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11/10/26.



Hon. Speaker
for
Tabung.
11/10/26.

**REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY**

THIRTEENTH PARLIAMENT – FIFTH SESSION -2026

**DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND INTERNAL
SECURITY**

REPORT ON: -

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

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CHAIRPERSON'S FOREWORD

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

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

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

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

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

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

ACKNOWLEDGEMENT

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

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

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

HON. GABRIEL KOSHAL TONGOYO, CBS, MP
CHAIRPERSON

DEPARTMENTAL COMMITTEE ON ADMINISTRATION & INTERNAL SECURITY

CHAPTER ONE

I.0 PREFACE

I.1 Mandate of the Committee

1. The Departmental Committee on Administration and Internal Security is constituted pursuant to the National Assembly Standing Order 216(I) which mandates Departmental Committees to-
 - a. *investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;*
 - b. *study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;*
(ba) on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;
 - c. *study and review all legislation referred to it;*
 - d. *study, assess and analyze the relative success of the Ministries and departments by the results obtained as compared with their stated objectives;*
 - e. *investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*
 - f. *vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);*
(fa) examine treaties, agreements and conventions;
 - g. *make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
 - h. *consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
 - i. *examine any questions raised by Members on a matter within its mandate.*

I.2 Subjects of the Committee

2. In executing its mandate, the Committee is mandated to consider the following subjects:
 - a. Home affairs, internal security – including police services and coast guard services;
 - b. Public administration; and
 - c. Immigration and citizenship.

I.3 Committee Membership

3. The Committee comprises of the following Members: -

Hon. Gabriel Tongoyo, CBS, MP

Chairperson

Narok West Constituency

Hon. Col. (Rtd.) Dido Rasso, CBS, MP

Vice Chairperson

Saku Constituency

Hon. Kaluma George, CBS, MP

Homa Bay Town Constituency

Hon. (Prof.) Protus Akujah, MP

Loima Constituency

Hon. Aduma Owuor, MP

Nyakach Constituency

Hon. Rozaah Buyu, CBS, MP

Kisumu West Constituency

Hon. Fred C. Kapondi, CBS, MP

Mount Elgon Constituency

Hon. Mburu Kahangara, MP

Lari Constituency

Hon. Liza Chelule, CBS, MP.

Nakuru County

Hon. (Dr.) Peter Masara, MP

Suna West Constituency

Hon. Sarah Paulata Korere, MP

Laikipia North Constituency

Hon. Francis Sigei, EBS, MP

Sotik Constituency

Hon. Oku Kaunya, MP

Teso North Constituency

Hon. Hussein Weytan, MP

Mandera East Constituency,

Hon. Carolne Nge'lechei, MP

Elgeiyo-Marakwet County

I.4 Committee Secretariat

4. The Committee Secretariat consists of the following:

Mr. Gideon Kipkoech
Clerk Assistant II-Head
of Secretariat

Ms. Salim Athuman
Clerk Assistant III

Ms. Clarah Kimeli
Principal Legal Counsel I

Ms. Peninah Simiren
Legal Counsel I

Mr. Benson Kimanzi
Serjeant-at-Arms

Mr. Nimrod Ochieng
Audio Officer

Mr. Edison Odhiambo
Fiscal Analyst I

Ms. Delvin Onyancha
Research Officer II

Mr. Peter Baraza
Legal Counsel I

Ms. Hillary Mageka
Media Relations Officer

Ms. Esther Mbatha
Public Communications
Officer

CHAPTER TWO

2.0 THE STRATEGIC GOODS CONTROL BILL, 2026

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

2.1 Principal Object of the Bill

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

2.2 Clause by Clause analysis

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

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

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

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

14. **Clause 6** of the Bill provides for the functions of the Committee. These are to provide oversight of strategic trade, develop standards and procedures for the effective implementation of the Act, review the National Control List, approve, monitor and evaluate the budget proposals provided by the Secretariat, establish and maintain the coordination, cooperation, assistance and sharing of information within Government agencies, academia, private institutions, any other person and other countries for the effective implementation of the Act. The Committee is also mandated to report to the Cabinet Secretary on matters relating to strategic trade, issue, suspend or revoke a licence or a certificate for purposes of the Act, establish and operate end-use controls and compliance checks and perform such other functions necessary for the effective implementation of the Act.
15. **Clause 7** of the Bill establishes the Secretariat of the Committee, which shall consist of such public officers as may be seconded to the Secretariat and to be hosted by the Ministry responsible for matters relating to internal security. The Bill requires the secretariat to establish and maintain a comprehensive database on strategic goods and related services; implement the provisions of the Act in collaboration with other agencies; conduct administrative investigations under the Act and coordinate, collaborate and share relevant information with other Government agencies in the implementation of the Act. It also requires the Secretariat to prepare and submit budget proposals for consideration by the Committee; monitor strategic trade and end-user controls; inspect end-use activities and end-user controls for strategic goods; submit quarterly reports on matters relating to strategic trade; and perform such other functions that are necessary for the effective implementation of the Act.
16. **Clause 8** of the Bill provides that the secretariat is to be headed by a Director who shall be a public officer appointed by the Cabinet Secretary on the recommendation of the Committee. The Bill designates the Director as the head of the secretariat and is responsible for the day-to-day management of the secretariat; keeping all records of the Committee, communicating the decisions of the Committee; and performing such other

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

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

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

21. **Clause 11** of the Bill requires the Director to maintain a register of persons engaged in strategic trade. The register shall contain in respect of each application for registration under clause 9(2), a copy of the application; the certificate or licence issued under the Act; and any other information the Committee may consider necessary.
22. **Clause 12** of the Bill requires the Committee to impose end-use controls on a strategic good specified in the National Control List and empowers the Committee to impose end-use controls on a strategic good that is not specified in the National Control List. Where the Committee imposes an end use control on a strategic good, the end user of the strategic good shall sign an end user certificate. The end user certificate signed shall specify the end user, the quantity, value and purpose of the strategic good. The Committee is required to certify the end-user certificate.
23. The Bill further requires a person who intends to change the end user to, within forty-eight hours, notify the Committee in writing of any change concerning the end-user or another party to an export, import, transit, use, storage, transshipment of strategic goods or provision of related services. The Committee shall, upon receipt of the notification under subsection (6), approve a change of end-user in accordance with the class of licence held by the applicant within ninety days from the date of receipt of the notification. A person who engages in strategic trade is obligated to comply with the end-user undertakings.
24. **Clause 13** of the Bill provides for shipment of goods specified in the National Control List. It empowers the Committee to prohibit the export, reexport, transit, transfer, transmission and transshipment of a good not specified in the National Control List or the provision of a related service if the goods or services in question are or may be intended, in their entirety or in part, for use in connection with weapons of mass destruction, their means of delivery or for military applications to a destination which is subject to a United Nations Security Council sanction or embargo, prohibited or restricted end-uses and end-users. It further empowers the Committee to stop the shipment of strategic goods specified in the National Control List or the provision of related services at any stage to verify that

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

25. **Clause 14** of the Bill provides for licencing. It prohibits a person from engaging in strategic trade of any strategic good specified in the National Control List or providing a related service unless the person is the holder of a licence issued under the Act. It requires a person who intends to engage in strategic trade to apply for a licence in the prescribed form, upon payment of the prescribed fee and empowers the Cabinet Secretary, on the recommendation of the Committee, to exempt an applicant from the requirements of this clause. The Bill prohibits a person, other than a national security organ, from engaging in strategic trade for military applications.
26. **Clause 15** of the Bill provides for conditions for the issuance of a license and empowers the Committee to issue a licence to an applicant subject to such conditions as set out under the Act. It requires that before the Committee issues a licence, it considers the national security of Kenya; international obligations and commitments under any international treaty or agreement including United Nations Security Council Resolutions; and the African Union Peace and Security Council Resolutions. It also requires the Committee to consider the preservation of regional peace, security and stability; the internal tensions or armed conflict in the destination country; human rights and international humanitarian law; terrorism or organized criminal activities; the security interests of a country which is an ally to Kenya; the risk of diversion to an unauthorised end-user or end-use; and any other relevant national security consideration.
27. It also provides for circumstances under which the Committee shall refuse to issue a license. These are if the applicant does not fulfil the conditions and requirements of the Act; the applicant submitted false documents, made misleading representations or concealed material facts in the application; the applicant has contravened any written law relating to national security; the applicant has violated an international embargo or sanction that binds Kenya or the applicant is subject to ongoing criminal or civil proceedings related to national security. Other circumstances are where the goods for which the licence is being sought are the subject of a police investigation or court proceedings, the proposed strategic trade is in breach of a United Nations Security Council sanction or embargo; the proposed strategic trade will impede the fulfilment of international commitments or

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

28. **Clause 16** provides for the validity period of a licence. It provides that an individual licence shall be valid for a period of three years from the date of issue; a global licence shall be valid for a period of five years from the date of issue; and a general licence shall be valid for a period of five years from the date of issue or until it is revoked. The Bill further empowers the Cabinet Secretary by notice in the Gazette to notify the public of the issuance of a general licence under the Act.
29. **Clause 17** of the Bill provides for notification of loss or destroyed licence. It requires the holder of a licence to notify the Committee of loss or destruction of a licence within seven days of the occurrence.
30. **Clause 18** of the Bill provides for fair hearing and requires that where applicable, the Committee complies with Article 47 of the Constitution and the Fair Administrative Action Act in determining whether to revoke or suspend a licence.
31. **Clause 19** of the Bill provides for suspension of a licence. It empowers the Committee to suspend a licence where it suspects that the strategic trade is being conducted in contravention of existing conditions of a licence. It requires that the Committee inform the holder of the licence of the failure to comply with the conditions of the licence and specify the corrective action to be taken by the holder of the licence in writing. Where the holder of the licence does not take the corrective action specified by the Committee, the Bill empowers the Committee to suspend the licence until the holder of the licence complies with the corrective action recommended by the Committee.
32. The Bill further empowers the Committee to suspend a licence for a shipment of a strategic good specified in the National Control List or the provision of related services to any country experiencing a deterioration in security. It requires the Committee to notify the holder of a licence of the suspension of the licence and the period of the suspension in writing. Where at the end of the period specified the grounds for suspension are still valid, the period of suspension may be extended, and the holder of the licence shall be notified of such extension in writing. The suspension of the licence may be lifted where the

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

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

37. **Claus 24** of the Bill provides for compliance requirements. It requires a person who engages in strategic trade to comply with the conditions upon which the licence was issued; inform the Committee immediately of any change that occurs in an export, import, transit or transshipment of a strategic good or the provision of a related service and to inform the Committee of the finalisation of the activity for which the licence was issued and submit the relevant documents to the Committee. It further requires a person who engages in strategic trade to notify the Committee of the grounds for suspecting that strategic goods are or may be used, partly or entirely, for any of the uses related to weapons of mass destruction, their means of delivery for military end-use in an embargoed destination by restricted persons or for suspecting that the related service which he intends to provide would facilitate that use. It also requires a person who engages in strategic trade to confirm the delivery and receipt of the strategic goods; indicate clearly in relevant commercial documents including any sales contract, order confirmation, invoice or dispatch note relating to domestic transfers of goods in the National Control List produced in Kenya, that those strategic goods are subject to controls, if exported from Kenya; notify the Committee within twenty-four hours of any loss or theft of strategic goods or goods in the National Control list in their possession; put in place internal compliance measures for effective compliance with the provisions of the Act; and comply with other obligations, terms and conditions of a licence or certificate issued under this Act.
38. **Clause 25** of the Bill provides for verification of compliance. It requires the Secretariat, in consultation and cooperation with other regulatory authorities and enforcement agencies to be responsible for verifying compliance by all persons engaged in strategic trade. The verification of compliance shall be conducted before, during and after the issuance of a licence. During verification of compliance, the Committee is empowered, in collaboration with other regulatory authorities to request necessary information from the applicant or holder of a licence for purposes of compliance control; inspect the documents of an applicant or holder of a licence and the business premises, including offices, production facilities, warehouses, and distribution centres, related to strategic goods and nationally controlled goods as well as the goods themselves. The Committee is also empowered to audit the internal compliance measures of the holder of a licence; request information from any other institution or organisation necessary for the purposes of this clause; request for assistance from competent authorities of other countries in order to collect additional

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

39. **Clause 26** provides for the Inspector and empowers the Cabinet Secretary on the recommendation of the Committee, by notice in the gazette to appoint a suitably qualified person to be a strategic goods inspector. It empowers the Inspector to investigate an administrative violation committed under the Act; undertake the enforcement of the Act in cooperation with other agencies and perform such other functions as may be assigned by the Director. The Bill prohibits a person appointed as an inspector while being so appointed from engaging in strategic trade and requires the Cabinet Secretary to issue an inspector appointed with a certificate of appointment. The Bill requires an inspector, upon entering any place or premises for purposes of performing their duties to produce the certificate of appointment issued to the person in charge of the premises.
40. **Clause 27** of the Bill provides for access to places or premises. It grants an inspector, with a warrant, full and free access to any building, place, property, documents, network or data storage device for the purposes of administering the Act. Where an inspector enters any place or premises for purposes of the Act, the Bill empowers the Inspector to require any person therein to produce any books, accounts or other documents, including computerized data or other record, whether in print or electronic format, or items which such person is required to keep under the provisions of the Act.
41. It empowers the Inspector to examine any books, accounts or other documents, including computerized data or other record, whether in print or electronic format, facility apparatus, equipment, device or item and make copies of, or take extracts from, any such books, accounts, documents or records and to seize or detain any books, accounts or other documents, including computerized data or other record, whether in print or electronic format, facility, apparatus, equipment, device or item which contains or is reasonably suspected to contain information relating to any offence suspected to have been committed under the Act.
42. It further empowers the Inspector to require any person therein to answer questions relating to any book, data, document or other record or item; any entry in any book, data, document or other record; or any other item that the inspector may deem necessary. The

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

43. If by reason of its nature, size or amount it is not practicable to remove any item, books, accounts or other documents, including computerized data or other record, whether in print or electronic format, seized or detained under this clause, the Bill requires the inspector, by any means, to seal such item, book, accounts or other documents, including computerized data, or other record in the place or premises or container in which it is found. Where the inspector is unable to obtain free access to any place or premises or to any container in that place or premises, the inspector is empowered to, at any time, enter such place or premises and open such container in such manner, if necessary, by force, as the inspector may deem necessary. Where, on the entry upon any place or premises under the provisions of the Act, any strategic goods are found in relation to which an offence has been committed, such strategic goods shall be liable for forfeiture.
44. **Clause 28** of the Bill provides for power to search conveyances. It empowers an inspector with a warrant to board any conveyance; require the master of a vessel, pilot of an aircraft or person in control of any other conveyance to give such information relating to the conveyance, cargo, stores, crew, passengers or voyage as the inspector may consider necessary. The Inspector is also empowered to search all parts of such conveyance for strategic goods; examine all items on board and all items being loaded or unloaded; demand all documents of items which ought to be on board; or require all or any such document to be submitted to him for inspection.
45. The Bill makes it an offence where a master of a vessel, pilot of an aircraft or person in control of any conveyance refuses to allow an authorised officer to board or search such conveyance or refuses to give such information or to produce such documents on demand. The Bill prescribes the penalty for the offence on conviction as a fine not exceeding one million shillings or imprisonment for a term not exceeding three years, or both. If any place, box or chest on board in such conveyance is locked and the key withheld, the Bill empowers the inspector to break open any such place, box or chest at the expense of the owner.
46. **Clause 29** of the Bill provides for entry and search of premises without warrant and empowers an inspector to, without a warrant, exercise any power referred to in sections

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

47. **Clause 30** of the Bill provides for the list of items seized or detained. Where any strategic good and any container, package, conveyance or other article in which the strategic good is stored, kept or found, record, book, account, document or electronic data are seized, it requires the inspector seizing the items to prepare a list of the items seized and to thereafter deliver a copy signed by the inspector to the owner or person in charge of the place, premises or conveyance which has been searched, or to such owner's or person's agent or servant, at that place, premises or conveyance.
48. **Clause 31** of the Bill provides for disposal of seized strategic goods. It empowers the Committee to at any time it considers appropriate, obtain a court order for the disposal of the strategic goods together with any container, package, conveyance or other article in which the strategic goods are stored, kept or found, record, book, account, document or electronic data seized. This is subject to the following procedures being complied with; an inventory specifying the description, markings and other particulars which clearly identify the items seized prepared by an inspector, photographs of the items seized taken in the presence of the inspector, and the said inspector has certified that the photographs are true; and copies of any record, book, account, document or electronic data seized are duly certified by an inspector. It further provides that the disposal of goods shall be carried out at the expense of the owner of the goods and requires the Cabinet Secretary, by notice in the Gazette, to appoint a technical ad-hoc committee to handle the disposal of the strategic goods under this clause. In appointing the ad hoc Committee, the Bill requires the Cabinet Secretary, to take into consideration the category of the strategic good to be destroyed and the technical expertise of the members dealing with the strategic good.
49. **Clause 32** of the Bill provides for forfeiture of strategic goods when there is no prosecution. It requires that where there is no prosecution or conviction in respect of any strategic goods or electronic data seized in the exercise of any power conferred under the Act, the strategic goods or electronic data be held for a period of ninety days from the date of seizure and at the end of that period be deemed forfeited, unless a written claim thereto is received within such period.
50. Any person claiming ownership of any strategic goods, container, package, conveyance, article, records, books, accounts, documents, or computerized data seized under the Act

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

51. Where there is proof that an offence has been committed under the Act and that the strategic goods, container, package, conveyance, article, records, books, accounts, documents, or computerized data that were the subject matter of or were used in the commission of the offence, the Bill requires the Committee to order that the strategic goods, container, package, conveyance, article, records, books, accounts, documents or computerized data be forfeited. Alternatively, the Committee may, in the absence of such proof, order the release of such strategic goods, container, package, conveyance, article, records, books, accounts, documents or computerized data to the person entitled to them.
52. **Clause 33** of the Bill provides for costs of holding strategic goods. It provides that where any strategic good or any container, package or conveyance or other article in which the strategic goods are stored, kept or found, record, book, account, document or electronic data seized under the Act, is held in the custody of the Government pending completion of any proceedings in respect of an offence under this Act, the cost of holding such strategic goods, container, package, conveyance, article, record, book, account, document or electronic data in custody shall, in the event of any person being convicted of an offence, be a civil debt due to the Government by such person and shall be recoverable accordingly.
53. **Clause 34** of the Bill precludes a person from entitlement to the costs of proceedings or to any damages or other relief, in any proceedings before any court in respect of any strategic goods, or any container, package, conveyance or other article in which the

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

54. **Clause 35** of the bill provides for obstruction of an inspector. It prohibits a person from obstructing, impeding or interfering with an Inspector in the performance of their functions under the Act and prohibits the impersonation of an Inspector. Both actions are offences with a penalty on conviction of a fine not exceeding five million shillings or imprisonment for a term not exceeding five years, or both.
55. **Clause 36** of the Bill outlines offences. Offences under the Bill are making false or misleading representations or concealing any material fact in any submission to the Committee; failing to act in accordance with any order or instructions issued by the Committee; failing to report to or notify the Committee as required by the Act; failing to comply with the record keeping requirements under the Act; causing, aiding or abetting a contravention of the Act or any order or conditions of a licence issued under the Act; attempting to contravene a provision of the Act or any order or licence issued under the Act; conspiring or acting in concert with one or more persons to contravene the provisions of the Act; obstructing or hindering the Committee, its representatives, any government agency or any inspector in the execution of its powers conferred under the Act; or forging or altering any registration, licence, end-use certificate, or any other document issued under the provisions of the Act. The Bill sets the penalty for the offences listed above as a fine not exceeding fifty million shillings or imprisonment for a term not exceeding ten years, or to both, upon conviction.
56. Other offences under the Bill are engaging in strategic trade or providing related services without being registered and licenced under the Act; failing to furnish any information as required under the Act; using any confidential information for any purpose not authorised under the Act; using strategic goods in a manner inconsistent with registration certificate and licence issued under the Act; or obstructing or failing to assist the Committee or an inspector in the performance of their duties under the Act. The Bill sets the penalty on conviction as a fine not exceeding twenty million shillings or imprisonment for a term not exceeding ten years, or both.
57. The Bill also make it an offence for a person to knowingly facilitate or finance the handling of strategic goods, if this endangers public safety and security with a penalty of a fine not

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

58. It is also an offence for a person who is in possession of conventional weapons prescribed in the National Control List or components thereof without a licence or certificate issued under this Act. The penalty a penalty is a fine not exceeding five million shillings or imprisonment for a term not exceeding three years, or both on conviction.
59. It also and offence pursuant to section 11 of the Prevention of Terrorism Act for a person to knowingly offer to provide or provide strategic goods to be used for terrorism purposes with the penalty stipulated under that Act.
60. **Clause 37** of the Bill permits the Committee to refer any matter that falls within its jurisdiction to the relevant law enforcement agencies or the Director of Public Prosecutions.
61. **Clause 38** of the Bill sets the general penalty for offences under the Act for which no penalty is provided as a fine not exceeding five million shillings, or imprisonment for a term not exceeding five years, or both, on conviction.
62. **Clause 39** provides for confidentiality. It precludes the disclosure of any confidential information obtained under the Act to any other party except in the furtherance of justice and law enforcement or national security, as may be determined by the Committee, or unless the party providing such information has consented to its disclosure. It requires the Committee to keep confidential, trade and production secrets. It further requires that the information obtained and maintained under the Act be handled, retained and disposed of in accordance with the provisions of the Access to Information Act, the Data Protection Act and any other related legislation.
63. **Clause 40** provides for voluntary disclosure. It provides that a person who contravenes any provisions of the Act and voluntarily discloses to the Committee such contravention shall have the benefit of such disclosure when the Committee determines the administrative sanction, if any, applicable to that person.
64. **Clause 41** provides for protection from personal liability. It provides that no action or thing done by a member of the Committee or by an inspector, employee or agent of a government authority shall, if the action or thing is done in good faith for executing the functions, powers or duties under the Act render the member, officer, employee or agent or any person acting on their direction personally liable to any action, claim or demand

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

65. **Clause 43** of the Bill provides for limitation of actions. No civil action or proceedings based on or arising out of this Act or in general shall lie or be instituted unless it is commenced within three years next after the act, neglect or default complained or in the case of continuing injury or damage within twelve months next after the cessation thereof.
66. **Clause 43** of the Bill provides for regulations. It requires the Cabinet Secretary, in consultation with the Committee, to make regulations for the better carrying out of the objects and purposes of the Act. Without prejudice to the generality the Cabinet Secretary shall make regulations prescribing the safety, storage, transportation, disposal and security of strategic goods; any fees payable under this Act; procedures for voluntary disclosure; any forms to be used for the purposes the Act; the manner of record keeping by persons registered under the Act; and any other matter necessary for the implementation of this Act.
67. **Clause 44** provides for consequential amendments to the Firearms Act Cap. 114. It provides for amendment of section (2) of the Act to include the definition of the term "armoured vehicle" as a vehicle which is armour-plated for protection against bullets or any other munition and includes components for armour plating. It further provides for the amendment of section 3(5)(b) of the Firearms Act to include among the functions of the Firearms Licensing Board the issuance, cancellation, termination or variation of any licence, *certificate of approval* or permit issued under the Firearms Act. The Bill also proposes to amend section 3 of the Firearms Act to provide that notwithstanding the provisions of subsection (5)(b), where a licence, certificate of approval or permit relates to a strategic good listed in the National Control List under the Strategic Goods Control Act, the Board shall issue the licence, certificate of approval or permit under subsection (5)(b) with the approval of the Strategic Goods Control Committee.
68. **Clause 45** provides for consequential amendment of the Explosives Act Cap. 115 by inserting a new section 9A to require that the provisions of the Explosives Act relating permits, licenses and regulatory compliance be subject to further regulatory control under the Strategic Goods Control Act.

69. **Clause 46** of the Bill provides for consequential amendment to section 4 of the Nuclear Regulatory Act Cap. 243 to require that any person dealing with nuclear or radioactive material, activities or facilities to further comply with the provisions of the Strategic Goods Control Act.
70. **Clause 47** of the Bill provides for the consequential amendment of Pharmacy and Poisons Board Act Cap.244 by inserting a new section 3C to require that where a medicinal substance licensed under section 3B(2)(e) of the Act relates to a medicinal substance listed on the National Control List under the Strategic Goods Control Act, the Pharmacy and Poisons Board shall only issue the licence with the approval of the Strategic Goods Control Committee.
71. **Clause 48** of the Bill provides for consequential amendment to section 20(1)(e) of the Mining Act (Cap. 306) to ensure that the Director of Mines, through the Principal Secretary is responsible to the Cabinet Secretary for ensuring compliance with the requirements of the Mining Act and the Strategic Goods Control Act;
72. **Clause 49** of the Bill provides for consequential amendment to section 2B of the Fertilizers and Animal Foodstuffs Act Cap. 345 to include among the functions of the Fertilizer and Animal Foodstuffs Board, the regulation of exportation and transshipment of the fertilizers and animal foodstuffs. The Bill also seeks to include among the functions of the Board, the licensing of exporters and importers, on the recommendation of the Director of Agriculture and the Director of Veterinary Services. The Bill seeks to include among the functions of the Board, the implementation of administrative strategies and measures to ensure that persons do not use fertilizers in a manner prejudicial to national security. The Bill also seeks to prescribe that fertilizers and animal foodstuffs that are listed in the National Control List shall be regulated in accordance with the provisions of the Strategic Goods Control Act.
73. **Clause 50** of the Bill provides for consequential amendment to section 2C of the of the Fertilizers and Animal Foodstuffs Act Cap. 345 to include among the membership of the Fertilizer and Animal Foodstuffs Board, one person representing the National Intelligence Service.
74. **Clause 51** of the Bill provides for consequential amendment to 2E of the of the Fertilizers and Animal Foodstuffs Act Cap. 345 to grant the Fertilizer and Animal Foodstuffs Board

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

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

2.3 Current Legal Framework

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

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

- (b) The Firearms Act, Cap. 114, which regulates the licensing and controlling the manufacture, importation, exportation, transportation, sale, repair, storage, possession and use of firearms, ammunition, airguns and destructive devices. The Act establishes the Firearms Licensing Board, which is responsible for certifying the suitability of applicants and periodically assessing the proficiency of firearm holders, issuing and managing licences and permits under the Act, registering civilian firearm holders, dealers and manufacturers, supervising and regulating shooting ranges, maintaining a centralized record management system;
- (c) The Explosives Act (Cap. 115), which provides for the manufacture, storage, sale, transport, importation, exportation and use of explosives. It requires dealers in explosives to obtain permits from the chief inspector of explosives and persons seeking to import, export, transport, or establish explosives factories or magazines to obtain the relevant approvals from Director of Mines.
- (d) Mining Act Cap 306 which provides for prospecting, mining, processing, refining, treatment, transport and any dealings in minerals
- (e) Other chemical substances, toxins and hazardous materials are regulated through a combination of Acts of Parliament. These include—
 - i. The Pharmacy and Poisons Act (Cap. 244) which regulates controlled chemicals and poisons. The Act establishes the pharmacy and poisons Board, which is responsible for regulating the manufacture, importation, exportation, distribution, sale and use of pharmaceutical products and poisons, including licensing and inspection of pharmaceutical premises and practitioners, registration of medicines, enforcement of compliance with the Act, and oversight of controlled substances to protect public health and safety;
 - ii. The Pest Control Products Act (Cap. 346), which regulates the importation, exportation, manufacture, distribution and use of products used for the control

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

- iii. The Fertilizers and Animal Foodstuffs Act (Cap. 345), which regulates the importation, manufacture and sale of agricultural fertilizers and animal foodstuffs and substances of animal origin intended for the manufacture of such fertilizers and foodstuffs. The Act establishes the Fertilizer and Animal Foodstuffs Board of Kenya, whose functions include to regulate the fertilizers and animal foodstuffs industry in Kenya including the production, manufacture, packaging, importation and marketing of fertilizers and animal foodstuffs and to regulate the importation of raw materials for the manufacture of animal foodstuffs. The Board is also responsible for licensing manufacturers, distributors and retailers of fertilizers and animal foodstuffs on the recommendation of the Director of Agriculture and the Director of Veterinary Services;
- iv. The Biosafety Act (Cap. 320) which establishes a regulatory framework for the safe development, transfer, handling and use of genetically modified organisms and related biological materials. The Act is administered by the National Biosafety Authority, which is responsible for approving the importation, exportation, transit, use, environmental release and placing on the market of regulated biological materials.

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

- i. Treaty on the Non-Proliferation of nuclear weapons (NPT), which seeks to prevent the spread of nuclear weapons, promote the peaceful use of nuclear energy, and require safeguards over nuclear materials and technology. Kenya became a signatory in 1970.
- ii. Biological Weapons Convention which prohibits the development, production, acquisition, stockpiling and retention of biological agents and toxins for hostile purposes or use as weapons. Kenya acceded to the convention in 1976.
- iii. Chemical Weapons Convention which prohibits the development, production, acquisition, stockpiling, transfer and use of chemical weapons and establishes

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

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

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

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

- (a) Whether commencement of the Act should be left to the discretion of the Cabinet Secretary;
- (b) Whether there will be any Parliamentary oversight over the inclusion or exclusion of an item on the control list given Clause 4(2) of the Bill, which empowers the Cabinet Secretary, on the recommendation of the Committee, to amend the National Control List by notice in the Gazette.
- (c) Whether there is adequate representation of the private sector in the Strategic Goods Control Committee, noting that only two out of thirteen substantive members of the Committee are drawn from the private sector;
- (d) Whether the terms and conditions of appointment of the Director under Clause 8(3) should be determined by the Cabinet Secretary or by the Committee;
- (e) Whether the requirement of Clause 9 of the Bill for a person who intends to engage or engages in strategic trade to register with the Committee creates overlapping mandates with the existing regulatory bodies, which also require registration and licensing; and
- (f) Views on the goods listed under the National Control List.

CHAPTER THREE

3.0 PUBLIC PARTICIPATION

3.1 THE LEGAL PROVISION ON PUBLIC PARTICIPATION

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

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

82. Standing Order 127(3) provides that—

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

- (a) inviting submission of memoranda;*
- (b) holding public hearings;*
- (c) consulting relevant stakeholders in a sector; and*
- (d) consulting experts on technical subjects.*

Standing Order 127 (3A) further provides that—

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

83. Pursuant to the aforementioned provisions of the Constitution and Standing Orders, on public participation, the Committee through local daily newspapers Tuesday 14th April 2026 published an advertisement inviting the public to submit memoranda on the Bill. The advertisement is annexed to this report as **Annexure 3**.
84. Further, vide a letter dated **Wednesday, 27th April 2026**, the Committee invited relevant stakeholders, to make submissions on the Bill from Tuesday, 19th May 2026, to Wednesday 21st May 2026 at Glee Hotel, Kiambu County. Stakeholder submissions are annexed as **Annexure 4**

3.2 STAKE HOLDER’S SUBMISSIONS ON THE BILL

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

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

86. They further stated that the policy contained in the Bill falls within the mandate of the Ministry of Interior and the National Administration and as such the Bill does not raise substantial Constitutional or statutory Issues.
87. **The American Embassy supported** the enactment of the Bill and stated that Strategic trade control is among the practices that build a country's reputation as a trusted destination for cutting-edge technological innovations. And in the right hands, dual-use strategic goods can then enable advanced computing, communication, aviation, medicine, agriculture, and other economic activities high on the value chain.
88. **Kenya Airports Authority** noted that the Bill should expressly recognize airports and air cargo facilities as critical national infrastructure in the movement, storage, transit and transshipment of strategic goods. They proposed that the Bill should provide a framework for coordinated operations among aviation security agencies, customs, intelligence and border control authorities. Further, KAA recommended that the Bill should clearly define the operational responsibilities of—
 - a) airport operators,
 - b) customs authorities,
 - c) aviation security agencies,
 - d) freight handlers,
 - e) airlines,
 - f) cargo operators,
 - g) security screening entities.
89. Further they noted that the Bill should expressly recognize existing obligations under the International Civil Aviation Organization security framework, including air cargo security standards, regulated agent and known consignor programmes, screening and security controls. They recommended that the legislation should avoid duplication of aviation security requirements already implemented under civil aviation laws and regulations.

90. Additionally, KAA recommended establishment of secure digital information-sharing platforms among; airport operators, Kenya Revenue Authority, security agencies, freight operators, licensing authorities, civil aviation regulators and Kenya Ports Authority.
91. They also noted that Kenyan airports handle substantial transit and transshipment cargo within the region. They sought a clear distinction of; imports, exports, transit cargo, transshipment cargo, and temporary storage cargo. They proposed clear procedures are necessary to avoid operational uncertainty and trade disruptions.
92. They further proposed that the Bill should include safeguards for protection of: airline operational data, cargo manifests, commercial shipment information, security-sensitive airport information. They recommended that disclosure of sensitive aviation and commercial information should only occur under lawful and controlled procedures.
93. **Airways** proposed that the Bill should have a transition period of at least 18–24 months post-commencement for full compliance.
94. **KEPROBA** noted that Kenya is currently positioning itself as a hub for manufacturing, pharmaceuticals, digital innovation, and technology-enabled services. Therefore, care should be taken to ensure that implementation does not inadvertently discourage: export-oriented manufacturing, technology-intensive investments, and industrial upgrading and value addition initiatives. They also noted that there was a need for effective implementation of strategic trade controls which require strong coordination among regulatory, security, customs, and trade-related agencies.
95. **Members of the Public in Nyeri and Laikipia** sought clarification on whether the Bill would increase the cost of essential commodities such as gas and fertiliser and whether the Bill only targets imported goods. In Laikipia, a member of the public opposed the Bill for the reason that it is likely to increase the cost of doing business particularly for youth and small-scale entrepreneurs. Another member of the public also expressed concern on the Bill being presented in accessible formats to enable meaningful participation for persons with disability.

Committee Observation from submissions by above stakeholders

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

- (b) Compliance obligations may impose some administrative requirements on regulated entities.
- (c) the Bill is intended to safeguard national security, public safety and Kenya international obligations concerning strategic goods.
- (d) The Bill already has a transition clause of one year for any person licensed to carry out trade in strategic goods under any written law prior to enactment of this Act for a period of twelve months.

Title of the Bill

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

Committee Observation

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

Clause 1

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

Committee Observation

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

Clause 2

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

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

99. **The Regulatory Institute** submitted that "technical service provider" is currently defined by reference to weapons of mass destruction only, whereas "technical service" is defined more broadly to cover all strategic goods. They proposed that the committee may consider aligning the two definitions by broadening the scope of "technical service provider" to better reflect the intended regulatory design and avoid unintended gaps in coverage.
100. **The Kenya Law Reform Commission** proposed to clarify the term "related services" in the definition of "strategic trade" as the current definition is excessively broad and may unintentionally capture universities, researchers, software developers and legitimate commercial actors which is contrary to legal certainty and proportionality principles.
101. **The State Department for Trade** noted that the Bill in the definition of "nationally controlled goods" mentions technology and intangible transfers, it does not sufficiently define: cloud-based transfers; AI-assisted technical transmission; encrypted technical data sharing; remote software updates; research collaboration platforms; or university and scientific exchanges.

Clause 3(1)(b)

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

Committee Observation

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

Clause 3(1) (c)

103. **The Regulatory Institute** proposed an amendment to clause 3(c) by inserting the word "or handles a strategic good" as the terms "engaging in strategic trade" and "handling strategic goods" appear to overlap only partially, the suggested addition might help to avoid unintended gaps in coverage.
104. **The Kenya Law Reform Commission** proposed a clarification on extraterritorial jurisdiction and applicability to Kenyan citizens engaging in strategic trade abroad as the Bill

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

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

Committee Observation

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

Clause 3(2)

106. **Kenya Airways** proposed amendment of clause 3(2) to add a new subsection exempting ICAO-certified civil aircraft, parts, software, and services for commercial/passenger use (subject to end-use certification).
107. Further, they sought clarification in Schedule interpretations that civil-certified items under EASA/FAA standards are generally excluded unless diverted to military use.

Committee Observation

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

Clause 4

108. **The Kenya Law Reform Commission** proposed to subject amendments to the National Control List to Parliamentary scrutiny and stakeholder consultation through the process set out in the Statutory Instruments Act. They submitted that amendment by Gazette Notice alone creates risks of executive overreach and regulatory uncertainty.
109. **The State Department for Trade** noted that the Bill provides for a control list but does not create mechanisms to assist exporters in determining whether their goods fall under the list. They proposed establishment of an official product classification advisory service within the implementing authority. This will enable exporters to avoid compliance

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

Committee Observation

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

Clause 5

110. **The state department for mining** proposed to include the state department for mining as part of the composition of the committee as this will enhance the oversight mechanism, which is critical in aligning the Bill with existing regulatory mandates. That failure to include the state department despite its direct mandate in the oversight framework raises concerns about adequate representation in the oversight framework.
111. **The Kenya Nuclear Regulatory Authority** proposed inclusion of Director General Kenya Nuclear Regulatory Authority as member of the Committee as this will complement the committee oversight role on matters nuclear and radiation.
112. **The Kenya Law Reform Commission** proposed to include representation from scientific or research institutions in the committee as the Bill regulates highly technical sectors requiring technological and scientific expertise.
113. **The Pharmacy and Poisons Board** proposed that the Chief Executive Officer of PBB (or a senior nominee) shall be a full voting member of the Committee, not merely an ex officio secretary. This reflects that PBB already has statutory responsibility for narcotic and psychotropic substance control under the Single Convention (1961), the 1971 Convention and the 1988 UN Convention.

114. **The Kenya Law Reform Commission** proposed to introduce Article 232 compliance requirement as the current composition of the commission does not expressly integrate constitutional inclusivity principles.
115. **The State Department for Trade** noted that taking into consideration that the strategic trade entail policies or controls designed to influence international trade for national security, economic and foreign policy goals, it is imperative to consider the inclusion of the Principal Secretary responsible for matters relating to foreign affairs or his representative to be a full member of the Committee.
116. Further, they proposed one person be nominated by KAM to be a member of the Committee for more inclusivity and owing to the important role played by KAM in production of goods which are the subject of Strategic Goods.
117. **Kenya Airports Authority and Kenya Airways** noted that given the critical role of airports in international cargo and passenger facilitation, they recommended aviation sector representatives to be included in the composition of the Strategic Goods Control Committee.
118. Members of the Public in Nyeri and Laikipia counties proposed the inclusion of a representative of the Business community in the Strategic Goods Control Committee, specifically brokers involved in strategic goods as members of the Strategic Goods Control Committee, noting that brokers act as intermediaries between industry players.

Committee Observation

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

Clause 6

119. **The Kenya Law Reform Commission** proposed the separation of licensing, oversight and enforcement review functions as the current framework within the Bill carries the risk of perceived bias and administrative unfairness when all these powers are concentrated in one organ.
120. **The Kenya Pharmacy and Poisons Board** proposed that the Committee should serve as an inter-agency advisory and co-ordination body, not a prior approval authority. They proposed that in relation to health goods, its functions shall be: a) to receive notification of all licenses issued by PBB for strategic health goods (b) to maintain a central database

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

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

Committee Observation

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

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

Clause 7

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

Committee Observation

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

Clause 8

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

Committee Observation

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

Clause 9

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

Committee Observation

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

Clause 9(5)

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

Committee Observation

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

Clause 10

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

Committee Observation

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

Clause 11

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

Committee Observation

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

Clause 12

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

Committee Observation

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

Clause 13

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

Committee Observation

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

Clause 14

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

Committee Observation

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

Clause 16(2)

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

Committee Observation

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

Clause 20

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

Committee Observation

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

Clause 21

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

Committee Observation

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

Clause 23

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

Committee Observation

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

Clause 24

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

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

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

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

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

Committee Observation

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

Clause 25

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

Committee Observation

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

Clause 26

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

Committee Observation

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

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

Clause 27

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

Committee Observation

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

Clause 28

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

Committee Observation

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

Clause 29

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

Committee Observation

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

Clause 30

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

Committee Observation

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

Clause 31

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

Committee Observation

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

Clause 33

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

Committee Observation

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

Clause 34

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

Committee Observation

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

Clause 36

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

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

- (a) a written warning;*
- (b) a financial penalty not exceeding five million shillings;*
- (c) mandatory remedial training or enhanced compliance measures.*

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

- (i) whether the contravention was intentional or reckless;*
- (ii) the degree of harm caused;*

- (iii) *whether the person acted in good faith and voluntarily disclosed the breach;*
- (iv) *the person's compliance history; and*
- (v) *Mandatory consultation with KCAA/Ministry of Transport in licensing/inspections affecting aviation."*

Committee Observation

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

Clause 37

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

Committee Observation

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

Clause 40

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

Committee Observation

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

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

Clause 43

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

Committee Observation

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

Clause 46

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

Committee Observation

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

Clause 47

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

Committee Observation

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

3.3 PUBLIC PARTICIPATION IN VARIOUS COUNTIES

3.3.1 Nyeri County

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

28. Submission

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

29. Clause 36 – Penalties

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

30. General Submissions

- i. **Effect on Prices of Basic Commodities.** Members of the public sought clarification on whether the Bill would increase the cost of essential commodities such as gas and fertilizer. The Bill primarily regulates strategic goods for security, safety and non-proliferation purposes and is not intended to impose taxes or directly affect commodity pricing. Any indirect compliance costs would depend on the nature of the regulated goods and activities.
- ii. **Accessibility for Persons Living with Disabilities.** The Bill should be interpreted and presented in accessible formats to enable meaningful participation by persons with disabilities. The concern is consistent with constitutional requirements on inclusivity and public participation.
- iii. **Recommendation** was that future public participation processes should include accessible formats, including simplified versions, sign language interpretation and Braille where appropriate.
- iv. **Scope of the Bill.** Members sought clarification on whether the Bill targets imported goods only. The Bill applies to strategic goods, technology, services and related activities as defined

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

3.3.2 Laikipia County

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

Observation

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

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

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

3.3.3 Kisumu County

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

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

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

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

3.3.4 Uasin-Gishu County

43. Participants generally supported the Bill, noting that it would enhance regulation of strategic goods and contribute to national security efforts, including measures aimed at preventing terrorism. They also acknowledged the potential benefits of the Bill to traders through the establishment of a clear regulatory framework.
44. However, participants expressed concern that politically connected individuals and other influential persons may evade accountability under the proposed framework.
45. The following concerns, comments and questions were raised during the public participation exercise:
 - a) Clarification was sought on the regulation and disposal of technological goods and equipment covered under the Bill.
 - b) Participants sought guidance on the reporting mechanisms for suspicious transactions and activities.
 - c) Concerns were raised regarding compensation mechanisms for victims affected by residues or exposure to biological agents.
 - d) Clarification was sought on the impact of the Bill on the devolved system of government and the role of county governments in implementation.
 - e) Participants expressed concern that licensing requirements may negatively affect small-scale traders and increase the cost of doing business.

- f) Concerns were raised regarding the absence of measures to safeguard small and medium enterprises from excessive regulatory burdens.
 - g) Participants sought clarification on the frequency with which the National Control List would be reviewed and updated to address emerging technologies.
 - h) Questions were raised as to why the Bill proposes the establishment of a Committee rather than an independent regulatory authority.
 - i) Participants sought clarification on the measures the Government intends to put in place to ensure compliance with the proposed law.
 - j) It was proposed that the Bill should provide clear timelines for the processing and issuance of licenses.
 - k) Concerns were raised regarding the regulation of fertilizers.
 - l) Participants observed that corruption within licensing and enforcement processes could increase compliance costs and create barriers for legitimate traders.
 - m) Concerns were raised that the regulatory requirements proposed under the Bill may create unnecessary competition barriers and administrative bottlenecks for traders.
46. Overall, participants supported the objectives of the Bill but recommended safeguards to ensure effective implementation, transparency, accountability, and protection of legitimate business interests.

3.3.5 Mombasa County

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

- 47. A section of the public were concerned about the limited time allocated to review the Bill, noting that the period was insufficient for meaningful participation.
- 48. The residents of Mombasa County sought clarification on how the Bill would affect the sale, importation, exportation, regulation and tracking of mobile phones, noting that such devices may possess dual-use characteristics and could potentially fall within the scope of regulated strategic goods under the Bill.
- 49. A section of the members of the public expressed the view that existing laws already provide adequate regulation of strategic goods and questioned whether the proposed Bill would add any substantive value to the current legal framework.

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

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

3.3.6 Kwale County

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

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

CHAPTER FOUR: OBSERVATIONS

4.0 Committee General Observations

1. Regulation of strategic goods is currently dispersed among various sector-specific institutions established under different laws. These institutions independently license, register, supervise, inspect, monitor, and enforce compliance within their respective sectors. However, the absence of a centralized national co-ordination framework has resulted in—
 - a) duplication of regulatory functions;
 - b) limited information sharing;
 - c) regulatory gaps;
 - d) weak inter-agency coordination;
 - e) inconsistent enforcement standards; and
 - f) reduced capacity to detect and respond to emerging threats involving strategic goods.
2. The Strategic Goods Control Bill, 2026 seeks to address these challenges by establishing a Strategic Goods Control Committee to facilitate inter-agency coordination, information sharing, harmonization of regulatory measures, strategic monitoring and national oversight over strategic goods activities.
3. Strategic goods, including dual-use technologies, advanced communication systems, hazardous materials, military equipment, and sensitive software, may pose significant national security risks if inadequately monitored. Issues highlighted by stakeholder are—
 - a) proliferation of dangerous technologies;
 - b) terrorism financing and support;
 - c) illicit trafficking;
 - d) cyber threats;
 - e) diversion of strategic materials; and
 - f) unlawful cross-border transfers
4. Different regulatory authorities oversee strategic goods independently under separate statutes. This creates overlapping mandates; inconsistent regulatory standards; weak coordination;

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

5. Technological evolution in Artificial Intelligence, cyber systems, biotechnology, drones, quantum technologies and digital trade has expanded the scope and complexity of strategic goods regulation. The Bill creates institutional mechanisms for coordinated monitoring of emerging risks.
6. Kenya has obligations under various international instruments relating to non-proliferation, anti-terrorism, strategic trade controls, customs cooperation and transnational crime prevention. The Bill strengthens Kenya's capacity to meet international obligations through coordinated national implementation.
7. A coordinated framework enhances efficiency, transparency; investor confidence, trade facilitation and administrative accountability. The overall intention of the Bill is to regulate end use and end users of strategic goods from a safety and security perspective and does not stifle trade in any way.

4.1 Specific Observations

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

1. **Clause 1:** The Committee observed that there is need to align with Article 116(2) of the Constitution. Unless a specific date for commencement is expressly stipulated in the law or justifiable reasons are provided for the provision to depart from the provisions of Article 116(2) of the constitution.
2. **Clause 2 on Interpretation:** The Committee observed that that there is need to expound on the definition of an “inspector to include the words “strategic goods inspector” to provide clarity. The Committee further recommends insertion of new definitions as used in the Bill as follows—
 - (a) in the definition of the word “inspector” by inserting the words “as a strategic goods inspector” immediately after the expression “section 26”;
 - (b) by inserting the following new definitions in their proper alphabetical sequence-

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

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

3. The committee observed that there is need to include the Objects and Purpose of the Bill so as it becomes a guiding factor on the intention of the legislation.
4. **On PART II Title** the Committee observed that there is need to insert the word **“COORDINATION”** immediately after the word “control”. The committee being created under the bill and the functions assigned to it is coordination and thus should be clearly spelt in the Bill.
5. **On Clause 5:** On the Composition of the Committee: The Committee observed that there is need to review the composition of the Committee in view of the intended functions. The Committee also notes that security and safety of the nation is something so crucial and therefore there is need to have as many stake holders as possible represented in the Committee to enhance co-ordination and co-operation by agencies. The Committee to be created under the Act should be a coordinating committee that coordinates other agencies, the composition of the Committee should therefore be key players in coordinating safety and security within the scope of the legislation. The Committee observes that there is need to include the following in the composition of the Board-
 - (a) the Principal Secretary responsible for matters relating to mining or his representative;
 - (b) the Principal Secretary responsible for matters relating to agriculture or his representative.”

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

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

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

7. **On Clause 7** on the Secretariat, the Committee observed that there is need to align skills of staff seconded by Agencies to the Secretariat.
8. **Clause 8** on the Director: The Committee observed that there is need to provide for minimum qualifications and experience of the Director and to change the title of the “Director” to “Director General.” Since the Committee is inter-agency in nature and will have staff seconded from various agencies, there is need to elevate the position to director general and also to provide for minimum statutory qualification.
9. **On Clause 9:** The Committee observed that there is need to provide clarity in the registration of strategic goods that fall in the jurisdiction of other regulating agencies to avoid clash of statutory roles. From the onset, it should be clear that the intended registration is not to take away the functions of existing agencies in terms of licensing and registration. The whole point of the registration under the Strategic Goods Control Bill is to ensure that strategic goods are regulated from a safety and security perspective. The committee further observes that Clause 9(3) is already catered for in subclause (4) and (5). Clause 9 is on the process of registration only, licensing process and payment of licensing fee is provided for in Clause 14. Further, the intended registration is not to take away the functions of existing agencies in terms of licensing and registration. The whole point of the registration under the Strategic Goods Control Bill is to ensure that strategic goods are regulated from a safety and security perspective, the new subclause (7) therefore is to provide clarity in licensing by the existing agencies and the Strategic Goods Control Committee.
10. **Clause 12:** The committee observed that there is need to include the word “end-user” to the Bill to strengthen strategic trade controls by ensuring that controls apply not only to the intended end use of a strategic goods but also to the strategic end user which could be an entity, a person or an organization.

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

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

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

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

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

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

CHAPTER FIVE: RECOMMENDATION

5.0 Committee Recommendations

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

1. **THAT** the Bill be amended in **Clause 1** by deleting the words “and shall come into operation on such date as the Cabinet Secretary may, by notice in the gazette appoint” appearing immediately after the expression “2026”.
2. **Clause 2** on Interpretation: **THAT** Clause 2 of the Bill be amended—
 - (c) in the definition of the word “inspector” by inserting the words “as a strategic goods inspector” immediately after the expression “section 26”;
 - (d) by inserting the following new definitions in their proper alphabetical sequence-
“brokering” means the selling or buying of a strategic good that is located in one foreign country and for the transfer of that strategic good to another foreign country; “end-user” means a person who is the owner of a strategic good;
3. **Proposed Clause 2A:** Include the **Objects and purpose** of the Act so as it becomes a guiding factor on the intention of the legislation and functions of anybody created in the Act which will be derived from the purpose.

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

Objects
and
purpose.

2A. The objects of the Act are to-

- (a) protect the national security interests of Kenya;
- (b) prevent the proliferation of weapons of mass destruction, their means of delivery and related materials;
- (c) regulate strategic trade in goods, technology and related services;
- (d) facilitate compliance with Kenya’s international obligations relating to non-proliferation, disarmament, counter-terrorism, sanctions implementation and strategic trade controls;

- (e) promote inter-agency co-ordination, information sharing, risk management and regulatory harmonization;
- (f) strengthen regulation of strategic goods and strategic trade activities; and
- (g) facilitate legitimate trade while preventing diversion, misuse and unlawful transfers of strategic goods.

4. **PART II Title**

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

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

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

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

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

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

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

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

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

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

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

“(IA) Public officers assigned to the Secretariat shall possess qualifications, skills and expertise relevant to the functions of the Secretariat”.

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

THAT Clause 8 of the Bill be amended—

- (a) in subclause 1 by inserting the word “General” immediately after the word “Director”;
- (b) by inserting the following new subclause (IA) —

“(IA) A person shall qualify for appointment under sub-section (1) if such a person—

- (i) has at least a degree in either law, biological science, physical science, nuclear science, engineering, information communication, and technology, national security, social science or any other field relevant to the functions of the Secretariat;
- (ii) has at least ten years professional experience in a field related to strategic trade controls, non-proliferating regime, custom enforcement, licensing compliance, monitoring, investigations, border security or related regulatory expertise; and
- (iii) has served for at least five years in senior management.

- (c) in subclause 2 by inserting the word “General” immediately after the word Director appearing in the opening statement;
- (d) in subclause 3 by inserting the word “General” immediately after the word “Director”;
- (e) in the marginal note by inserting the word “General” immediately after the word “Director”;

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

THAT Clause 9 of the Bill be amended—

- (a) in subclause 2 by deleting the words “and shall be accompanied by payment of the prescribed fee” appearing immediately after the word “form”;
- (b) by deleting subclause (3); and
- (c) by inserting the following new subclause immediately after subclause (7)-

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

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

THAT Clause 12 of the Bill be amended—

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

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

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

“Shipment of strategic goods”

15. Clause 14 of the Bill the Committee recommends—

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

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

- (a) a national security organ acting in accordance with applicable law; or
- (b) a person authorized under this Act.

16. Clause 26: The Committee recommends—

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

17. Clause 28: The Committee recommends—

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

Justification: This is to make the provision mandatory.

18. Clause 40: The Committee recommends—

THAT Clause 40 of the Bill be deleted.

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

THAT the Schedule to the Bill is amended—

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

CATEGORY 7: NAVIGATION AND AVIONICS

7A Systems, Equipment and Components

7A001

Accelerometers as follows and specially designed components therefor:

- I. Linear accelerometers having any of the following:
 - a. Specified to function at linear acceleration levels less than or equal to 15 g and having any of the following:
 - i. A "bias" "stability" of less (better) than 130 micro g with respect to a fixed calibration value over a period of one year; or
 - ii. A "scale factor" "stability" of less (better) than 130 ppm with respect to a fixed calibration value over a period of one year;
 - b. Specified to function at linear acceleration levels exceeding 15 g but less than or equal to 100 g and having all of the following:
 - i. A "bias" "repeatability" of less (better) than 1,250 micro g over a period of one year; and
 - ii. A "scale factor" "repeatability" of less (better) than 1,250 ppm over a period of one year; or

- c. Designed for use in inertial navigation or guidance systems and specified to function at linear acceleration levels exceeding 100 g;
- 2. Angular or rotational accelerometers, specified to function at linear acceleration levels exceeding 100 g.

7A002

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

- 1. Specified to function at linear acceleration levels less than or equal to 100 g and having any of the following:
 - a. An angular rate range of less than 500 degrees per second and having any of the following:
 - i. A "bias" "stability" of less (better) than 0.5 degree per hour, when measured in a 1 g environment over a period of one month, and with respect to a fixed calibration value; or
 - ii. An "angle random walk" of less (better) than or equal to 0.0035 degree per square root hour; or
 - b. An angular rate range greater than or equal to 500 degrees per second and having any of the following:
 - i. A "bias" "stability" of less (better) than 4 degrees per hour, when measured in a 1 g environment over a period of three minutes, and with respect to a fixed calibration value; or
 - ii. An "angle random walk" of less (better) than or equal to 0.1 degree per square root hour; or
- 2. Specified to function at linear acceleration levels exceeding 100 g.

7A003

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

- 1. Designed for "aircraft", land vehicles or vessels, providing position without the use of 'positional aiding references', and having any of the following "accuracies" subsequent to normal alignment
 - a. 0.8 nautical miles per hour (nm/hr) "Circular Error Probable" ("CEP") rate or less

- (better);
- b. 0.5 % distanced travelled "CEP" or less (better); or
 - c. Total drift of 1 nautical mile "CEP" or less (better) in a 24 hr period;
2. Designed for "aircraft", land vehicles or vessels, with an embedded 'positional aiding reference' and providing position after loss of all 'positional aiding references' for a period of up to 4 minutes, having an "accuracy" of less (better) than 10 meters "CEP";
 3. Designed for "aircraft", land vehicles or vessels, providing heading or True North determination and having any of the following:
 - a. A maximum operating angular rate less (lower) than 500 deg/s and a heading "accuracy" without the use of 'positional aiding references' equal to or less (better) than 0.07 deg sec(Lat) (equivalent to 6 arc minutes rms at 45 degrees latitude); or
 - b. A maximum operating angular rate equal to or greater (higher) than 500 deg/s and a heading "accuracy" without the use of 'positional aiding references' equal to or less (better) than 0.2 deg sec (Lat) (equivalent to 17 arc minutes rms at 45 degrees latitude); or
 4. Providing acceleration measurements or angular rate measurements, in more than one dimension, and having any of the following:
 - a. Performance specified in 7A001 or 7A002 along any axis, without the use of any aiding references; or
 - b. Being "space-qualified" and providing angular rate measurements having an "angle random walk" along any axis of less (better) than or equal to 0,1 degrees per square root hour.

7A004

'Star trackers' and components therefor, as follows:

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

7A005

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

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

7A006

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

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

7A007

7A008

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

7A101

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

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

7A102

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

7A103

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

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

- a. Accelerometers specified in 7A001.a.3., 7A001.b. or 7A101 or gyros specified in 7A002 or 7A102; or
 - b. Accelerometers specified in 7A001.a.1. or 7A001.a.2., designed for use in inertial navigation systems or in guidance systems of all types, and usable in 'missiles';
- 2. Integrated flight instrument systems which include gyrostabilizers or automatic pilots, designed or modified for use in 'missiles';
- 3. 'Integrated navigation systems', designed or modified for 'missiles' and capable of providing a navigational accuracy of 200 m "CEP" or less;
- 4. Three axis magnetic heading sensors, designed or modified to be integrated with flight control and navigation systems, other than those specified in 6A006, having all of the following characteristics, and specially designed components therefor:
 - a. Internal tilt compensation in pitch (± 90 degrees) and roll (± 180 degrees) axes; and
 - b. Azimuthal accuracy better (less) than 0.5 degrees rms at latitude of ± 80 degrees, reference to local magnetic field.

7A104

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

7A105

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

- 1. Designed or modified for use in space launch vehicles specified in 9A004, sounding rockets specified in 9A104 or unmanned aerial vehicles specified in 9A012 or 9A112.a.; or
- 2. Designed or modified for airborne applications and having any of the following:
 - a. Capable of providing navigation information at speeds in excess of 600 m/s;
 - b. Employing decryption, designed or modified for military or governmental services, to gain access to a 'navigation satellite system' secured signal/data; or

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

7A106

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

7A115

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

7A116

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

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

7A117

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

7B Test, Inspection and Production Equipment

7B001

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

7B002

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

follows:

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

7B003

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

7B102

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

7B103

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

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

7C Materials

7D Software

7D001 7D002

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

7D003

Other "software" as follows:

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

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

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

2. "Development" "technology", as follows, for "active flight control systems" (including "fly-by-wire systems" or "fly-by-light systems"):
 - a) Photonic-based "technology" for sensing "aircraft" or flight control component state, transferring flight control data, or commanding actuator movement, "required" for "fly-by-light systems" "active flight control systems";
 - b) Real-time algorithms to analyze component sensor information to predict and preemptively mitigate impending degradation and failures of components within an "active flight control system";
 - c) Real-time algorithms to identify component failures and reconfigure force and moment controls to mitigate "active flight control system" degradations and failures;
 - d) Integration of digital flight control, navigation and propulsion control data, into a digital flight management system for "total control of flight";
 - i. "Technology" for integration of digital flight control, navigation and propulsion control data, into a digital flight management system for 'flight path optimization';
 - ii. "Technology" for "aircraft" flight instrument systems integrated solely for VOR, DME, ILS or MLS navigation or approaches;
 - e) "Technology" "required" for deriving the functional requirements for "fly-by-wire systems" having all of the following:
 - i. 'Inner-loop' airframe stability controls requiring loop closure rates of 40 Hz or greater; and
 - ii. Having any of the following:
 1. Corrects an aerodynamically unstable airframe, measured at any point in the design flight envelope, that would lose recoverable control if not corrected within 0,5 seconds;
 2. Couples controls in two or more axes while compensating for 'abnormal changes in aircraft state';

3. Performs the functions specified in 7E004.b.5.; or
 4. Enables "aircraft" to have stable controlled flight, other than during take-off or landing, at greater than 18 degrees angle of attack, 15 degrees side slip, 15 degrees/second pitch or yaw rate, or 90 degrees/second roll rate;
- f) "Technology" "required" for deriving the functional requirements for "fly-by- wire systems" to achieve all of the following
- i. No loss of control of the "aircraft" in the event of a consecutive sequence of any two individual faults within the "fly-by-wire system"; and
 - ii. Probability of loss of control of the "aircraft" being less (better) than 1×10^{-9} failures per flight hour;
3. "Technology" for the "development" of helicopter systems, as follows:
- a) Multi-axis fly-by-wire or fly-by-light controllers, which combine the functions of at least two of the following into one controlling element:
 - i. Collective controls;
 - ii. Cyclic controls;
 - iii. Yaw controls;
 - b) "Circulation-controlled anti-torque or circulation-controlled direction control systems";
 - c) Rotor blades incorporating 'variable geometry airfoils', for use in systems using individual blade control.

7E101

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

7E102

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

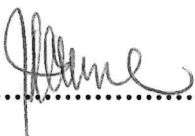
1. Design "technology" for shielding systems;
2. Design "technology" for the configuration of hardened electrical circuits and subsystems;

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

7E104

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

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

SIGN.......... DATE..........

HON. GABRIEL TONGOYO, CBS, MP

CHAIRPERSON

DEPARTMENTAL COMMITTEE ON ADMINISTRATION & INTERNAL SECURITY



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

REPORT ADOPTION LIST OF THE

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

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

Date: 15th August 2026

No.	MEMBER	SIGNATURE
1.	Hon. Gabriel Koshal Tongoyo, CBS, MP - Chairperson	
2.	Hon. Col (Rtd) Dido Rasso, CBS, MP - Vice Chairperson	
3.	Hon. Kaluma George Peter, CBS, MP	
4.	Hon. Fred C. Kapondi, CBS, MP	
5.	Hon. Joshua Aduma Owuor, MP	
6.	Hon. Sarah Paulata Korere, CBS, MP	
7.	Hon. Liza Chepkorir Chelule, CBS, MP	
8.	Hon. Joseph Mburu Kahangara, MP	
9.	Hon.(Dr.) Peter Francis Masara, MP	
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11.	Hon. Edward Oku Kaunya, MP	
12.	Hon. Rozaah Akinyi Buyu, CBS, MP	
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15.	Hon. Hussein Weytan Mohammed, MP	

