ports Authority, Kenya Revenue Authority, Port Health Services and Department of Immigration. The system assists shippers to apply for the below permits, seamlessly, via the internet:</p> <ul style="list-style-type: none"> (i) IMO FAL form 1—General declaration; (ii) IMO FAL form 2—Cargo declaration; (iii) IMO FAL form 3—Ship’s stores declaration; (iv) IMO FAL form 4—Crew’s effects declaration; (v) IMO FAL form 5—Crew’s list; (vi) IMO FAL form 6—Passenger list; (vii) IMO FAL form 7—Dangerous Goods Manifest; (viii) Last Ports of Call; (ix) Maritime Declaration of Health Form (*incl. Crew Vaccination List); (x) Waste Declaration Form with MARPOL annexes (*Fuel reporting); (xi) Firearms Declaration (Customized); (xii) ISPS & SOLAS Forms; and (xiii) Ship Certificates (IMO, SOLAS, Registration, Class Society). 		
	<p>e) Developing the Kenya Maritime Amendment Bill,</p>		

	2023, the Draft Merchant Shipping Amendment Bill, 2023, and the Merchant Shipping (Maritime Transport Operators) Regulations, 2023;		
	<i>f)</i> Formulating the National Maritime Transport Policy, 2023;		
	<i>g)</i> Spearheaded the development of the IMO guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international maritime traffic; and		
	<i>h)</i> Proposed inclusion of prevention and combat of illicit activities in maritime transport at the International Maritime Organization, to be included as an agenda under the programme for the National Maritime Facilitation Committee. The proposal was approved for inclusion under the FAL Convention which comes to force as amendments in January, 2024.		
13.	<p>CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER, 1972, AS AMENDED BY THE LONDON PROTOCOL (LONDON CONVENTION 1972)</p> <p>Adopted: 13th November, 1972.</p> <p>Entered into force: 30th August, 1975.</p> <p>London Protocol adoption: 7th November, 1996.</p> <p>London Protocol entry into force: 24th March, 2006.</p> <p>Accession to the London Convention 1972: 7th January, 1976</p> <p>Accession to the London Protocol: 14th January, 2008.</p> <p>Obligation to Government: To contribute to the international control and prevention of marine pollution by prohibiting the dumping of certain hazardous materials.</p>		
	MEASURES TAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government is undertaking the following:</p> <p><i>a)</i> Kenya has increased its surveillance and enforcement capabilities to prevent dumping of wastes; and</p> <p><i>b)</i> Organized marine litter awareness campaigns to sensitize the public on the impacts of dumping</p>	<ul style="list-style-type: none"> ▪ Inadequate technical capacity and limited financial resources 	<ul style="list-style-type: none"> ▪ Capacity building and increase resource mobilization.



	wastes into the sea. This also entailed beach clean-up activities.		
14.	<p>PROTOCOL OF 1992 TO AMEND THE INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE, 1969 (CLC PROT 1992) Adopted: 27th November, 1992. Entered into force: 30th May, 1996. Accession on: 2nd February, 2000. Obligation to Government: To ensure that adequate compensation is available to persons who suffer oil pollution damage resulting from maritime casualties involving oil-carrying ships.</p>		
	MEASURES TAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following:</p> <p>a) Developing the National Maritime Transport Policy, 2023;</p> <p>b) Developed the National Marine Oil Spill Response Contingency Plan to provide a framework for response to oil pollution damage; and</p> <p>c) Organized training on response to oil spill pollution, including tabletop exercises and drills.</p>	<ul style="list-style-type: none"> ▪ Inadequate cooperation and support from the private sector ▪ Failure by oil importing companies in Kenya to submit reports. ▪ Inadequate cooperation and support from the sector players 	<ul style="list-style-type: none"> ▪ Improve coordination amongst stakeholders ▪ Timely reporting by the companies. ▪ Enhance coordination and collaboration among stakeholders
15.	<p>PROTOCOL OF 1992 TO AMEND THE INTERNATIONAL CONVENTION ON THE ESTABLISHMENT OF AN INTERNATIONAL FUND FOR COMPENSATION FOR OIL POLLUTION DAMAGE, 1971 (FUND PROT., 1992) Adopted: 27th November, 1992. Entered into force: 30th May, 1996. Accession on: 2nd February, 2000. Obligation to Government: Provide compensation for pollution damage and give relief to ship-owners in respect of the additional financial burden imposed on them by the 1992 Civil Liability Convention, such relief being subject to conditions designed to ensure compliance with safety at sea and other conventions</p>		
	<p>The Government has undertaken/is undertaking the following:</p> <p>a) Submits annual reports to the IOPC Fund Secretariat;</p> <p>b) Issues IOPC clearance letters to various oil companies in implementation of the International</p>		



	Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992; and c) Developing the National Maritime Transport Policy, 2023.		
16.	<p>CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF MARITIME NAVIGATION AS AMENDED BY THE PROTOCOL FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF FIXED PLATFORMS LOCATED ON THE CONTINENTAL SHELF, 1988 (SUA 1988 & SUA PROT 1988)</p> <p>SUA 1988 adoption: 10th March, 1988. Entered into force: 1st March, 1992. Accession to the SUA & SUA PROT.1988: 21st January, 2002. Contribution of Convention and Obligation to Government: To take appropriate action against persons committing unlawful acts against ships including 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.</p>		
	MEASURES TAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following:</p> <p>a) Hosted and chaired the CGIMA plenary in Nairobi on May, 2023. During this Plenary, Kenya was reelected as Chair of CGIMA for a period of one year. Kenya also chairs the working group on capacity building under the DCoC;</p> <p>b) Implemented Maritime Security Regulations and ISPS Code by conducting port security assessments of the Cruise terminal, Conventional (berths 1–12), Shimanzi Oil Terminal, Kipevu oil terminal, Kipevu container terminal 1 (berths 13–18) and Mbaraki wharf, and conducted annual audits of Base Titanium Limited, SECO and Lamu port facilities;</p> <p>c) Trained law enforcement agencies, ship and port facility personnel on ship and port security and the ISPS Code implementation. Kenya conducted two training workshops in Mombasa and Kisumu, as well as a tabletop security exercise for ports in Mombasa;</p>		

	<i>d)</i> Undertakes monitoring of the waters near Kenya-Somalia Border through the Maritime Joint Operation Centre based at the Lamu Navy Station;		
	<i>e)</i> Partnered with the IMO, is currently developing the National Maritime Security Strategy which, among others, establish the National Maritime Security Committee. A draft National Maritime Security Risk Register had been developed in this regard and is awaiting stakeholder engagement for finalization;		
	<i>f)</i> Collaborated with international security agencies such as the United States Coast Guard (USCG), British Navy, and the United Nations Office on Drugs and Crime (UNODC) who assist in capacity building on combating maritime crime through training and equipping;		
	<i>g)</i> Put in place information sharing centers such as the Regional Maritime Rescue Coordination Center (RMIRCC) and Joint Operations Committee (JOC). These centers provide 24/7 monitoring of waters in the region and are points of contact for ships in distress;		
	<i>h)</i> Participated in the US Coast Guard International Port Security Program Exercise at the Port of Mombasa, Bamburi Cement Wharf and KMA HQ;		
	<i>i)</i> Participated in the review and finalization of the Maritime Security Risk Register for Kenya;		
	<i>j)</i> Participated in the Fisheries Inter Agency In-Shore Patrol for Mombasa;		
	<i>k)</i> Participated in the Fisheries Inter Agency In-Shore Patrol for Mombasa; and		
	<i>l)</i> Organized a training workshop for ISPS implementation for vessels accessing the Port of Lamu.		



17.	<p align="center">INTERNATIONAL CONVENTION ON SALVAGE, 1989 (SALVAGE 1989)</p> <p>Adopted: 28th April, 1989. Entered into force: 14th July, 1996. Accession: 21st July, 1999. Obligation to Government: To establish a reward mechanism for salvors who engage in work in the nature of salvage operations in the event a ship is involved in an incident or an accident.</p>		
	<p>MEASURES TAKEN AND PROGRESS ACHIEVED</p> <p>The Government continues facilitating cooperation between salvors and ship owners where necessary in the event of a salvage operation.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Delay in conducting stakeholder engagement ▪ Limited surveillance 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Enhance surveillance. Track the process of stakeholder engagement ▪ Review of the existing legal framework create awareness on salvage.
18.	<p align="center">INTERNATIONAL CONVENTION ON OIL POLLUTION PREPAREDNESS, RESPONSE AND CO-OPERATION, 1990, AS AMENDED (OPRC 1990)</p> <p>Adopted: 30th November, 1990. Entered into force: 13th May, 1995. Accession: 21st July, 1999. Obligation to Government: To establish measures for dealing with pollution incidents, either nationally or in co-operation with other countries, and to provide assistance to other countries in the event of a pollution emergency.</p>		
	<p>MEASURES TAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Put in place a National Oil Spill Response Contingency Plan including sensitivity mapping and dispersants policy;</p> <p><i>b)</i> Put in place a National Oil Spill Response Contingency Plan including sensitivity mapping and dispersants policy; and</p> <p><i>c)</i> Formed an Oil Spill Response Centre and Oil Spill Response team.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Inadequate legal framework. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Endorsement of the reviewed national oil spill response Contingency Plan. ▪ Carry out regular drills. ▪ Stakeholders mapping.
		<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Inadequate cooperation among key stakeholders 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Enhance Collaboration and support in the implementation of the manuals.ance cooperation among key stakeholders

19.	<p>INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT OF SHIPS' BALLAST WATER AND SEDIMENTS (BWM 2004) Adopted: 13th February, 2004. Entered into force: 8th September, 2017. Accession on: 14th January, 2008. Obligation to Government: 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 and enforcing the set-out standard for management and control of ships ballast water and sediments.</p>						
	<table border="1"> <thead> <tr> <th data-bbox="485 1267 523 1966">MEASURES TAKEN AND PROGRESS ACHIEVED</th> <th data-bbox="485 741 523 1267">CHALLENGES</th> <th data-bbox="485 199 523 741">RECOMMENDATIONS</th> </tr> </thead> <tbody> <tr> <td data-bbox="523 1267 746 1966"> <p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Conducted 454 Port State Control inspections to check on ballast water management certificates on board ship.</p> <p><i>b)</i> Undertakes surveillance in Kenyan territory waters to prevent unauthorized discharge of ballast water from ships.</p> <p><i>c)</i> Reviewing the Environment Management Coordination Act, 1999.</p> </td> <td data-bbox="523 741 746 1267"> <ul style="list-style-type: none"> ▪ Limited technical and financial capacity </td> <td data-bbox="523 199 746 741"> <ul style="list-style-type: none"> ▪ Capacity building and increase budgetary allocation. </td> </tr> </tbody> </table>	MEASURES TAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS	<p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Conducted 454 Port State Control inspections to check on ballast water management certificates on board ship.</p> <p><i>b)</i> Undertakes surveillance in Kenyan territory waters to prevent unauthorized discharge of ballast water from ships.</p> <p><i>c)</i> Reviewing the Environment Management Coordination Act, 1999.</p>	<ul style="list-style-type: none"> ▪ Limited technical and financial capacity 	<ul style="list-style-type: none"> ▪ Capacity building and increase budgetary allocation.
MEASURES TAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS					
<p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Conducted 454 Port State Control inspections to check on ballast water management certificates on board ship.</p> <p><i>b)</i> Undertakes surveillance in Kenyan territory waters to prevent unauthorized discharge of ballast water from ships.</p> <p><i>c)</i> Reviewing the Environment Management Coordination Act, 1999.</p>	<ul style="list-style-type: none"> ▪ Limited technical and financial capacity 	<ul style="list-style-type: none"> ▪ Capacity building and increase budgetary allocation. 					
20.	<p>INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR BUNKER OIL POLLUTION DAMAGE, 2001 (BUNKERS 2001) Adopted: 23rd March, 2001. Entered into force: 21st November, 2008. Accession: 7th July, 2015. Obligation to Government: To ensure that adequate, prompt, and effective compensation for damage caused by oil spills, when carried as fuel in ships' bunkers</p>						
	<table border="1"> <thead> <tr> <th data-bbox="1018 1267 1056 1966">MEASURES TAKEN AND PROGRESS ACHIEVED</th> <th data-bbox="1018 741 1056 1267">CHALLENGES</th> <th data-bbox="1018 199 1056 741">RECOMMENDATIONS</th> </tr> </thead> <tbody> <tr> <td data-bbox="1056 1267 1155 1966"> <p>The Government continues to intervene and ensure adequate prompt and effective compensation is available to persons who suffer damage caused by oils from bunkers.</p> </td> <td data-bbox="1056 741 1155 1267"> <ul style="list-style-type: none"> ▪ Delay in conducting public participation </td> <td data-bbox="1056 199 1155 741"> <ul style="list-style-type: none"> ▪ Fast track the process of public participation. </td> </tr> </tbody> </table>	MEASURES TAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS	<p>The Government continues to intervene and ensure adequate prompt and effective compensation is available to persons who suffer damage caused by oils from bunkers.</p>	<ul style="list-style-type: none"> ▪ Delay in conducting public participation 	<ul style="list-style-type: none"> ▪ Fast track the process of public participation.
MEASURES TAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS					
<p>The Government continues to intervene and ensure adequate prompt and effective compensation is available to persons who suffer damage caused by oils from bunkers.</p>	<ul style="list-style-type: none"> ▪ Delay in conducting public participation 	<ul style="list-style-type: none"> ▪ Fast track the process of public participation. 					
21.	<p>1996 PROTOCOL TO THE CONVENTION ON LIMITATION OF LIABILITY FOR MARITIME CLAIMS (LLMC PROT., 1996) Adopted: 2nd May, 1996. Entered into force: 13th May 2004. Accession on: 7th July, 2015. Obligation to Government: To limit the liability of ship owners and salvors, except where it is proved that the loss resulted from his personal act or omission, committed with the intent to cause such a loss, or recklessly and with knowledge that such loss would probably result.</p>						



	MEASURES TAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	The Government is implementing the Merchant Shipping Act, 2009, that guides on the limits of maritime claims in case such claims occur.	<ul style="list-style-type: none"> ▪ Limited technical and financial capacity 	<ul style="list-style-type: none"> ▪ Develop capacity and increase budgetary allocation.
22.	INTERNATIONAL CONVENTION ON THE CONTROL OF HARMFUL ANTI-FOULING SYSTEMS ON SHIPS, 2001 (AFS 2001)		
	<p>Adopted: 5th October, 2001. Entered into force: 17th September, 2008. Accession on: 7th July, 2015. Obligation to Government: To prohibit and/or restrict the use 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.</p>		
	MEASURES TAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	The Government ensures that application, re-application, installation, or use of harmful anti-fouling systems on ships or whilst in Kenya's ports.	<ul style="list-style-type: none"> ▪ The Merchant Shipping Act has not fully implemented the provisions of the 1996 Protocol. 	<ul style="list-style-type: none"> ▪ Review of the Merchant Shipping Act, 2009.
23.	AFRICAN MARITIME TRANSPORT CHARTER, 2010 (Rev. 2014)		
	<p>Adoption: 26th July, 2010. Kenya Ratified: 28th March, 2014. Obligation of Government: To co-operate in the implementation of maritime conventions and regulations, particularly in the areas of safety, security, protection of the maritime environment and maritime labour.</p>		
	MEASURES TAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	The Government has undertaken/is undertaking the following: <ul style="list-style-type: none"> a) Trained Port State Control Officers on Ports State Control; b) Participates in Africa Association of Maritime Authority (AAMA) Executive Council Meetings held in May, 2023, in Mombasa; and c) Developing the Maritime Transport Policy, 2023. 	<ul style="list-style-type: none"> ▪ On course ▪ 	<ul style="list-style-type: none"> ▪ Enhanced participation ▪ Public Participation currently being undertaken

24.	<p>NAIROBI INTERNATIONAL CONVENTION ON REMOVAL OF WRECKS, 2007 (NAIROBI WRC 2007)</p> <p>Adopted: 18th May, 2007. Entered into force: 14th April, 2015. Ratified: 14th April, 2015. Obligations to Government: To remove or have hazards removed from the coastline.</p>	RECOMMENDATIONS	RECOMMENDATIONS
25.	<p>DOCK WORK CONVENTION, NO. 137 OF 1973</p> <p>Adopted: 25th June 1973. Entered into force: 24th July 1974. Accession on: 9th April 1979. Obligation of Government: Afford protection to dock workers in their professional life and put in place appropriate mechanisms which are responsive to the dynamic work activities within the Port.</p>	CHALLENGES	RECOMMENDATIONS
26.	<p>SEAFARERS' IDENTITY DOCUMENTS CONVENTION (REVISED), 2003, as amended (NO. 185)</p> <p>Adopted: 19th June, 2003. Entered into force: 9th February, 2005. Kenya ratified: 5th October, 2021. Obligation of Government: Facilitation of entry by seafarers into the territory of members, for the purposes of shore leave, transit, transfer or repatriation by standardizing the seafarer's Identity document</p>	CHALLENGES	RECOMMENDATIONS



	MEASURES TAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	Kenya ratified the Convention on 5 th October, 2021. The Instrument of Ratification was deposited with the ILO on 4 th February, 2022.	<ul style="list-style-type: none"> ▪ Provisions in the Merchant Shipping Act, 2009 are insufficient 	<ul style="list-style-type: none"> ▪ Review and update the existing laws.
27.	CONVENTION C188 ON WORK IN FISHING CONVENTION 2007		
	<p>Adopted: 14th June, 2007.</p> <p>Entered into force: 16th November, 2017.</p> <p>Kenya ratified: 5th October, 2021.</p> <p>Obligation of Government: Ensure that fishers have decent conditions of work on board fishing vessels with regard to minimum requirements for work on board</p>		
	MEASURES TAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	The Government is implementing the Convention C188 on Work in Fishing Convention, 2007, which was ratified on 5 th October 2021.		
28.	CAPE TOWN AGREEMENT OF 2012 ON SAFETY OF FISHING VESSELS		
	<p>Adopted: 11th October, 2012.</p> <p>Not yet in force</p> <p>Kenya ratified: 5th October, 2021.</p> <p>Obligation of Government: Improve the safety and working conditions of commercial fishers and observers.</p>		
	MEASURES TAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	The Government is implementing the Cape town Agreement, 2012, which was ratified on 5 th October, 2021.		
29.	INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR FISHING VESSEL PERSONNEL, 1995		
	<p>Adopted: 7th July, 1978.</p> <p>Entered into force: 28th April, 1984.</p> <p>Kenya ratified: 5th October, 2021.</p> <p>Obligation of Government: Promote the safety of life at sea and the protection of the marine environment, taking into account the unique nature of the fishing industry and the fishing working environment.</p>		
	MEASURES TAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	The Government is implementing the STCW (F) which was ratified on 5 th October, 2021.		

FISHERIES

FISHERIES			
1.	MEASURES TAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>UNITED NATIONS FISH STOCK AGREEMENT, (UNFSA) FOR STRADDLING AND HIGHLY MIGRATORY FISH, 1995</p> <p>Adopted: 4th August, 1995. Entered into force: 11th December, 2001. Ratified: 13th July, 2004. Obligations to Government: To enhance cooperation in the management of fisheries resources that span wide areas and are of economic and environmental concern to more than one Nation.</p>		
	<p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Formulating the Draft Marine Fisheries Regulations, 2023, to operationalize the Fisheries Management and Development Act, 2016;</p> <p><i>b)</i> A marine pelagic fish stock assessment in the Exclusive Economic Zone (EEZ); and</p> <p><i>c)</i> Consulting with the Indian Ocean Tuna Commission (IOTC) member countries on motion for the reduction in the usage of Fish Aggregating Devices (FADs) in the high seas in the Indian Ocean Tuna Commission area of jurisdiction.</p>	<ul style="list-style-type: none"> ▪ Limited legal framework (Regulations) that provides for comprehensive development and governance of the oceans and fisheries resources. 	<ul style="list-style-type: none"> ▪ Fast-track the gazettment of Regulations to operationalize the Fisheries Management and Development Act 2016.
	<p><i>b)</i> A marine pelagic fish stock assessment in the Exclusive Economic Zone (EEZ); and</p> <p><i>c)</i> Consulting with the Indian Ocean Tuna Commission (IOTC) member countries on motion for the reduction in the usage of Fish Aggregating Devices (FADs) in the high seas in the Indian Ocean Tuna Commission area of jurisdiction.</p>	<ul style="list-style-type: none"> ▪ Slow enactment process. 	<ul style="list-style-type: none"> ▪ Fast track the enactment process.
2.	<p>AGREEMENT ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING (IUU)</p> <p>Adopted: 22nd November, 2009. Signature: 19th November, 2010. Ratification: 1st August, 2017. Entered into force: 2009. Kenya became a State party to the Convention: 29th April, 2010. Obligation to Government: To establish an inter-agencies entity for Port Inspection and to participate in regional forums and activities to deter the IUU.</p>		



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following:</p> <p>a) Constructing an Ultra-Modern Tuna Fish Processing Hub at Liwatoni in Mombasa County. Phase 1 of the project has since been completed. The Government intends to finalise Phase 2 of the project through a Private Public Partnership (PPP);</p> <p>b) Formulating regulations—Fisheries Management and Development (<i>Safety and Quality</i>) Regulations, 2023, and Draft Marine Fisheries Regulations, 2023, to operationalize the Fisheries Management and Development Act, 2016;</p> <p>c) Introduced Catch Certification Scheme for all landing and export fish to deter entry into the market of fish and fishery products from IUU fishing; and</p> <p>d) Pre-inspection of all fishing vessels applying for access to fishing in our EEZ, authorization for our flag states fishing in the high seas, reporting and compliance inspection as well as deterrent penalties for IUU offences and port entry denial for suspected IUU vessels.</p>	<ul style="list-style-type: none"> ▪ Weak legal and institutional framework. ▪ Inadequate human and financial resources and port facilities. 	<ul style="list-style-type: none"> ▪ Fast-track the gazettelement of Regulations to operationalize the Fisheries Management and Development Act 2016. ▪ Recruitment and training. ▪ Construction of additional designated fishing ports.
3.	<p>INTERNATIONAL CONVENTION FOR REGULATION OF WHALING, 1946</p> <p>Adopted: 2nd December, 1946. Entered into force: 10th November, 1948. Signed: 1st January, 1970. Ratified: 2nd December, 1981. Obligation to Government: To promote orderly development of the whaling industry.</p>	<ul style="list-style-type: none"> ▪ Inadequate funding for development of the Fishing Port Facilities. ▪ Inadequate human resources for management of the fishing harbor and compliance inspections. 	<ul style="list-style-type: none"> ▪ Fast-track the completion of the port infrastructure. ▪ Development of the second fishing port in Simoni and Lamu. ▪ Recruitment of the compliance inspectors for Kenya Fisheries Service.
	<p>The Government has undertaken/is undertaking the following:</p> <p>a) Training center for by-catch whaling training and a member of the Panel of By-catch Experts; and</p>	<ul style="list-style-type: none"> ▪ Inadequate funding to operationalize the Center and to sensitize the stakeholders. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Enhance budgetary allocations.

	<p><i>b)</i> Deployed acoustic loggers to support acoustic surveys on Whales on migration patterns.</p> <ul style="list-style-type: none"> ▪ Lack of regulations and guidelines for sustainable whale watching activities. ▪ Weak organization of the whale watching activities. 	<ul style="list-style-type: none"> ▪ Fast-track the gazettelement of Regulations to operationalize the Fisheries Management and Development Act 2016. ▪ Development of guidelines for the whale watching activities.
4.	<p>FAO CODE OF CONDUCT FOR RESPONSIBLE FISHERIES (CCRF)</p> <p>Adopted: 1st November, 1995. Entered into force: 11th December, 2001. Signed: 1995.</p> <p>Obligation to Government: Align the fisheries policies, legal and institutions to the CCRF. Promote a long-term conservation and sustainable use of fisheries through the ecosystem approach and Rights Based Fisheries Management. To encourage the suitable utilization of fishery resources.</p>	
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Formulating the Marine Fisheries Regulations, 2023;</p> <p><i>b)</i> Undertaking a marine pelagic fish stock assessment in the Exclusive Economic Zone; and</p> <p><i>c)</i> Co-sponsored a motion for the reduction in the usage of Fish Aggregating Devices (FADs) in the high seas in the Indian Ocean Tuna Commission area of jurisdiction. The motion was however withdrawn to allow further consultations with the Indian Ocean Tuna Commission (IOTC) Member Countries.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Limited legal framework (Regulations) that provides for comprehensive development and governance of the oceans and fisheries resources.
		<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Fast-track the gazettelement of Regulations to operationalize the Fisheries Management and Development Act 2016.
5.	<p>UN 1993 FAO FISHING VESSEL COMPLIANCE AGREEMENT</p> <p>Adopted: 24th November, 1993. Entered into force: 11th December, 2001.</p> <p>Obligation to Government: To promote compliance with international conservation and management measures by fishing vessels on the high seas so as to deter engagement in any activity that undermines the effectiveness of international conservation and management measures.</p>	



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Established and operationalized a Vessel Monitoring System for its territorial waters including the Exclusive Economic Zone; and</p> <p><i>b)</i> Formulating Marine Fisheries Regulations, 2023 to operationalize the Fisheries Management and Development Act, 2016.</p>	<ul style="list-style-type: none"> ▪ Inadequate funding. ▪ Slow enactment process. 	<ul style="list-style-type: none"> ▪ Enhance budgetary allocation ▪ Fast track the enactment process.
6.	<p>UN 2009 FAO PORT STATE MEASURES AGREEMENT</p> <p>Adopted: November, 2010. Ratified: 2nd August, 2017. Obligation to Government: To prevent, deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Inadequate staffing. ▪ Financial constraints. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Increase personnel. ▪ Enhance budgetary allocation and resource mobilization.
7.	<p>THE COMMON MARKET FOR EASTERN AND SOUTHERN AFRICA FISHERIES STRATEGY (COMESA)</p> <p>Kenya became a signatory: 2008. Obligation to Government: To restore agricultural growth, food security, reduce poverty and promote rural development in Partner States and Africa as a whole.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Limited resources to effectively implement the COMESA Fisheries Strategy. ▪ Financial constraints. ▪ Slow implementation process. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Incorporate COMESA fisheries programmes into the national food security plans ▪ Enhance budgetary allocation. ▪ Upscale to cover all areas of fisheries safety and quality assurance. ▪ Fast track the implementation process.
	<p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Implementing the Manual of Standards and Operating Procedures in fish establishments countrywide;</p> <p><i>b)</i> Formulating the National Blue Economy Strategy which underwent a national stakeholder validation in February, 2023;</p> <p><i>c)</i> Participated in COMESA programmes under the Comprehensive Africa Agriculture Development Programme (CAADP). The programme is aimed at</p>		

	restoring agricultural growth, food security, reduce poverty and promote rural development partner States and Africa as a whole; and		
d)	Implementing the Common Market for Eastern and Southern Africa-Regional Integration Implementation Program (COMESA-RIIP) on food safety by sensitizing the fish handling and safety to reduce post-harvest and fish losses as well as enhance food security and income generation.	<ul style="list-style-type: none"> ▪ Slow development process. 	<ul style="list-style-type: none"> ▪ Fast track the development process.
8.	<p>THE CONVENTION FOR THE ESTABLISHMENT OF THE LAKE VICTORIA FISHERIES ORGANIZATION (LVFO)</p> <p>Adopted: 30th June, 1994. Signed by Kenya: 30th June, 1994. Kenya ratified the Convention: 24th May, 1996. Entered into force: 24th May, 1996 Amended: 28th February, 2016. Obligation to Government: To harmonize fisheries conservation, management, and development initiatives for the sustainable utilization of living resources of Lake Victoria.</p>		
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p>a) Implementing the following:</p> <ol style="list-style-type: none"> i. LVFO Strategic Plan 2021/2022–2025/2026; ii. Fisheries Management Plan (IV); 2021/2022–2025/2026; iii. Nile Perch Management Plan; 2021/2022–2025/2026; iv. Lake Victoria Marine Spatial Plan; v. Regional Guidelines for Fisheries Core Management on Lake Victoria, 2022; vi. Regional Guidelines for the Certification of Fish Seed and Fish Feed in the EAC, 2022; and vii. Guidelines on Extraction, Processing and Trading of Nile perch maws from Lake Victoria, 2022. 	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>

	<p><i>b)</i> Implementing the responsible fisheries business chains on Lake Victoria Project, the EU-EAC True Fish Project, the Eco-Fish Project, the Lake Victoria Small Fish Project as well as the targeting mental models of climate change risk to facilitate climate action project in the Lake Victoria;</p>		
	<p><i>c)</i> Participating in the review of the Convention which seeks to change the name from LVFO to East African Fisheries Organization (EAFO), to harmonize the legislative and implementation framework under the Convention with the EAC Treaty and to extend the scope and the mandate of the organization;</p>		
	<p><i>d)</i> Domesticating East African Fish Cage Culture Guidelines in the Aquaculture Development Regulations, 2023, that are under development and currently before the Office of the Attorney General and Department of Justice (OAG & DOJ) for review and advice;</p>		
	<p><i>e)</i> Implementing the Lake Victoria Fisheries Research Project I and II—Fisheries Management Project (LVMP) and the Lake Victoria Environmental Management Projects (LVEM);</p>		
	<p><i>f)</i> Developed fish landing sites in Sori, Migori County and Luanda Kotieno in Siaya County. The landing sites were commissioned and handed over to the County Governments for sustainable utilization in October, 2023. The landing sites in Kilifi and Kwale Counties will also be handed over to respective County Governments;</p>		
	<p><i>g)</i> Constructing Kabonyo Aquaculture Training Centre and Fisheries School of Excellence in Kisumu County. This is a joint project between the Government of the Republic of Kenya and the Government of the Republic of Hungary;</p>		
	<p><i>h)</i> Constructing a Fisheries Complex (Uvuvi House) in Nairobi. This is a joint project between the Republic of Kenya and the World Bank;</p>		
	<p><i>i)</i> Constructing a National Mariculture Research and Training Centre at Shimoni in Kwale County; and</p>		
	<p><i>j)</i> Published the Aquaculture Development Regulations.</p>		

ENVIRONMENT, FORESTRY AND WILDLIFE			
1.	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>MINAMATA CONVENTION ON MERCURY</p> <p>Adopted: January, 2013. Entered into force : 16th August ,2017 Kenya signed : 10th October ,2013. Ratified: 22nd September ,2023. Obligation: To protect human health from advance effects of mercury.</p>		
	<p>The Government has undertaken the following:</p> <ul style="list-style-type: none"> <i>a)</i> Supporting the Multi-Agency National Airborne Geo-Physical Survey in various parts of the country; <i>b)</i> Provided infrastructure for use of the Online Transactional Cadaster Portal in order to ensure transparency and accountability in issuance of Mineral Rights licenses and permits, avoid conflict of interest and to shorten the application processing time; <i>c)</i> Conducted capacity building in the mineral sub-sector; <i>d)</i> Streamlined the Mineral Rights Board; <i>e)</i> Developing National Mining Institute Bill; <i>f)</i> Formulating the National Guidelines on Sound Management of Chemicals and Waste in Gold Mining; <i>g)</i> Developed and submitted the National Action Plan for Artisanal and Small-Scale Gold Mining in Kenya; and <i>h)</i> Implementing the integrated sound management of mercury in Artisanal Small-Scale Gold Mining project in various counties. 		

2.	<p align="center">UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE (UNFCCC)</p> <p>Adopted: 9th May, 1992. Entered into force: 30th August, 1994. Ratification: 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.</p>		
<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken the following:</p> <p><i>a)</i> Developed Climate Change (Carbon Markets) Regulations, 2023.</p> <p><i>b)</i> Enacted the Climate Change Act, CAP. 387A.</p> <p><i>c)</i> Participated in all Convention meetings for negotiating multilateral responses to climate change, including 2023 UNFCCC/COP 28 in November, 2023, at Expo City, Dubai, United Arab Emirates.</p> <p><i>d)</i> Hosted the African Climate Summit and African Climate Week held from 4th to 8th September, 2023 ;</p> <p><i>e)</i> Participated in the UN Climate Meeting (SB60) in June, 2024, in Bonn, Germany;</p> <p><i>f)</i> Launched the five-year National Climate Change Action Plan (NCCAP, 2023–2027) during the Africa Climate Summit;</p> <p><i>g)</i> Mainstreaming climate change in all sector functions;</p> <p><i>h)</i> Implementing the Kenya National Adaptation Plan, 2015–2030, and the National Strategy on Climate Change;</p> <p><i>i)</i> Established the National Climate Change Resource Centre (NCCRC). NCCRC is the focal point for Climate Change information and hosts the Climate Change Directorate (CCD) Offices;</p> <p><i>j)</i> Established Climate Change Units to champion climate change adaptations and report to the CCD</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Inadequate financial resources for implementation of the Climate Change Act. ▪ Inadequate resources and capacity building ▪ Inadequate resources e.g., human resource ▪ Inadequate resources and capacity building ▪ Inadequate resources ▪ Inadequate resources and capacity building ▪ Encroachment of public forests ▪ Inadequate financial resources ▪ Inadequate financial resources 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Enhance budgetary allocation and train more personnel ▪ Enhance budgetary allocations ▪ Partner with communities to sustain tree planting. ▪ Mobilize resources ▪ Enhance budgetary allocation ▪ Enhance budgetary allocation and train more personnel ▪ Create public awareness on tree planting initiatives ▪ Enhance budgetary allocation 	

	<p>Offices;</p> <p><i>k)</i> Implementing the Ecosystem Restoration Towards 15 Billion Tree Growing Programme of growing 15 Billion trees by 2030;</p> <p><i>l)</i> Implementing the Financing Locally Led Climate Action (floca) Project which is building resilience of the local communities in 47 Counties;</p> <p><i>m)</i> Strengthening Drought Resilience among Small Holder Farmers and Pastoralists in the IGAD region which is supporting resilience building in Samburu and Kitui Counties as a pilot program</p> <p><i>n)</i> Unveiled the Kenya Climate Change and Health Strategy, 2023–2027, during COP 28 in UAE to align climate action with health objectives;</p> <p><i>o)</i> Parties to the Agreement are also parties to the UNFCCC. Kenya submits to the UNFCCC Secretariat her Nationally Determined Contributions (ndcs). The Government has updated and submitted its NDC in line with the requirements of the Paris Agreement. The ndcs have been mainstreamed into sector planning of both County and National Governments;</p> <p><i>p)</i> Developed the Kenya Climate Change Knowledge Portal to provide easy access to all information pertaining to climate change to the public;</p> <p><i>q)</i> Implementing Circular No. 13/2020 (Tracking and Reporting of Climate Finance Flows and Climate Change Related Expenditures) which is in line with Article 13 of the Paris Agreement, which directs all Government entities and non-state actors to report on climate spending;</p> <p><i>r)</i> Developed a Training Handbook on climate finance coding, tracking and reporting;</p> <p><i>s)</i> Developing a new Standard Chart of Accounts (SCOA) Codes and Manual to facilitate tracking within the Integrated Financial Management System (IFMIS).</p>	<ul style="list-style-type: none"> ▪ Slow implementation due to low capacity for implementation. ▪ Inadequate funding 	<ul style="list-style-type: none"> ▪ Enhance budgetary allocation ▪ Enhance budgetary allocation ▪ Enhance budgetary allocation and train more personnel ▪ Create public awareness on tree planting initiatives ▪ Enhance budgetary allocation ▪ Enhance budgetary ▪ Build capacity for implementation. ▪ Increase funding.
--	--	---	---

3.	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>UNITED NATIONS CONVENTION TO COMBAT DESERTIFICATION IN THOSE COUNTRIES EXPERIENCING SERIOUS DROUGHT AND/OR DESERTIFICATION, PARTICULARLY IN AFRICA (UNCCD)</p> <p>Adopted: 17th June, 1994. Signed by Kenya on: 14th October, 1994. Ratified: 24th June, 1997.</p> <p>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.</p> <p>The Government is undertaking the following:</p> <ol style="list-style-type: none"> Aligned the National Action Plan (NAP), 2015–2025, to the UNCCD; Aligned the National Action Plan (NAP) to the UNCCD through the development of the National Climate Change Action Plan (NCCAP) 2023–2027; Marked the World Desertification and Drought Day at Maiyanat Community Conservancy, Doldol, Laikipia North on 17th June, 2024 with a view of raising awareness about combating desertification, land degradation and mitigating the effects of drought through integrated approaches to enhance sustainable development in line with the United Nations Convention to Combat Desertification (UNCCD); Prepares national reports every two (2) years on status of the implementation of the Convention; The Government is combatting desertification through massive tree planting around water bodies such as Mwache Dam on the Coast; Continues to conserve water catchment areas, including automation of gauging stations and support to Water Resource Users' Associations (wruas) to sustain water resource availability; Mapping, designing and implementing irrigation 	<ul style="list-style-type: none"> ▪ Delay in finalization of the MoU due to lack of consensus ▪ Increasing land degradation. ▪ Budgetary constraints. ▪ Low public awareness. ▪ Slow implementation of the report. 	<ul style="list-style-type: none"> ▪ Fast-track the finalization ▪ To upscale Sustainable Land Management ▪ Implement and align the National Action Plan (NAP) with the Convention Strategy of 2021–2030. ▪ Sensitization and creation of public awareness. ▪ Disseminate the LDN manual.



	<p>and land reclamation programmes/projects that increased area under irrigation by 112,000 acres;</p> <p><i>h)</i> Developed Resilience programming framework (RPF) has been developed to guide programming and investments in the asals with the aim of building resilience against all shocks including drought;</p> <p><i>i)</i> Undertaking programmes to enhance community resilience against drought through sustainable resource management of Natural Resources and livelihood diversification;</p> <p><i>j)</i> Undertaking a Public Private Partnership (PPP) to develop water resources for irrigation and a tariff for irrigation water;</p> <p><i>k)</i> Finalized and published Guidelines for Promotion, Development and Management of Irrigation in Kenya, 2020;</p> <p><i>l)</i> Implementing the National Irrigation Services Strategy, 2022–2026;</p> <p><i>m)</i> Developed the County Irrigation Development Unit (cidus) which is being implemented by the County Government;</p> <p><i>n)</i> Developing a framework to establish Irrigation Research and Training Institute (KIRITI);</p> <p><i>o)</i> Formulated the Land Reclamation Policy, 2023; and the Land Reclamation Bill, 2023, which are due for public participation; and</p> <p><i>p)</i> Participating in the second phase of the Land Degradation Neutrality Target Setting Programme (LDN TSP 2.0).</p>	<ul style="list-style-type: none"> ▪ Inadequate funding. ▪ Inadequate funding. 	<ul style="list-style-type: none"> ▪ Increase budget allocation. ▪ Increase budget allocation.
4.	<p>UNITED NATIONS CONVENTION ON BIOLOGICAL DIVERSITY (CBD)</p> <p>Acceded: 26th July, 1994. Signed on: 11th June, 1992. Entered into force: 29th December, 1993. Obligation to Government: To conserve biological diversity, promote sustainable use of its components and encourage equitable sharing of the benefits arising out of the utilization of genetic resources.</p>		



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken the following:</p> <ol style="list-style-type: none"> Reviewing the Environment Policy, 2013; Reviewing the Environmental Management and Coordination (EMCA) Act, CAP. 387; Undertaking an inclusive process of updating the National Biodiversity Strategy Action Plan and aligning it to the Kunming Montreal Global Biodiversity Framework that was adopted in CBD COP 15. The reporting for this will be done through the Clearing House Mechanism; Providing CBD National Reports Biannually; Established an online permitting system on access and benefit sharing to genetic resources and the publication of the Kenya Biodiversity Atlas is in progress; and Banned single-use plastics in protected areas (national parks, beaches, forests and conservation areas) and implemented initiatives aimed at eco-system restoration. 	<ul style="list-style-type: none"> ▪ Inadequate funding ▪ Inadequate funding ▪ Inadequate funding and capacity ▪ Difficulty in balancing conservation with the increasing demand for resources. ▪ Increased cases of Bio piracy. ▪ Inadequate awareness on Wildlife conservation policies as an alternative land use option 	<ul style="list-style-type: none"> ▪ Enhance budgetary allocation ▪ Enhance budgetary allocation ▪ Enhance budgetary allocation and train more personnel ▪ Continued stakeholder involvement. ▪ Enhance surveillance. ▪ Encourage philanthropy ▪ Incentivize wildlife conservation
<p>5.</p>	<p>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</p> <p>Adopted: 29th October 2010. Ratified: 7th April, 2014. Entered into force: 12th October, 2014. Obligation to Government: To sustainably exploit genetic resources and safeguard them from misappropriation.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Ministry of Environment and Forestry is the national focal point, and NEMA is the Competent National Authority (CNA), Clearing-House and Publishing Authority for access and benefits sharing.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Inadequate funding 	<p>RECOMMENDATIONS.</p> <ul style="list-style-type: none"> ▪ Enhance budgetary allocation



	The Government has issued one hundred and thirty (130) access permits for research and development.		
6.	<p>CARTAGENA PROTOCOL ON BIOSAFETY</p> <p>Adopted: 29th January, 2000. Entered into force: 1st September, 2003. Ratification: 2013.</p> <p>Obligation to Government: To put in place the legal, policy and institutional framework for the implementation of the Protocol and to establish competent authorities to act as focal points for the protocol and serve as the bio-safety clearing house.</p>	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government is developing the Environmental Policy, 2013 and Environmental Management and Coordination Act, CAP. 387.</p>	<p>CHALLENGES</p> <p>Lengthy legislative process</p> <p>RECOMMENDATIONS</p> <p>Fast track enactment of the Bill.</p>
7.	<p>VIENNA CONVENTION AND ITS MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER</p> <p>Convention Adopted: 2nd March, 1985. Convention Entered into force: 22nd September, 1988. Kenya signed the Vienna Convention: 1992 Accession to Vienna Convention on: 9th November, 1988.</p> <p>Protocol Adopted: 16th September, 1987. Protocol Entered into force: 26th August, 1989. Kenya signed: 16th September, 1987. Kenya Ratified: 9th November, 1988.</p> <p>Obligation of Government: To share information to protect the ozone layer by taking precautionary measures to control global emissions of substances that depletes the ozone layer.</p> <p>The Government has undertaken the following:</p> <p>a) Adopted the use of friendly chemicals that promote the protection of the ozone, and replaced equipment that depended on ozone-depleting chemicals with friendly ones, companies and agricultural enterprises are being encouraged to</p>	<p>Expensive ozone and climate Friendly technologies</p>	<p>Ozone and climate friendly technologies should be affordable, commercially available in the local markets</p>



	adopt ozone-friendly alternatives and technologies; and b) Phased out the use of chlorofluorocarbons (CFC) and methyl bromide in soil fumigation in the agricultural sector.		
8.	<p>Montreal Protocol on Substances that Deplete the Ozone Layer</p> <p>Protocol Adopted: 16th September, 1987. Protocol Entered into force: 20th August, 1989. Kenya signed: 16th September, 1987. Kenya Ratified: 9th November, 1988. Obligation of Government: Sets out a framework for mitigating depletion of the Ozone layer.</p>		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken the following:</p> <p>a) Participates in meetings of the Conference of Parties and commemorates the International Day for the Preservation of the Ozone Layer to enhance public awareness of ozone protection issues;</p> <p>b) Ratified the Kigali Amendment to the Montreal Protocol on substances that deplete the Ozone Layer and the Instrument was deposited in September, 2023, during the UN General Assembly in New York;</p> <p>c) Collected and submitted to the Multilateral Fund Secretariat Country Programme data on controlled substances for the year 2023; and</p> <p>d) The Government is reviewing the Environment Policy, 2013, the Environmental Management and Coordination Act, CAP. 387 and the Environmental Management and Coordination (Controlled Substances) Regulations, 2020.</p>		

9.	<p>BASEL CONVENTION ON THE CONTROL OF TRANS-BOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL Adopted: 22nd March, 1989. Entered into force: 5th May, 1992. Accession: 1st June, 2000. Obligation to Government: To ensure environmentally sound management and trans-boundary movement of hazardous waste.</p> <table border="1" data-bbox="408 174 635 1966"> <thead> <tr> <th data-bbox="408 725 480 1279">MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</th> <th data-bbox="408 725 480 1279">CHALLENGES</th> <th data-bbox="408 174 480 725">RECOMMENDATIONS</th> </tr> </thead> <tbody> <tr> <td data-bbox="480 725 635 1279">The Government is reviewing Environment Policy, 2013, the Environmental Management and Coordination Act, CAP. 387, e-Waste Regulations, Toxic and Hazardous Chemical Material Regulations and Extended Producer Responsibility (EPR) Regulations.</td> <td data-bbox="480 725 635 1279">Lengthy legislative process</td> <td data-bbox="480 174 635 725">Fast track enactment of the Bill</td> </tr> </tbody> </table>	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS	The Government is reviewing Environment Policy, 2013, the Environmental Management and Coordination Act, CAP. 387, e-Waste Regulations, Toxic and Hazardous Chemical Material Regulations and Extended Producer Responsibility (EPR) Regulations.	Lengthy legislative process	Fast track enactment of the Bill
MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS					
The Government is reviewing Environment Policy, 2013, the Environmental Management and Coordination Act, CAP. 387, e-Waste Regulations, Toxic and Hazardous Chemical Material Regulations and Extended Producer Responsibility (EPR) Regulations.	Lengthy legislative process	Fast track enactment of the Bill					
10.	<p>STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS (POPS) Adopted: 22nd May, 2001 Ratified: 24th September, 2004. Signed: 23rd May, 2001. Entered into force: 17th May, 2004. Obligation to Government: To protect human health and the environment from 22 highly toxic chemicals that are persistent organic pollutants.</p> <table border="1" data-bbox="852 174 1155 1966"> <thead> <tr> <th data-bbox="852 725 924 1279">MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</th> <th data-bbox="852 725 924 1279">CHALLENGES</th> <th data-bbox="852 174 924 725">RECOMMENDATIONS</th> </tr> </thead> <tbody> <tr> <td data-bbox="924 725 1155 1279"> The Government has undertaking the following: <i>a)</i> Reviewing Environmental Management and Coordination (controlled substances) regulations, 2020; and <i>b)</i> Formulating the National Guideline on Sound Management of Chemicals and Waste in Gold Mining and Chemical Policy on Air Quality. </td> <td data-bbox="924 725 1155 1279"> <ul style="list-style-type: none"> ▪ Inadequate funds. ▪ Inadequate capacity. </td> <td data-bbox="924 174 1155 725"> <ul style="list-style-type: none"> ▪ Enhance budgetary allocations. ▪ Increase capacity. </td> </tr> </tbody> </table>	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS	The Government has undertaking the following: <i>a)</i> Reviewing Environmental Management and Coordination (controlled substances) regulations, 2020; and <i>b)</i> Formulating the National Guideline on Sound Management of Chemicals and Waste in Gold Mining and Chemical Policy on Air Quality.	<ul style="list-style-type: none"> ▪ Inadequate funds. ▪ Inadequate capacity. 	<ul style="list-style-type: none"> ▪ Enhance budgetary allocations. ▪ Increase capacity.
MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS					
The Government has undertaking the following: <i>a)</i> Reviewing Environmental Management and Coordination (controlled substances) regulations, 2020; and <i>b)</i> Formulating the National Guideline on Sound Management of Chemicals and Waste in Gold Mining and Chemical Policy on Air Quality.	<ul style="list-style-type: none"> ▪ Inadequate funds. ▪ Inadequate capacity. 	<ul style="list-style-type: none"> ▪ Enhance budgetary allocations. ▪ Increase capacity. 					
11.	<p>ROTTERDAM CONVENTION ON PRIOR INFORMED CONSENT PROCEDURE FOR CERTAIN HAZARDOUS CHEMICALS AND PESTICIDES IN INTERNATIONAL TRADE Adopted: 10th September, 1988. Kenya ratified: 3rd February, 2005. Entered into force: 24th February, 2004. Obligation to Government: To promote shared responsibility and cooperative efforts among parties in the international trade of certain hazardous chemicals.</p>						



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Monitors chemical and hazardous facilities on their impact on human health and the environment;</p> <p><i>b)</i> Developing environmental management and coordination (e-Waste Management) Regulations, 2022, as well as the toxic and hazardous chemical materials chemicals regulations; and</p> <p><i>c)</i> Reviewing the Environment Policy, 2013 and the Environmental Management and Coordination Act, CAP. 387.</p>	<ul style="list-style-type: none"> ▪ Slow process of implementation ▪ Inadequate public awareness ▪ Monitoring compliance ▪ Lengthy legislative process 	<ul style="list-style-type: none"> ▪ Fast track the process. ▪ Enhance awareness. ▪ Enforcement of legislation. ▪ Fast track enactment of the Bill
12.	<p>CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES)</p> <p>Adopted :3rd March, 1973. Ratification :13th December, 1978. Entry into force for Kenya: 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.</p>	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Developed an electronic system for inventory and management of elephant ivory and for Rhino horn stockpile;</p> <p><i>b)</i> Celebrates World Wildlife Day annually on the 5th of March and 2024 celebrations were held at the Nairobi National Park, Kenya;</p> <p><i>c)</i> Delinked the Wildlife Research and Training Institute from Kenya Wildlife Service (KWS) to enable scientists to concentrate on their key mandate, which is research on wildlife especially the threatened species hence KWS can concentrate</p>	CHALLENGES	RECOMMENDATIONS

	<p>on wildlife security;</p> <p><i>d)</i> Updating wildlife inventory by carrying out a national wildlife census with key bias on threatened species for better management;</p> <p><i>e)</i> Designated the Wildlife Research and Training Institute as designated as the National Scientific Authority for CITES pending inclusion;</p> <p><i>f)</i> Licensing of CITES-listed species;</p> <p><i>g)</i> Reviewing the Wildlife Conservation and Management Act, CAP. 376 to meet Category I of CITES requirement for full implementation of the Convention;</p> <p><i>h)</i> Developed species specification plans for species that are endangered and listed in CITES appendices—Elephant Action Plan, Rhino Action Plans and Giraffes Recovery Action Plans;</p> <p><i>i)</i> Developed the 2022-Listing of Guitur Fish as captured in Appendix II of CITES and 2019-Listing of Pangolin in Appendix I of CITES to regulate international trade;</p> <p><i>j)</i> Builds the capacity for law enforcement officers, judiciary, prosecution, and customs officers for effective implementation of the Convention—this is done in collaboration with Developing Partners;</p> <p><i>k)</i> Sensitizing local communities and Non-State Actors in CITES process to develop a common position for reporting and decision CITES making meetings; and</p> <p><i>l)</i> Implementing the National Wildlife Strategy, 2030.</p>	
13.	<p>CONVENTION ON THE CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS (BONN CONVENTION) (CMS)</p> <p>Concluded: 26th March, 1979.</p> <p>Entered into force: 1st November, 1983.</p> <p>Acceded to: 26th February, 1999.</p> <p>Obligation to Government: To provide for the protection and conservation of migratory species, their habitats and migratory routes.</p>	



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following:</p> <ol style="list-style-type: none"> a) Ratified several agreements and signed MOUs under the CMS, including the African Eurasian Water Birds Agreement (AEWBA) and MoUs on Migratory Sharks, Sea Turtles, Raptors and Dugongs; b) Implementing action plans and strategies for recovering and managing of species covered in the Convention; c) Carried out marine census in June, 2023, in collaboration with IFAW; d) Observes the World Turtle Day annually. This year's celebrations were held on 23rd May, 2024; e) Conducted a marine/beach cleanup exercise, sensitization and awareness creation; f) Developed Wildlife Conservation Trust Fund Regulations for Conservancies and Sanctuaries; and g) Developing a Bill to repeal the Wildlife Conservation and Management Act, CAP. 376. 	<ul style="list-style-type: none"> ▪ Inadequate resources. ▪ Inadequate technical and financial resources. 	<ul style="list-style-type: none"> ▪ Enhance Budgetary Allocation.
14.	<p>CONVENTION ON WETLANDS OF INTERNATIONAL IMPORTANCE ESPECIALLY AS WATERFOWL HABITAT (RAMSAR)</p> <p>Adopted: 2nd February, 1971. Entered into force: 5th October, 1990. Kenya became a state party: 5th October 1990</p> <p>Obligation to Government: To designate wetlands and stem the progressive encroachment on and loss of wetlands</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Budgetary constraints. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Enhance budgetary allocation
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <ol style="list-style-type: none"> a) Held three (3) National Ramsar Committee meetings, for the Ramsar information sheet for 6 designated Ramsar sites; 		



	<p>b) Celebrates the World Wetlands Day annually on 2nd February. The theme for the 2024 celebrations was “<i>Wetlands and Human Wellbeing</i>” and was held at Lake Narasha, Timboroa Dam;</p> <p>c) Undertakes waterbird counts in the Ramsar sites annually;</p> <p>d) Implementing the Integrated Coastal Zone Management Plan (ICZM), 2019–2023, to maintain an inventory of all the wetlands and updating their conservation status;</p> <p>e) Developed the National Wetlands and Conservation Policy, 2014 (<i>Rev.2022</i>);</p> <p>f) Launched Management Plans for Lake Elementaita, Lake Bogoria National Reserve, Tana Delta Ramsar Site, Lake Ol’bolosat and Sio-siteko transboundary wetland;</p> <p>g) Maintains an inventory of all the wetlands and updates their conservation status, including updating Ramsar Information System requirement;</p> <p>h) Developed Regulations for the Wildlife Conservation Trust Fund and for conservancies and sanctuaries. The Regulations are undergoing public participation;</p> <p>i) Developing a Bill to repeal the Wildlife Conservation and Management Act, CAP. 376. The Bill is currently undergoing public participation;</p> <p>j) Appointed the Wildlife Conservation Trust Fund Governing Board and is operationalizing the Trust Fund; and</p> <p>k) Designated Lake Elementaita as a RAMSAR site and is designating Lake Ol’bolosat as a RAMSAR site, and Kisumu as a RAMSAR City; and</p> <p>l) Reviewing the Environment Policy, 2013, the Environmental Management and Coordination Act, CAP. 387 and the attendant Regulations.</p>	
--	--	--

15. CONVENTION ON THE LAW OF THE NON-NAVIGATIONAL USES OF INTERNATIONAL WATERCOURSES (THE 1997 UN WATERCOURSES CONVENTION)	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
<p>Adopted by the UN: 21st May, 1997. Entry into force: 17th August, 2014. Obligation to Government: To co-operate internationally with regard to use and protection of shared water resources.</p>	<p>The Government has undertaken/is undertaking the following:</p> <ol style="list-style-type: none"> a) Developing a National Policy on Trans-boundary Waters, 2022; b) Established Water Services Critical Infrastructure Police Service Unit. The unit is established to curb Water infrastructure vandalism and loss of non-revenue water; c) Re-negotiated with the Government of the Republic of Uganda the Memorandum of Understanding between Sio-Malaba- Malakisi with facilitation from IGAD; d) Through financing from the African Development Bank, is developing the Sio-Malaba- Malakisi projects after entering into an MOU with Uganda; e) Implementing the Malaba Water Supply Project (Lot 1) which is at 80% completion; f) implementing the Malaba town Sewerage Project (Lot 2) which is at 99% completion, and negotiating with land owners to provide way/leave to lay sewer lines to complete the remaining 1% ;and g) In collaboration with the Government of Ethiopia, formed an Inter-Ministerial Committee to negotiate Gibe Dam III and Kura irrigation project. 	<ul style="list-style-type: none"> ▪ Slow formulation of the Policy. ▪ Lengthy processes in obtaining country position and National Policy direction. 	<ul style="list-style-type: none"> ▪ Fast-track formulation of the Policy. ▪ Facilitate and fast-track processes of obtaining country position and National Policy direction
		<ul style="list-style-type: none"> ▪ Slow process of implementation due to inadequate resources 	<ul style="list-style-type: none"> ▪ Enhanced budgetary allocation
		<ul style="list-style-type: none"> ▪ Inadequate funds to facilitated negotiation with Ethiopia on Gibe Dam. 	<ul style="list-style-type: none"> ▪ Mobilise resources for coordination of high-level participation



	CONVENTION FOR THE PROTECTION, MANAGEMENT AND DEVELOPMENT OF THE MARINE AND COASTAL ENVIRONMENT OF THE WESTERN INDIAN OCEAN (NAIROBI CONVENTION) AND ITS PROTOCOLS				RECOMMENDATIONS
16.	<p>Adopted: 21st June, 1985. Entered into force: 11th September, 1990. Aceded: 11th September, 1990. Obligation to Government: To protect and manage the marine environment and coastal areas of the Eastern Africa.</p>	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES		
17.	<p>LUSAKA AGREEMENT ON COOPERATIVE ENFORCEMENT OPERATIONS DIRECTED AT ILLEGAL TRADE IN WILD FAUNA AND FLORA</p> <p>Adopted: 10th December, 1996 Entered into force: 10th December, 1996 Kenya signed the Charter: 9th September, 1994 Kenya Ratified: 17th January, 1997 Obligation to Government: To facilitate cooperation among State Parties to deter the illegal trade in wild fauna and flora.</p>	<p>The Government has undertaken/is undertaking the following:</p> <p>a) Observes World Oceans Day on 8th June. The theme for 2024 celebration was ‘<i>Awaken New Depths</i>’ and was celebrated by cleaning and planting mangroves along the Coast of Kilifi;</p> <p>b) Participates in various programs including the Western Indian Ocean Strategic Action Program (WIOSAP) which is supporting the implementation of a Waste Treatment Plant at Shimo la Tewa Prisons;</p> <p>c) Participated in the 4th Negotiation Meeting for the Integrated Coastal Zone Management (ICZM) protocol held in Dar es Saalam, Tanzania; and</p> <p>d) Reviewing the National Wetlands Policy.</p>	<ul style="list-style-type: none"> ▪ Limited funding to coastal zone management activities. ▪ Encroachment and degradation of coastal and marine habitats ▪ Slow process of ratification of the Protocol. 	<ul style="list-style-type: none"> ▪ Increase funding of coastal ecosystems management activities. ▪ Finalize approval of Integrated Coastal Zone Management Policy. ▪ Fast-track the process of ratification 	



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Banned poaching and trafficking of wildlife. Further, the Government is combating poaching and illegal wildlife trafficking through an Integrated Approach Project (IWT-KENYA) funded by UNDP;</p> <p><i>b)</i> Cooperates with other member states to control cross-border illegal wildlife trade;</p> <p><i>c)</i> Assumed presidency of the Lusaka Agreement from June, 2023, for a period of 2 years;</p> <p><i>d)</i> Engaging other Nations who have shown interest in joining the Lusaka Agreement, namely Namibia, Botswana and those who are signatory states awaiting ratification of the Lusaka Agreement, namely Ethiopia, Eswatini, Liberia and South Africa;</p> <p><i>e)</i> Holding bilateral talks with Uganda to rescind its intention to withdraw.</p> <p><i>f)</i> Developing Regulations for the Wildlife Conservation Trust Fund and for Conservancies and Sanctuaries. The regulations are at public participation stage;</p> <p><i>g)</i> Reviewing the Wildlife Conservation and Management Act, CAP. 376.</p>	<ul style="list-style-type: none"> ▪ Failure of State Parties to meet financial obligations makes the Lusaka Task Force unsustainable. ▪ Budgetary constraints in the running of the secretariat due to non-payment by State Parties. <ul style="list-style-type: none"> ▪ Slow Process ▪ Dwindling donor support—mainly towards enforcement operations & capacity building. ▪ Failure by Member states to meet their financial obligations ▪ Slow legislative process 	<ul style="list-style-type: none"> ▪ Proposal for consideration towards strengthening the Agreement. ▪ Review subscription fees. ▪ Expedite the process ▪ Mobilising of resources ▪ Enhance diplomatic engagements ▪ Urge member states to honour their financial obligations ▪ Fast track enactment process
18.	<p>REVISED AFRICAN CONVENTION ON THE CONSERVATION OF NATURE AND NATURAL RESOURCES (THE ALGIERS CONVENTION)</p> <p>Adopted and Signed: 15th September, 1968. Entered into force: 16th June, 1969. Kenya Ratified: 12nd May, 1969. The Convention was revised and Adopted: 11th July, 2003. Kenya signed the revised edition: 17th December, 2003. Revised Convention Entered into force: 23rd July, 2016.</p>		



Obligation to Government: To enhance environmental protection, foster conservation and sustainable use of natural resources, harmonize and coordinate policies in this field.		RECOMMENDATIONS
MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
<p>The Government has undertaken/is undertaking the following:</p> <ul style="list-style-type: none"> <i>a)</i> National Tree Growing and Restoration Campaign of growing 15 billion trees by 2032 pursuant to a presidential directive. This will increase the tree cover from the current 12% to 30% by 2032 and ensure restoration of 10.6 million hectares of degraded ecosystems and landscapes; <i>b)</i> Ensuring that all public forests are fenced to protect them from encroachment and illegal cattle grazing pursuant to a presidential directive; <i>c)</i> Observes National Tree Growing Days which is dedicated to growing of trees by the whole country. In the period under review, the National Tree Growing Days were 13th November, 2023, and 10th May, 2024; <i>d)</i> Developed the National Landscape and Ecosystem Strategy, 2023–2032; <i>e)</i> Constructed eleven (11) new seed centres to increase access to high quality tree seedlings; and <i>f)</i> Developed the Forest Adoption and Tree Growing Initiative Framework. 		
<p>19. EAST AFRICAN COMMUNITY PROTOCOL ON ENVIRONMENT AND NATURAL RESOURCES MANAGEMENT Adopted and signed: 26th June, 2017. Ratified: 26th June, 2017. Obligation to Government: 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.</p>		
MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
<p>The Government is participating in the review of the Protocol to streamline certain aspects with respect to use and protection of natural resources in the East Africa Community (EAC) and</p>		



	exclude matters substantively provided for in the Treaty, in accordance with recommendations of the 22nd meeting of the Sectoral Council on Legal and Judicial Affairs that was held at Dar es Salaam, Tanzania from 23 rd October, 2021 to 1 st November, 2021.		
20.	<p>EAST AFRICAN COMMUNITY PROTOCOL ON COOPERATION IN METEOROLOGICAL SERVICES</p> <p>Adopted: 2016. Kenya Ratified: May, 2019. Obligation to the Government: To cooperate with Partner States in the planning, designing and development of weather and climate observation networks and meteorological telecommunications system; the processing and analysis of data and sharing of meteorological information; and the development of early warning systems.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following;</p> <ol style="list-style-type: none"> Transforming Kenya Meteorological Department (KMD) into a Meteorological Authority; and Prepared a Draft Bill and Draft Policy to transform their Meteorological Services to Meteorological Authorities to support the harmonization of meteorological operations in the Region. 	<p>CHALLENGES</p> <ul style="list-style-type: none"> Some Partner States have not ratified the Protocol hence it is not operational. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> Partner States should be urged to ratify the Protocol so that it can enter into force and its objectives met.
21.	<p>EAST AFRICAN COMMUNITY PROTOCOL FOR THE SUSTAINABLE DEVELOPMENT OF LAKE VICTORIA BASIN</p> <p>Adopted: 29th November, 2003. Entered into force: 1st December, 2004. Signed: 29th November, 2003. Ratified: December, 2004. Obligation to Government: To facilitate cooperation among Partner States in the areas as that relate to conservation and sustainable utilization of the resources of the Basin.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <ol style="list-style-type: none"> Implementing Lake Victoria Basin Integrated Water 	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>



	<p>Resources Management Programme (LVB IWRMP) aimed at improving water quality and availability through strategic and sustainable management of the Lake Victoria Basin;</p> <p><i>b)</i> Implementing the Adapting to Climate Change in Lake Victoria Basin project (ACC-LVB) aimed at reducing vulnerability to the negative effects of climate change in the Lake Victoria Basin by building Climate resilience;</p> <p><i>c)</i> Implementing the multinational Lake Victoria Maritime Communication and Transport Project (MLVMCT) aimed at providing maritime communication system for safety on Lake Victoria;</p> <p><i>d)</i> Implementing the Nile Cooperation for Climate Resilience (NCCR) project on water quality policy harmonization in the Lake Victoria sub-basin with a view to improving mechanisms for cooperation and water resources management and development in the Nile Basin;</p> <p><i>e)</i> Co-operates in the sustainable management and development of Lake Victoria Basin and is involved in the development and implementation of measures to enhance the safety of life, navigation and preservation of aquatic life; and</p> <p><i>f)</i> Constructing Lake Victoria Basin Commission Headquarters in Kisumu, Phase I is expected to be completed in 2024 Construction of the Headquarters on a 2.8 Ha piece of land donated by the Government of Kenya in Kisumu.</p>		
	<p>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.</p>		
	<p>A joint programme has been developed for the overall management and rational utilization of the shared resources of the lake .</p>		



AGRICULTURE				
1.	<p>INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE (ITPGRFA) Adopted: 9th November, 2001. Entered into force: 29th June, 2004 Kenya became a State party: 27th May, 2003. Obligation to Government: To guarantee food security through the conservation, exchange and sustainable use of the world's plant genetic resources for food and agriculture.</p>	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government is developing the following:</p> <ol style="list-style-type: none"> Seeds and Plant Varieties (Plant Breeder's Rights) Regulations, 2024, awaiting cabinet approval; and Seeds and Plant Varieties (Conservation, Access and Benefits Sharing of Plant Genetic Resources) Regulations, 2024, which are awaiting cabinet approval. 	<p>CHALLENGES</p> <ul style="list-style-type: none"> Conflict of interest with private competitors in the industry 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> Develop mechanism for conflict resolutions Enhance compliance in addressing conflict of interest Fast track formulations of regulations
	2.	<p>PHYTOSANITARY CONVENTION FOR AFRICA Adopted: 13th September, 1967. Convention revised in: 1997. Entry Into Force: 6th October, 1992. Obligation to Government: To take measures of quarantine, certification and inspection necessary in respect of any living organisms, plant, animal, plant material, seeds, soil, compost or packing material (including containers) or other article considered to constitute a threat to agriculture in any part of Africa.</p>	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has developed the National SPS Strategy, 2021-2024, and is in the process of developing an Annual Workplan for the implementation of the Strategy.</p> <p>The Government is in the process of addressing coordination of national institutions involved in the implementation of the Agreement on Sanitary and Phytosanitary Measures in the Trade Development Bill, 2022.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> Slow pace of development of the work plan Inadequate coordination and synergy in the addressing Sanitary and Phytosanitary measures. Implementation of a Regional Phytosanitary Coordination mechanism	RECOMMENDATIONS Fast-track the workplan Adopt an integrated approach in development of Sanitary and Phytosanitary Measures in line with Good Regulatory Practices.



3.	<p>INTERNATIONAL CONVENTION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS (UPOV) Adopted: 2nd December, 1961. Kenya Acceded: 11th May, 2016. Obligation to Government: To protect new varieties of plants by an intellectual property rights.</p> <table border="1" data-bbox="373 174 762 1966"> <thead> <tr> <th data-bbox="373 1267 443 1966">MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</th> <th data-bbox="373 685 443 1267">CHALLENGES</th> <th data-bbox="373 174 443 685">RECOMMENDATIONS</th> </tr> </thead> <tbody> <tr> <td data-bbox="443 1267 762 1966"> <p>The Government has undertaken/is undertaking the following:</p> <p>a) Participated in Technical Working Parties meetings in May, 2023 and May, 2024, for different crop groups that were held virtually hosted a number of UPOV meetings and participated in decision making meetings of the UPOV council; and</p> <p>b) Developing Seeds and Plant Varieties (Plant Breeders' Rights) Regulations 2024, awaiting cabinet approval.</p> </td> <td data-bbox="443 685 762 1267"> <ul style="list-style-type: none"> ▪ Inadequate budgetary allocation. </td> <td data-bbox="443 174 762 685"> <ul style="list-style-type: none"> ▪ Enhance Budget allocation. </td> </tr> </tbody> </table>			MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS	<p>The Government has undertaken/is undertaking the following:</p> <p>a) Participated in Technical Working Parties meetings in May, 2023 and May, 2024, for different crop groups that were held virtually hosted a number of UPOV meetings and participated in decision making meetings of the UPOV council; and</p> <p>b) Developing Seeds and Plant Varieties (Plant Breeders' Rights) Regulations 2024, awaiting cabinet approval.</p>	<ul style="list-style-type: none"> ▪ Inadequate budgetary allocation. 	<ul style="list-style-type: none"> ▪ Enhance Budget allocation.
MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS							
<p>The Government has undertaken/is undertaking the following:</p> <p>a) Participated in Technical Working Parties meetings in May, 2023 and May, 2024, for different crop groups that were held virtually hosted a number of UPOV meetings and participated in decision making meetings of the UPOV council; and</p> <p>b) Developing Seeds and Plant Varieties (Plant Breeders' Rights) Regulations 2024, awaiting cabinet approval.</p>	<ul style="list-style-type: none"> ▪ Inadequate budgetary allocation. 	<ul style="list-style-type: none"> ▪ Enhance Budget allocation. 							
4.	<p>INTERNATIONAL PLANT PROTECTION CONVENTION (IPPC) Adopted: 1997. Entered into force: 2nd October 2005. Kenya became a State party to the Agreement in: 7th May 1974 Obligation to Government: To participate in information sharing analysis and consultations in the grain market.</p> <table border="1" data-bbox="943 174 1361 1966"> <thead> <tr> <th data-bbox="943 1267 1013 1966">MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</th> <th data-bbox="943 685 1013 1267">CHALLENGES</th> <th data-bbox="943 174 1013 685">RECOMMENDATIONS</th> </tr> </thead> <tbody> <tr> <td data-bbox="1013 1267 1361 1966"> <p>The Government has undertaken/is undertaking the following:</p> <p>a) Formulating the Phytosanitary Policy, 2024 and reviewing: Plant Protection Bill, 2021; Plant Protection Regulation, 2021; Plant Protection (Biological Articles and the Control Agencies) Regulations, 2021; Plant Protection (Imports and Exports) Regulations, 2021; and Plant Protection (Decontamination of used vehicles, machinery and equipment) Rules, 2021.</p> </td> <td data-bbox="1013 685 1361 1267"> <ul style="list-style-type: none"> ▪ Inadequate funding </td> <td data-bbox="1013 174 1361 685"> <ul style="list-style-type: none"> ▪ Enhance budgetary allocation </td> </tr> </tbody> </table>			MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS	<p>The Government has undertaken/is undertaking the following:</p> <p>a) Formulating the Phytosanitary Policy, 2024 and reviewing: Plant Protection Bill, 2021; Plant Protection Regulation, 2021; Plant Protection (Biological Articles and the Control Agencies) Regulations, 2021; Plant Protection (Imports and Exports) Regulations, 2021; and Plant Protection (Decontamination of used vehicles, machinery and equipment) Rules, 2021.</p>	<ul style="list-style-type: none"> ▪ Inadequate funding 	<ul style="list-style-type: none"> ▪ Enhance budgetary allocation
MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS							
<p>The Government has undertaken/is undertaking the following:</p> <p>a) Formulating the Phytosanitary Policy, 2024 and reviewing: Plant Protection Bill, 2021; Plant Protection Regulation, 2021; Plant Protection (Biological Articles and the Control Agencies) Regulations, 2021; Plant Protection (Imports and Exports) Regulations, 2021; and Plant Protection (Decontamination of used vehicles, machinery and equipment) Rules, 2021.</p>	<ul style="list-style-type: none"> ▪ Inadequate funding 	<ul style="list-style-type: none"> ▪ Enhance budgetary allocation 							

5.	<p>INTERNATIONAL GRAINS AGREEMENT Adopted: 7th December, 1994. Entered into force: 1st July, 1995. Kenya became a State party to the Agreement: 1994. Obligation to Government: To participate in information sharing analysis and consultations in the grain market.</p>	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <ul style="list-style-type: none"> a) Implementing the Warehouse Receipt System Act, 2019, and its Regulations to support the Cereal Value Chain improvement; b) Developing Public Finance Management (National Food Reserve Fund) Regulations, 2022; and c) Developing the National Food Reserve and Trading Corporation Bill, 2024, and the National Cereals and Produce Board (National Food Reserve) Regulations, 2024. 	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Slow pace of rolling out the Warehouse Receipt System ▪ Inadequate awareness on the Warehouse Receipt system by stakeholders ▪ Slow process in enactment of the Regulations 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Fast-track roll out of the system ▪ Enhance awareness among the public ▪ Fast-track the enactment of the Regulations
6.	<p>INTERNATIONAL SUGAR AGREEMENT (ISA), 1969 Entry into force: 1993. Acceded : November, 1994. W Adopted: 1st January, 1992 by United Nations Conference on Trade and Development. Kenya is party to the Agreement Obligation to Government: To promote the trade in and consumption of sugar by gathering and publishing information on the sugar market, research into new uses for sugar and related products and as a forum for inter-Governmental discussions on sugar.</p>			

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
<p>7.</p>	<p>The Government has undertaken/is undertaking the following:</p> <ol style="list-style-type: none"> Restructuring the sugar companies to revitalize the sugar industry; Implementing the taskforce report on design, development and implementation of the coffee and sugar price stabilization frameworks; Studies to review the cost elements in sugarcane and sugar production; and Developing Sugar Bill, 2023, which is at the Senate. 	<ul style="list-style-type: none"> ▪ Inadequate budgetary allocation for the taskforce ▪ Frequent court cases with respect to the sugar industry ▪ Unfavourable power purchase tariffs 	<ul style="list-style-type: none"> ▪ Enhance budgetary allocation ▪ Undertake constant consultations with the stakeholders to avoid court cases ▪ Dialogue with the energy regulator
<p>INTERNATIONAL COFFEE AGREEMENT (ICA)</p> <p>Adopted: 1962. Reviewed and approved by members: 28th September, 2007. Entry into force: 2nd February, 2011. Obligation to Government: To recognize Certificates of Origin and conduct trade policy with a view to long term price stability.</p>			
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <ol style="list-style-type: none"> Submits subsector reports to the International Coffee Organization; Established a Public Finance Management (Coffee Cherry Advance Revolving) Fund with a seed capital of KSh. 4 billion; Writing off KSh. 6.9 billion debts owned by coffee corporatives; Facilitating smallholder coffee growers at small coffee estates with affordable and sustainable funding; Enabling coffee farmers to access farm inputs, 	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Inadequate coffee industry data on smallholder coffee growers ▪ Delayed establishment of a Direct Settlement System (DSS) 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ County Governments to undertake growers registration ▪ Fast track establishment of a Direct Settlement System (DSS)

	<p>including fertilizers and pesticides which will be available from accredited suppliers at a subsidized cost with the Government subsidizing the cost by 40%;</p> <p><i>f)</i> Implementing the Taskforce Report on Design, Development and Implementation of the Coffee and Sugar Price Stabilization Frameworks;</p> <p><i>g)</i> Formulating the Coffee Policy, 2024 and Coffee Bill, 2024;</p> <p><i>h)</i> Carrying out subsector reforms to improve the milling efficiency, remove the middlemen, streamline marketing and provide affordable credit to coffee farmers; and</p> <p><i>i)</i> Implementing Agriculture Sector Transformation and Growth Strategy (2019-2029).</p>	<ul style="list-style-type: none"> ▪ Inadequate resources. 	<ul style="list-style-type: none"> ▪ Enhance budgetary allocation
8.	<p>CONVENTION ON THE AFRICAN MIGRATORY LOCUST</p> <p>Adopted: 25th May, 1962.</p> <p>Entered into force: 13th April, 1963.</p> <p>Kenya became a State party to the Convention: 29th November, 1963.</p> <p>Obligation to Government: To contribute money, supplies or services to the expenses of the equipment and operations of the Organisation.</p>		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
<p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Implementing the Desert Locust Information Office (DLIO) Report submitted by FAO. The Report informs on key monitoring and early warning tools while responding to desert locust upsurges in Kenya and possibly the region;</p> <p><i>b)</i> Implementing the Migratory and Invasive Pests and Weeds Management Strategy, 2022-2027;</p> <p><i>c)</i> Formulating a Phytosanitary Policy, 2024; and</p> <p><i>d)</i> Reviewing the Plant Protection Act (CAP 324).</p>	<ul style="list-style-type: none"> ▪ Failure to honour subscriptions by member state ▪ Inadequate technical personnel and financial resources to carry out surveillance 	<ul style="list-style-type: none"> ▪ Engage member states to honour their subscriptions ▪ Enhance technical personnel and financial resources 	



ICT, RADIO REGULATIONS AND TELECOMMUNICATIONS			
EAST AFRICAN COMMUNITY PROTOCOL ON INFORMATION, COMMUNICATIONS AND TECHNOLOGY			
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
1.	<p>Adopted: 30th June, 2013. Signed: 30th June, 2013. Ratified: November, 2019. Obligation to Government: The Protocol seeks to promote ICT services in the Common Market Protocol, harmonize ICT policies and establish and manage technology networks across the bloc.</p>		
	<p>The Government has undertaken/is undertaking the following:</p> <ul style="list-style-type: none"> a) Laying 600km of fiber from Eldoret to Nadapal, Southern Sudan Border under the Kenya Sudan Broadband Connectivity project to promote cross border trade, connectivity and ease of doing business; b) Implementing and monitoring one network area for Mobile communication with South Sudan, Uganda and Rwanda; and c) Implementing a Postal Corporation of Kenya Transformation Strategy, 2023. 		
2.	<p>DUBAI CONVENTION ON INTERNATIONAL TELECOMMUNICATION REGULATIONS 2012</p> <p>Adopted: 14th December, 2012. Signed: 6th October, 2015. Obligation to the Government: To develop Regulations to Control traffic flows between telecommunication network operators; quality of international services, sufficiency of facilities; international routing, charging, accounting and billing between operators; health and safety priorities; prevent harm to networks and services.</p>		



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following:</p> <ol style="list-style-type: none"> a) Implementing the Data Protection Regulations, 2021; b) Continues to implement Phase II of the Child Online Protection Campaign targeting children and youth. The campaign targets to enable children to use the internet responsibly by equipping them with skills to stay safe online; c) Celebrates the “<i>Cyber Soljas Game</i>” Safer Internet Day on the 2nd week of February annually. The theme of the 2024 celebration was; d) Launched the “<i>Cyber Soljas Game</i>” during the 2022 Safer Internet Day celebrated on the 2nd week of February annually. The game empowers and teaches children how to stay safe online. The Cyber Soljas game won an award for the Most Promising Innovation during the 2022 Africa Public Service Day; e) Has mandated Communication Authority of Kenya (CA) and Kenya National Bureau of Statistics (KNBS) to collaborate in developing a joint proposal to undertake national study on child online protection based on the ITU child online protection indicators. This joint initiative shall support the collection and analysis of data and the production of statistics and indicators on child online protection that will contribute to public policy design and implementation, enabling cross-country comparisons; f) Established the National Kenya Computer 	<ul style="list-style-type: none"> ▪ Inadequate awareness of the campaign. ▪ Inadequate funds to undertake implementation ▪ Inadequate funds to undertake implementation 	<ul style="list-style-type: none"> ▪ Continuous awareness creation. ▪ Enhanced budget allocation ▪ Enhanced budget allocation



- Incident Response Team-Coordination Centre (National KE-CIRT/CC) under CA collaborated with ITU in enhancing the country's capacity in the management of cybersecurity and mitigating cybercrime;
- g)* Government set up the National KE-CIRT/CC as multi-agency collaboration framework that consists of CA and law enforcement agencies that facilitates the cyber threat detection; prevention and cyber threat analysis, as well as cybercrime investigations, including digital forensics and the preparation of digital evidence for prosecution;
- h)* Ensuring better protection of Kenya's ICT infrastructure, including critical information infrastructure by enhancing the capabilities of the National KE-CIRT/CC;
- i)* Upgraded the National KE-CIRT/CC Administrative Systems. This entails upgrading the National KE-CIRT/CC Administrative Systems to the latest versions to ensure enhanced security of the systems and also enable the utilization of new system capabilities and features;
- j)* Developing a Framework for Addressing Counterfeit, Stolen and Illegal Devices and Simboxing that has undergone public consultation process and is currently in the approval process. The framework addresses the recommendations made in ITU-T Q.5050 standard;
- k)* Through the Partner to Connect (P2C) initiative, it has set its goal towards "A *Digitally Transformed Nation*" through the establishment of infrastructure connectivity services for purposes of attaining widespread access to ICT services, support capacity



- building and promoting innovation within the ICT sector. The programme is specifically geared towards addressing the needs of disadvantaged communities, particularly those in unserved and underserved areas;
- l)* Remains an active participant in ITU meetings in all the three sectors of the Union. It has further provided leadership at the ITU in various capacities which includes continued to chair the Radiocommunication Advisory Group (2016–2023); Vice-Chair ITU-R SG 1: Spectrum Management (2020–2023); Vice-Chair of ITU-R SG 6: Broadcasting Services (2020–2023);
- m)* updated the National Table of Frequency Allocations, with highlights being the identification of additional spectrum:
- i)* International Mobile Telecommunications (IMT) services including the 5th Generation of Mobile Telecommunications Technology (5G);
- ii)* Broadcasting-satellite service (BSS)—Protection of frequency assignments, providing a priority mechanism for developing countries to regain access to spectrum orbit resources;
- iii)* Global Maritime Distress and Safety System (GMDSS)—Expanded coverage and enhanced capabilities for GMDSS;
- iv)* High-altitude platform stations (HAPS)—To facilitate telecommunications within a wide coverage area below for affordable broadband access in rural and remote areas;
- v)* Wi-Fi networks—Regulatory provisions revised to accommodate both indoor and



- outdoor usage and the growth in demand for wireless access systems; and
- vi)* Railway radiocommunication systems between train and trackside (RSST)—To facilitate the deployment of railway train and trackside systems to meet the needs of a high-speed railway environment; and Earth exploration-satellite (EESS) service—Protection accorded to EESS in order to allow its use for satellite tracking, telemetry and control.
- n)* Promoting Telecommunication Quality of Service parameters by mandating the Communication Authority of Kenya (CA) to monitor the quality of service for Mobile Network Operators;
- o)* Piloted the Telecommunication Quality of Experience parameters, which are still under discussion with the mobile operators for refinement and possible use by the Authority in monitoring quality of experience for Mobile Network Operators;
- p)* Continued with the deployment of digital broadcast infrastructure to underserved and unserved areas where the national coverage has increased to 92% from the previous 90% reported in 2022. This is in line with ITU resolution on digital broadcast transmission;
- q)* Continues to deploy and rehabilitate the National Fibre Backbone infrastructure to complement the undersea cables, namely SEACOM, Lion, TEAMS and Eassy in order to enhance cross border connectivity with the neighbouring countries: Uganda, Tanzania and Southern Sudan under the EAC declaration. During the period under review, 650km of fibre from Eldoret to Nandapal, Kenya-Southern Sudan Border, were

	<p>rehabilitated to promote ease of doing business; and</p> <p>r) Developing Regulatory Framework for Addressing Counterfeit, Stolen and Illegal Devices and Simboxing, 2021, and has undergone public consultation process and is awaiting Cabinet approvals. The framework addresses the recommendations made in ITU-T Q.5050 standard.</p>	
--	---	--

ETHICS, INTEGRITY AND PUBLIC ADMINISTRATION		
UNITED NATIONS CONVENTION AGAINST CORRUPTION (UNCAC)		
<p>Adopted: 31st October, 2003. Signed: 9th December, 2003. Ratified: 9th December, 2003. Entered into force: 14th December, 2005 Obligation to Government: To take legislative, policy and administrative measures towards the fight against corruption, especially in relation to Criminalization and Law Enforcement, prevention of corruption, International co-operation, asset recovery and technical assistance.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Slow legislative process ▪ Inadequate funding 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Fast track the enactment process ▪ Enhance budgetary allocation
<p>1.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <ol style="list-style-type: none"> a) Developing the Whistle Blower Protection Bill, 2023. The Bill was presented to parliament for debate on 1st September, 2023; b) Implements the Convention through establishment of anti-corruption institutions that undertake public education, sensitization/ awareness campaigns and formulates policies across all Government Ministries, Departments and Agencies (MDAs), including counties and the general public; c) celebrates the International Anti-Corruption Day annually on 9th December. The theme for the 2023 celebrations was “<i>UNCAC at 20: Uniting the World Against Corruption</i>” and was celebrated in Muranga county; d) Instituted several court proceedings for recovery of crime and successfully recovered proceeds of crime which include cash, motor vehicles, developed and undeveloped land, derived from crimes such as money laundering, wildlife crime, trafficking of narcotics, human trafficking and other predicate offences; 	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Slow legislative process ▪ Inadequate funding 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Fast track the enactment process ▪ Enhance budgetary allocation

	<p>e) Implementing the Proceeds of Crime and Anti-Money Laundering (Criminal Assets Recovery Fund) Regulations, 2023;</p> <p>f) Developed a policy on management and disposal of seized, preserved, and forfeited assets which provide a framework for management of seized, preserved, and forfeited or confiscated assets;</p> <p>g) Participated in the 10th Conference of the State Parties (COSP) held in December, 2023 in Atlanta, United States of America;</p> <p>h) Disseminated the National Ethics and Anti-Corruption Policy to state agencies for increased awareness, creation and sensitization of the policy objectives and action areas to duty bearers on their role in promoting ethics and integrity;</p> <p>i) Developing a documentary to mark twenty (20) years of Kenya's signing and ratification of the United Nations Convention Against Corruption; and</p> <p>j) Capacity building of public officers on integrity and anti-corruption measures.</p>	<ul style="list-style-type: none"> ▪ Slow implementation of the policy ▪ Inadequate funds 	<ul style="list-style-type: none"> ▪ Fast track policy implementation ▪ Enhance budgetary allocation 						
2.	<p>AFRICAN CONVENTION ON PREVENTING AND COMBATING CORRUPTION</p> <p>Adopted: 1st July, 2003. Entered into force: 5th August, 2006. Signed: 17th December, 2003. Ratified: 3rd February, 2007.</p> <p>Obligation to Government: To criminalize various acts of corruption, facilitate the provision of mutual legal assistance and cooperation between law enforcement agencies involved in the fight against corruption.</p> <table border="1" data-bbox="1161 208 1369 1977"> <thead> <tr> <th data-bbox="1161 1308 1230 1977">MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</th> <th data-bbox="1161 723 1230 1308">CHALLENGES</th> <th data-bbox="1161 208 1230 723">RECOMMENDATIONS</th> </tr> </thead> <tbody> <tr> <td data-bbox="1230 1308 1369 1977"> <p>The Government has undertaken/is undertaking the following:</p> <p>a) Developing the Whistle Blower Protection Bill, 2023. The Bill was presented to parliament for</p> </td> <td data-bbox="1230 723 1369 1308"> <ul style="list-style-type: none"> ▪ Slow legislative process </td> <td data-bbox="1230 208 1369 723"> <ul style="list-style-type: none"> ▪ Fast track the enactment process </td> </tr> </tbody> </table>			MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS	<p>The Government has undertaken/is undertaking the following:</p> <p>a) Developing the Whistle Blower Protection Bill, 2023. The Bill was presented to parliament for</p>	<ul style="list-style-type: none"> ▪ Slow legislative process 	<ul style="list-style-type: none"> ▪ Fast track the enactment process
MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS							
<p>The Government has undertaken/is undertaking the following:</p> <p>a) Developing the Whistle Blower Protection Bill, 2023. The Bill was presented to parliament for</p>	<ul style="list-style-type: none"> ▪ Slow legislative process 	<ul style="list-style-type: none"> ▪ Fast track the enactment process 							

	<p>debate on 1st September, 2023;</p> <p>b) Put in place legal and institutional framework to implement the Convention;</p> <p>c) Celebrates annually on the 11th July the African Anti-Corruption Day designated by the African Union The theme for the 2023 celebrations was “AUCPCC, 20 Years After: <i>Achievements and Prospects</i>”; and</p> <p>d) Capacity building of public sector legal practitioners on integrity and anti-corruption measures to equip the officers with the requisite knowledge and skills with which to mainstream ethics and integrity in their operational areas.</p>	<ul style="list-style-type: none"> ▪ Inadequate funding ▪ Enhance budgetary allocation 		
3.	<p>AFRICAN CHARTER ON VALUES AND PRINCIPLES OF PUBLIC SERVICE AND ADMINISTRATION</p> <p>Adopted: 31st January, 2011. Entered into force: 23rd July, 2016. Date of Ratification: 17th August, 2011. Obligation to Government: To take legislative and administrative actions to give effect to the Charter. The Government is expected to submit the first report on implementation of the Charter two years from when the Charter entered into force and thereafter every two years.</p>	<p>MEASURES UNDERTAKEN AND ACHIEVED PROGRESS</p> <p>The Government has undertaken/is undertaking the following:</p> <p>a) Participated in the 9th Continental Africa Public Service Day (APSD) held in Victoria Falls, Zimbabwe on 23rd July, 2023, which was celebrated under the theme, “<i>Africa Continental Free Trade Area</i>”.</p> <p>b) Won three (3) awards: Automated Universal Sign Language Translation Innovation, won by a student from JKUAT; Coast Development Authority—Mangrove Restoration in Sandflat Desert; Huduma Kenya—Best Managed Organisation.</p> <p>c) Continues to evaluate Ministries, Departments and Agencies (MDACs) on the values and principles of governance in public service.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Inadequate awareness of the activities under the convention ▪ Delayed submissions of reports by some MDAs 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Enhanced publicity on the activities under the convention ▪ Timely reminders for submission of reports

LABOUR AND EMPLOYMENT FUNDAMENTAL CONVENTIONS				
1.	<p>FORCED LABOUR CONVENTION NO. 29 OF 1930</p> <p>Adoption: 28th June, 1930. Entry into Force: 1st May, 1932. Acceded: 13th January, 1964. Obligation to Government: To adopt measures to eliminate forced labour which refers to all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.</p>			RECOMMENDATIONS
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS	
2.	<p>RIGHT TO ORGANIZE AND COLLECTIVE BARGAINING ILO CONVENTION, NO. 98 OF 1949</p> <p>Adoption: 1st July, 1949. Entry into force: 19th July, 1951. Kenya acceded: 13th January, 1964. Obligation to Government: To ensure workers enjoy the Freedom of Association and protection of the right to organize</p>			RECOMMENDATIONS
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS	



3.	<p>EQUAL REMUNERATION CONVENTION, NO. 100 OF 1951</p> <p>Adoption: 29th June, 1951. Entry into force: 23rd May, 1953. Kenya acceded: 7th May, 2001. Obligation to Government: To ensure that workers' remuneration is established without discrimination based on sex.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p>a) Review of the salary structures for public service for the 2023/22-2024/25 remuneration review cycle is ongoing; and</p> <p>b) In August 2023 the SRC gazetted the Third Remuneration and Benefits Review Cycle for State and Public Officers for the Period 2023/2024 and 2024/2025.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Delay in Harmonization of House and other allowances ▪ Delay in harmonization of House and other allowances 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ SRC to fast track the review of the allowances.
4.	<p>ABOLITION OF FORCED LABOUR CONVENTION NO. 105 OF 1957</p> <p>Adoption: 25th January, 1957. Entry into force: 17th January, 1959. Kenya acceded: 13th January, 1964. Obligation to Government: To cancel certain forms of forced labour which are allowed under Forced Labour Convention of 1930.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p>a) Monitoring labour practices in all sectors to check existence of forced labour; and</p> <p>b) Deployed 49 Labour Inspectorates and continues to monitor labour practices to ensure Decent Work for All.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ The current tools in place do not adequately bring out accurate reported cases of forced labour. ▪ Inadequate resources. ▪ Inadequate resources 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Review the tools used to capture all cases reported on forced labour. ▪ Allocate more resources ▪ To lobby for allocation of more resources
5.	<p>DISCRIMINATION (EMPLOYMENT AND OCCUPATION) CONVENTION NO. 111 OF 1958</p> <p>Adoption: 25th June, 1958. Entry into force: 15th June, 1960.</p>		



	<p>Kenya acceded: 7th May, 2001. Obligation to Government: To abolish discrimination in all its forms without distinction.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Implementing the Access to Government Procurement Opportunity (AGPO) Programme. The objective is to empower women, youth and persons with disability and create opportunity to do business with Government. The Programme facilitates these groups' access to government procurement, up to 30% of all opportunities available;</p> <p><i>b)</i> Implementing the Women Enterprise Fund, The National Government Affirmative Fund, Youth Fund, Uwezo Fund and Hustler Fund to provide access to credit for youth, women and persons with disabilities; and</p> <p><i>c)</i> Continues to monitor the provisions of the law to ensure non-discrimination of all workers.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Lack of awareness on the targeted groups of opportunities available under the AGPO Programme. ▪ Lack of awareness on the opportunities provided under the AGPO Programme. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Undertake public awareness campaigns to the targeted beneficiaries. ▪ Undertake public awareness campaigns on targeted groups.
6.	<p>MINIMUM AGE CONVENTION, 138 OF 1973</p> <p>Adoption: 6th June, 1973. Entry into Force: 19th June, 1976. Kenya acceded: 9th April, 1979. Obligation to Government: To abolish child labour.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Implementing the Decent Work Country Programme (DWCP) 2021–2024. A report for the year 2023 has been developed and is awaiting approval from the National Tripartite Steering Committee to validate and approve before submission to the ILO;</p> <p><i>b)</i> Has put in place a National Steering Committee on Elimination of Child Labour to guide on policy formulation, monitoring the implementation and action plans that are geared towards elimination of child labour;</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Financial constraint to implement the activities 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Provision of more funds



	<p>c) Trained 195 Labour Inspectorate Staff and Employment Staff on Worst Forms Child Labour in June 2023. The training built their capacity on child labour and guided on child labour Inspection as well as collaborating with other stakeholders through County Committees on Child Labour;</p> <p>d) Extended the DWCP by one year and re-aligned it with the Bottom-Up Economic Transformation Agenda (BETA);</p> <p>e) Reviewing the National Policy on the Elimination of Child Labour, 2015; and</p> <p>f) Developing the National Action Plan on Child Labour for the period 2024- 2030.</p>	<ul style="list-style-type: none"> ▪ Financial constraint to implement the activities ▪ Financial constrain to implement the activities 	<ul style="list-style-type: none"> ▪ Lobby for allocation for more resources. ▪ Provision of more funds
7.	<p>CONVENTION CONCERNING THE PROHIBITION AND IMMEDIATE ACTION FOR THE WORST FORMS OF CHILD LABOUR NO. 182 OF 1999</p> <p>Adoption: 17th June, 1999. Entered into force: 19th November, 2000. Kenya acceded: 7th May, 2001. Obligation to Government: Elimination of the worst forms of child labour with immediate action.</p>		
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p>a) Implementing the Decent Work Country Programme (DWCP) 2021/2024. The objective of the framework is based on three priority areas which includes human capital development, sustainable economic growth and social dialogue and tripartism. A report for the year 2023 has been developed and is awaiting approval from the National Tripartite Steering Committee to validate and approve before submission to the ILO;</p> <p>b) Developing the National Action Plan on Child Labor in Kenya 2024-2030;</p> <p>c) The DWCP by one year and re-aligned it with the Bottom-Up Economic Transformation Agenda (BETA);</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Financial constrain to implement the activities ▪ Inadequate funding for activities of the Committees. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Provision of more funds ▪ Treasury to provide more funds.



	<p><i>d)</i> Revived the Technical Working Group on the child labour and the County Child Labour Committees in Kwale, Kajiado, Nairobi, Vihiga, Busia, Bungoma, Kisii, Kericho, Kirinyaga, Meru, Muranga, Isiolo and Turkana counties;</p> <p><i>e)</i> Trained 195 Labour Inspectorate Staff and Employment Staff on Worst Forms of Child Labour in June 2023. The training built their capacity on child labour and guided on child labour inspection as well as collaborating with other stakeholders through County Committees on Child Labour; and</p> <p><i>f)</i> Reviewing the National Policy on Elimination of Child Labour 2015 and the National Childrens Policy Kenya 2010 to address emerging issues.</p>	<ul style="list-style-type: none"> ▪ No funding for activities of the Committees. ▪ No funding for training the officers 	<ul style="list-style-type: none"> ▪ Treasury to provide funding to the ministry. ▪ Provision of more funding
--	---	--	---

GOVERNANCE CONVENTIONS		
1.	LABOUR INSPECTION (INDUSTRY) CONVENTION NO. 81 OF 1947	
	<p>Adoption: 11th June, 1947. Entry into force: 7th April, 1950. Kenya acceded: 13th January, 1964. Obligation to Government: To undertake labour inspection in industrial workplaces to ensure compliance with minimum labour standards.</p>	
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Ensured effective consultations with respect to the matters concerning the activities of the International Labour Organization (ILO);</p> <p><i>b)</i> Trained 195 Labour Inspectorate Staff and Employment Staff on Worst Forms of Child Labour in March 2024. The training built their capacity on child labour and guided on child labour inspection as well as collaborating with other stakeholders through County Committees on Child Labour;</p> <p><i>c)</i> Reported 240 fatal cases out of which 108 were investigated and finalized;</p> <p><i>d)</i> A total of 17,326 labour disputes were settled from 1st January 2023 to 31st December, 2023. This resulted in payment of kshs. 82,918,457.20 directly to the claimants;</p> <p><i>e)</i> Undertakes labour inspections after every six (6) months. A total of 12,156 inspections were done from 30th June 2023 to date. A total of 6,560 safety and health inspections were carried out by occupational safety & health (osh) officers;</p> <p><i>f)</i> Monitors compliance with labour laws by the employers as well as advising on changes and implementation to the statute; and</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Through continuous labour inspections, labour inspectorate are able to check on compliance with labour laws and this includes forced labour
		<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Collaboration among all enforcement agencies e.g ODPP, Police, Labour Inspectorate, Children Officers, CTiP



	g) For the period January 2023 to December 2023, the Employment and Labour Relations Court handled a total of 450 cases, while 390 cases were resolved.		
2.	<p>LABOUR INSPECTION (AGRICULTURE) CONVENTION NO. 129 OF 1969</p> <p>Adoption: 25th June, 1969. Entry into Force: 19th January, 1972. Kenya acceded: 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.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p>a) Set up procedures which ensure effective consultations between the representatives of Government (The Ministry of Labour), employer representatives (Federation of Kenya Employers) and workers representatives (Trade Unions) with respect to the matters concerning the activities of the International Labour Organization (ILO).</p> <p>b) Ensures effective consultations with respect to the matters concerning the activities of the International Labour Organization (ILO).</p> <p>c) Trained 162 Labour Inspectorate Staff and Employment Staff on Worst Forms Child Labour in June, 2023. The training built their capacity on child labour and guided on child labour Inspection as well as collaborating with other stakeholders through County Committees on Child Labour.</p> <p>d) Continuously monitors compliance of labour laws and advises employers on any changes in implementation of the statute.</p> <p>e) Carried out a total of 12,156 inspections from 1st January, 2023 to 31st December, 2023. A total of 6,560 safety and health inspections were carried out by Occupational Safety & Health (OSH) Officers</p>	CHALLENGES	RECOMMENDATIONS
		<ul style="list-style-type: none"> ▪ Inadequate training programmes ▪ Inadequate skillset for the personnel in line with the requirement of ILO 	<ul style="list-style-type: none"> ▪ Lobbying more resources for capacity building.
		<ul style="list-style-type: none"> ▪ Inadequate office infrastructures in the counties 	<ul style="list-style-type: none"> ▪ Improve working environment in the counties.



3.	<p>TRIPARTITE CONSULTATION (INTERNATIONAL LABOUR STANDARDS) CONVENTION, NO. 144 of 1976</p> <p>Adoption: 21st June, 1976. Entry into force: 16th May, 1978. Kenya acceded: 6th June, 1990. Obligation to Government: To 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.</p>						
	<table border="1"> <thead> <tr> <th data-bbox="512 1160 644 1966">MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</th> <th data-bbox="512 647 644 1160">CHALLENGES</th> <th data-bbox="512 194 644 647">RECOMMENDATIONS</th> </tr> </thead> <tbody> <tr> <td data-bbox="512 1160 644 1966"> <p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Re-constituted the National Labour Board in May 2023. The Board is tripartite in nature and is operational having held its first meeting in August, 2023.</p> </td> <td data-bbox="512 647 644 1160"> <ul style="list-style-type: none"> ▪ Inadequate funding </td> <td data-bbox="512 194 644 647"> <ul style="list-style-type: none"> ▪ Increased budgetary allocations </td> </tr> </tbody> </table>	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS	<p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Re-constituted the National Labour Board in May 2023. The Board is tripartite in nature and is operational having held its first meeting in August, 2023.</p>	<ul style="list-style-type: none"> ▪ Inadequate funding 	<ul style="list-style-type: none"> ▪ Increased budgetary allocations
MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS					
<p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Re-constituted the National Labour Board in May 2023. The Board is tripartite in nature and is operational having held its first meeting in August, 2023.</p>	<ul style="list-style-type: none"> ▪ Inadequate funding 	<ul style="list-style-type: none"> ▪ Increased budgetary allocations 					

TECHNICAL CONVENTIONS			
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
1.	<p>UNEMPLOYMENT CONVENTION, NO. 2 OF 1919</p> <p>Adoption: 28th November, 1919. Entry into Force: 14th July, 1921. Kenya acceded: 13th January, 1964. Obligation to Government: To provide against unemployment and promote effective monitoring and proper planning to address unemployment.</p> <p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> establishing an Unemployment Benefits Fund under the NSSF (Amendment Bill) and Migrant Workers Fund which are currently at Office of the Attorney General for legal drafting.</p> <p><i>b)</i> support of the African Development Bank (AfDB), under TVET Phase III (2021–2025), has embarked on capacity building and equipping TVET Institutions.</p>	<p>Lack of awareness by job seekers of existence of the system</p> <p>Inadequate funding</p> <p>Lack of awareness by the beneficiaries</p> <p>Inadequate skills</p>	<p>Creation of awareness</p> <p>Enhanced budgetary allocation</p> <p>Government to undertake training and capacity building</p>
2.	<p>RIGHT OF ASSOCIATION (AGRICULTURE) CONVENTION NO. 11 OF 1921</p> <p>Adoption: 12th November, 1921. Entry into Force: 11th May, 1923. Kenya acceded: 13th January, 1964. Obligation to Government: To put in place policy, legislative and institutional framework to ensure workers in the agricultural sector are properly compensated through wage fixing mechanism and protect the rights of association for agricultural workers.</p> <p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Registered Kenya Export Horticulture and Allied Workers Union (KEHAWU);</p> <p><i>b)</i> Continues to put in place a conducive environment for the registration of new trade unions to protect workers in the agricultural sector; and</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>



	<p>c) A draft Agricultural (Amendment) Wages Order has been developed to improve the terms and conditions of workers in the agricultural sector and is awaiting validation.</p>		
<p>3.</p>	<p>WEEKLY REST (INDUSTRY) CONVENTION, 1921 Adoption: 17th November, 1921. Entry into Force: 19th June, 1923. Kenya acceded: 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.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p>a) Undertakes Labour inspections after every 6months.A total of 12'156 inspections were done from 1stJanuary 2023 to 31st December 2023;</p> <p>b) Has put in place efforts in implementing the provisions of the Employment Act, CAP. 226, which provides for a weekly rest day after working for 6 days consecutively;</p> <p>c) Ensures compliance through the Labour Inspectorates stationed in the 49 Labour Offices to conduct Labour Inspections on all terms of employment including weekly rest days; and</p> <p>d) Monitors compliance with labour laws by the employers, as well as advising on changes and implementation to the statute.</p> <p>e) Continues to implement the Human Resource Policies and Procedures Manual, 2016.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Inadequate staffing ▪ Non compliance on the weekly rest day especially with the private sector ▪ Inadequate staffing 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Recruitment of more staff ▪ The government to enhance enforcement measures Recruit more labour officers ▪ Recruit more labour officers
<p>4.</p>	<p>PROTECTION AGAINST ACCIDENTS (DOCKERS) CONVENTION REVISED, No. 32 of 1932</p> <p>Adoption: 27th April, 1932. Entry into force:30th April, 1934. Kenya acceded: 13th January, 1964. Obligation to Government: Protect workers (Dockers) against accidents, injuries, hazard control in loading and unloading ships.</p>		



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following:</p> <p>a) A total of 6,560 safety and health inspections were carried out to ensure compliance with the provision of this Convention;</p> <p>b) Initiated the review of the Occupational Safety and Health Act, CAP. 236A and Work Injury and Benefits Act (WIBA), CAP 236. The two Bills are undergoing public participation;</p> <p>c) Developed and reviewed subsidiary legislation on First Aid at Work Regulations under the Occupational, Safety and Health Act, CAP. 236A which were signed and submitted to the Office of the Attorney General for publication;</p> <p>d) A total of 7,764 workers from 288 workplaces on Occupation, Safety and Health (OSH), First Aid and Fire Safety;</p> <p>e) During the period under review a total of 59,288 workers were medically examined in hazardous occupations;</p> <p>f) Inducted 65 OSH Champions from the public sector on the use of the inspection tool kit;</p> <p>g) Purchased a safety and health ambulant unit with modern specialized Occupation ,Safety and Health (OSH) surveillance equipment; and</p> <p>h) An inspection tool kit was rolled out in the textile and apparel sector during the period under review.</p>	<ul style="list-style-type: none"> ▪ Inadequate staffing ▪ Inadequate funding ▪ Lack of adequate trained workers ▪ Inability to reach all workers for lack of resources ▪ Inability to reach all workers for lack of resources ▪ Inadequate staff ▪ Inadequate funds to pilot the tool kit 	<ul style="list-style-type: none"> ▪ Recruit adequate staff ▪ Allocate more funds ▪ Increase the number of workers to be trained. ▪ Allocate more funds ▪ Allocate more funds ▪ Recruit adequate trained staff ▪ Allocation of funds to pilot the tool kit
5.	<p>LABOUR CLAUSES (PUBLIC CONTRACTS) CONVENTIONS, NO. 94 of 1949</p> <p>Adoption: 29th June, 1949. Entry into force: 20th September, 1952. Kenya acceded: 13th January, 1964. Obligation to Government: To ensure that in contracting for execution of public works or supply of goods and services, public authorities should concern themselves with working conditions under which operations are carried out.</p>		



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following:</p> <p>a) Continuously monitors compliance with labour laws by the employers and undertakes routine labour inspections;</p> <p>b) Undertakes Labour inspections after every six (6) months. A total of 12,156 inspections were done from 1st January 2023 to 31st December, 2023; and</p> <p>c) A total of 6,560 safety and health inspections were carried out to ensure compliance with the Convention.</p>	<ul style="list-style-type: none"> ▪ Inadequate funding to implement labour laws. ▪ Inadequate staff to carry out the inspections ▪ Inadequate funding. 	<ul style="list-style-type: none"> ▪ Allocate more funds ▪ Recruit more staff ▪ Enhance funding.
6.	<p>MIGRATION FOR EMPLOYMENT CONVENTION, NO. 97 OF 1949</p> <p>Adoption: 1st July, 1949. Entry into force: 22nd January, 1952. Acceded: 30th November, 1965. Obligation to government: to report to the ilo measures on migration for employment and the conditions for work and livelihood of migrant workers.</p>		
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p>a) Initiated a review of all Bilateral Labour Agreements (BLAs) between Kenya and the Kingdom of Saudi Arabia, the Kingdom of Qatar, United Arab Emirates and the United Kingdom. A model BLA for use during these negotiations and a model Contract of Employment for the employers and employees have been developed;</p> <p>b) Introduced online attestation of foreign contracts. During the period between 1st July, 2023 to 31st January, 2024, 27,369 foreign contracts of service were attested to by the government. 14,876 foreign contracts were attested between January to March, 2024;</p> <p>c) Implementing the Global Labour Migration Strategy, 2023.</p> <p>d) The Directorate of Labour Migration Management was established vide Executive Order No. 2 of 2023 as one of the efforts to promote Labour Migration Governance in the Country;</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Slow system ▪ Reluctance by some recruitment agencies. ▪ Inadequate funding to implement the model BLAs 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ The Government to enhance the capacity of the online platform. ▪ Enhance sensitization ▪ Allocate more funds



	<p>e) Established a desk at the Jomo Kenyatta International Airport to address the challenges of irregular migration that exposes migrant workers to distress;</p> <p>f) Undertaking stakeholder engagement in preparation for the ratification of the Private Employment Agencies Convention 1997 (No. 181); and</p> <p>g) Finalizing the Labour Migration Bill, 2023 and Labour Migration Policy, 2023.</p>	<ul style="list-style-type: none"> ▪ Inadequate staffing ▪ Inadequate funds 	<ul style="list-style-type: none"> ▪ Recruit more staff ▪ Allocation of more funds
7.	<p>MINIMUM WAGE FIXING MACHINERY (AGRICULTURE) CONVENTION, 99 of 1951</p> <p>Adoption: 28th June, 1951. Entry into Force: 23rd August, 1953. Acceded: 9th February, 1971. Obligation to Government: 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.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p>a) Labour inspections after every six (6) months. A total of 12,156 inspections were done from 1st January, 2023 to 31st December, 2023; and</p> <p>b) Developing the National Wages and Remuneration Policy and is to be submitted to the Cabinet. The overall goal of the Policy is to ensure existence of a dynamic and equitable mechanism for determination and administration of wages and remuneration in the country.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Financial Constrain 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Provision of more funding.
8.	<p>DOCK WORK CONVENTION, NO. 137 OF 1973</p> <p>Adopted: 25th June, 1973. Entered into force: 24th July, 1974. Kenya acceded to the Convention: 9th April, 1979. Obligation to Government: To afford protection to dock workers in their professional life and put in place appropriate mechanisms which are responsive to the dynamic work activities within the Port.</p>		



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following:</p> <p>a) A total of 6,560 inspections were carried out by health and safety officers to ensure compliance with the provisions of this Convention; and</p> <p>b) Four fatal injuries in the dock workers were investigated and concluded.</p>	<ul style="list-style-type: none"> ▪ Inadequate funds. ▪ Inadequate human resource ▪ Inadequate human resource 	<ul style="list-style-type: none"> ▪ Enhance budgetary allocations. ▪ Recruitment of more staff ▪ Recruitment of more staff
<p>9.</p>	<p>MIGRANT WORKERS (SUPPLEMENTARY PROVISIONS) CONVENTION, NO. 143 of 1945 Adoption: 24th June, 1975. Entry into Force: 9th December, 1978. Acceded: 9th April, 1979. Obligation to Government: To suppress clandestine movement of migrants for employment and illegal employment of migrants.</p>		
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p>a) Introduced online attestation of foreign contracts. During 1st July, 2023, to 31st January 2024 period, 27, 369 Foreign Contracts of Service were attested to by the Government;</p> <p>b) Initiated a review of Bilateral Labour Agreements (blas) between Kenya and other countries including Kingdom of Saudi Arabia, Kingdom of Qatar and United Arab Emirates. The review is guided by the model BLA and Contract of Employment. The existing BLA with United Kingdom are still under implementation;</p> <p>c) Developed a Global Labour Migration Strategy which is under implementation;</p> <p>d) The Directorate of Labour Migration Management was established vide Executive Order No. 2 of 2023 as one of the efforts to promote Labour Migration Governance in the Country;</p> <p>e) Established a desk at the Jomo Kenyatta International Airport to address the challenges of irregular migration that exposes migrant workers to distress; and</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ The system is still new and facing delays in terms of attestation ▪ Lack of awareness ▪ The process is a bit lengthy 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Improve capacity of the system ▪ Create awareness
		<ul style="list-style-type: none"> ▪ Inadequate staffing 	<ul style="list-style-type: none"> ▪ Recruit more staff

	<p><i>f)</i> Through the support of ILO, the Government is in the process of ratifying Private Employment Agencies Convention 1997 (No. 181);</p> <p><i>g)</i> Developing subsidiary Regulations for Private Employment Agencies Regulations to enhance coordination and enforcement mechanisms;</p> <p><i>h)</i> The vetting of Private Recruitment Agencies has been enhanced to ensure that migrant workers are recruited through regular channels;</p> <p><i>i)</i> Currently drafting the Labour Migration Bill, 2023 and the Labour Migration Policy, 2023;</p> <p><i>j)</i> Enhanced pre-departure training through the National Industrial Training Authority (NITA). 91,789 migrant workers were trained;</p> <p><i>k)</i> Currently drafting the Labour Migration Bill, 2023 and the Labour Migration Policy, 2023; and</p> <p><i>l)</i> Enhanced pre-departure training through the National Industrial Training Authority (NITA). 91,789 migrant workers were trained.</p>	<ul style="list-style-type: none"> ▪ Inadequate funding ▪ Inadequate staffing ▪ Lack of awareness 	<ul style="list-style-type: none"> ▪ Enhance budgetary allocation ▪ Recruit more staff ▪ Increase of training centers for migrant workers
10.	<p>WORKMEN'S COMPENSATION (ACCIDENTS) CONVENTION, NO. 19 OF 1925</p> <p>Adoption: 10th June, 1925. Entry into Force: 1st April, 1927. Acceded: 13th January, 1964. Obligation to Government: Ensuring adequate compensation of workers injured or killed in the course of employment.</p>		
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> A total of 240 fatal cases were reported and 108 cases investigated in the period under review.</p> <p><i>b)</i> A total of 4,136 Workmens Compensation cases were reported and 3,120 were resolved. Kshs. 12, 899,111 was</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Delaying reporting of cases ▪ Prolonged resolution of cases ▪ Delaying reporting of cases ▪ Delays in compensating the families of 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Reporting of cases on time ▪ Reporting of cases on time ▪ Enhance the budgetary



	<p>paid out to the injured workers and their dependents.</p> <p>c) Finalizing the review of the Occupational Safety and Health Act, CAP. 236A and the Work Injury Benefits Act, CAP. 236. The two Bills were finalized and are ready for public participation.</p>	<p>the victims and the workers.</p> <ul style="list-style-type: none"> ▪ Inadequate funding 	<p>allocation.</p> <ul style="list-style-type: none"> ▪ Create awareness. ▪ Enhance the budgetary allocation
11.	<p>MINIMUM WAGE-FIXING MACHINERY CONVENTION, NO. 26 OF 1928 Adoption: 16th June, 1928. Entry into Force: 14th June, 1930. Acceded: 13th January, 1964. Obligation to Government: To ensure that the lowest paid workers (particularly in home-working trades) 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.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Pending litigation is hampering the operation of the Councils. ▪ Delay in concluding the process due to lengthy consultations. ▪ Inadequate funding 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Fast tracking the dispute resolution. ▪ Fast track the process. ▪ Enhanced budgetary allocation
12.	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p>a) Developing the National Wages and Remuneration Policy and will be submitted to the Cabinet. The overall goal of the Policy is to ensure existence of a dynamic and equitable mechanism for determination and administration of wages and remuneration in the country; and</p> <p>b) Established the Seafarers Wages Council to assist in determination of wages in the Maritime Sector.</p> <p>CONVENTION CONCERNING STATISTICS OF WAGES AND HOURS OF WORK NO. 63 OF 1938 Adoption: 20th June, 1938. Entry into Force: 22nd June, 1940. Acceded: 13th January, 1964. Obligation to Government: To collect, compile and submit statistics relating to wages and hours of work to the ILO in quarterly or periodic intervals.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Inadequate coordination in provision of the data 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Enhance mechanism to provide needed coordination



	<p>Committee of Experts for the period 1st January, 2023 to 31st August, 2023;</p> <p>b) Planning to undertake a National Labour Force Survey on employment parameters such as working hours; and</p> <p>c) The Minimum Wages Order, 2023 that is being enforced currently provides for hourly rates for all workers in different areas.</p>	<ul style="list-style-type: none"> ▪ Inadequate funds ▪ Inadequate staffing 	<p>data.</p> <ul style="list-style-type: none"> ▪ Enhanced budgetary allocation ▪ Recruitment of more staff
13.	<p>EMPLOYMENT SERVICE CONVENTION, NO. 88 of 1948</p> <p>Adoption: 9th July, 1948. Entry into Force: 10th August, 1950. Acceded: 13th January, 1964. Obligation to Government: To 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.</p>	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following:</p> <p>a) Established the National Employment Authority Integrated Management System (NEAIMS). This is an Online Digital Portal used by the Citizens to have easy access to the services from the National Employment Authority;</p> <p>b) The National Employment Authority (NEA) promotes employment both locally and internationally. The Authority regulates Private Employment Agencies that are placing people for work abroad; and</p> <p>c) Registered 183,177 job seekers on jobs abroad through the National Employment Authority Integrated Management System (NEAIMS); who were placed in gainful employment. 147 youth were placed on internship and attachment.</p>	<ul style="list-style-type: none"> ▪ Lack of awareness of job seekers ▪ Inadequate staff 	<ul style="list-style-type: none"> ▪ Need for more sensitization to the youth to log in to the platform and apply ▪ Recruit more staff

14.	<p>NIGHT WORK (WOMEN) CONVENTION (REVISED) OF 1948 NO. 89</p> <p>Adoption: 9th July, 1948. Entry into Force: 27th February, 1951. Acceded on: 30th November, 1965. Obligation to Government: Regulation of conditions for night work for women.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <ol style="list-style-type: none"> Engaging stakeholders to consider denouncing this Convention because it has become obsolete; Hours of work is one of the terms and conditions of employment regulated under the Employment Act, CAP. 226 and Labour Institutions Act, CAP. 234 which established the Sectoral Wages Councils that develops wages orders; and Night Work is generally controlled through Regulations under the Act and the various Wage Orders. 	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Funding for stakeholder engagement ▪ None 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Enhanced budgetary allocation
15.	<p>EQUALITY OF TREATMENT (SOCIAL SECURITY) CONVENTION, NO. 118 of 1962</p> <p>Adoption: 28th June, 1962. Entry into Force: 25th April, 1964. Accession: 9th February, 1971. Obligation to Government: In respect of any one or more of the following branches of social security: medical care, sickness, maternity, invalidity, old-age, survivors', employment injury, unemployment benefit and family benefit.</p> <p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <ol style="list-style-type: none"> Process of rolling up the Social Health Insurance Fund (SHIF) which is milestone that signifies a crucial step toward achieving Universal Health Coverage (UHC); Started implementing the National Social Security Fund Act, CAP. 258 on tiers of membership contributions; and Developing the National Retirement Benefits Policy, 2024. 	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Inadequate funds ▪ Inadequate funds ▪ Inadequate funds 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Enhanced budgetary allocation ▪ Enhanced budgetary allocation. ▪ Enhanced budgetary allocation

16.	<p>MINIMUM WAGE FIXING CONVENTION, NO. 131 of 1970 Adoption: 22nd June, 1970. Entry into Force: 29th April, 1972. Accession: 9th April, 1979. Obligation to Government: 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.</p>	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED The Government has undertaken/is undertaking the following: The Government established the Seafarers Wages Council to assist in determination of wages in the Maritime Sector.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Inadequate funding ▪ Inadequate funding 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Enhance budgetary allocation. ▪ Enhance budgetary allocation.
17.	<p>HOLIDAYS WITH PAY CONVENTION (REVISED), NO. 132 of 1970 Adoption: 24th June, 1970. Entry into Force: 30th June, 1973. Ratification: 9th April, 1979. Obligation to Government: To ensure 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.</p>	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED The Government has undertaken/is undertaking the following: a) Undertakes Labour inspections after every six (6) months. A total of 12,156 inspections were done from 1st January 2023 to 31st December, 2023; b) Monitors compliance with labour laws by the employers, as well as advising on changes and implementation to the statute; and c) A total of 14,719 labour disputes on terms and conditions of employment were settled resulting to payment of ksh. 91,607,948 to the claimants in the period 1st January, 2023 to 31st December, 2023.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Inadequate funding ▪ Inadequate staff ▪ Inadequate staff 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Enhance budgetary allocations ▪ Recruitment of more staff ▪ Recruitment of more staff
18.	<p>WORKERS' REPRESENTATIVES CONVENTION, NO. 135 OF 1971 Adoption: 23rd June, 1971. Entry into Force: 30th June, 1973. Acceded: 9th April, 1979. Obligation to Government: To provide protection of workers against anti-union discrimination in respect of their employment.</p>			

	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government ensures that the Workers representatives at the Workplaces are protected through Registration of Collective Bargaining Agreements. The Government has registered 305 CBAs in 2023.</p>	<ul style="list-style-type: none"> ▪ Lack of an online system to capture applications and, registrations of CBAs 	<ul style="list-style-type: none"> ▪ Automate the system.
19.	<p>PAID EDUCATIONAL LEAVE CONVENTION, NO. 140 1974</p> <p>Adoption: 24th June, 1974. Entered into force: 23rd September, 1976. Accession: 9th April, 1979. Obligation to Government: To formulate and apply policies designed to promote granting of paid educational leave for purposes of training at any level, general, social and civic education and trade union education.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Inadequate funding 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Enhancing budgetary allocations.
20.	<p>RURAL WORKERS' ORGANISATIONS' CONVENTION, NO. 141 OF 1975</p> <p>Adoption: 23rd June, 1975. Entry into Force: 24th November, 1977. Accession: 9th April, 1979. Obligation to Government: To ensure promotion of freedom of association for rural workers Organizations and realization of labour rights.</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Inadequate funding. ▪ Inadequate resources necessary to undertake inspections. ▪ Inadequate staff ▪ Inadequate funding. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Enhance budgetary allocation. ▪ Recruitment of more staff and enhanced allocation of more funds ▪ Enhance budgetary allocation
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p>a) Undertakes inspections in the rural agricultural sector working environment and wage fixing mechanism. A total of 12,156 inspections were carried out by the Labour Inspectorate from 1st July 2023 to 31st December, 2023 countrywide; and</p> <p>b) Established the Agricultural Industry Wages Councils that oversees the labour issues in the agriculture sector through the Wages Orders. Further, routine labour inspections are conducted by the Labour Inspectorates to ensure</p>	<p>CHALLENGES</p> <ul style="list-style-type: none"> ▪ Inadequate funding. ▪ Inadequate resources necessary to undertake inspections. ▪ Inadequate staff ▪ Inadequate funding. 	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Enhance budgetary allocation. ▪ Recruitment of more staff and enhanced allocation of more funds ▪ Enhance budgetary allocation

	compliance to minimum labour standards in the agriculture sector.		
21.	<p>HUMAN RESOURCES DEVELOPMENT CONVENTION, NO. 142 of 1975 Adoption: 23rd June, 1975. Entry into Force: 19th July, 1977. Accession: 9th April, 1979. Obligation to Government: To ensure adequate supply of skilled manpower at all levels of industry particularly through vocational guidance and training systems.</p>		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following;</p> <p><i>a)</i> Developed Public Service Human Resource Procedure Manual, 2016, that has made provisions for internship programme, induction, training, development and capacity building of public servants;</p> <p><i>b)</i> Supports a number of internships programmes in the public service by funding, equipping, and providing space and supervision for the interns who are deployed to State Departments and State Corporations. These include;</p> <p>(i) Public Service Internship Programme (PSIP), (ii) Presidential Digi-Talent Programme (PDPT); and (iii) Veterinary Interns Programme recruited and deployed interns to various institutions.</p> <p><i>c)</i> The Programme offers opportunity for graduates to acquire and develop valuable technical and professional skills as well as work experience in the public service. Currently, there are 3,267 graduates were selected for the 12-month programme scheduled to run for the 2023/2024 financial year; and</p> <p><i>d)</i> Continuously putting efforts to develop the Capacities of the Public Servants and other cadres of workers through formulation of policies and programmes through Institutions such as TVETs, Kenya School of Government, National Industrial Training, the Department of skills development under Ministry of Labour and Social Protection.</p>		

22.	<p>NURSING PERSONNEL CONVENTION, NO. 149 of 1977</p> <p>Adopted: 21st June, 1977. Entry into force: 11th July, 1979. Accession: 6th June, 1990.</p> <p>Obligation to Government: To adopt and apply, in a manner appropriate to national conditions, a policy concerning nursing services and nursing personnel designed to provide the quantity and quality of nursing care necessary for attaining the highest possible level of health for the population.</p> <table border="1"> <thead> <tr> <th data-bbox="475 1207 512 1966">MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</th> <th data-bbox="475 645 512 1207">CHALLENGES</th> <th data-bbox="475 199 512 645">RECOMMENDATIONS</th> </tr> </thead> <tbody> <tr> <td data-bbox="512 1207 1094 1966"> <p>The Government has undertaken/is undertaking the following:</p> <ul style="list-style-type: none"> a) Accredited institutions to offer training to nurses; b) Continues to implement the National Nursing and Midwifery Policy, 2022–2032 which discusses the importance of nursing and midwifery in Kenya as they form approximately 70% of the health workforce and are responsible for over 80% of health indicators; c) Negotiations with the Kingdom of Saudi Arabia for recruitment of health workers; d) In collaboration with WHO conducted training sessions to cascade Intractable Diseases, Surveillance and Response (IDSR) Based on the third generation IDSR Technical Guidelines for Kajiado, Migori, Kisumu and Busia counties. Over 200 healthcare workers in the Subcounty Health Managers Level attended is crucial for training; and e) Negotiated with the Kingdom of Saudi Arabia for recruitment of Kenyan healthcare workers. </td> <td data-bbox="512 645 1094 1207"> <ul style="list-style-type: none"> ▪ A number of applicants are not able to meet the strict recruitment conditions. </td> <td data-bbox="512 199 1094 645"> <ul style="list-style-type: none"> ▪ Encourage professional development. </td> </tr> </tbody> </table>	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS	<p>The Government has undertaken/is undertaking the following:</p> <ul style="list-style-type: none"> a) Accredited institutions to offer training to nurses; b) Continues to implement the National Nursing and Midwifery Policy, 2022–2032 which discusses the importance of nursing and midwifery in Kenya as they form approximately 70% of the health workforce and are responsible for over 80% of health indicators; c) Negotiations with the Kingdom of Saudi Arabia for recruitment of health workers; d) In collaboration with WHO conducted training sessions to cascade Intractable Diseases, Surveillance and Response (IDSR) Based on the third generation IDSR Technical Guidelines for Kajiado, Migori, Kisumu and Busia counties. Over 200 healthcare workers in the Subcounty Health Managers Level attended is crucial for training; and e) Negotiated with the Kingdom of Saudi Arabia for recruitment of Kenyan healthcare workers. 	<ul style="list-style-type: none"> ▪ A number of applicants are not able to meet the strict recruitment conditions. 	<ul style="list-style-type: none"> ▪ Encourage professional development.
MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS					
<p>The Government has undertaken/is undertaking the following:</p> <ul style="list-style-type: none"> a) Accredited institutions to offer training to nurses; b) Continues to implement the National Nursing and Midwifery Policy, 2022–2032 which discusses the importance of nursing and midwifery in Kenya as they form approximately 70% of the health workforce and are responsible for over 80% of health indicators; c) Negotiations with the Kingdom of Saudi Arabia for recruitment of health workers; d) In collaboration with WHO conducted training sessions to cascade Intractable Diseases, Surveillance and Response (IDSR) Based on the third generation IDSR Technical Guidelines for Kajiado, Migori, Kisumu and Busia counties. Over 200 healthcare workers in the Subcounty Health Managers Level attended is crucial for training; and e) Negotiated with the Kingdom of Saudi Arabia for recruitment of Kenyan healthcare workers. 	<ul style="list-style-type: none"> ▪ A number of applicants are not able to meet the strict recruitment conditions. 	<ul style="list-style-type: none"> ▪ Encourage professional development. 					



SPORTS, ARTS AND CULTURE				
UNESCO CONVENTION ON THE FIGHT AGAINST DOPING IN SPORT				
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS	
1.	<p>Adopted: 19th October, 2005. Entered into force: 1st February, 2007. Kenya Signed: 25th August, 2009. Kenya Ratified: 26th August, 2009. Protocol to the convention Adopted: 1st October, 2009. Obligation to Government: To foster international cooperation between States Parties and leading organizations in the fight against doping in sport.</p>	<p>The Government has undertaken/is undertaking the following:</p> <p>a) Continues to carry out the fight against Doping in Sports through Anti-Doping values-based education, sensitization and awareness campaigns, upholding integrity of sport through Intelligence Gathering, Investigations and Results Management and Anti-Doping Rules Violations (adrvs) and protecting the “<i>clean athlete</i>” by carrying out effective doping tests among all Kenyan athletes;</p> <p>b) Continues to comply with the World Anti-Doping Code which allows Kenyan athletes to continue participating in local, regional and international competitions in line with the Convention; and</p> <p>c) Reviewing the Kenya National Sports Policy, 2002, and the Sessional Paper No.3 of 2005 on Sports Development and the Sports Act, 2013, for continuous development and promotion of the sports Industry.</p>	<ul style="list-style-type: none"> ▪ Inadequate information on doping matters hence reliance on foreign expertise. ▪ Non-Compliance by some Federations to the rules. ▪ Inadequate funding. ▪ Low literacy levels of athletes. ▪ Abuse of athletes by the athlete support personnel. 	<ul style="list-style-type: none"> ▪ Training on Anti-Doping. ▪ Enforce Compliance measures by conducting regular audits. ▪ Allocate adequate funding to enhance operations of the agency. ▪ Customize the Anti-Doping materials to understandable languages.
2.	<p>WORLD ANTI-DOPING AGENCY(WADA) Adopted: 19th October, 2005 Entered into force: 1st February, 2007 Kenya became a State party to the convention: 28th August, 2009 Obligation to Government: promote prevention and fight against doping in sports by restricting the availability and use of prohibited substances or methods to athletes except for legitimate medical purposes.</p>			



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Continues to carry out the fight against Doping in Sports through Anti-Doping values-based education, sensitization and awareness campaigns, upholding integrity of sport through Intelligence Gathering, Investigations and Results Management;</p> <p><i>b)</i> Continues to enforce Anti-Doping Rules Violations (adrvs) and protecting the “clean athlete” by carrying out effective doping tests among all Kenyan athletes;</p> <p><i>c)</i> Kenya complies with the World Anti-Doping Code. This allows Kenyan athletes to continue participating in local, regional and international competitions in line with the United Nations, Education, Science and Cultural Organization (UNESCO) Convention against doping in sports;</p> <p><i>d)</i> The Agency collected 251 samples from athletes in Team Kenya who participated in the Games. Each athlete and athlete support personnel also underwent at least 2 anti-doping education sessions;</p> <p><i>e)</i> Carried out several programmes including anti-doping education, value based education, sensitization and awareness, research on doping issues, in and out-of-competition testing, therapeutic use exemption, intelligence gathering and investigations, and results management as follows:</p> <p><i>i.</i> Under the Anti-doping Education programs, the Agency conducted thirty seven (37) outreach programs reaching eleven thousand and forty one (11,041) participants and fifty two (52) workshop programs reaching five thousand, four hundred and forty eight (5,448) participants; built the capacity of twenty (20) educators and reached four hundred and thirty six (436) participants who took the Anti-Doping E-Learning Course through the Agency’s Portal; trained seven hundred (700)</p>		

	Physical Education/Games Teachers; conducted anti-doping education to 119 for athletes in readiness for the World Athletics Championships held in Budapest in August, 2023		
	<p><i>f)</i> Under the Research on Doping Issues, the Department of Anti-Doping Education and Research carried out research on the following three (3) areas:</p> <p><i>(i)</i> Prevalence and risk assessment of doping among Kenyan athletes;</p> <p><i>(ii)</i> Assessment of knowledge, attitude and practice of Anti-Doping athletes and athlete support personnel in Kenya; and</p> <p><i>(iii)</i> Assessment of knowledge, perception and attitude towards doping among athletes in Kenya.</p>		
	<p><i>g)</i> Under in-and-out-of-competition testing, to ensure testing is carried out as per the International Standards for Testing and Investigations (ISTI), the Agency has conducted four thousand and seventy-five (4075) doping control tests including 780 tests for athletes in readiness for the World Athletics Championships scheduled which was held in Budapest in August 2023. At the same time the Agency has currently placed sixty-five (65) athletes in its Registered Testing Pool (RTP) and received eight (8) Therapeutic Use Exemptions applications out of which only one was granted.</p>		
	<p><i>h)</i> Intelligence gathering and analysis is continuous. This involves investigation of Anti-Doping Rule Violations (ADRVs), Atypical Finding (ATFs), Non-Compliance to Sanctions, Criminal and Prosecution Led Investigations (PLI).</p>		
	<p><i>i)</i> The Agency handled forty-five (45) cases before the Sports Disputes Tribunal (SDT). Some of the most common banned substances that our Kenyan athletes have tested positive for include Erythropoietin (EPO), Norandrosterone, Prednisolone, Salbutamol, Trenbolone and Clenbuterol</p>		

	<p><i>j)</i> The Agency has set up an inter-agency Steering Committee comprising Athletics Kenya, the Athletic Integrity Unit of World Athletics and ADAK to implement an Enhanced Anti-Doping Programme</p>		
	<p><i>k)</i> Continues to build the capacity of ADAK to collect samples through Technical Assistance Agreement;</p> <p><i>l)</i> Has enhanced resource allocation to ADAK through the Sports Arts and Social Development Fund in the sum of US \$ 5 Million annually for the next 5 years ring-fenced for the Enhanced Anti-Doping Programme;</p> <p><i>m)</i> Continues to leverage on the power of ICT in dissemination of information on the fight against doping in sport through an e-learning program where athletes, athletes support personnel and other stakeholders study modules with information on Anti-Doping and upon completion they can print their certificate;</p> <p><i>n)</i> Strengthened its collaboration with key agencies, including the Directorate of Criminal Investigations, the Pharmacy and Poisons Board, Department of Immigration, National Registration Bureau, Kenya Medical Practitioners & Dentist Council, the Nursing Council of Kenya, the National Intelligence Service, the Judiciary and County Governments for grassroots engagements and decentralization of the workload of crackdowns, education and personnel training;</p> <p><i>o)</i> Strengthened its regional partnerships and network with other National Anti-Doping Organizations (ADOs) to conduct tests on their behalf within Kenya and in East Africa.</p>		
	<p><i>p)</i> Kenya has had its officers appointed into international committees on the global Anti-Doping program and sits in the following committees:</p> <p><i>(i)</i> The Board of the Institute of National Anti-Doping Organizations (NADO);</p> <p><i>(ii)</i> The WADA National Anti-doping Organization Expert Advisory Group;</p>		



	<p>(iii) WADA Education Committee; (iv) Steering Group of Commonwealth Anti-Doping Legacy Project; and (v) UNESCO taskforce on review of Government funding to the WADA budget.</p>		
3.	<p>THE 2003 UNESCO CONVENTION FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE (ICH)</p> <p>Adopted: 17th October, 2003. Entered into force: 20th April, 2006. Kenya became a State party to the Convention: 24th October, 2007. Obligation to Government: To formulate and implement cultural policies and to adopt measures to protect and promote the diversity of cultural expressions.</p>		
	<p>MEASURES UNDERTAKEN AND PROGRESS ACHIEVED</p> <p>The Government has undertaken/is undertaking the following:</p> <p>a) Participated in a training workshop that strengthened knowledge and understanding of the 2003 Convention's reformed periodic reporting mechanism and the related overall results framework, to build knowledge and skills to design and implement results-based participatory reporting and familiarize participants with the new online periodic reporting tool. The workshop took place in Algiers, Algeria, from the 25th to 29th April, 2023;</p> <p>b) In collaboration with UNESCO held a consultative meeting with key stakeholders to create awareness on the importance of 2003 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage (ICH) and its implementation, as a viable tool for sustainable development. The meeting was held at the Bomas of Kenya on 14th July, 2023;</p> <p>c) Submitted the periodic reports for elements on the Urgent Safeguarding List, namely: <i>Enkipaata, Eunoto and Oling'esheer</i>: (three male rites of the Maasai community) that were held in December 2023 in Narok;</p> <p>d) Submitted to UNESCO periodic reports for <i>Isukuti</i> dance of the Isukha and Idakho communities of Western Kenya, the</p>	<p>CHALLENGES</p>	<p>RECOMMENDATIONS</p>

	<i>Kaya</i> sacred practices of the Mijikenda Communities and the 3 male rites of passage of the Maasai community;		
e)	The recognition of National heroes and heroines during National celebrations days is celebrated annually on 20 th October;		
f)	Kenya was recognized, through certification, by UNESCO on indigenous knowledge systems of food ways;		
g)	Kenya was recognized, through certification, by UNESCO on indigenous knowledge systems of food ways;		
h)	Reviewing the National Music Policy, 2020;		
i)	The Culture Bill, 2023, was approved by the Cabinet and is currently before Parliament; and		
j)	Developing the National Kiswahili Bill, 2023, and the Museums and Heritage Bill, 2023.		
4.	<p>UNESCO CONVENTION ON THE PROTECTION AND PROMOTION OF DIVERSITY OF CULTURAL EXPRESSIONS</p> <p>Adopted: 20th October, 2005. Entered into force: 18th March, 2007. Kenya became a State party to the Convention: 24th October, 2007. Obligation to Government: To formulate and implement cultural policies, to adopt measures to protect and promote the diversity of cultural expressions and strengthen international Co-operation to achieve the purposes of this Convention.</p>		
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	The Government has undertaken/is undertaking the following;		
	a) Celebration of the world Kiswahili day - Kenya celebrated the world Kiswahili day on the 7th July 2023 in Mombasa County at which awareness creation was the clarion call for the public to enhance Kiswahili usage;		
	b) Participated in the celebrations organized by the East African community in Kampala Uganda; and		
	c) Establishing the National Kiswahili Council of Kenya.		

5. CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE (WHC)			
<p>Adopted: 21st November, 1972. Entered into force: 17th December, 1975. Kenya Ratified: 5th June, 1991. Obligation to Government: To identify and delineate the different properties situated on its territory and to ensure the protection, conservation, presentation and transmission to future generations of the cultural and natural heritage.</p>			
MEASURES UNDERTAKEN AND ACHIEVED	PROGRESS	CHALLENGES	RECOMMENDATIONS
The Government has undertaken/is undertaking the following:			
a)	Submitted State of Conservation Reports for Lamu Old Town, <i>Thimlich Ohinga</i> Archaeological Site World Heritage Properties in Nyatike, 2022 and 2023;		
b)	Finalized the nomination dossier for the Historic and Archaeological of <i>Gedi file</i> and submitted to the UNESCO World Heritage Centre. A confirmation letter from UNESCO with completeness check affirmation has already been received;		
c)	Conducted the evaluation mission together with UNESCO-ICOMOS experts for the Gedi nomination file in July, 2023;		
d)	Provided a platform for youth participation in World Heritage conservation;		
e)	Finalizing a proposal for extension of Mount Kenya World Heritage Site to include the Borana Conservancy. The report ought to have been submitted to UNESCO by end of September, 2023. The Government is in the process of gazetting new cultural and heritage sites with the aim of conserving and protecting them from human exploitation and destruction;		
f)	Measures to protect underwater cultural heritage;		
g)	Conducting a sensitization and consultancy on the ratification of the UNESCO 2001 Convention on the		

	<p>Protection of the Underwater Cultural Heritage from the threats of treasure hunters and uncontrolled development;</p> <p><i>h)</i> Conducting consultative meetings with UNESCO World Heritage Centre and International Union for Conservation of Nature (IUCN) to discuss a funding proposal for the drafting of Desired State of Conservation for the Removal of Lake Turkana National parks from the list of World Heritage in Danger; and</p> <p><i>i)</i> Developing National Museums and Heritage (Declaration of Monuments) Rules, 2021.</p>		
--	--	--	--

DELIMITATION, DEMARCATION AND DELINEATION OF BOUNDARIES			
DECLARATION ON THE AFRICAN UNION BORDER PROGRAMME (AUBP)			
Adopted: 25 th March, 2010 Entered into force: 25 th March, 2011 Obligation to Government: To delineate Kenya's land and maritime boundaries.			
	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
1.	<p>The Government has undertaken/is undertaking the following measures in relation to boundaries:</p> <p><i>a) Kenya-South Sudan boundary</i></p> <ul style="list-style-type: none"> (i) Continuously collecting and analysing historical data in preparedness for engagement with South-Sudan authorities; (ii) In collaboration with the African Union, EAC and GIZ, organized a peace caravan in July, 2023, to promote peaceful coexistence between the border communities Turkana of Kenya, Toposa of South Sudan and Karamojong of Uganda; and (iii) Sensitized Ministries, Departments and Agencies on the implications and legal challenges arising from continuous use of the wrong map of Kenya at the Kenya School of Government (KSG) in December, 2023, and the Prisons Staff Training College in Ruiru in February, 2024. <p><i>b) Kenya-Tanzania Boundary</i></p> <ul style="list-style-type: none"> (i) Completed the reaffirmation of 110km Kenya-Tanzania boundary (Namanga BP 43 to Oloitokitok BP 56) from 8th June, 2023, to 7th July, 2023; (ii) Completed technical preparations in readiness to undertake Phase IV of the Border Reaffirmation exercise between Kenya and Tanzania which will cover the stretch between Loitokitok to TK 67 (Lake Jipe); 	<ul style="list-style-type: none"> ▪ Hostility and language barrier among the local communities along Kenya/South Sudan border. ▪ Inadequate resources. 	<ul style="list-style-type: none"> ▪ Sensitize the local communities along the border on the delimitation and demarcation of the common border. ▪ All countries involved to enhance resources to complete the delimitation, demarcation and reaffirmation of international boundaries.

- (iii) Conducted a preliminary survey of River Losoyai and Ruvu to acquire data for analysis for the determination of the course of Losoyai River;
- (iv) Participated in the Kenya-Tanzania Joint Technical Committee (JTC) meeting held in Loitokitok from 5th to 9th December, 2023, to prepare for the reaffirmation of 24km of the land section (BP 56/New to BP66/1) in Phase IV (excluding the riverine boundary) and 27km in Phase V (BP 67-BP85 New);
- (v) Conducted extension of geodetic controls and data processing as agreed in the JTC of December, 2023, for reaffirmation of Phase III of the boundary (Namanga to Oloitokitok);
- (vi) Conducted a multi-Agency verification mission to Vanga, Kwale County to inspect bouys placed along Kenya-Tanzania maritime boundary by Tanzania authorities and prepared a report between 16th-17th November, 2023;
- (vii) Prepared GNSS (Global Navigation Satellite System) observation plan to capture controls and photogrammetric controls and prepared Survey teams and a budget for the Inspection of 202km from TK 67 (Lake Jipe) to Vanga; and
- (viii) In readiness for the drafting of a new Border Treaty, prepared sixty-five (65) boundary maps covering Phase one (Lake Victoria to Lake Natron 238kms) of the boundary, completed photogrammetric feature extraction for Phase II (Lake Natron to Namanga 110kms) and is compiling documents to enable drafting of the boundary treaty for Phase I.
- c) Kenya-Uganda Boundary**
- (i) Held a bilateral meeting with Uganda on issues concerning Points of Entry/Exits at Lokirama, Muluanda and Konyau and reaffirmed the boundary at Lokirama Point of Entry (PoE) (UK 18 -UK 20) between 8th to 27th March, 2024;

	<p>(ii) Participated in the Joint Ministerial Commission (JMC) preparatory meetings to prepare Kenya's country's position for the JMC that was held in Kampala, Uganda from 12th to 14th May, 2024; and</p> <p>(ix) Sensitized security teams and border communities at Lokiriama in March 2024.</p> <p><i>d)</i> Kenya-Ethiopia Boundary</p> <p>(i) Conducted a field inspection visit at Todenyang crossing point C23 for the determination of the location of Point of Entry in July, 2023, and a field inspection visit at Illeret point C52 for identification of land for the establishment of PoE in October, 2023, along the Kenya-Ethiopia boundary; and</p> <p>(ii) Participated in the 36th Session of Kenya-Ethiopia Joint Ministerial Committee (JMC) held from 19th to 21st February, 2024, whose objective was to review the status of implementation of the decisions and recommendations of the 35th Session of the JMC</p>		
2.	<p>ADDIS ABABA DECLARATION ON GEOSPATIAL INFORMATION MANAGEMENT</p> <p>Pronounced on: 22nd April, 2016.</p> <p>Obligation to Government: To develop a more accurate and modern Geodetic Reference Frame compatible with Space Based Survey and mapping technologies.</p>		<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> ▪ Development of the National Spatial Data Infrastructure to collect geospatial data uniformly.
3.	<p>AFRICAN UNION STRATEGY FOR ENHANCING BORDER MANAGEMENT IN AFRICA, 2012</p> <p>Adopted by all AU Member States.</p> <p>Entered into force: March, 2010.</p> <p>Obligation to Government: To cooperate and coordinate border management all levels.</p>		



	MEASURES UNDERTAKEN AND PROGRESS ACHIEVED	CHALLENGES	RECOMMENDATIONS
	<p>The Government has undertaken/is undertaking the following:</p> <p><i>a)</i> Establishment of a Secretariat on Border Management Control to enhance border management along Kenya's international borders;</p> <p><i>b)</i> Cross border co-operation and harmonization of policies will lead to improved vigilance on border security and reduction of cross border conflicts, territorial disputes and research on inter-territorial challenges such as the hyacinth problem in Lake Victoria;</p> <p><i>c)</i> Border Patrol, Administration and Border Survey Units have been launched and operationalized. There have also been cross border consultative meetings among security agencies, CEWARNs and national focal points; and</p> <p><i>d)</i> Continues to train personnel at the Humanitarian Peace Support School (HPSS) and International Peace Support Training Centre (IPSTC) on border control is being enhanced and use of development and peace initiatives along cross border areas involving community members.</p>	<ul style="list-style-type: none"> ▪ Inadequate funding for training and equipment. <ul style="list-style-type: none"> ▪ Inadequate research to inform policy on border security and other intervention by States in respect to changing nature of borders. 	<ul style="list-style-type: none"> ▪ Resource mobilization for training, purchasing of equipment and conducting of research. <ul style="list-style-type: none"> ▪ Enhance research and surveillance on border security.



PART VI

ANNEXES



ANNEX I – INBOUND AND OUTBOUND HIGH-LEVEL VISITS (JULY, 2023 - JUNE, 2024)**OUTBOUND**

NO.	DATES	EVENT	VENUE
1.	6 th July, 2023	State Visit	Moroni, Comoros
2.	7 th – 8 th July, 2023	State Visit	Brazaville & Oyo, Republic of the Congo
3.	10 th July 2023	IGAD Summit	Addis Ababa, Ethiopia
4.	25 th – 26 th July, 2023	World Bank Africa Human Capital Heads of State Summit	Dar es Salaam, Tanzania
5.	10 th – 12 th August, 2023	State Visit	Maputo, Mozambique
6.	13 th August, 2023	State Visit	Kampala, Uganda
7.	7 th September, 2023	Africa Food Systems Forum	Dar es Salaam, Tanzania
8.	16 th – 21 st September, 2023	Business Visit & 78th Session of the UNGA	San Francisco, Los Angeles, New York, USA
9.	11 th – 16 th September, 2023	Coffee Producers and Roasters Forum	Medellin, Colombia
10.	23 rd – 25 th October, 2023	EU Global Gateway Forum	Brussels, Belgium
11.	25 th – 29 th October, 2023	Business Visit	Munich, Germany
12.	15 th – 18 th October, 2023	State Visit	Zimbabwe
13.	24 th – 25 th October, 2023	Official Visit	United States
14.	27 th – 28 th October, 2023	World Governments Summit, 2024	UAE
15.	10 th – 11 th November, 2023	Official Meeting	Uganda
16.	20 th -21 st November, 2023	42nd IGAD Extraordinary Summit and Non-Aligned Movement Summit	Uganda
17.	1 st -4 th December, 2023	United Nations Climate Change Conference (COP 28)	Dubai, UAE
18.	4 th – 6 th December, 2023	State Visit	New Delhi, India
19.	27 th – 28 th April, 2024	Tanzania Union Day Celebration	Tanzania
20.	21 st – 24 th May, 2024	Official Meeting	Tanzania
21.	11 th – 13 th February, 2024	Summit on Peace in Ukraine	Switzerland
22.	26 th February, 2024	State Visit	Ghana
23.	18 th – 19 th January, 2024	Africa CEO Forum	Rwanda

NO.	DATES	EVENT	VENUE
24.	14 th March, 2024	Funeral of President Hage Geingob	Namibia
25.	15 th June, 2024	State Visit	Japan
26.	3 rd – 5 th June, 2024	50th G7 Summit	Italy
27.	17 th -18 th June, 2024	Italy-Africa Summit,2024	Italy
28.	4 th – 5 th April, 2024	State Visit	Guinea Bissau
29.	14 th – 15 th June, 2024	37th Ordinary Session of the African Union (AU) Assembly	Ethiopia
30.	4 th – 5 th April, 2024	Africa CEO Forum	Rwanda

INBOUND

NO.	DATES	EVENT	VENUE
1.	12 th July 2023	Official visit by Iran President Ebrahim Rais	Nairobi
2.	17 th – 22 nd July, 2023	AU Mid Year Coordinating Committee	Nairobi
3.	19 th August, 2023	President Salva Kiir	Nairobi
4.	20 th – 21 st August, 2023	State Visit by President Joko Widodo of Indonesia	Nairobi
5.	4 th – 6 th September, 2023	Africa Climate Summit	Nairobi
6.	23 rd – 25 th October, 2023	Official visit by Queen Maxima of the Kingdom of the Netherlands	Nairobi
7.	19 th – 21 st October	State visit by President João Lourenco of Angola	Nairobi
8.	5 th – 8 th November, 2023	State Visit by Prime Minister of Czech Republic	Nairobi
9.	3 th – 15 th November, 2023	President Klaus Iohannis and First Lady Carmen Geogeta	Nairobi
10.	31 st October – 3 rd November, 2023	His and Her Majesties and the King and Queen of England	Nairobi Mombasa
11.	17 th – 18 th December, 2023	President of the European Delegation for signing of EPA	Nairobi
12.	4 th – 6 th February, 2024	State Visit by President of Poland	Nairobi
13.	12 th – 28 th April, 2024	State Visist by the Prime Minister of Ethiopia	Nairobi
14.	22 nd April, 2024	Connected Africa 2024 Summit (CAS 2024)	Nairobi
15.	28 th – 29 th April, 2024	Africa Summit for International Development Association (IDA21)	Nairobi
16.	13 th – 15 th May, 2024	State Visit by H.E. Yoweri K. Museveni, President of the Republic of Uganda	Nairobi
17.	10 th – 11 th May, 2024	Visit by the Secretary General, UN to attend the UN Civil Society Conference	Nairobi
18.	28 th – 29 th May, 2024	Annual Meeting of the African Development Bank (AfDB)	Nairobi
19.	25 th – 27 th June, 2024	The Global Peace Leadership Conference, Africa	Nairobi

EVENTS AND CONFERENCES HOSTED BY KENYA (2023 -2024)

NO.	CONFERENCE/EVENT	DATES	CONVENING ORGANISATION	LEVEL OF PARTICIPATION	KEY MDAs	VENUE
1.	African Fertilizer and Soil Health Summit	7 th – 9 th May, 2024	African Union	Presidential	Ministry of Agriculture. MFDA	Nairobi, Kenya
2.	UNEA-6 (Sixth Session of the United Nations Environmental Assembly)	26 th February – 1 st March, 2024	UNEP	Presidential	MFDA	Nairobi, Kenya
3.	Africa Development Bank Group Meeting	27 th -3 st May, 2024	AFDB	Presidential	National Treasury MFDA	Nairobi, Kenya
4.	54th Session of the FAO/WHO CODEX Committee on Food Hygiene	11 th -15 th March, 2024	FAO	Senior Level	MFDA MoH	Kenya
5.	6th Partnership for Skills in Applied Science, Engineering and Technology (PASET) Forum and RSiF Conference	23 rd -25 th April, 2024	PASET	Minestrial	Ministry of Education	Kenya
6.	International Development Association (IDA) 21 – World Bank	28 th – 30 th April, 2024	IDA	Presidential	MFDA Treasury	Nairobi, Kenya
7.	International Institute of Administrative Sciences (IIAS) Conference	26 th 29 th February , 2024	Kenya School of Government (KSG)	Senior Level	Ministry of Education	Nairobi, Kenya
8.	50th African Regional Labour Administration Centre (ARLAC) Governing Council Meeting	8 th -16 th February , 2024	ARLAC	Senior Level	Ministry of Labour and Social Protection	Kenya
9.	Artificial Intelligence (AI) Regional Forum for Eastern Africa Conference	24 th – 26 th June, 2024	UNESCO	Ministerial	Kenya National Commission for UNESCO	Kenya
10.	Eastern and South Africa Summit on Health Emergency Preparedness, Response and Resillience	15 th – 17 th May, 2024	World Bank	Senior Level	Ministry of Health	Kenya
11.	Connected Africa 2024 Summit (CAS 24)	23 rd – 25 th	Ministry of ICT and Digital Economy	Presidential	Ministry of ICT and	Kenya

		April, 2024	Partners		Digital Economy Communications Authority of Kenya	
12.	The Global Partnership Conference on Technology Facilitated Gender Based Violence	25 th – 27 th March, 2024	Tech for Democracy	Senior Level	State Department for Gender and Affirmative Action	Kenya
13.	African Conservation Forum Co-hosted by IUCN and the Government of Kenya	24 th – 25 th June, 2024 Pre Forum 26 th – 28 th June, 2024 Forum	IUCN	Ministerial	Ministry of Tourism and Wildlife	Kenya
14.	NADPA- RAPDP Annual General Meeting and Conference 2024	7 th – 9 th May, 2024	Office of Data Protection Commission	Presidential	Ministry of ICT and Digital Economy Office of the Data Protection commissioner	Kenya
15.	Regional Advisory Committee Meeting for the Health Emergency Preparedness, Response and Resilience Program (HEPRR)	15 th – 17 th May, 2024	World Bank	Ministerial	MoH	Kenya
16.	International Energy Agency Conference	20 th – 22 nd May, 2024	International Energy Agency (IEA)	Ministerial	Ministry of Energy	Kenya
17.	Global Peace Leadership Conference 2024	25 th – 27 th June, 2024	Global Peace Foundation	Senior Level	MFDA	Kenya
18.	Blue-Invest Africa 2024	3 rd – 4 th July, 2024	Delegation of the European Union of Kenya- EEAS	Ministerial	Ministry of Mining and Blue Economy	Kenya
19.	Fifth Mid-year Coordination Meeting Between the AU, Regional Economic Communities and Regional Mechanisms	13 th – 16 th July, 2023	AU	Presidential	MFDA State Department for Environmental	Kenya

					and Climate Change	
20.	Annual General Board of Governance Meeting of the Eastern Southern African Trade and Development Bank	22 nd - 25 19 th – 20 th July, 2023	Ministry Eastern Southern African Trade and Development Bank	Presidential	National Treasury	Kenya
21.	The 10th Red Cross/ Red Crescent Pan-African Conference	16 th – 19 th September, 2023	International Red Cross and Red Crescent Pan African	Ministerial	Kenya Red Cross	Kenya
22.	The Third Session of the Intergovernmental Negotiating Committee (INC – 3) on Plastic Pollution	13 th – 19 th November, 2023	UNEP	Ministerial	MFDA Ministry of Environment	Nairobi, Kenya
23.	Munich Leaders Meeting	15 th – 17 th October, 2023	Munich Security Council	Senior Level	MFDA	Kenya
24.	Youth Connekt Africa Summit	8 th – 12 th December, 2023	Common Wealth	Ministerial	State Department of Youth Affairs MFDA	Nairobi, Kenya
25.	Common Wealth Edition of Kenya Innovation Week 2023	27 th November – 1 st December, 2023	Kenya National Innovation Agency	Senior Level	Ministry of Youth Affairs, Creative Economy and Sports MFDA	Kenya

ANNEX II– KENYA'S INTERNATIONAL CANDIDATURES (2022–2023)**COUNTRY SPECIFIC (KENYA) CANDIDATURES**

YEAR OF ELECTIVE POST/POSITION	ORGANIZATION	POSITION	STATUS	TERM
2019	United Nations Educational, Scientific and Cultural Organization (UNESCO)	Governing Board of the UNESCO Institute for Statistics (UIS)	Successfully elected in November 2019	2019–2023
2023	UN World Tourism Organization (UNWTO)	Vice-Chair Commission for Africa	Successfully elected in July, 2023	2023-2027
2024	UN World Tourism Organization (UNWTO)	Elected Chair-Committee on Tourism Competitiveness	Successfully elected January, 2024	2024-2027
2023	UNESCO	World Heritage Committee (Vice-Chair of African States)	Successfully elected in November, 2023	2023-2027
2019	United Nations Educational, Scientific and Cultural Organization (UNESCO)	Intergovernmental Council of the Management of Social Transformation Programme (MOST)	Successfully elected in March 2019	2019–2023
2019	United Nations Educational, Scientific and Cultural Organization (UNESCO)	Intergovernmental Council of the International Programme for the Development of Communication (IPDC)	Successfully elected in June 2019	2019–2023
2021	UN Entity for Gender Equality and the Empowerment of Women (UN-Women)	Member, Executive Board	Successfully elected in April, 2021	2022–2024
2021	UN Development Programme	Member, Executive Board	Successfully elected in April, 2021	2022–2024
2021	UN Population Fund	Member, Executive Board	Successfully elected in April, 2021	2022–2024
2021	UN Office for Project Services	Member, Executive Board	Successfully elected in April,	2022–2024

			2021	
2021	UN	Member, Inter-Governmental Working Group of Experts on International Standards of Accounting and Reporting	Successfully elected in April, 2021	2022–2024
2021	UN	Member, Committee for Programme and Coordination	Successfully elected in April, 2021	2022–2024
2021	UN	Member, Commission on Population and Development	Successfully elected in April, 2021	2022–2026
2021	Pan African Postal Union (PAPU)	Member, Administrative Council	Successfully elected in June, 2021	2022–2025
2021	UNESCO	Member, Executive Council of the Inter-Governmental Oceanographic Commission (IOC)	Successfully elected in June, 2021	2021–2023
2021	Universal Postal Union (UPU)	Member, Council of Administration (CA)	Successfully elected in August, 2021	2021–2024
2021	Universal Postal Union (UPU)	Member, Postal Operation Council (POC)	Successfully elected in August, 2021	2021–2024
2021	UNESCO	Member, Inter-Governmental Bioethics Committee (IGBC)	Successfully elected in November, 2021	2021–2025
2021	UNESCO	Member, Headquarters Committee	Successfully elected in November, 2021	2021–2025
2021	UNESCO	Member, Legal Committee	Successfully elected in November, 2021	2021–2025
2021	UNESCO	Member, Intergovernmental Committee for Physical Education and Sports (CIGEPS)	Successfully elected in November, 2021	2021–2025
2021	International Maritime Organization (IMO)	Council Member, Category C	Successfully elected in December, 2021	2022–2023, Successfully Re-elected for 2024–

				2025
2024	Committee on Social Development	Member	Successfully elected in 2024	2025-2028
2024	UN Peacebuilding Commission	Member	Successfully elected in April 2024	2025-2026
2022	United Nations Commission on International Trade Law (UNCTRAL)	Member	Successfully elected in March, 2022	2022-2028

INDIVIDUAL CANDIDATURES					
YEAR OF ELECTIVE POST/ POSITION	INDIVIDUAL CANDIDATE	ORGANIZATIO/ INSTITUTION	POSITION	STATUS	TERM
2016	Ms. Sanyu Awori	International Criminal Court	Member of the Committee on Budget and Finance of the International Criminal Court (ICC)	Successfully elected in December, 2023	2024-2026
2023	Mr. Cromwell Lukorito	Intergovernmental Panel on Climate Change (IPCC)	Vice Chair of Working Group II	Successfully elected in July, 2023	2024-2029
2019	Mr. Abbas Gullet	International Conference of the Red Cross and Red Crescent (ICRC)	Membership of the standing commission of the Red Cross and Red Crescent.	Successfully elected in December, 2019.	2019–2023
2020	Dr. Samuel Njuguna Kabue	United Convention of Rights of Persons with Disability (CRPD)	Member	Successfully elected in December, 2020.	2021-2024
2021	Stella Marris Odero Aura	World Meteorological Organization (WMO)	Vice-President, WMO Regional Association I (Africa)	Successfully elected in March, 2021	2021–2023
2021	Dr. Patrick Amoth	World Health Organization (WHO) Executive Board	Chairperson	Successfully elected in May, 2021	2021–2024
2021	Mr. Ali Kaka	International Union for Conservation of Nature (IUCN)	Regional Councilor for Africa	Successfully elected in September, 2021	2021–2025
2021	Prof. Ludeki Chweya	African Management Development Institutes Network (AMDIN)	President	Successfully elected in September, 2021	2021–2023
2021	Mr. Samuel	AU Advisory Board on Corruption	Member (Re-	Successfully elected in	2022–

INDIVIDUAL CANDIDATURES

YEAR OF ELECTIVE POST/ POSITION	INDIVIDUAL CANDIDATE	ORGANIZATIO/ INSTITUTION	POSITION	STATUS	TERM
	Mbithi Kimeu	(AUABC)	election)	October, 2021	2023
2021	Mr. Anthony Muriithi	Committee on World Food Security (CFS)	Vice Chair	Successfully elected in October, 2021	2021–2023
2021	Mr. Timothy Ekesa	UN Committee on the Rights of the Child (UNCRC)	Member	Successfully elected in May, 2024	2025–2029
2021	Prof. Phoebe Okowa	International Law Commission (ILC)	Member	Successfully elected in November, 2021	2023–2027
2021	George Maingi Kinoti	INTERPOL Executive Committee	Delegate for Africa	Successfully elected in November, 2021	2021–2024
2021	Dr. James Gitundu Kairo	Advisory Board of the UN Decade of Ocean Science for Sustainable Development	Expert Member, Group V	Successfully appointed in December, 2021	2022–2023
2021	Ms. Lucy Muthoni Kambuni	Advisory Committee on nominations of Judges of the International Criminal Court Members	Member (Re-election)	Successfully appointed in December, 2021	2021–2024
2021	Amb. Martin Kimani	Permanent Forum on People of African Descent (PFPAD)	Member	Successfully elected in December, 2021	2022–2024
2022	Hon. Lady Justice (Rtd) Effie Owuor, EBS	African Union Panel of the Wise	Eminent Personality, Eastern Africa Region	Successfully appointed in February, 2022	2022–2025
2022	Ms. Susan Mochache	The Global Fund to Fight AIDS, Tuberculosis and Malaria	Board Member, East and Southern Africa Constituency	Successfully appointed in February, 2022	2022–2024

INDIVIDUAL CANDIDATURES

YEAR OF ELECTIVE POST/ POSITION	INDIVIDUAL CANDIDATE	ORGANIZATIO/ INSTITUTION	POSITION	STATUS	TERM
2022	Mr. Simon Njuguna	Commission on the Limits of the Continental Shelf (CLCS)	Member	Successfully Re-elected in June, 2022	2023–2028
2022	John Omo	African Telecommunication s Union (ATU)	Secretary-General	Successfully elected in July, 2022	2022–2027

ANNEX III-KENYA'S ANNUAL SUBSCRIPTIONS TO INTERNATIONAL ORGANIZATIONS (2023-2024)

ANNEX III: KENYA'S ANNUAL SUBSCRIPTIONS TO INTERNATIONAL ORGANIZATIONS FY 2023/2024 (AMOUNT, KShs)				
S/N	PA NO.	DATE OF PAYMENT	PAYEE	AMOUNT IN KSHS
1	131741	26/7/2023	UNITED NATIONS WORLD TOURISM ORGANIZATION	10,667,647.75
2	131737	11/7/2023	UNITED NATIONS ENVIRONMENTAL PROGRAMME	14,477,450.00
3	131736	11/7/2023	DESERT LOCUST CONTROL ORGANIZATION	56,273,128.05
4	131719	29/6/2023	THE GLOBAL FUND	289,540,450.00
5	131747	7/8/2023	INTERNATIONAL MONETARY FUND	36,505,450.00
6	131746	7/8/2023	INTER - UNIVERSITY COUNCIL FOR EAST AFRICA	94,069,308.35
7	131745	7/8/2023	AFRICAN RURAL AND AGRICULTURAL CREDIT ASSOCIATION	365,500.00
8	131744	7/8/2023	PAN-AFRICAN PRODUCTIVITY ASSOCIATION (PAPA)	478,515.00
9	2453	30/8/2023	REGIONAL DISTASTER MANAGEMENT CENTRE FOR EXCELLENCE	5,500,000.00
10	131754	16/8/2023	AFRICAN INSTITUTE FOR ECONOMIC DEVELOPMENT AND PLANNING	13,482,727.00
11	131758	16/8/2023	AFRICA RICE	10,750,122.65
12	131755	16/8/2023	AFRICA MINERAL CONFERENCE ON METEOROLOGY	1,470,350.00
13	131757	16/8/2023	UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANISATION	4,424,538.70
14	131788	21/9/2023	UNESCO	156,670.50
15	131790	21/9/2023	WORLD TRADE ORGANIZATION	19,320,945.85
16	131762	16/8/2023	COMMONWEALTH FUND FOR TECHNICAL COOPERATION	2,325,675.00
17	131760	16/8/2023	INTERNATIONAL COCONUT COMMUNITY	8,492,087.25
18	131766	28/8/2023	WORLD ORGANISATION FOR ANIMAL HEALTH	5,659,814.25
19	131765	28/8/2023	AFRICAN MINERALS AND GEOSCIENCE	9,178,930.00
20	131767	28/8/2023	SAHARA AND SAHEL CONSERVATORY	3,197,560.00
21	5321	6/10/2023	P.S NATIONAL TREASURY (BANK CHARGES)	4,772.40

22	5320	6/10/2023	P.S NATIONAL TREASURY (BANK CHARGES)	1,596.55
23	5319	6/10/2023	P.S NATIONAL TREASURY (BANK CHARGES)	3,835.20
24	5318	6/10/2023	P.S NATIONAL TREASURY (BANK CHARGES)	4,817.65
25	5317	6/10/2023	P.S NATIONAL TREASURY (BANK CHARGES)	4,773.15
26	131784	21/9/2023	AFRICA MINISTER COUNCIL ON WATER	2,996,050.00
27	131759	16/8/2023	INTERNATIONAL COTTON ADVISORY COMMITTEE	12,314,536.20
28	131789	21/9/2023	INTERNATIONAL RENEWABLE ENERGY AGENCY	944,962.65
29	131787	21/9/2023	COMMONWEALTH FOUNDATION	4,656,017.25
30	131786	21/9/2023	ISCOS SECRETARIAT	59,347,030.50
31	158	26/7/2023	P.S MINISTRY OF FOREIGN AND DIASPORA AFFAIRS	834,376,416.36
32	131761	16/8/2023	INTERNATIONAL CONFERENCE ON THE GREAT LAKES REGION	109,095,916.35
33	131756	16/8/2023	INERGOVERNMENTAL AUTHORITY ON DEVELOPMENT	539,059,669.80
34	131785	21/9/2023	NORTHERN CORRIDOR TRANSIT AND TRANSPORT CORDINATION AUTHORITY	224,670,450.00
35	131793	28/9/2023	WORLD METEOROLOGICAL ORGANISATION	3,470,874.20
36	131794	28/9/2023	EAST AND SOUTHERN AFRICA REGIONAL BRANCH OF ARCHIVES	30,676.00
37	133258	6/11/2023	EAST AFRICAN COMMUNITY SECRETARIAT	154,940,450.00
38	133263	7/11/2023	DESERT LOCUST CONTROL ORGANIZATION FOR EASTERN AFRICA	64,674,336.55
39	131792	28/9/2023	EAST AFRICAN COMMUNITY SECRETARIAT	1,111,126,950.10
40	133261	7/11/2023	REGIONAL CENTRE FOR MAPPING OF RESOURCES FOR DEVELOPMENT	20,639,970.00
41	133259	7/11/2023	AFRICAN CAPACITY BUILDING FOUNDATION	51,599,250.00
42	133260	7/11/2023	INTERGOVERNMENT GROUP OF TWENTY-FOUR	3,909,450.00
43		17/11/2023	P.S NATIONAL TREASURY (BANK CHARGES)	3,358.20
44	133278	4/12/2023	UNEP/CMS	289,465.00

45	133276	4/12/2023	EASTERN AND SOUTHERN AFRICA ANTI-MONEY LAUNDERING GROUP	12,767,244.10
46	133281	4/12/2023	WESTERN INDIAN OCEAN MARINE SCIENCE ASSOCIATION	78,340.00
47	133271	21/11/2023	EAST AFRICA REGIONAL TECHNICAL ASSISTANCE CENTER	58,635,450.00
48	133265	7/11/2023	MEFMI	67,605,979.55
49	133264	7/11/2023	UNESCO	16,301,918.15
50	133266	7/11/2023	INTERNATIONAL ATOMIC ENERGY AGENCY	43,823,711.05
51	133262	7/11/2023	INTERNATIONAL COFFEE ORGANIZATION	2,847,469.85
52	133279	4/12/2023	UNEP MIGRATORY SPECIES	234,120.00
53	133280	4/12/2023	UNEP MIGRATORY SPECIES	126,978.05
54	133277	4/12/2023	ASSOCIATION FOR THE DEVELOPMENT OF EDUCATION IN AFRICA	46,734,450.00
55	133282	4/12/2023	INTERNATIONAL UNION FOR CONSERVATION OF NATURE	2,769,596.25
56	133283	4/12/2023	LUSAKA AGREEMENT TASK FORCE	23,142,192.10
57	133292	11/12/2023	AFRICA ORG. OF SUPREME AUDIT INSTITUTIONS ENGLISH SPEAKING	1,650,507.05
58	133293	22/12/2023	INTERNATIONAL SEABED AUTHORITY	580,121.35
59	133291	18/12/2023	ESAMI	3,245,400.00
60	133294		UNESCO - SECTOR FOR ADMINISTRATION AND MANAGEMENT BUREAU	16,915,725.35
61	133303	25/1/2024	WORLD FEDERATION OF ENGINEERING ORGANIZATIONS	159,846.65
62	133298	25/1/2024	AFRICAN RURAL AND AGRICULTURAL CREDIT ASSOCIATION (AFRACA)	408,155.75
63	133304	25/1/2024	UNITED NATIONS POPULATION FUND (UNFPA)	1,631,273.00
64	133305	25/1/2024	INTERNATIONAL ORGANIZATION OF LEGAL METROLOGY	2,586,218.00
65	133306	25/1/2024	AFRICAN REGIONAL LABOUR ADMINISTRATION CENTRE	4,549,467.65
66	133297	25/1/2024	FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS	10,555,351.45
67	133296	25/1/2024	FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS	13,985,866.15
68	133302		UNESCO - SECTOR FOR ADMINISTRATION AND MANAGEMENT BUREAU	16,650,663.55

69	133300	25/1/2024	NILE BASIN INITIATIVE SECRETARIAT CORE	50,737,163.70
70	133309	1/2/2024	INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA	811,658.80
71	133314	1/2/2024	AFRICAN ASSOCIATION OF ACCOUNTANTS - GENERAL	8,136,925.00
72	133313	1/2/2024	ORGANISATION OF AFRICAN. CARIBBEAN AND PACIFIC STATES	69,456,236.30
73	133311	1/2/2024	INTER-GOVERNMENTAL AUTHORITY ON DEVELOPMENT	653,204,148.55
74	133316	1/2/2024	AFRICAN UNION COMMISSION	1,217,925,186.70
75	PV 14343	1/2/2024	AFRICAN ECONOMIC RESEARCH CONSORTIUM	36,542,000.00
76	131654	8/5/2024	UNITED NATIONS FORCE IN CYPRUS (UNFICYP)	237,052.25
77	131652	8/5/2024	UNITED NATIONS MISSION IN KOSOVO (UNMIK)	321,648.20
78	131653	8/5/2024	UN MISSION FOR THE FERENDUM IN WESTERN SAHARA (MINURSO)	418,900.30
79	131656	8/5/2024	UNITED NATIONS DISENGAGEMENT OBSERVER FORCE (UNDOF)	449,674.55
80	133349	8/5/2024	UN INTERNATIONAL RESIDUAL MECHANISM FOR CRIMINAL TRIBUNALS (IRMCT)	1,562,877.60
81	131655	8/5/2024	UNITED NATIONS INTERIM FORCE IN LEBANON (UNIFIL)	2,528,204.20
82	131658	8/5/2024	UNITED NATIONS SUPPORT OFFICE IN SOMALIA (UNSO)	4,138,058.85
83	133315	1/2/2024	UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION (UNIDO)	5,881,621.60
84	131657	8/5/2024	UN ORG. STABILISATION MISSION IN THE DRC (MONUSCO)	7,787,942.00
85	133347	8/5/2024	UN MULTIDIMENSIONAL STABILISATION MISSION IN THE CENTRAL AFRICAN REPUBLIC (MINUSCA)	8,064,377.65
86	131651	8/5/2024	UNITED NATIONS MISSION IN SUDAN (UNMIS)	9,130,819.75
87	133350	8/5/2024	UN MULTIDIMENSIONAL INTEGRATED STABILISATION MISSION IN MALI (MINUSMA)	9,679,427.95
88	133312	1/2/2024	INTERNATIONAL RED LOCUST CONTROL ORG. FOR CENTRAL AND SOUTHERN AFRICA	20,044,632.45

89	133301	25/1/2024	INTERGOVERNMENTAL STANDING COMMITTEE ON SHIPPING - SECRETARIAT	52,786,336.95
90	133310	1/2/2024	LAKE VICTORIA FISHERIES ORG. SECRETARIAT	62,015,291.00
91	131660	8/5/2024	UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP)	65,698,879.30
92	133348	8/5/2024	UNITED NATIONS GENERAL FUND	116,915,810.75
93	131663	8/5/2024	REGIONAL CENTRE ON SMALL ARMS & LIGHT ARMS (RECSA)	69,349,977.45
94	131662	8/5/2024	INTERNATIONAL CIVIL AVIATION ORGANIZATION	862,794.00
95	132773	18/6/2024	CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION AND STOCKING (BWC)	84,283.75
96	132771	14/6/2024	INTERNATIONAL WHALING COMMISSION	4,909,314.65
97	131661	8/5/2024	UN-HABITAT	13,071,160.00
98	131669	13/5/2024	EASTERN AND SOUTHERN AFRICA ANTI-MONEY LAUNDERING GROUP (ESAAMLG)	14,901,059.40
99	131668	13/5/2024	UNITED NATIONS WORLD TOURISM ORGANIZATION	5,023,860.70
100	131666	13/5/2024	INTERNATIONAL OMBUDSMAN INSTITUTE (IOI)	105,322.85
101	131665	13/5/2024	WORLD ORGANISATION FOR ANIMAL HEALTH (WOAH OIE)	14,400,450.00
102	131664	8/5/2024	UNITED NATIONS ENVIRONMENT PROGRAMME (UNEP) (MINAMATA CONVENTION GENERAL TRUST FUND)	113,773.05
103	132772	14/6/2024	INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA)	10,454,095.45
104	131670	13/5/2024	ORGANISATION FOR THE PROHIBITION OF CHEMICAL WEAPONS (OPCW)	3,165,653.15
105	132783	21/6/2024	FAO DESERT LOCUST CONTROL COMMITTEE (DLCC)	468,337.00
106	132775	18/6/2024	INTERNATIONAL LABOUR ORGANIZATION (ILO)	33,845,578.00
107	130883	24/6/2024	INTERNATIONAL RENEWABLE ENERGY AGENCY (IRENA)	886,335.25
108	116300	14/6/2024	WORLD TRADE ORGANIZATION	18,239,104.25
109	133299	25/1/2024	COMMON MARKET FOR EASTERN AND SOUTHERN AFRICA (COMESA)	317,085,738.25
110	131667	13/5/2024	AFRICAN INSTITUTE FOR ECONOMIC DEVELOPMENT AND PLANNING (IDEP)	4,183,077.20

111	116298	14/6/2024	UNEP - GENERAL TRUST FUND FOR THE BASEL CONVENTION	251,037.20
112	130864	21/6/2024	GLOBAL ALLIANCE OF NATIONAL HUMAN RIGHTS INSTITUTIONS	731,241.50
113	132776	18/6/2024	AFRICA LEATHER AND LEATHER PRODUCTS INSTITUTE (ALLPI)	47,490,062.15
114	130874	21/6/2024	INTERNATIONAL ORGANIZATION OF LEGAL METROLOGY (IOML)	761,626.75
115	116296	14/6/2024	ASSOCIATION FOR STRENGTHENING AGRICULTURAL RESEARCH IN EASTERN AND CENTRAL AFRICA (ASARECA)	7,835,382.00
116	116297	14/6/2024	UNEP - GENERAL TRUST FUND FOR THE ROTTERDAM CONVENTION	163,286.00
117	116299	14/6/2024	UNEP - GENERAL TRUST FUND FOR THE STOCKHOLM CONVENTION	246,075.10
118	116294	14/6/2024	INTERNATIONAL CORRECTIONS AND PRISONS ASSOCIATION (ICPA)	588,069.90
119	116295	14/6/2024	INTERNATIONAL MARITIME ORGANIZATION (IMO)	985,214.60
120	132774	18/6/2024	INTERGOVERNMENTAL GROUP OF TWENTY FOUR (G-24)	3,265,005.00
121	130900	28/6/2024	ASSOCIATION FOR STRENGTHENING AGRICULTURAL RESEARCH IN EASTERN AND CENTRAL AFRICA (ASARECA)	13,083,500.00
122	130877	21/6/2024	UN INTERNATIONAL RESIDUAL MECHANISM FOR CRIMINAL TRIBUNALS (IRMCT)	1,188,490.55
123	130870	21/6/2024	UN MULTIDIMENSIONAL INTERGRATED STABILISATION MISSION IN MALI (MINUSMA)	6,272,171.60
124	130896	28/6/2024	INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT (IFAD)	130,830,950.00
125	130899	28/6/2024	EAST AFRICAN POLICE CHIEFS COOPERATION ORGANIZATION (EAPCCO) INTERPOL	3,884,415.05
126	132782	21/6/2024	AFRICAN FINE COFFEES ASSOCIATION	225,898.35
127	133471	14/5/2024	INTERGOVERNMENTAL AUTHORITY ON DEVELOPMENT (IGAD)	261,414,650.00
128	133471	30/6/2024	BANK CHARGES	5,225.15
129	131258	30/6/2024	INTERNATIONAL BAMBOO AND RATTAN ORGANIZATION	1,044,105.20
130	131257	30/6/2024	PERMANENT COURT OF ARBITRATION	1,481,068.15
131	131256	30/6/2024	COLLABORATIVE AFRICA BUDGET	13,046,140.00

			REFORM INITIATIVE (CABRI)	
132	131259	30/6/2024	INTERNATIONAL UNION OF FOREST RESEARCH ORGANIZATIONS (IUFRO)	46,692.80
133	130865	21/6/2024	UNITED NATIONS MISSION FOR THE REFERENDUM IN WESTERN SAHARA (MINURSO)	520,340.60
134	132784	21/6/2024	AFRICAN ASSOCIATION FOR PUBLIC ADMINISTRATION AND MANAGEMENT (AAPAM)	7,842,132.00
135	130879	24/6/2024	INTERNATIONAL CONFERENCE ON THE GREAT LAKES REGION (ICGLR)	45,144,975.90
136	130882	24/6/2024	INTERNATIONAL CRIMINAL POLICE ORGANIZATION (INTERPOL)	10,132,636.25
137	130881	24/6/2024	AFRICA ORGANIZATION OF SUPREME AUDIT INSTITUTIONS (AFROSAI)	131,536.90
138	130880	24/6/2024	INTERNATIONAL ORGANIZATION FOR MIGRATION (IOM)	6,523,347.15
139	132798	21/6/2024	UNITED NATIONS GENERAL FUND	123,912,439.60
140	132797	21/6/2024	UNITED NATIONS INTERIM FORCE IN LEBANON (UNIFIL)	4,389,370.45
141	130871	21/6/2024	UNITED NATIONS MULTIDIMENSIONAL STABILIZATION MISSION IN THE CENTRAL AFRICAN REPUBLIC (MINUSCA)	9,614,887.55
142	132800	21/6/2024	UNITED NATIONS FORCE IN CYPRUS (UNFICYP)	13,427.60
143	132799	21/6/2024	UNITED NATIONS DISENGAGEMENT OBSERVER FORCE (UNDOF)	579,854.05
144	130876	21/6/2024	UNITED NATIONS ENVIRONMENT PROGRAMME	5,243,926.00
145	130866	21/6/2024	UNITED NATIONS MISSION IN KOSOVO (UNMIK)	308,110.95
146	130863	21/6/2024	REGIONAL SCHOLARSHIP AND INNOVATION FUND (RSIF)	261,389,850.00
147	130872	21/6/2024	UNITED NATIONS INTERIM SECURITY FORCE FOR ABYEI (UNISFA)	2,940,860.25
148	130875	21/6/2024	NETWORK OF AFRICA DATA PROTECTION AUTHORITY (NADPA-RAPDP)	65,993.45
149	130868	21/6/2024	UNITED NATIONS MISSION IN SUDAN (UNMIS)	422,156.55
150	130869	21/6/2024	UNITED NATIONS SUPPORT OFFICE IN SOMALIA (UNSO)	4,556,899.55
151	116291	14/6/2024	UNITED NATIONS GENERAL FUND NON-PROLIFERATION TREATY (NPT)	400,142.50

152	116292	14/6/2024	PEREZ-GUERRERO TRUST FUND	1,959,183.00
153	130867	21/6/2024	UNITED NATIONS ORGANISATION STABILISATION MISSION IN THE DEMOCRATIC REPUBLIC OF CONGO (MONUSCO)	8,574,581.95
154	116293	14/6/2024	INTERNATIONAL COUNCIL ON ARCHIVES	149,248.30
155	116290	14/6/2024	ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION (AALCO)	2,375,479.05

ANNEX IV– SECRETARIAT OF THE REPORT FROM OFFICE OF THE REGISTRAR OF TREATIES

NO.	NAME	STATUS	REPRESENTING
1.	Ambassador Joseph Vungo, M.B.S.	Chairperson	Ministry of Foreign and Diaspora Affairs State Department for Foreign Affairs
2.	Nicholas Kilatya Mutuku, O.G.W.	Deputy Chairperson	Ministry of Foreign & Diaspora Affairs State Department for Foreign Affairs
3.	Gillian Kerubo	Secretariat	Ministry of Foreign & Diaspora Affairs State Department for Foreign Affairs
4.	Rolyne Kendi Mworio	Secretariat	Ministry of Foreign & Diaspora Affairs State Department for Foreign Affairs
5.	Ahmed Mukhtar Ayo	Secretariat	Ministry of Foreign & Diaspora Affairs State Department for Foreign Affairs
6.	Noelle Chao Mutta	Secretariat	Ministry of Foreign & Diaspora Affairs State Department for Foreign Affairs
7.	Ann Njuguna	Secretariat	Ministry of Foreign & Diaspora Affairs State Department for Foreign Affairs
8.	Vivian Wanjiru Gichuru	Secretariat	Ministry of Foreign & Diaspora Affairs State Department for Foreign Affairs
9.	Geoffrey Omondi	Secretariat	Ministry of Foreign & Diaspora Affairs State Department for Foreign Affairs
10.	Abdulwaheed Mohamed A. Affey	Secretariat	Ministry of Foreign & Diaspora Affairs State Department for Foreign Affairs
11.	Daisy Kipkorir	Secretariat	Ministry of Foreign & Diaspora Affairs State Department for Foreign Affairs
12.	Ayan Issack	Secretariat	Ministry of Foreign & Diaspora Affairs State Department for Foreign Affairs
13.	Lyne Kwamboka	Secretariat	Ministry of Foreign & Diaspora Affairs State Department for Foreign Affairs
14.	Barnabas Komen	Secretariat	Ministry of Foreign & Diaspora Affairs State Department for Foreign Affairs
15.	Said Mgenih	Secretariat	Ministry of Foreign & Diaspora Affairs State Department for Foreign Affairs
16.	Amos Okello	Secretariat	Ministry of Foreign & Diaspora Affairs State Department for Foreign Affairs

17.	Delfina Kimathi	Secretariat	Ministry of Foreign & Diaspora Affairs State Department for Foreign Affairs
18.	Millicent Odanga	Secretariat	Ministry of Foreign & Diaspora Affairs State Department for Foreign Affairs
19.	Jane Wanza	Secretariat	Ministry of Foreign & Diaspora Affairs State Department for Foreign Affairs
20.	Sally Wanza	Secretariat	Ministry of Foreign & Diaspora Affairs State Department for Foreign Affairs
21.	Vivian Nyaminsa	Secretariat	Ministry of Foreign & Diaspora Affairs State Department for Foreign Affairs
22.	Martha Musyoka	Secretariat	Ministry of Foreign & Diaspora Affairs State Department for Foreign Affairs
23.	Kristine Kithaka	Secretariat	Ministry of Foreign & Diaspora Affairs State Department for Foreign Affairs
24.	Vivian Nyanchama	Secretariat	Ministry of Foreign & Diaspora Affairs State Department for Foreign Affairs

ANNEX V – PARTICIPANTS/ FOCAL POINTS OF THE REPORT

NO.	NAME	STATUS	REPRESENTING
1.	George Ndichu	Focal Point Person	State Department for Housing
2.	Nimrod Koech	Focal Point Person	State Department for Internal Security and National Administration
3.	Evans Atera	Focal Point Person	State Department for Regional & Northern Corridor Development
4.	Eric Munene	Focal Point Person	State Department of East African Community Affairs
5.	Dennis Olila	Focal Point Person	National Treasury
6.	Faith Pesa	Focal Point Person	National Treasury
7.	Miriam Mutinda	Focal Point Person	State Department for Planning
8.	Robert Kungu	Focal Point Person	State Department for Trade
9.	Dr. Kanana Kimonye	Focal Point Person	Ministry of Health
10.	Lillian Moraa	Focal Point Person	State Department for Industry
11.	Jacynter Omondi	Focal Point Person	State Department for Social Protection
12.	Christine Otieno	Focal Point Person	State Department for Labour
13.	Joyce Nkirote	Focal Point Person	State Department for Cooperatives
14.	Major Olivia Mjomba	Focal Point Person	Ministry of Defence
15.	Dr. Purity Kiunga	Focal Point Person	State Department for Livestock Development
16.	Dr. William Akwimbi	Focal Point Person	State Department for Livestock Development
17.	Maurice Opondo	Focal Point Person	State Department for Irrigation
18.	Sharon Obonyo	Focal Point Person	State Department for Irrigation
19.	Leonard Bett	Focal Point Person	State Department for Fisheries and Blue Economy
20.	James Atinda	Focal Point Person	State Department for Roads
21.	Robin Rotich	Focal Point Person	State Department for Roads
22.	Simon Mungai	Focal Point Person	State Department for Shipping and Maritime Affairs
23.	John Kunga	Focal Point Person	State Department for Devolution
24.	Margaret Namu	Focal Point Person	State Department for Devolution

25.	Festus Lobar	Focal Point Person	State Department for ICT and the Digital Economy
26.	Timothy Macharia	Focal Point Person	State Department for ICT and the Digital Economy
27.	Christopher Maina	Focal Point Person	State Department for Broadcasting and Telecommunications
28.	Joseph Wambua	Focal Point Person	State Department for Broadcasting and Telecommunications
29.	Caroline Amondi	Focal Point Person	State Departments for Sports and the Arts
30.	Lorna Kerubo	Focal Point Person	State Department for Culture and Heritage
31.	Joel Iluve	Focal Point Person	State Department for Youth Affairs and Creative Economy
32.	Dr. Damaris Ogama	Focal Point Person	State Department for TVET
33.	Anne Kaiga	Focal Point Person	State Department for University Education
34.	Christine Siranga	Focal Point Person	State Department for Early Learning
35.	Linah Meeme	Focal Point Person	Ministry of Environment and Forestry
36.	Stella Oimbo	Focal Point Person	State Department for Vocational & Technical Training
37.	Lucy Mulili	Focal Point Person	State Department for Post-training and Skill Development
38.	Robert Kamiti	Focal Point Person	State Department for Tourism
39.	Polyn Runyenje	Focal Point Person	State Department for Wildlife
40.	Kennedy Matheka	Focal Point Person	State Department for Public Works
41.	Rose Nyakwana	Focal Point Person	State Department for Water
42.	Eng. George Nyongayo	Focal Point Person	Ministry of Energy
43.	Charles Kamunya	Focal Point Person	State Department for Petroleum
44.	Francis Mutisya	Focal Point Person	State Department for Public Service
45.	Doris Monyoro	Focal Point Person	State Department for Public Service
46.	Moffart Adika	Focal Point Person	State Department for Gender
47.	Sarah Aliongo	Focal Point Person	State Department for Crop Development
48.	Eric Munene	Focal Point Person	State Department for East Africa Community

49.	Anastacia Kamande	Focal Point Person	State Law Office
50.	Charles Muhingo	Focal Point Person	Government Press
51.	Rose Ogwindoh	Focal Point Person	Government Press
52.	Claris Kariuki	Focal Point Person	Department of Justice
53.	Ann Wambui	Focal Point Person	Kenya International Boundaries Office (KIBO)
54.	David Onyancha	Focal Point Person	State Department for Mining
55.	Harrison Matevwa	Focal Point Person	State Department for Lands and Physical Planning

AFRICA CALLS FOR GLOBAL ACTION TO COMBAT CLIMATE CHANGE AT AFRICA CLIMATE SUMMIT IN NAIROBI, KENYA ON 6TH SEPTEMBER, 2023



HIS EXCELLENCY HON. WILLIAM RUTO AT THE UN GENERAL ASSEMBLY, NEW YORK, UNITED STATES ON 22ND SEPTEMBER, 2023

