

Issue #1 January 2023



REPUBLIC OF KENYA

NEWSLETTER

# KENYA IN GENEVA



**MULTILATERAL DIPLOMACY AT A GLANCE**

# IN THIS ISSUE



## EDITORIAL TEAM

Yvonne KIVUTI  
Peace MASINDE  
Peter NALANDA  
Antony MATHENGE  
Titus MAKI  
Veronica NZIOKI

## Table of contents

Cementing Kenya’s presence in multilateral Geneva..... 3

Pictorials..... 4

Coordination of the organization of Africa, Caribbean and Pacific States (OACPS) in Geneva on World Trade Organization (WTO) matters ..... 6

Trade and development..... 9

Tech And Digital Diplomacy.....11

Humanitarian affairs..... 12

Migration..... 14

Environmental diplomacy.....14

Labour issues ..... 15

Global health diplomacy..... 16

Kenya elected as Africa bureau member for the who working group on amendments to the International Health Regulations (IHR)..... 17

Kenya elected as vice chairperson of the Programme Coordinating Borad of UNAIDS for the year 2023..... 19

Human Rights ..... 23



# CEMENTING KENYA'S PRESENCE IN MULTILATERAL GENEVA



## **From the desk of the Permanent Representative, Dear Colleagues and Friends,**

It is my distinct pleasure to share with you this inaugural version of the Kenya in Geneva newsletter. This issue maps very historic and achievements of the Permanent Mission of Kenya to the United Nations and other International Organisations in Geneva in the just concluded year.

The commissioning of the new Chancery by the former Head of State, H.E Uhuru KENYATTA in May 2022 – fully owned by the Republic of Kenya – marked a key highlight for the Mission and affirmed Kenya's renowned commitment to multilateralism and a rule-based international system. This is also exemplified by Kenya being the host of the United Nations Office in Nairobi – the only United Nations Office in Africa and the global south – which hosts the United Nations Environment Programme (UNEP), United Nations Human Settlements Programme (UN-HABITAT) and other UN entities.

Since its establishment in 1986, the Mission continues to forge greater collaboration with the United Nations system and other international institutions and bodies in the promotion of international peace and security, trade, human rights and democracy, protection of displaced persons, sustainable development and the reform of the UN system. Our Mission statement is to “Pursue Kenya's interests within the United Nations bodies and specialized agencies in Geneva and other International Organizations in Switzerland through multilateral diplomacy”.

This involves negotiating, advocating and promoting Kenya's interests and policies, as well as, working in partnership with Member States of the United Nations and other International Organizations to influence policy and decisions and achieve common objectives. Most recently, the COVID-19 pandemic has brought to fore the imperative to enhance collaboration and strengthen mutually beneficial partnerships towards a healthier and more sustainable future for all.

While the United Nations Office at Geneva (UNOG) is the second largest UN office in the world, Geneva is today, the world's leading centre of multilateral diplomacy. The city is host to the World Trade Organization (WTO) headquarters, the United Nations Conference on Trade and Development (UNCTAD), the World Intellectual Property Organization (WIPO), the International Labour Organization (ILO), the World Health Organization (WHO), the Office of the United Nations High Commissioner for Human Rights (UNHCHR), the Office of the United Nations High Commissioner for Refugees (UNHCR), the Joint United Nations Programme on HIV/AIDS (UNAIDS) and major offices of virtually all the United Nations entities. Also headquartered in Geneva are important organizations such as the International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies (IFRC), the Inter-Parliamentary Union (IPU), the International Commission of Jurists and the International Telecommunications Union (ITU), the Global Fund to fight HIV, TB and Malaria and other international agencies.

Through publication of this newsletter, the Mission intends to continue updating stakeholders on the status of ongoing multilateral discussions taking place in Geneva. It is our hope that this will broaden the knowledge base of each reader and thereby enrich domestic, regional and global discourse on related issues with a view of influencing policy and decision-making.

I wish to acknowledge and commend the staff of the Mission for their important contribution towards this first edition and look forward to the publication of future editions.



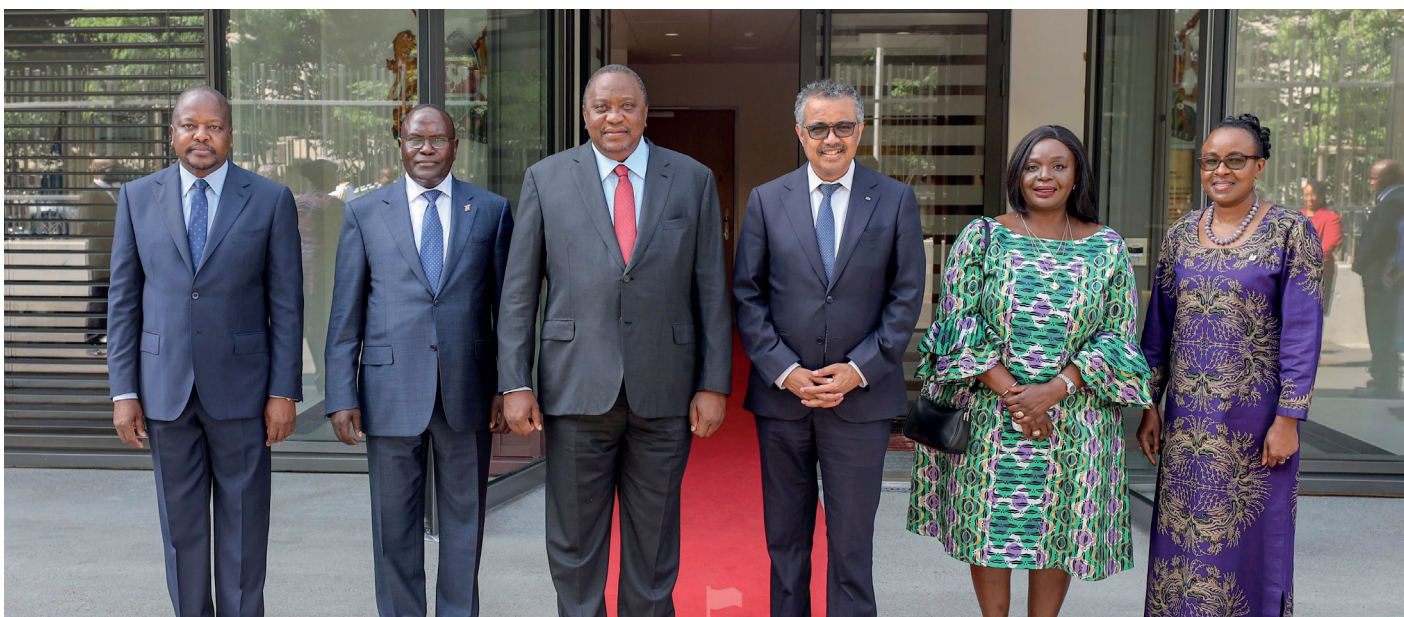
## PICTORIALS



*Immediate Former President, Uhuru KENYATTA opening the chancery during the inauguration in May 2022*

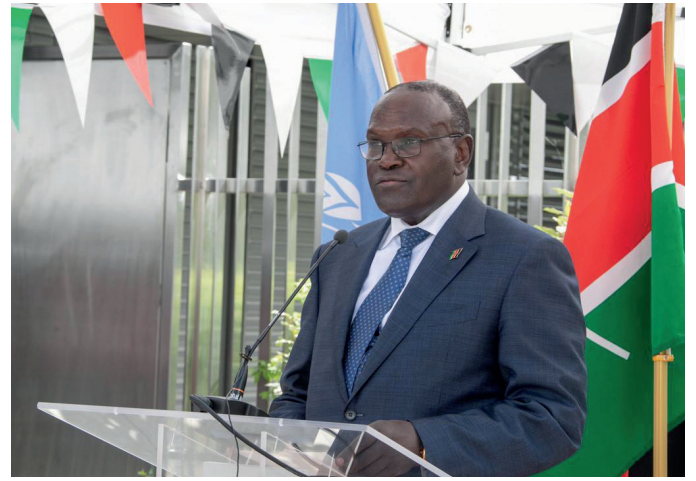


*Immediate former President, Uhuru KENYATTA addressing the congregation during the inauguration ceremony of the Chancery in May 2022.*

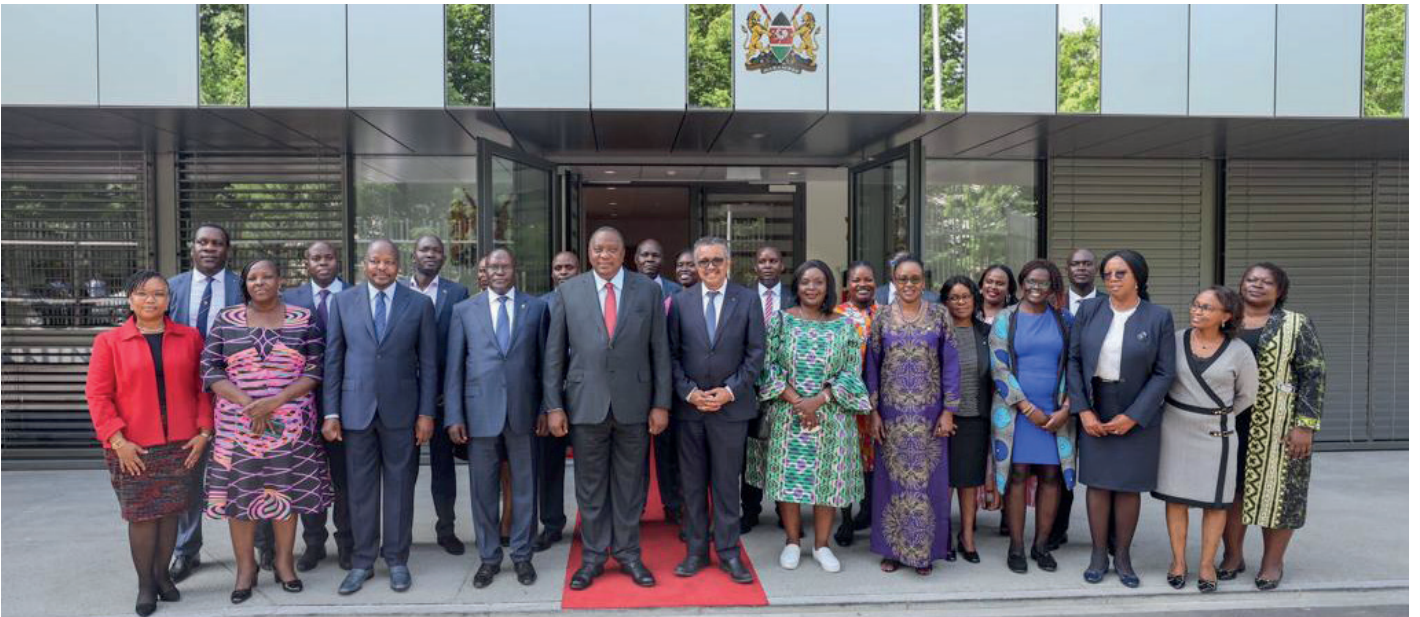


*Immediate former President Uhuru KENYATTA with former Cabinet Secretaries – Ministry of Foreign Affairs (MFA) and Ministry of Health, Permanent Representative, Deputy Permanent Representative and Director General , WHO*

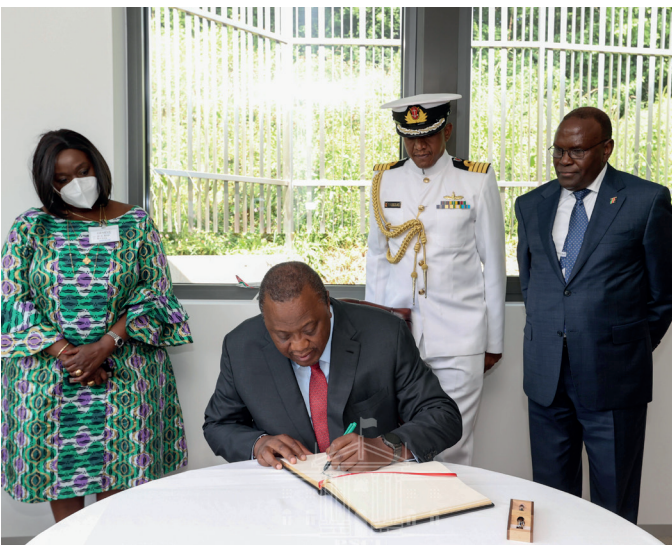




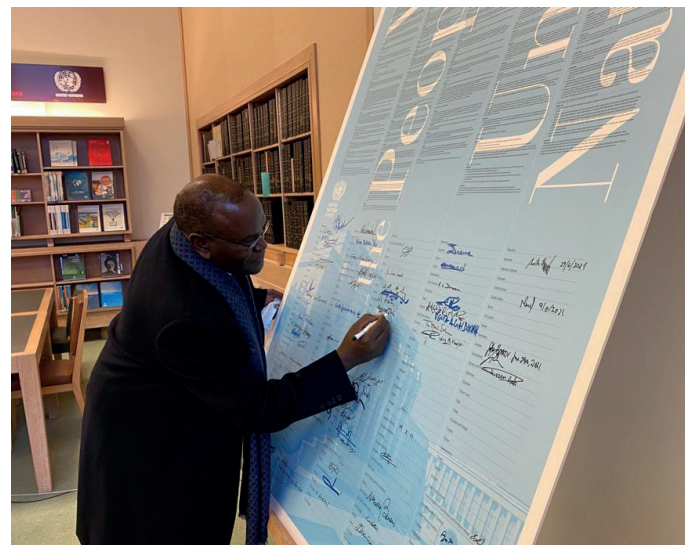
*Former CS, MFA and the Permanent Representative addressing the congregation during the inauguration ceremony of the Chancery in May 2022.*



*Immediate former President, Uhuru KENYATTA with former CSs MFA and Health, Permanent Representative, DG for WHO and Mission staff*



*H.E Uhuru KENYATTA signing the Visitors Book*



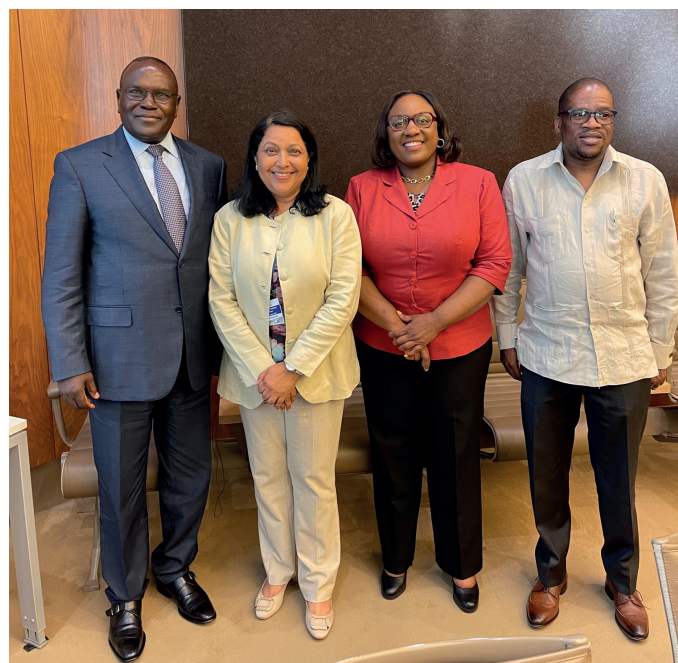
*Dr. Cleopa Mailu, EGH, Permanent Representative of Kenya to the United Nations Office in Geneva, signing a copy of the UN Charter to reaffirm Kenya's commitment to the values and principles of the United Nations*



# COORDINATION OF THE ORGANIZATION OF AFRICA, CARIBBEAN AND PACIFIC STATES (OACPS) IN GENEVA ON WORLD TRADE ORGANIZATION (WTO) MATTERS

The Permanent Representative, Ambassador Dr. Cleopa MAILU was appointed as Coordinator of the OACPS, from July 2022, for a period of one year. The OACPS Group, known as the ACP Group in Geneva, was established in December 2001 to collectively advance the interests of the African, Caribbean and Pacific States in the negotiations at the WTO. The ACP Group is led by a coordinator who is appointed by rotation, from each of the three regions (Africa, Caribbean, and Pacific), in turn. The term of coordination is one year, unless it is extended by agreement of the Group and the incumbent Coordinator.

The ACP Group in Geneva follows issues at the WTO and puts forward, as well as defends the interests of the Group at the WTO. It is voluntarily utilized as a historical coalition in Geneva, through which delegations can advance work at the WTO. The ACP members at the WTO continue to organize around common positions across the grouping. The Group receives logistical support from the OACPS Secretariat, which has an office in Geneva. The Group also prepares and agrees on draft declarations on ACP positions for WTO Ministerial meetings, which are presented to members for consideration and adoption during the OACPS Council of Ministers meetings in Brussels.



*H.E. Dr. Cleopa MAILU, Ambassador and Permanent Representative after taking over the coordination role of the ACP Group in Geneva from Amb. Spenser of Jamaica, second from right.*

The work of the Group is guided by the Troika (consisting of the immediate former coordinator, the current coordinator and the next coordinator), and focal points comprising experts on specific topical issues of interest to the Group at the WTO.

The coordination is at technical, ambassadorial and ministerial levels. As such Kenya's Cabinet Secretary for Trade, Industry and Investments will be expected to coordinate ACP ministerial meetings, as and when they are convened, to give political guidance on WTO matters.

Currently, the group is focusing on the implementation of the outcomes of the 12th WTO Ministerial Conference, which was held in Geneva on 12 - 17 June 2022. These include: WTO reform, negotiations of the outstanding issues on Fisheries Subsidies Agreement; agriculture and food security; re-invigoration of the e-commerce Work Program; and WTO response to the COVID-19 pandemic, among others. These negotiations feed into the preparations for the 13th WTO Ministerial Conference which is expected to be held later in 2023.

Amb. (Dr.) Mailu has so far chaired one ACP Ambassadors meeting on 22 September 2022. He also chaired the ACP Strategy Retreat on 3 October 2022 at the Fairmont Hotel in Geneva. The purpose of the retreat was to consolidate the Group's positions on the foreseen Fisheries Subsidies negotiations, as well as the agriculture negotiations, in view of the mandate given by the 12th Ministerial Conference.

The Coordinator is also required to periodically brief the OACPS Ambassadors in Brussels, particularly the members of the Sub-committee on Trade and Commodities on the WTO negotiations. As such, the Permanent Representative briefed the Sub-Committee on 27 September 2022. The briefing focused on the outcome of the 12th WTO Ministerial Conference and the implementation of the Ministerial decisions in preparation for the 13th Ministerial Conference.



## Outcomes of the 12<sup>th</sup> WTO Ministerial Conference

The 12<sup>th</sup> Ministerial Conference of the World Trade Organization (MC12) was held in Geneva on 12 – 17 June 2022. WTO members successfully concluded the Ministerial Conference, securing multilaterally negotiated outcomes on a series of key trade initiatives. The Round-the-clock negotiations among delegations produced the “Geneva Package”, which contains a series of unprecedented decisions on several items on the Conference’s agenda as summarized below:-

Members secured the much-sought political commitment to reform the WTO by agreeing to take advantage of the available opportunities to address the challenges that the WTO is facing and ensure its proper functioning. The Ministers directed the General Council and its subsidiary bodies to conduct the work, review progress and consider decisions to be submitted to MC13. It is therefore expected that Members will formally begin the reform discussions in earnest, after the summer break. Even though some Members have already identified areas of the WTO that they want reformed, the discussions anticipated by the Ministers are not prescriptive and therefore Members will be free to table new reform proposals.



*Former CS Ms. Betty MAINA chairing agriculture negotiations as a facilitator at the MC12*

The Ministers also committed to conduct discussions with the view to having a fully and well-functioning dispute settlement system accessible to all Members by 2024. Members will therefore be engaged in discussions to meet the 2024 timeline. The United States has taken the initiative to meet with WTO Members, either individually or in regional groups to exchange views on their desires for the dispute settlement system and will table these views in the Dispute Settlement Body (DSB) meeting in September. The African Group has documented its proposals and will share them at the DSB meeting as well.

On World Food Programme (WFP) purchases, the Ministers agreed that Members will not impose export prohibitions or restrictions on foodstuffs purchased for non-commercial humanitarian purposes. This decision is meant to support the WFP to fulfil its critical humanitarian mandate, in the context of promoting local and regional food procurement. WTO Members are therefore expected not to impose export prohibitions or restrictions to food purchases by WFP for humanitarian purposes.



*Members following discussions at during plenary sessions*

Regarding Trade Related Aspects of Intellectual Property Rights (TRIPS), Ministers made a decision on a longstanding negotiation on the Waiver of certain provisions of the TRIPS Agreement to address the adverse effects of the COVID-19 Pandemic.

This decision expounds on the issuance of compulsory licence under the TRIPS Agreement, for the production and supply of COVID-19 vaccines. Members are therefore allowed to issue compulsory licences for the production of the vaccines, through any instrument available in the Member’s law e.g., executive orders, judicial or administrative orders. It is noteworthy that the ‘waiver’ is limited to vaccines. The Ministers agreed that no later than 6 months from MC12, Members will decide on the extension of the decision to cover the production and supply of COVID-19 diagnostics and therapeutics.

Members were expected, under the TRIPS Council, to begin discussions on extending the scope of the decision to diagnostics and therapeutics. A number of Members are still uncomfortable with incorporating therapeutics and diagnostics in the decision.



*Former CS Ms. Betty MAINA with MC12 Chair and WTO DG during one of the plenary sessions at the MC12*

On the Work Programme on electronic commerce, one of the long-standing agenda of the WTO Ministerial Conferences; the practice has been that the Ministers extend the moratorium on non-imposition of customs duties on electronic transmissions to the next Conference while agreeing to reinvigorate the work under the 1998 Work Programme on e-commerce. However, the Ministers at MC12, while extending the moratorium to MC13, stated that should the MC13 be delayed beyond 31 March 2024, the moratorium will lapse unless it is expressly extended by the Ministers or the General Council. In the meantime, the General Council was instructed to hold periodic reviews based on the reports submitted by the WTO bodies with respect to the scope, definition and impact of the moratorium.



*Delegates on a break outside negotiation rooms*

Ministers also adopted an Agreement on Fisheries Subsidies, as well as the Protocol amending the WTO Agreement to incorporate the new Fisheries Agreement to the legal texts. The Agreement and Protocol are therefore open for acceptance by WTO Members. It will come to force once it is accepted by at least two-thirds of the WTO Members. The adopted agreement does not cover all the comprehensive disciplines on fisheries subsidies that had been tabled by Members in the protracted negotiations. It is therefore expected that Members will embark on negotiating the comprehensive disciplines after the summer break.

Article 12 of the adopted Agreement is to the effect that if comprehensive disciplines are not adopted within four years after the entry into force of the Agreement, then the Agreement shall stand terminated. Discussions on the remaining elements of Overcapacity and Overfishing (OCOF) are yet to commence. However, the WTO DG organized a retreat on fisheries in October and followed up with a workshop on the same, on 23 November 2022.



# TRADE AND DEVELOPMENT

## ADVANCING KENYA'S FULL INTEGRATION INTO THE GLOBAL ECONOMY.

Kenya is a member of the United Nations Conference on Trade and Development (UNCTAD) which is an organ of the General Assembly of the UN for the integrated treatment of trade and development as well as the interrelated issues of finance, investment, technology, and sustainable development.

The Mission actively participated in the negotiation of the UNCTAD 15 outcome, dubbed, “Bridgetown Covenant” that defined the work of UNCTAD Secretariat for four years until 2025. The outcome documents four key transformations necessary for achieving inclusive and sustainable development and ultimately prosperity for all. The four transformations include; Transforming economies through diversification, **Transforming to a more sustainable and more resilient economy**, **Transforming how development is financed** and last but not least, **Transforming Multilateralism**.

In line with UNCTAD mandates including the Bridgetown Covenant, the Mission engagement with UNCTAD has seen Kenya benefit from a number of technical assistance programmes that include; Trade and Investment facilitation programmes, Development of Kenya's E-Commerce Strategy, Enhanced Capacity on Productive Capacity Index (PCI) as well as support in mainstreaming Sustainability Reporting across public and private companies.

Amb. Dr. Cleopa Mailu paid a courtesy call on the Secretary General of UNCTAD Ms. Rebeca Grynspan to discuss Kenya's Trade and Development priorities as well as review progress on the programmes that UNCTAD with the support of other development partners is supporting Kenya on.



Amb. Dr. Cleopa Mailu, EGH during a courtesy call on the Secretary General of UNCTAD Ms. Rebeca Grynspan

Under the Ministerial Conference is the **Trade and Development Board** that Implement Conference decisions **and** ensures the overall consistency of the Secretariat's activities with agreed mandates. The Permanent Representative, is the Vice-Chair of the Trade and Development Board for the 2022/23 period, a role that he is actively undertaking on behalf of Kenya.



The Permanent Representative, Amb. Dr. Cleopa Mailu, chairing the closing session of the 69th regular session of the Trade and Development Board in July, 2022.



Amb. Dr. Cleopa Mailu with Ms. Juliana Yapan, Secretary Administration, Ministry of Information, Communication and Technology and who is also the lead focal point for the Kenya's National E-commerce Strategy project, after the workshop on eTrade Readiness: From diagnostics to implementation, where she presented Kenya's journey of developing its National E-commerce Strategy, touching on Kenya's eTrade Readiness Assessment Report.

The Mission also participated in key decision making meetings in UNCTAD that include the 72nd Executive Session of the Trade and Development Board meeting in October 2022 as well as the 13th Session of the Trade and Development Commission and the 13th Session of the Investment, Enterprise and Development Commission both held in November 2022.



*Kenya's focal point for UNCTAD and second counsellor at the Mission, Mr. Peter Nalanda, participating in the 13th Session of the Investment, Enterprise and Development Commission. He also served as the Rapporteur of the commission held from 14th to 18th November, 2022.*

## Getting the Global Economy Back on track and addressing the most pressing issues

This is one of the major topics in UNCTAD that Member States have prioritised because of the current state of the global economy that is characterised by crises. It was also the topic of the high-level event organized as part of the 72nd Executive Session of the Trade and Development Board held from 18th to 21st October 2022.

The specific issues under discussion include:

***The rising Inflation and possible global recession*** characterised by the the global slowdown which is looming as well as the war in Ukraine that has accelerated a cost-of-living crisis of global proportions and is driving up prices at an unprecedented pace and rapidly deteriorating financial conditions.

***Debt stress*** for many developing countries who were already struggling to stay afloat after taking on more debt during the pandemic and now with the war in Ukraine, energy prices are rising, interest rates are rising and the burden of borrowing is even heavier.

***Intensifying climate stress*** with mounting loss and damage in vulnerable countries which lack the fiscal space to deal with disasters such as drought, hurricanes, typhoons, floods etc., let alone investing in their own long-term development.



# TECH AND DIGITAL DIPLOMACY

## BRIDGING THE DIGITAL DIVIDE

The International Telecommunication Union (ITU) is the United Nations specialized agency for Information, Communications and Technologies (ICTs). Its mandate is to facilitate international connectivity in communications networks; develop the technical standards that ensure networks and technologies seamlessly interconnect; and strives to improve access to ICTs to underserved communities worldwide.

The ITU provides an impartial platform within which governments and the private sector work together to coordinate the operation of telecommunication networks and services and advance the development of communications technology.

Kenya acceded to the ITU Constitution and Convention in 1964 with the Director General of the Communications Authority of Kenya as the lead designated focal point. Kenya remains an active participant in the ITU in all three sectors of the Union and has further provided leadership at the ITU in various capacities.

Notably, Kenya has been a Member of the Council for 38 years, having first been elected during the Nairobi Plenipotentiary Conference in 1982, and having won its re-election bid to the ITU Council at the 2022 Plenipotentiary Conference, which took place in Romania from 26th September to 14th October 2022.

The Plenipotentiary Conference is the top policy-making body of the ITU and is held every four years. Kenya garnered 146 votes - top in the African Region - reaffirming Her role as a trusted interlocutor, working towards bridging the digital divide.

Kenya, having made specific contributions to the African common proposals, was assigned to coordinate the following proposals on behalf of the African Group during the Conference, and moving forward: Strengthening the regional presence of the ITU; Child online protection; Strengthening and developing ITU capabilities for electronic meetings and means to advance the work of the Union; and Strengthening of the project execution and project monitoring functions in the ITU.

Besides numerous indirect benefits that Kenya has drawn from the ITU through leveraging its participation in ITU events and meetings, Kenya has obtained direct assistance and partnerships in several areas, most notable being the Giga Project, which is a UNICEF-ITU initiative that seeks to connect every school to the Internet and every young person to information, opportunity and choice. [see here](#)

The COVID-19 pandemic revealed the importance of digital connectivity and ICTs in building resilience against such eventualities that threaten to take back the gains made towards sustainable development. For example, the IBE-UNESCO estimates that only 5% of learners in the developing world were able to continue learning through access to digital tools; juxtaposed against 98% of learners in the developed world.

Kenya, as the African silicon-valley, must continue to amplify the call for digital inclusivity; urging for **mainstreaming a gender perspective in the ITU, promoting gender equality and the empowerment of women through ICT devices; strengthening ITU's role in child online protection; as well as calling for non-discriminatory access to modern ICT facilities, services and applications - including applied research and transfer of technology**—in order to bridge the digital gap, and as a key driver towards the realization of the 2030 Sustainable Development Agenda.



*TEAM KENYA - Esther Koimett, Former PS, State Department of Broadcasting and Telecommunications and Mr. Ezra Chiloba, DG, Communications Authority of Kenya right after Kenya's re-election to the Council during the PP22 Conference in Bucharest, Romania*

# HUMANITARIAN AFFAIRS

## UNHCR EXCOM 2022: 73RD SESSION OF THE EXECUTIVE COMMITTEE OF THE HIGH COMMISSIONER'S PROGRAMME

***“Kenya has been a committed partner in global solidarity to provide protection to those most in need for decades.”  
Kenya at ExCom 2022***

The 2022 United Nations High Commissioner for Refugees (UNHCR) Executive Committee (ExCom) was held on 10th – 14th October 2022 in Geneva, Switzerland. The UNHCR ExCOM is an annual meeting convened in Geneva to review and approve the UNHCR's programmes and budget as well as advice on international protection. During the annual ExCom, a range of other issues are also discussed with the UNHCR, intergovernmental and non-governmental partners.

Kenya's delegation for the 73rd ExCom was led by Mr. Moffat KANGI, Principal Administrative Secretary (PAS), Ministry of Interior and National Administration. In attendance was Amb. Dr. Cleopa MAILU, Permanent Representative of Kenya to the UN and other International Organizations in Geneva.



*Mr. Moffat KANGI, Principal Administrative Secretary, Ministry of Interior and National Administration, delivering Kenya's statement during the General Debate at UNHCR' EXCOM 2022*

Kenya called for greater responsibly-sharing to address forced displacement. Globally Kenya is one of the top ten refugee hosting countries presently hosting 561,836 refugees and asylum seekers from the Horn of Africa, the Great Lakes Region and the East Africa region. Kenya noted with concern that from 2021 to 2023, the total number of persons of concern to UNHCR is projected to increase by 24 per cent. This represents an additional 22.5 million persons. Kenya also noted that the numbers of persons repatriated and resettled remain low. Since 2015, only 59,634 refugees have been facilitated to resettle in third countries from Kenya.

Commenting on the budget, Kenya noted the rise in the gap between needs and available resources. Regrettably, this is happening amidst protracted situations, fiscal pressures from the COVID-19 pandemic and new crisis situations. The current climate emergency a case in point. These resourcing gaps continue to affect majority of the host countries adversely. The rise in the numbers of forcibly displaced persons will also contribute to additional needs hence the need for enhanced resource mobilization.

In this line, Kenya also emphasized that the availability of timely, unearmarked and sufficient financial resources remains paramount in providing the much-needed protection to persons of concern to UNHCR. This is especially so, for rapidly changing operational contexts where agility and timely action are life-saving.

Echoing the High Commissioner's remarks on the climate emergency including in the Horn of Africa, Kenya reiterated the gravity of the crisis. The Horn of Africa region is currently witnessing the most severe drought in recent history. The drought has triggered displacement of persons both internally and across borders in an already very fragile region. It is compounding other protracted drivers of forced displacement aggravating an already dire situation. Kenya reiterated the need for extremely urgent collective action to avert a disaster. In addition, Kenya also noted the need to ensure sustainable environmental practices in refugee hosting areas.

Kenya also stressed the importance of collective action to address protracted situations, especially those that no longer receive global attention. Protracted crises should also receive commensurate political, diplomatic and financial support in line with the Global Compact on Refugees (GCR) which is premised on equitable responsibility sharing within the international community.

Global solidarity remains central to addressing challenges related to forced displacement. In this regard, Kenya will continue calling for enhanced global solidarity towards finding durable solutions to displacement of persons.



## “MOVING FORWARD ON THE FRONTLINES OF THE CLIMATE EMERGENCY: BUILDING RESILIENCE FOR DISPLACED PERSONS AND VULNERABLE COMMUNITIES”

The UNHCR organized a side-event on the sidelines of the 73rd ExCom (2022) under the title “Moving Forward on the Frontlines of the Climate Emergency: Building Resilience for Displaced Persons and Vulnerable Communities.” The Permanent Representative Amb. Dr. Cleopa MAILU represented Kenya on the Panel. Kenya wore several key hats in relation to the discussion, first a long-standing host country to refugees, as the Vice-Chair of the Platform on Disaster and Displacement (PDD), and as a United Nations Security Council (UNSC) elected member where climate and security is one of Kenya’s four priorities.

Kenya’s focus on the panel was the role the UNHCR can play in working with hosting countries within the context of climate change and protection of forcibly displaced persons. Climate change and disaster-induced displacement remain a timely discussion for Kenya and the world at large considering the growing rates of both primary and secondary displacement attributed to disasters and climate change. The Horn of Africa is presently experiencing one of the worst droughts in the past 40 years. Kenya observed that while the drought is triggering displacement it is also heightening protection needs of already vulnerable people.



*Dr. Cleopa MAILU, E.G.H., Permanent Representative of Kenya to the UN and other International Organizations in Geneva on the Panel discussion on the climate emergency and displacement of persons*

To address these concerns Kenya called for action at three levels: nationally, regionally and internationally.

At the national level, Kenya noted the need to **strengthen calls in support for climate action in the context of displacement for countries of origin as well as host countries**. This is considering that persons fleeing adverse impacts of climate change have as their first point of call the neighbouring countries which are also facing climate shocks. Kenya also called for strengthened action to prevent environmental degradation in hosting countries to stem further vulnerability to climate shocks.

Kenya further noted that resilience is also hinged on livelihoods. To this end, Kenya called for **support to livelihoods of climate-induced displaced persons and their host communities**: At the frontlines of the climate emergency are people whose livelihoods, mostly dependent on natural resources, are heavily impacted. Kenya reiterated the need for the UNHCR to **engage with national governments** in planning and decision-making around climate-induced displacement.

At the regional level, Kenya called for the **prioritization of climate-induced displacement in the Horn of Africa Region, the Sahel and the Lake Chad Basin** and called upon the UNHCR to reflect that in its plans, priorities and funding. This is also considering the regions’ susceptibility to climate shocks. Kenya also called for **complementary efforts to those of regional organizations** to ensure efficiency and avoid duplication. Global solidarity and coherence of action are key to ensure that addressing climate-induced displacement is not left to regions to single-handedly bear the heaviest burden.

At the international level, Kenya noted the need for **acknowledgement and advocacy on climate change-induced displacement**. There is urgent necessity to amplify this growing phenomenon within the international community and call for climate action, including climate justice. This advocacy should be backed by science, data and evidence.

Many pledges and commitments have already been made on climate action. Kenya however stressed that what was most needed was closing the stark gap between commitments, promises, pledges and concrete action. Amb. Dr. Cleopa MAILU concluded with a quote by His Excellency President, Dr. William RUTO, at the 2022 General Assembly that, *“The integrity of the international order must be measured by the distance separating our resolutions, consensus, and agreement from decisive actions, committed interventions, and effective solutions. A watershed moment, therefore, demands that we reduce that gap drastically, and quickly.”*

# MIGRATION

## 113 IOM COUNCIL MEETING

Kenya participated at the 113th Session of the International Organization of Migration Session (IOM) Council meeting held in Geneva from 29th November to 2nd December 2022. The meeting was preceded by a high-level segment on the intersection between **climate change, food security, migration and displacement**. The session provided an opportunity for Member States to reflect on how food security, water security, environmental security and livelihood security are all affected by climate change and can influence mobility patterns.

Kenya's delegation to the meeting was led by Mr. **Alexander Muteshi**, Director General, Directorate of

Immigration who addressed the high-level panel and the General debate and delivered Kenya's statement calling on the need to design climate mitigation measures including early warning systems and strategies that address food (in)-security, migration and displacement imperatives including capacity-building of all stakeholders.

In his address to the Council, the Director General Antonio Vitorino lauded the success and growth of M-Pesa, over the years for facilitating migrants remittances and further thanked Kenya for contributing towards Migration Multi-Partner Trust Fund (Migration MPTF) which supports the implementation of the Global Forum of Migration (GCM).

# ENVIRONMENTAL DIPLOMACY

The Mission has been leveraging Kenya's position as host of the United Nations Environment Programme (UNEP), in effectively articulating Kenya's role in advancing the global environmental agenda with a view to strengthening Nairobi as a hub of environmental diplomacy.

The Mission has been participating actively in environmental meetings under the Geneva Environment Network which is a network of environmental stakeholders to underscore Kenya's important role as a champion of global environmental diplomacy as well as contribute on the deliberations around key issues on the global environmental agenda. The Mission has equally been participating in the Conference of Parties meetings organized by various environmental conventions such as Basel, Rotterdam, Stockholm, Minamata, Ramsar, CITES among others that have an overall objective of protecting human health and the environment.

Key issue being discussed in environmental meetings currently is addressing the triple planetary crisis of climate change, plastic pollution and biodiversity loss; a direction

Kenya has taken and supports considering that the triple challenges are cross-cutting and affect every country.

The Mission was part of Kenya's delegation to the 14th meeting of the Conference of Parties to the Ramsar Convention held from 5th -13th November 2022.



*Kenya's delegation to 14th meeting of the Conference of Parties to Ramsar Convention, 5-13 November, 2022*



*Representatives of Kenya's delegation during the plenary session*



# LABOUR ISSUES

Kenya participated in the 110th Session of the International Labour Conference (ILC) held in Geneva. The ILC is the highest decision-making body of the International Labour Organization (ILO) and is held annually in the month of June. It is often called an international parliament of labour as it crafts and adopts International Labour Standards (ILS).

More than 4,000 delegates representing governments, workers' and employers' Organizations from 187 ILO Member States attended the 110th ILC. 2022's theme was tackling multiple global crises and promoting human-centred recovery and resilience.

Kenya's tripartite delegation was led by Mr. Simon Chelugui, Cabinet Secretary, Ministry of Labour who addressed the delegates on Labour migration governance and called on ILO Member States and relevant regional and international institutions to support implementation of fair labour migration practices by both countries of origin and destination.

The Conference among others adopted a resolution to add a **safe and healthy working environment to the existing four Fundamental Principles and Rights at Work (FPRW)**. The FPRW are part of the 1998 ILO Declaration on Fundamental Principles and Rights at Work, and all ILO Member States commit to respect and promote these principles and rights, whether or not they have ratified the relevant Conventions.

The conference adopted conclusions and resolutions **on the strategic objective of employment under the follow-up to the ILO Declaration on social Justice for a Fair Globalization**. The resulting conclusions and resolution contain guidance on developing coherent, comprehensive, and integrated employment policies, and decent work opportunities that support recovery and inclusive structural transformation.

The Conference also adopted Resolutions and conclusions of the first discussions on quality apprenticeship that will lead to development of a new ILO Recommendation on **Quality Apprenticeships** that is expected to provide guidance on promoting apprenticeships and providing adequate protection to apprentices. Kenya was Africa's spokesperson at the Committee.



*Mr. Simon Chelugui, Cabinet Secretary, Ministry of Labour addressing plenary during the 110th Session of the ILC on 7 June 2022*



*Mr. Simon Chelugui, Cabinet Secretary also made a courtesy call on the then incoming Director General of the ILO Mr. Gilbert F. Houngbo. Mr. Houngbo was elected as the ILO's 11th Director-General by the organization's Governing Body in March 2022, for a five-year term. He took office in October 2022.*



*Mr. Simon Chelugui, Cabinet Secretary Ministry of Labour met with the delegation from United Arab Emirates (UAE) led by H.E Khalil Khoury, Undersecretary, Ministry of Human Resource and Emiratisation on the side-lines of the Conference and discussed the implementation of Bilateral Labour Agreement*

# GLOBAL HEALTH DIPLOMACY

Kenya's relationships with other Member States, UN agencies and other international organizations is pivotal in transforming Kenya into a vibrant economy that provides high-quality life to its citizens as defined in Kenya's national development blueprints and strategies. As part of the UN family, Kenya has also committed to implement the Sustainable Development Goals (SDGs), with SDG 3 on health aspiring to ensure health and well-being for all, including a bold commitment to end the epidemics of AIDS, tuberculosis, malaria and other communicable diseases by 2030. SDG 3 also seeks to achieve universal health coverage and provide access to safe and effective medicines and vaccines for all.

The achievement of affordable healthcare for all, also referred to as Universal Health Coverage (UHC), is one

of the key priorities for Kenya and all Ministries, Departments and Agencies are working as one to deliver on this commitment. Kenya seeks to achieve universal health coverage and provide access to safe and effective medicines and vaccines for all.

The Kenya Mission in Geneva is therefore well situated and critical to the realisation of these national and global aspirations related to health. This is actively pursued through effective diplomacy and coordination of Kenya's relations with other UN Member States and select key health related UN and international organisations that are headquartered in Geneva, particularly: the World Health Organisation (WHO), The Joint Programme to fight HIV/AIDS (UNAIDS), The Global Fund to Fight AIDS, TB and Malaria, GAVI the Vaccine Alliance, and UNITAID.





# KENYA ELECTED AS AFRICA BUREAU MEMBER FOR THE WHO WORKING GROUP ON AMENDMENTS TO THE INTERNATIONAL HEALTH REGULATIONS (IHR)

The Constitution establishing the World Health Organisation (WHO) entered into force on 7<sup>th</sup> April 1948 – a date that is celebrated every year as the World Health Day. At present, WHO has more than 7,000 staff working in 150 country offices, in 6 regional offices and at the headquarters in Geneva. WHO is the directing and coordinating authority on international health within the United Nations system.

This mandate is realised through: Providing leadership on matters critical to health and engaging in partnerships where joint action is needed; Shaping the research agenda and stimulating the generation, translation and dissemination of valuable knowledge; Setting norms and standards as well as promoting and monitoring the implementation; Articulating ethical and evidence-based policy options; Providing technical support, catalysing change, and building sustainable institutional capacity; and Monitoring the health situation and assessing health trends.

Based on the Sustainable Development Goals, the 13<sup>th</sup> General Programme of Work (GPW) 2019-2023 sets out WHO's strategic direction for the next five years. The central focus of GPW 13 is impact in countries. It articulates WHO's mission to promote health, keep the world safe and serve the vulnerable. GPW 13 is structured around key interconnected strategic priorities which are linked to the triple billion targets:

- One billion more people to benefit from Universal Health Coverage
- One billion more people better protected from health emergencies; and,
- One billion more people enjoying better health and well-being.

Based on the lessons learnt from COVID-19 response, WHO Member States decided during the 75<sup>th</sup> World Health Assembly, held in May 2022, to revise the International Health Regulations (IHR) with the view to address gaps identified in: Functioning of IHR National Focal points; Public health threat and alert systems; Core capacity requirements and monitoring; Risk assessment and information sharing between countries and with WHO, and Financing of preparedness, among others.

The International Health Regulations (IHR) is a legally binding agreement established under the WHO Constitution to address “sanitary and quarantine

requirements and other procedures designed to prevent the international spread of disease.”

**INTERNATIONAL HEALTH REGULATIONS (IHR)**  
– from policy to people's health security

**What are the IHR?**  
The IHR are legally binding and help countries work together to protect lives threatened by the spread of diseases and other health risks, including radiation and chemical hazards.

**5 reasons why the IHR matter**

<b>HEALTH THREATS HAVE NO BORDERS</b> The IHR strengthen countries' abilities to control diseases that cross borders at ports, airports and ground crossings	<b>TRAVEL AND TRADE ARE MADE SAFER</b> The IHR promote trade and tourism in countries and prevent economic damage	<b>GLOBAL HEALTH SECURITY IS ENHANCED</b> The IHR establish an early warning system not only for diseases but for anything that threatens human health and livelihoods	<b>DAILY THREATS ARE KEPT UNDER CONTROL</b> The IHR guide countries to detect, assess and respond to threats and inform other countries quickly	<b>ALL SECTORS BENEFIT</b> The IHR prepare all sectors for potential emergencies through coordination and information sharing
---	--	---	--	--

**Until all sectors are on board with the IHR, no country is ready**

World Health Organization  
www.euro.who.int/ihr

Consequently, the Working Group on amendments to the International Health Regulations (WGIHR) was established by the 75<sup>th</sup> WHA to review amendment proposals received from IHR State Parties. Such amendment proposals should be “limited in scope and address specific and clearly identified issues, challenges, including equity, technological or other developments, or gaps that could not effectively be addressed otherwise but are critical to supporting effective implementation and compliance of the International Health Regulations (2005), and their universal application for the protection of all people of the world from the international spread of disease in an equitable manner”. So far, 16 IHR State Parties have made amendment proposals for the consideration of the WGIHR.

The first meeting of the Working Group on amendments to the International Health Regulations (WGIHR) on 14<sup>th</sup> and 15<sup>th</sup> November 2022.

On behalf of the African group, H.E Amb. Dr. Cleopa Mailu delivered a regional statement calling for a robust and transparent process, considering the diverse experiences and contexts of the WHO membership. The African Member States have proposed amendments to the IHR, largely based on the experiences gleaned from the inability of State Parties to respond effectively to the COVID-19 pandemic due to vaccine nationalism, export bans of finished and active ingredients as well as arbitrary and discriminatory travel bans.



*H.E Amb. Dr. Cleopa Mailu, Permanent Representative and Dr. Sultani Matendechemo, Head of the Kenya National Public Health Institute and Vice Chair of WGIHR*

There are several topics which currently do not enjoy consensus amongst the State Parties. One such issue relates to the recognition of genetic sequence data/ information as genetic resources and as such, subject to the provisions of the Convention for Biological Diversity and the Nagoya Protocol. To address this issue, the African group has proposed establishment of an access and benefit-sharing mechanism to govern sharing of pathogen samples and genetic sequence information.

The other contentious issue relates to WHO's role in information-sharing and how the agency will handle unverified reports circulating in the public domain, before verification by State Parties. Opponents of such an approach are concerned about the associated public health and reputational risks as well as erosion of trust between WHO and countries.

Negotiations are expected to intensify in 2023, with the final package of consensus amendments intended to be presented to the 77<sup>th</sup> World Health Assembly in May 2024

**States Parties who have formally submitted IHR amendment proposals: Armenia, Bangladesh, Brazil, Czech Republic on behalf of the Member States of the European Union, Eswatini on behalf the WHO Africa Region Member States, India, Indonesia, Japan, Malaysia, Namibia, New Zealand, Republic of Korea, Russian Federation on behalf of the Member States of the Eurasian Economic Union, Switzerland, United States of America and Uruguay on behalf of MERCOSUR**

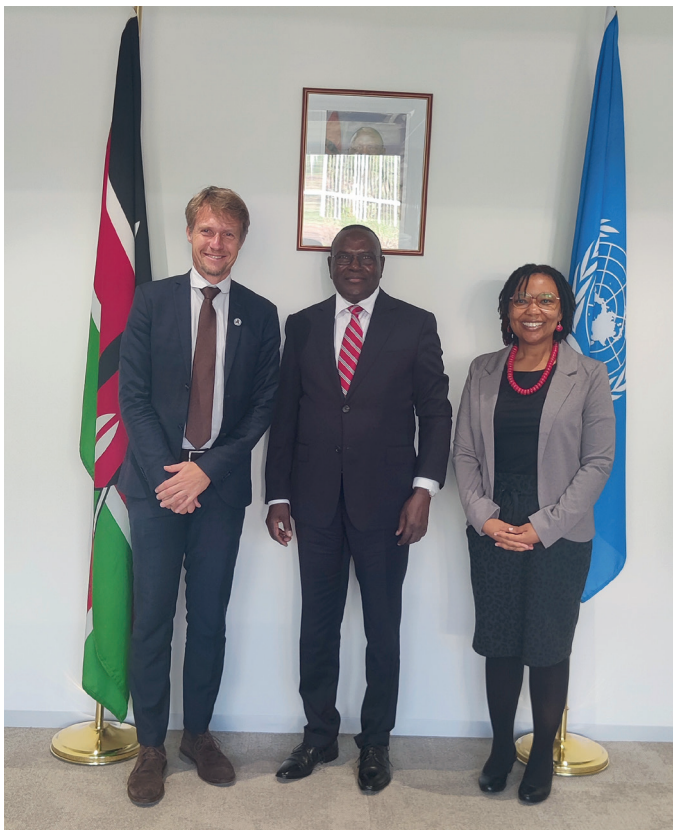


# KENYA ELECTED AS VICE-CHAIRPERSON OF THE PROGRAMME COORDINATING BOARD OF UNAIDS FOR THE YEAR 2023

The Joint United Nations Programme on HIV and AIDS (UNAIDS) is the main advocate for accelerated, comprehensive and coordinated global action on the HIV and AIDS epidemic. Established in 1994 by a resolution of the UN Economic and Social Council (ECOSOC) and launched in January 1996, UNAIDS is leading the global effort to end AIDS as a public health threat by 2030 as part of the Sustainable Development Goals (SDGs).

The 51<sup>st</sup> session of the UNAIDS Programme Coordinating Board (PCB) was held from December 13<sup>th</sup> to 16<sup>th</sup>, 2022 in Chiang Mai, Thailand - the first time in 14 years that the UNAIDS PCB has met outside of Geneva. For its 2023 leadership, the Board elected Germany as Chair, Kenya as Vice-chair and Brazil as Rapporteur. Based on the UNAIDS PCB Modus Operandi, Kenya is scheduled to Chair the Board in 2024.

UNAIDS continues to work closely with the Government of Kenya in a bid to end the AIDS epidemic in the country by 2030. The continued partnership and support from UNAIDS is critical in enhancing efficiency, timeliness and effectiveness of the national HIV response in line with the country's Universal Health Coverage (UHC) principles. Some of the areas of collaboration include HIV Policy Development and Monitoring, Resource Mobilization, HIV Surveillance, and ICT support in the form of the Situation Room and Coordination of the national HIV Response through convening of the UN Joint Team on AIDS response in Kenya which brings together all the UN Agencies to support the HIV response in a coordinated manner.



*H.E. Amb. Cleopa Mailu meeting with Mr. Morten Ussing, UNAIDS Director, Governance and Multilateral Affairs to discuss Kenya's bid for the Vice Chair of the PCB in advance of the 51<sup>st</sup> Session of the PCB*



*Dr. Ruth Masha, CEO of the Kenya National Syndemic Diseases Control Council with fellow board members from Thailand (PCB Chair 2022) and Germany (PCB Chair 2023) during the 51<sup>st</sup> PCB held in Thailand*

# Kenya's priorities at the ninth Review Conference of the Biological Weapons Convention

The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, commonly known as the Biological Weapons Convention (BWC) was the first multilateral disarmament treaty banning an entire category of weapons of mass destruction. States Parties to the BWDC undertook «never in any circumstances to develop, produce, stockpile or otherwise acquire or retain:

- Microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes;
- Weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.»

Kenya acceded to the BWC on 1st January 1976.

The ninth Review Conference of the BWC began on 28th November 2022 and will conclude on 16th December 2022. Below is the Statement delivered by the delegation of Kenya at the General Debate at of the Review Conference. It lays out the Country's priorities and agenda at the Conference. These include: strengthened international cooperation and assistance amongst the States Parties; agreement on a feasible institutional structure to support implementation of the convention; establishment of a mechanism entrenching science and technology in the BWC processes; and promoting youth involvement in the BWC.

*Mr. President,*

*I join other delegations in congratulating you wholeheartedly on taking up the Presidency of the Ninth Review Conference of the Biological Weapons Convention, and to assure you of our utmost support as you guide the work of the Review Conference. I also thank the BWC Implementation Support Unit for working tirelessly to ensure the success of this Conference. This review conference comes at a time when humanity is faced with a multitude of monumental challenges emanating from the Pandemic, Climate disruption, Nature and biodiversity loss, Pollution and waste, increasing mistrust among nations, as well the potential misuse of science and technology. Indeed, these challenges, if not promptly mitigated, will continue to threaten the well-being and survival of millions of people around the world.*

*Mr. President,*

*Kenya, appreciates and acknowledges that this Ninth Review Conference is a window of opportunity to take stock of the far we have come since the last Review*

*Conference. It is time to consider the lessons learnt, opportunities utilized, and challenges encountered; and to agree on the necessary measures that will further cement the Convention's place in securing global security and safety, while at the same time ensuring that science and technology delivers solutions in terms of products and services to current and future global challenges.*

*Mr. President,*

*The importance of the convention in precluding the frightful possibility of biological warfare, cannot be gain said. This Convention remains the most comprehensive assurance against such an eventuality. For this reason, Kenya takes her obligations under the BWC and other international instruments against weapons of mass destruction with utmost seriousness. In this regard, Kenya has taken special measures at national level and beyond, towards the intensive implementation of the Convention.*

*Mr. President,*

*In highlighting some of the measures taken by Kenya in recent times, allow me to appreciate the cooperation and partnership with the BWC-ISU in organizing a successful regional workshop on Universalization and Effective Implementation of the Biological Weapons Convention in Africa in Mombasa in October this year. The Workshop was a great success as evidenced by the depth and breadth of the level of participation. The Workshop was attended by representatives from 12 African countries and over 400 participants in-person and online. Further, the Workshop attracted the attention of top government officials and the academia. Most notably, the three arms of the Kenya government namely the Executive, the Judiciary and the Legislature were represented by top officials hence escalating matters of the Convention to the highest levels of decision making.*

*We thus reaffirm that Kenya is committed to spearheading the universalisation agenda in the region and strengthening national policy and legal frameworks for effective implementation of BWC.*

*Mr. President,*

*Kenya has made deliberate efforts towards institutional strengthening of BWC that include improvement of Measures related to Article IV of the Convention and submission of quality Confidence Building Measures. In this regard, Kenya has designed a model of implementing confidence measures within national institutions by establishing a well-coordinated inter-agency mechanism that involves the deployment of BWC desk officers*



in relevant Institutions to assist with CBMs, further augmented by Science, Technology and Innovation Focal Points and Champions in Ministries, Departments and Agencies.

This multi-agency approach has improved coordination, awareness creation, and collation of BWC related data that results into quality CBMs and public awareness.

Mr. President,

In the area of assistance and cooperation, Kenya values the useful partnerships that it has established with a number of States Parties and Organisations to build national capacities in areas such as biological threat reduction, enhancing physical strength of related facilities, surveillance, prevention and detection of pathogens, amongst others. In this regard Kenya looks forward to positive discussions on strengthening Assistance and Cooperation in relations to Articles IV, V and X on “Implementation, Coordination and Universalization of BWC”



Kenya Delegation to the 9<sup>th</sup> Review Conference

Mr. President,

Kenya is keen on review of developments in the field of science and technology related to the convention as well as Investments and Deployment of Frontier/Emerging Technologies in BWC implementation. In particular, we note that the type, extent and mitigation measures of biological threats may vary from region to region. In our region, seemingly mundane matters such as Aflatoxin, and use of pesticides that emanate from stored cereals or their products in outlets, as well as invasive plants that threaten food security remain significant biological threats that may harm the population, unintentionally or intentionally.

Therefore, Kenya calls on States Parties to make deliberate investments in Research, and Development, and also supports proposals leading to the establishment of review mechanism in the field of science and technology related to the convention.

Mr. President,

The youth are the future and in Kenya they constitute a very significant percent of the population. Young people are creative, innovative, excellent communicators, critical thinkers and changemakers. The important role of youth in the maintenance and promotion of international peace and security has been reaffirmed by UN Security Council resolution 2250 (2015) on Youth, Peace and Security, UN General Assembly resolution 74/64 entitled “Youth, disarmament and non-proliferation”, and their subsequent resolutions.

In particular, UNSCR 2250 (2015) identifies five key pillars for action as pertains to the youth, namely: participation, protection, prevention, partnerships, and disengagement and reintegration. This landmark resolution urges Member States to give youth a greater voice in decision-making at the local, national, regional and international levels and to consider setting up mechanisms that would enable young people to participate meaningfully in peace processes.

It is this context that Kenya and Panama have submitted a working paper that aims at strengthening youth participation in the Biological Weapons Convention. We call on States Parties to give due consideration and support to this proposal.

Mr. President,

The COVID-19 pandemic and its aftershocks or variants have driven humanity into unprecedented times of distress while at the same time bringing into sharp focus the existing strengths and weakness which need to be addressed by the BWC. Indeed, if this Review Conference is to be considered a success, it is our considered opinion that it must address itself to the following questions or issues:

- i how to strengthen international cooperation and assistance amongst the States Parties.
- ii. whether the current institutional structure of the convention is fit for purpose and how it can be augmented.
- iii. what structures and processes can be put in place to strengthen and support the mainstreaming of science and technology in the BWC, including the rapid detection and evaluation of the impacts of emerging technologies
- iv. the need for a credible and mutually agreeable compliance and verification mechanism.
- v. How an optimal future inter-sessional programme would look like.

*Mr. President,*

*I commend the various delegations that have offered their thoughts and possible solutions to above questions through working papers and other Conference documents which are promising and therefore consensus can be built around them. We look forward to objective discussions on the proposals, in the spirit of openness and flexibility, to deliver mutually agreeable outcomes.*

*Mr. President,*

*In conclusion, we extend our congratulations and welcome to Namibia as the newest member of the Convention. We also reiterate Kenya's commitment to this Review Conference and looks forward to working with yourself and other delegations to reach consensus that will further entrench the implementation of this Convention, in a manner that better addresses the current and future realities and takes into account various developments that have taken place.*

*Mr. President, once again I assure you of my delegation's full support.*

***I thank you.***



# HUMAN RIGHTS



H.E. Amb. Dr. Cleopa Mailu, EGH delivered opening statement at the the OHCHR Expert Consultation titled: “The violations and abuses of human rights rooted in harmful practices related to accusations of witchcraft and ritual attacks” on the 17 and 18 July 2022.

The Representative of the High Commissioner, Ms. Mona Rishmawi, Chief of Rule of Law, Equality and Non-Discrimination at the OHCHR thanked Kenya for the effort that went to the adoption of the HRC Resolution 47/8.

Amb. Dr. Mailu, informed that Kenya championed this initiative, as pen-holder in preparing the text resolution on behalf of the Africa Group at its 47th Human Rights Council Session. Then expert consultation on the violations and abuses of human rights rooted in harmful practices related to accusations of witchcraft and ritual attacks seeks to analyse the human rights and gender impact of harmful practices arising from witchcraft accusations and ritual attacks on groups at risk, and to identify measures to prevent them, protect those vulnerable to them, and implement accountability measures for such violations. The outcome of the meeting will inform the preparation of a study to present at the Human Rights Council at its fifty-second session in March 2023.

# TEAM GENEVA



REPUBLIC OF KENYA

**KENYA IN GENEVA**  
Issue #1 January 2023 - 24