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NATIONAL ASSEMBLY
ELEVENTH PARLIAMENT-FIRST SESSION, 2013

DEPARTMENTAL COMMITTEE NO. C
ON DEFENCE AND FOREIGN RELATIONS

REPORT OF THE VISIT TO THE PERMANENT MISSION OF THE
REPUBLIC OF KENYA TO THE UNITED NATIONS, GENEVA, 13TH
– 18TH NOVEMBER, 2013

NATIONAL ASSEMBLY
PARLIAMENT BUILDINGS,
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PREFACE

Mr. Speaker Sir,

- 1 The Departmental Committee on Defence and Foreign Relations was constituted on 16th May 2013 during the First Session of Eleventh (11th) Parliament pursuant to provisions of Standing Order 216 (1). The Committee executes its mandate in accordance with the provisions of Standing Order 216 (5), from which it draws its mandate to-
 - i. investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
 - ii. study the programme and policy objectives of the Ministries and Departments and the effectiveness of the implementation;
 - iii. study and review all legislation referred to it;
 - iv. study, assess and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with its stated objectives;
 - v. 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;
 - vi. to vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204; and
 - vii. make reports and recommendations to the House as often as possible, including recommendations of proposed legislation.

- 2 In executing its mandate, the Committee oversees the following Ministries and Departments:
 - i. Ministry of Foreign Affairs and International Trade;
 - ii. Ministry of Defence;
 - iii. East African Community; and,
 - iv. National Intelligence Service.

- 3 According to Schedule II of the Standing Orders, the Committee is mandated to consider the following subjects:
 - i. Defence;
 - ii. Intelligence;
 - iii. Foreign Relations;
 - iv. Diplomatic and Consular Services;
 - v. International Boundaries;
 - vi. International Relations; and,
 - vii. Agreements, Treaties and Conventions.

4 The Departmental Committee on Defence and Foreign Relations comprises the following: -

- i. The Hon. Ndung'u Gethenji, M.P. – Chairperson
- ii. The Hon. Elias Bare Shill, M.P. – Vice Chairperson
- iii. The Hon. Adan Keynan, M.P.
- iv. The Hon. Katoo Ole Metito, M.P.
- v. The Hon. Jakoyo Midiwo, M.P.
- vi. The Hon. Chris Wamalwa, M.P.
- vii. The Hon. Nyiva Mwendwa, M.P.
- viii. The Hon. Maj-General J.K. Nkaiserry, M.P.
- ix. The Hon. Gonzi Rai, M.P.
- x. The Hon. Wafula Wamunyinyi, M.P.
- xi. The Hon. Joel Onyancha, M.P.
- xii. The Hon. Joseph Lekuton, M.P.
- xiii. The Hon. Joseph Gitari, M.P.
- xiv. The Hon. Joseph Kiuna, M.P.
- xv. The Hon. Yusuf Hassan, M.P.
- xvi. The Hon. David Pkosing, M.P.
- xvii. The Hon. Beatrice Nyaga, M.P.
- xviii. The Hon. John Lodepe Nakara, M.P.
- xix. The Hon. Roselinda Soipan Tuya, M.P.
- xx. The Hon. Annah Nyokabi Gathecha, M.P.
- xxi. The Hon. David Wafula, M.P.
- xxii. The Hon. Elisha Busienei, M.P.
- xxiii. The Hon. Ali Dido Rasso, M.P.
- xxiv. The Hon. Mohammed Abass, M.P.
- xxv. The Hon. Ibrahim Sane, M.P.
- xxvi. The Hon. Richard Onyonka, M.P.
- xxvii. The Hon. Joyce Wanjalah Lay, M.P.
- xxviii. The Hon. Dennitah Ghati, M.P.
- xxix. The Hon. Ken Obura, M.P.

OBJECTIVES OF THE VISIT

Mr. Speaker Sir,

- 5 The objectives of the visits included, among others, to –
- i. Assess the status of the permanent mission of the Republic of Kenya to the United Nations (UN), Geneva with a view to learning about its performance, operations, challenges, and opportunities to tap investment, enhance tourism, trade and jobs for Kenyans with a view to recommending improvements.
 - ii. Assess how the mission has embraced the current Government's shift in focus in Kenya's foreign policy from purely political issues towards pursuit of and greater focus on economic diplomacy at bilateral, regional and multi-lateral

levels as outlined in the Government's long-term development blueprint, *Kenya Vision 2030*, 'which seeks to transform Kenya into a globally competitive, middle-income and prosperous country by the year 2030.

- iii. Explore opportunities for bilateral, political, economic and cultural cooperation between Kenya and the international community.

COMPOSITION OF THE DELEGATION

6 The delegation comprised the following:-

- i. The Hon. Wafula Wamunyinyi, M.P. – Leader of the delegation
- ii. The Hon. Joyce Wanjalah Lay, M.P.
- iii. The Hon. Beatrice Nyagah, M.P.
- iv. Mr. James N. Mwangi – Deputy Clerk
- v. Ms. Rachael N. Kairu – Clerk Assistant/Secretary to the delegation

7 The delegation made a successful visit during which it held meetings and discussions with the Kenya's Ambassador/Permanent Representative, to the United Nations(UN), Geneva, H. E. Dr. Amb. John K. Kakonge, Staff at the Permanent Mission of the Republic of Kenya to UN, Geneva; high-ranking officers in various UN agencies and international organizations based in Geneva; and some international diplomats. The delegation also toured some of the properties rented by the Kenya mission as well as several properties owned or rented by various permanent missions.

ACKNOWLEDGEMENTS

8 The Committee is grateful to the Honourable Speaker and the Liaison Committee for authorizing the visit, as well as the office of the Clerk for providing the necessary logistical and technical support. The Committee would also wish to thank the Ministry of Foreign Affairs and International Trade Headquarters; Staff of the Permanent Mission of the Republic of Kenya to the United Nations (UN), Geneva led by the Permanent Representative/Ambassador, H. E. Dr. Amb. John K. Kakonge for all the support and assistance given prior to, and during the study visit.

EXECUTIVE SUMMARY

9 The Constitution recognizes the vital role that the Ministry of Foreign Affairs and International Trade plays and the need to covetously protect Kenya's image at the supranational level. The Ministry's main mandate is to advance the interests of Kenyans through innovative diplomacy. The Ministry's seeks to strengthen bilateral and multilateral ties, increased awareness of Kenya's exports, investment and tourism products in the international market and improved consular and Diaspora services through expansion of Kenya's diplomatic presence.

The Ministry also plays an important role in counteracting negative publicity that may arise from international media. Further, the Ministry also plays an important role in

initiative peace building and coexistence of good neighborliness and in dispute and conflict resolution countries in the neighborhood and in the African region at large.

As Kenya aspires to transform into a middle-income country by 2030, the potential benefits lies with how her image is projected at the international level. For advancement of Kenya's aspiration to Vision 2030, then the Ministry role is very important in strengthening bilateral and multilateral ties, increased awareness of Kenya's exports, investment and tourism products in the international market.

- 10 The Government has shifted its focus towards pursuit of Economic Diplomacy at Bilateral, Regional and Multi-lateral levels through Integration of Politics, Trade, Infrastructure, Investment, Tourism and other Economic Considerations; Strengthening Cooperation and Partnership with other Countries; Promotion of Employment of Kenya Nationals abroad; Harnessing the Potential of Kenyans in the Diaspora; and Promotion of Kenya as a preferred venue for International Conferences and a Centre for Multilateral Diplomacy.

The Committee acknowledges and fully supports the shift in Kenya's foreign policy from purely political issues to a greater focus on economic diplomacy, as outlined in the Government's long-term development blueprint, *Kenya Vision 2030*, 'which seeks to transform Kenya into a globally competitive, middle-income and prosperous country by the year 2030. However, many of the Kenya's foreign missions abroad may not be able to achieve the expected results as they continue to face numerous challenges that hamper their performances and operations.

It is against this background that the Departmental Committee on Defence and Foreign Relations resolved to visit some of Kenya's missions abroad to review their Performances, Operations, Opportunities and Challenges faced in executing their Mandate, and consequently visited the Permanent Mission of the Republic of Kenya to the United Nations (UN), Geneva, between 13th and 18th November, 2013.

- 11 The key objectives of the visit included to:-

- i. Assess the status of the permanent mission of the Republic of Kenya to the United Nations (UN), Geneva with a view to learning about its performance, operations, challenges, and opportunities to tap investment, enhance tourism, trade and jobs for Kenyans with a view to recommending improvements.
- ii. Assess how the mission has embraced the current Government's shift in Kenya's foreign policy from purely political issues to a greater focus on economic diplomacy, as outlined in the Government's long-term development blueprint, *Kenya Vision 2030*, 'which seeks to transform Kenya into a globally competitive, middle-income and prosperous country by the year 2030.
- iii. Explore opportunities for Bilateral, Political, Economic and Cultural Cooperation between Kenya and the international community.

- 12 The delegation held meetings and discussions with the Kenya's Permanent Representative to the United Nations, Geneva, H. E. Dr. Amb. John K. Kakonge;

Mission Staff; Ambassador and Permanent Representative of Nigeria to the UN; H. E. Umunna H. Orjiako, PhD, Ambassador and Permanent Representative of the Republic of Tanzania to the UN, H. E. Modest J. Mero; Ambassador and Permanent Representative of Brazil to the UN, H. E. Excellency Maria Nazareth Farani Azevêdo; Secretary-General, United Nations Conference on Trade and Development (UNCTAD), Dr. Mukhisa Kituyi; and United Nations Institute for Training and Research (UNITAR) Officers led by the Assistant Secretary General of the United Nations, and Acting Head/Executive Director, Mrs. Sally Fegan-Wyles.

The delegation also toured the Kenya Mission chancery and Ambassador's residence. Further, the delegation toured the chanceries of the following Permanent Missions, South Sudan, Nigeria and Brazil. Of these chanceries, South Sudan and Brazil are rented, while Nigeria's is owned by the Mission. In addition, the delegation toured the, the Ambassador's residence for the Tanzania's mission, owned by the mission. The purpose of the tours was to appreciate the need for mission to own property including the Chancery and residences for mission staff as well as conduct a comparative analysis of the living conditions in these missions vis-à-vis Kenya mission's.

The delegation also toured an office block and Ambassador's residence that the Mission has identified for possible acquisition through the Ministry of Foreign Affairs and International Trade.

- 13 The delegation observed that Geneva is the most important Kenya Mission's abroad in terms of Trade and Economic Diplomacy given the large number of UN and international organizations whose work has a direct impact on Kenya's ability to trade internationally. It is therefore crucial for the Government to facilitate this mission adequately to enable it operationalise its diplomatic engagements and execute its mandate more effectively.
- 14 The delegation noted that it is vital that the ongoing restructuring of the Ministry of Foreign Affairs and International Trade aimed at focusing on economic diplomacy ensures that there is coordination and systemic coherence between bilateral and multilateral missions, the Ministry and other policy organs in Government. Too much attention has been given to bilateral duty stations in particular, the need to promote trade without taking into consideration the important role played by Kenya's multilateral missions, (Geneva, New York, Brussels, Vienna and Addis Ababa) at the regional and international levels. This calls for a broad approach in the exercise.

The promotion of trade, market access etc. do not occur in isolation. They are dependent on many other variables especially issues of international rules and governance in the multilateral trading system. Inevitably, they impact on the level and volume of trade countries can attain.

The world is very unequal and developing countries including Kenya have perpetually been marginalized in the world economy. This constitutes a challenge for them in integrating into the world economy. For example, the "enabling clause" that gives developing countries flexibility to set up regional blocks is being weakened. The

complexity of the dispute settlement mechanism denies most developing countries from using it due to capacity challenges. The developments undermine the trade policies of developing countries.

- 15 Therefore, developments in the multilateral trading system impact national policies and in particular, a country's ability to grow and expand its exports. These also have socio-economic, environmental and geo-political implications. The economic benefits predicted have been overplayed whilst the wider risks to developing countries have been seriously downplayed or altogether ignored.

Multilateralism is geared towards drawing institutional policy responses to globalization in view of growing interdependence of national economies.

- 16 If Kenya is to make progress in international trade, policies have to be designed towards meeting the challenges of global economic governance and rule making which are at the heart of ensuring progress in developing the national economy.

In this regard, it is important for Kenya to play an active role within the WTO, UNCTAD and International Trade Center (ITC) towards ensuring that the Country has a strengthened and rules-based multilateral trading system that provides certainty and access to global markets.

- 17 In view of the foregoing, it is of vital importance to take into consideration the evolving role of multilateral duty stations. Efforts should be made to build adequate capacity within these missions in the envisaged restructuring process. In this regard, coherence and alignment in policy formulation at domestic, regional and international levels will be critical.

RECOMMENDATIONS

- 18 Consequently, the Committee recommends the following measures to GoK and in particular the Ministry of Foreign Affairs and International Trade, and the Treasury;

a) The Ministry of Foreign Affairs and International Trade should:-

- i) Ensure the Foreign Service is a specialised professional activity like medicine and engineering and must have the capacity to train and recruit its own staff. It must therefore employ its staff based on rigorous training and examination that conforms to international standards. Countries like Brazil can serve as role models on how Kenya can quickly professionalise its foreign service. The Ministry should therefore review the ad hoc posting of staff which prevails at the moment and skills taken into account before any deployment is done.
- ii) Ensure that in its policy regarding deployment of staff to foreign missions, there is matching of skills and staff profiles to the requirements of missions to enable missions leverage their staff strengths to cover critical areas in their work. In the current era of shrinking revenues, the Government must align the deployment

of staff in Geneva to the needs of the mission to avoid redundancy and ensure value for money.

- iii) Take into consideration the evolving role of multilateral duty stations. The Ministry should therefore ensure that it builds adequate capacity within these missions. In this regard, the Ministry should ensure coherence and alignment in policy formulation at domestic, regional and international levels. It should also urgently organize a training programme to help officers in Foreign Service to transform their approach, attitude and practices in line with current global diplomatic trends largely focusing on econo-diplomacy.
- iv) Ensure that all officers posted abroad are well oriented, inducted and given refresher courses to help them adopt to changing global dynamics in diplomacy, and also enable them understand Kenya fully and particularly government ministries, parliamentary operations, the private sector, the tourism industry, major policy statements and focus of government programmes among other areas.
- v) An Ambassador in charge of WTO and attachés to deal with WTO should be urgently identified and deployed to the mission as lack of experts in this critical area is a major setback in the Mission's performance on issues of WTO agreements Trade and Investments.
- vi) Approve and implement the proposed local staff regulations regarding their working conditions and terms of service as a matter of urgency and all staff put on contracts renewable based on satisfactory performance of their duties.
- vii) Initiate a process for institutionalized information management and coordination between the various Government Offices on the one hand and with the missions abroad on real time basis to enable them respond to queries and proactively give information on developments at home in good time.
- viii) Ensure that in the ongoing restructuring of the Ministry of Foreign Affairs and International Trade aimed at focusing on economic diplomacy, there is coordination and systemic coherence between bilateral and multilateral missions, the Ministry and other policy organs in Government. Bilateral stations should also be given due consideration including allocation of adequate funds to enable success in the Country's focus on economic diplomacy. This is because too much attention has been given to bilateral duty stations in particular, the need to promote trade without taking into consideration the important role played by Kenya's multilateral missions, (Geneva, New York, Brussels, Vienna and Addis Ababa) at the regional and international levels.
- ix) Kenya should play an active role within the WTO, WIPO and International Trade Centre (ITC) in ensuring that Kenya has a strengthened and rules-based multilateral trading system that provides certainty and access to global markets. This will ensure reduction in protectionist and unilateral trade measures,

enhanced economic interaction, fair and accommodating dispute settlement mechanism as opposed to economic power. This would enable Kenya to make progress in international trade, and ensure that policies are designed towards meeting the challenges of global economic governance and rule making which are at the heart of ensuring progress in developing the national economy.

- x) The Ministry should have a budgetary provision for lobbying for Kenya's candidates to posts in the United Nations System, and to other international organizations so as to build Kenya's ability to ensure her candidates secure such positions. Such positions confer prestige, visibility, status and even the ability to influence or help shape the agenda in those organizations. This explains why countries are always seeking to ensure positions for their nationals in such positions.
- xi) The Ministry should critically analyze and reform the issue of fluctuations in foreign exchanges that often adversely affect missions and officers' financial situations.
- xii) Kenya Parliament should seek and collaborate with development partners with a view to building capacity for members of parliament and staff of the Parliamentary Service Commission.
- xiii) Kenya should sign and ratify of the Arms Trade Treaty (ATT). Small arms and light weapons have had a very adverse impact on Kenya's national security and in particular the growing threat posed by terrorism. Failure to sign the Treaty raises issues regarding Kenya's political commitment to multilateralism.

b) Under Treasury:-

- i) Given the importance of Geneva, it is important that the Government allocates funds for purchase of property so as to cushion the mission from high rents and foreign exchange rate fluctuations. At the moment there are more properties being offered for sale than rental. This is a good time to purchase as it is easy to get a good bargain.
- ii) The Ministry of Foreign Affairs and International Trade should be considered for additional funding for Foreign Missions in particular the operation and maintenance budget to enable missions operationalise their diplomatic engagements and execute their mandate effectively.
- iii) The Permanent Mission in Geneva should be considered for additional funding in operation and maintenance budget to enable it operationalise its diplomatic engagements and execute its mandate effectively. The mission should also be allocated funds to enable it settle the pending bills amounting to Chf130,000 for the residence occupied by a former Ambassador. Indeed, the Mission was taken to court over the matter, and the amount continues to accrue interest at 5 percent and therefore needs to be paid as a matter of urgency. Further, the

mission should be allocated funds to purchase a mini bus and another utility vehicle at the cost Chf. 130,000 and Chf. 65,000 respectively. This is taking into consideration the high needs of the mission given the size and the number of delegations which visit Geneva.

CHAPTER ONE

VISIT TO THE PERMANENT MISSION OF THE REPUBLIC OF KENYA TO THE UN, GENEVA, NOVEMBER, 13-18, 2013

GENEVA AS THE CENTRE OF INTERNATIONAL COOPERATION IN THE WORLD

- 19 Geneva is the second largest UN center in the world, and the leading international centre for trade, development, health, humanitarian, education and human rights issues. Important UN agencies and international organizations based in Geneva include World Trade Organization (WTO), United Nations Conference on Trade and Development (UNCTAD), International Trade Centre (ITC), World Intellectual Property (WIPO), World Health Organization (WHO), International Labour Organization (ILO), International Telecommunication Union (ITU), Inter-parliamentary Union (IPU), International Organization for Migration (IOM), World Meteorological Organization (WMO), United Nations Environmental Programme (UNEP), Office of the High Commissioner for Human Rights (UNOHCHR), United Nations High Commissioner for Refugees (UNHCR), United Nations Development Programme (UNDP), Joint United Nations Programme on HIV/AIDS (UNAIDS), United Nations Office for Disaster Risk Reduction (UNISDR), The United Nations Institute for Training and Research UNITAR, among others.

The city provides a base for 91 consulates, more than 200 missions to the UN, 32 missions to the WTO, around 200 NGOs, 23 intergovernmental organizations and approximately 120 multinational companies, including many important banking, insurance and financial concerns. The presence of the UN draws a strong international press contingent.

In 1920 two hundred international diplomats and civil servants were working in Geneva. Today this figure has risen to approximately 42,000, not including some 2,400 employees of non-governmental organizations (NGOs).

- 20 The United Nations Office at Geneva (UNOG) is the most active centre for multilateral diplomacy in the world and has been the setting of many historic negotiations. Many international accords and peace treaties have been signed in Geneva. The city is the historic birthplace of international arbitration, cooperation and humanitarian accord. The Alabama Claims (1871) case that launched the movement to codify international law was settled here, the International Committee of the Red Cross was founded in Geneva in 1864, the first of the Geneva Conventions was agreed in the same year and Geneva was home to the League of Nations from 1919-45.

Widely known as "International Geneva", together with New York, Geneva is currently one of the two largest centres of international cooperation in the world. Geneva however has the highest number of international conferences and meetings held in the city every year.

International officials and members of diplomatic missions enjoy the privileges and immunities prescribed by international law. At the same time, Switzerland makes every effort to ensure that an attractive range of office premises is available to these organizations.

- 21 However, Geneva is not the only city in Switzerland to host international organizations, be they governmental or non-governmental. The shores of Lake Léman are home to the World Conservation Union (IUCN, Gland), the World Wide Fund for Nature (WWF, Gland) and the International Olympic Committee (IOC, Lausanne), to mention but a few examples. Basel is the seat of the Bank for International Settlements (BIS), and the Universal Postal Union (UPU) is still based in Berne, along with the Intergovernmental Organization for International Carriage by Rail (OTIF).

INTRODUCTION INTO KENYA MISSION TO UNITED NATIONS (UN), GENEVA

- 17 The Kenya Mission to the United Nations (UN) and other International Organizations in Switzerland was established in 1985 to represent Kenya's national interests in the multilateral forain Geneva. It is the second most important Mission accredited to the UN offices after the Kenya Mission to UN in New York. The other UN offices are in Vienna and Nairobi.

Geneva is host to a large number of International Organizations and special agencies which can play a key role in Kenya's social and economic development. In this regard, Geneva is the most important Kenya Mission's abroad in terms of Trade and Economic Diplomacy given the large number of UN and international organizations whose work has a direct impact on Kenya's ability to trade internationally.

- 22 The work of some of the organizations such as the WTO, UNCTAD, ITC, WIPO, ILO, WHO, the Multilateral Environment Agreements such as the Rotterdam Convention on Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the Stockholm Convention on Persistent Organic Pollutants, the Basel Convention on Transboundary Movement of Hazardous Wastes, the Convention on International Trade in Endangered Species in Wild Fauna and Flora and United Nations Human Rights Council has a direct impact on Kenya's ability to trade and compete internationally and are therefore critical in advancing Kenya's new Foreign Policy orientation on Trade and Economic Diplomacy.

Other organizations such as UNHCR, IOM, UNCD, ITU, WMO, the Global Fund, UNAIDS, cover various issues of interest to the country and provide technical assistance which is critical in addressing some of the social economic challenges that the country faces.

- 23 The Kenya Mission to the United Nations in Geneva coordinates Kenya's overall representation in all meetings, governing bodies and conferences that are held in United Nations and other international organizations in Geneva.

DISCUSSIONS WITH KENYA'S AMBASSADOR/PERMANENT REPRESENTATIVE, TO THE UN, GENEVA, H. E. DR. AMB. JOHN K. KAKONGE

- 24 The delegation held several discussions with Kenya's Ambassador/Permanent Representative, to the UN, Geneva, H. E. Dr. Amb. John K. Kakonge at the Chancery and discussed many issues touching on the mission particularly, its role, performance, operations, challenges, and opportunities. He was accompanied by Amb. Antony Andanje, Ambassador and Deputy Permanent Representative; and Mr. Timothy Mcharo Kaluma, Minister Counselor for Political Affairs. The delegation also held discussions with all mission staff on staff matters vis-à-vis mission's role, performance, and operations.

The leader of the delegation briefed the Ambassador and the staff present on the purpose and objectives of the visit. He also briefed them on the Committee's mandate as stipulated by the Standing Orders, which he said includes among other things to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and Departments. In this regard, the Committee considers Defence; Intelligence; Foreign Relations; Diplomatic and Consular Services; International Boundaries; International Relations; and, Agreements, Treaties and Conventions.

Thereupon, the delegation raised various issues and called upon the Ambassador and the staff to address the issues as raised. The delegation was informed as follows:-

a) MANDATE OF THE MISSION

- 25 The Kenya Mission to the United Nations in Geneva coordinates Kenya's overall representation in all meetings, governing bodies and conferences that are held in United Nations and other international organizations in Geneva. Its key objectives are to:-
- i. Promote multilateralism to secure a rules based international system;
 - ii. Promote Kenya's international relations objectives;
 - iii. Monitor international developments and advise the government on policy options to enable informed decision-making;
 - iv. Participate actively in improving the multilateral trading system within the World Trade Organization and other organizations such as, United Nations Conference on Trade and Development, International Trade Center, World Intellectual Property Organization and engage proactively in efforts to conclude the Doha Development Round to leverage the gains and promote economic development in Kenya
 - v. Promote development, international security, disarmament, human rights and fundamental freedoms, refugee affairs and humanitarian assistance, environment, labour and migration matters as well as engage in other international institutions;

- vi. Engage international partners in initiatives on health, particularly, HIV/AIDS, Malaria, Tuberculosis and other diseases, in the context of national requirements and attaining the Millennium Development Goals (MDG);
- vii. Play an active role in nuclear disarmament, non-proliferation and arms control with a focus on small arms and light weapons;
- viii. Provide consular services; and
- ix. Source development assistance.

b) STAFFING

- 26 At the moment, the Mission has 9 political officers including two Ambassadors and 1 Financial Attaché, 1 Confidential Secretary and 1 Administrative Attaché making a total of 12 Home Based Staff. In addition, the Mission has 11 Local Staff, 4 Drivers, 1 Cleaner, 1 Receptionist, 1 Housekeeper, 2 Secretaries and 2 Clerks.

The Home based staff are deployed as follows; 1 WTO, 1 WIPO/Head of Chancery, 1 WHO, 1 ILO, 1 Human Rights, 1 Immigration/UNHCR, 1 UNHCR/Environment. Most of the officers are generalists, making it impossible to deploy them in the areas that are key to the Mission's work, i.e international trade and diplomacy. For example, if the staff had technical skills in trade, it would be possible to deploy them from their current portfolios to WTO which is more critical than other organizations.

- 27 The current policy where there is no matching of skills profiles of staff to the requirements of the Mission has meant that the Mission is not in a position to leverage the current staff strength to cover critical areas of the Mission's work.

There are four organizations which are critical to trade diplomacy: the World Trade Organization, the World Intellectual Property Organization, United Nations Conference on Trade and Development, and International Trade Centre. In addition, some of the conventions adopted at the World Health Organization, International Labor Organization and Human Rights Council have a bearing on market access and therefore require officers to be able to understand the impact such conventions can have on trade. This calls for good knowledge of WTO agreements.

For example, the WHO organization adopted the Framework Convention on Tobacco Control which proposed guidelines to be followed regarding labeling and packaging of tobacco products. These guidelines interfere with trademarks and branding of the existing products which are protected under the trademarks. Kenya in a bid to implement the WHO guidelines adopted a law on Tobacco Control in 2007 which has specific requirements on labelling and packaging of tobacco products. The implementation of the measures is now a subject of discussion at WTO and Kenya may find itself being subjected to the dispute settlement procedure at WTO.

A similar example can be cited in regard to the work of International Labour Organization and the development of fair trade labelling. Fair trade label on products is label that indicates that the production and manufacturing process of products adhere to certain international standards such as payment of decent wages, guarantee to the

right to join trade unions and provision of good housing, among other things. These standards which have been developed by the International Labour Organization are now being used more covertly to influence buyer decisions especially in developed countries. Such labels can therefore have a great impact on competitiveness of products and differentiates unfairly the products from developing countries especially where high production costs militate against paying high wages.

The above two examples illustrate the need for skilled and knowledgeable officers to represent the Mission in these critical organizations. In the era of shrinking revenues, the government must align the deployment of staff in Geneva to the needs of the Mission to avoid redundancy and ensure value for money. The ad hoc posting of staff which prevails at the moment must therefore be reviewed and skills taken into account before any deployment is done.

- 28 The staff therefore proposed that Mission should have 12 Political Officers and 1 Financial Attaché, 1 Administrative Attaché, and 1 Confidential Secretary distributed as follows: 2 Ambassadors: one for WTO and one for other UN agencies.

The Ambassador to WTO should have 6 senior officers with good knowledge of trade, especially WTO agreements and Intellectual property to cover World Trade Organization, World Intellectual Organization, World Health Organization, Global Fund, GAVI, UNCTAD, and ITC. These officers should also include a Trade Lawyer and an Agricultural Economist.

The Ambassador to UN should have 3 officers to cover other UN organizations such as ILO, UNHCR, Human Rights, Conference on Disarmament, and environment.

In addition the Mission should have a Head of Chancery to run the functions of the Mission, 1 Financial Attaché, 1 Administrative Attaché, and 1 Confidential Secretary.

c) LOCAL STAFF ISSUES

- 29 The hiring of local staff in the Mission should aim at augmenting the work of Home Based Staff. At the moment, the hiring of the local staff is ad hoc and most staff lack the critical skills necessary for the performance of their duties. In this regard, the proposed Local Staff Regulations which have been forwarded to the Ministry should be approved as a matter of urgency and all staff put on contracts. Renewal of contracts should be based on the satisfactory performance of their duties.

d) BUDGETARY MATTERS AND IMPACT OF UNDERFUNDING

- 30 The budget of the mission has increased over the last three years from Kshs 318.7 million in 2010/2011 financial year to Kshs. 331 million in 2011/2012, to Kshs. 444 million in 2012/2013, to Kshs. 462 million in the current financial year 2013/2014. While there has been an increase of about Kshs. 144 million compared to 2010/2011 financial year, the increase has been muted by the exchange rate fluctuations and increase in demands for the mission.

31 While the overall budget of the Mission increased from Kshs.444 million in 2012/2013 financial year to Kshs.462 million in 2013/2014 financial year, the Mission had requested Kshs. 562 million to be able to meet its financial requirements. This resulted in a shortfall of about Kshs. 99 million. In particular, there was slashing of budget in crucial budget items such as Fuel and Lubricants where the Mission was only allocated Kshs. 672,000, down from Kshs. 1.6 million in the previous financial year, General Office Supplies where the Mission was allocated Kshs. 1.05 million down from Kshs. 2.1 million, Hospitality Supplies and Services, Kshs. 1.1 million down from Kshs. 3.5 million, Purchase of Household Furniture and Equipment, Kshs.1.5 million down from Kshs. 3.5 million, among others. There was no allocation at all on Furniture and Institutional Fittings.

These reductions have had a negative impact on the operations of the Mission as follows;

- i. They have negatively affected transportation services; Geneva receives many delegations attending various meetings at the UN and other international organizations. The Kshs. 762,000 allocated to the Mission for fuel is already exhausted.
- ii. The reduction in hospitality budget has affected the Mission's ability to host cocktails and dinners for delegations from other countries on issues of importance to the country. A recent example is when Kenya was vying for the position of the Appellate Body of the WTO but could not host a single cocktail due to budget constraints. The Mission will also not host the 50th Anniversary Jamhuri celebrations for the same reasons. While other Missions are well resourced and are able to advance their countries interests through such informal gatherings, Kenya is not in a position to do so.
- iii. The Mission has to endure with old broken switchboard system since no money was allocated for its purchase.
- iv. Medical treatment is very expensive in Geneva. In this regard, the law requires that everybody residing in Geneva or Switzerland for that matter must have a medical cover. Over the last 2 financial years, there has been underfunding on this item. During the current financial year, the item was underfunded by close to Kshs.3 million. Given the mandatory nature of the premiums, the Mission is normally forced to reallocate money from other items, thereby compromising the Mission's ability to meet other needs.

e) PENDING BILLS

32 The Mission had huge challenges regarding pending bills. While most bills amounting to over Chf.500,000 have been settled, there still remains a bill of Chf130,000 for the residence occupied by former Ambassador, Dr. Tom Mboya. The Mission was taken to court which awarded the landlord, the costs of the case, and interest, at a rate of 5%. This amount continues to accrue interest and needs to be paid as a matter of urgency. The Mission has written to the Ministry to grant it authority to settle the amount.

f) IMPACT OF FOREIGN EXCHANGE LOSSES

- 33 Fluctuations in exchange rates compromise the ability of the Mission to meet its obligations. Over time the cost of services even if they remained the same in Swiss Francs, will cost much more in Kenya Shillings due to depreciation of Kenya shilling. For example in 1986 1 Chf was equal to Kshs 8.17 while currently, 1 Chf. is equal to Kshs. 96.30. The impact of this depreciation can be seen in the amount of rent which the Mission pays for the residence. The rent paid for the residence has increased from Chf. 252,000 per year (Chf. 21,000 per month) in 1986 to about Chf 281,772 per year (Chf. 23,481 per month) in 2013, an increase of Chf. 29,772 per year or Chf. 2,481 per month. However over the same period, the rent in Kenya shillings has increased from Kshs. 2,058,840 per year to Kshs. 27,134,643, a massive increase of Ksh. 25,075,803. If the exchange rate had remained the same, the Increase of Chf. 29,772 per year would have been equivalent to an increase of Kshs. 243,237 per year.

It is noted that the year to year depreciation accelerated in the 1990s. The rate doubled from 1 Chf. to Kshs 8.14 in 1986 to 1 Chf. to Kshs 15.55 in 1990, then increased to 1 Chf. to Kshs.40.60 by 1993, by 2010 it had reached 1 Chf. to Kshs.93.10 and at one point in 2011, the Kenya shilling was exchanging at a rate of 1 Chf to Kshs.124.

- 34 In terms of actual losses, the exchange rates losses amounted to Kshs. 11 million in the 2009/2010 financial year, Kshs. 28 million in 2010/2011 and close to Kshs. 50 million in 2011/2012 financial year. The impact on rents was massive as the Mission was blacklisted by the landlords and agents. Three officers were given notices to vacate their residences due to late payment of rents and the Mission was constantly being bombarded with demand letters from agents and landlords and when the payments were not forthcoming, they were forwarded to the Swiss Mission which badly dented the reputation of the Mission. If the Mission owned some properties the effect of exchange loss would be less pronounced.

In this regard, it is imperative that the Mission owns properties to cushion it from the impact of exchange rate losses given that the rents form more than a quarter of the Mission's budget.

g) IMPACT OF THE TRANSFER OF THE EXTERNAL TRADE DEPARTMENT TO MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE

- 35 In the past, the three trade officers who were attached to the WTO were financed by the then Ministry of Trade. With the transfer of the function to Ministry of Foreign Affairs, there was no commensurate allocation of funds to the Ministry. While the budget of the current trade officer is being catered for by the Ministry of East Africa, Commerce, and Tourism, the now Ministry of Foreign Affairs and International Trade will have to shoulder the burden in the 2014/2015 financial year. The current allocation

of Kshs. 44 million from Ministry of East Africa, Commerce, and Tourism is barely able to support the current trade officer and the driver. Given that 2 to 3 additional staff would be required, the overall impact would push the financial requirement of the Mission by another Kshs. 120 -150 million.

h) PROPERTY FOR THE MISSION

- **Chancery and Residences**

- 36 The Mission does not own any property in Geneva. The mission has been renting the properties including the Ambassador's Residence, the Chancery and residences for Home Based Staff since 1986. While the rent for the official residence has remained fairly stable rising to Chf. 23,482 per month from Chf. 21,000 in 1986, the impact as a result of depreciation of Kenya Shilling has been massive. In 1986 the rent per month was Kshs. 171,570 while at the moment it is Kshs.2,261,316.60 representing 1200% increase yet the rent in Swiss Francs has only increased by 16%.

Given the importance of Geneva, it is important that the Government allocates funds for purchase of property so as to cushion the Mission from exchange rate fluctuations.

The Mission has identified an office block which is suitable to meet the needs of the Mission. While the price being quoted is Chf 26 million, it is possible to get the property at much less. A good residence for the Ambassador will cost between Chf 6-12 million depending on the size and location. At the moment there are more properties being offered for sale than rental. This is a good time to purchase as it is easy to get a good bargain.

- **Vehicles**

- 37 The Mission has a fleet of five vehicles as follows: 1 Representational Car, 2 Mercedes Benzs, 1 Volvo, 1 Audi and a Van. One of the Mercedes which was allocated to the Deputy Permanent Representative is broken down and will require Chf. 17,000 to get it back to the road. The Volvo is over 10 years old and with the mileage clocking close to 200,000 km it is unlikely to offer service for much longer.

The van is pretty small yet the needs are high given the size and the number of delegations which visit Geneva.

In this regard, the staff proposed that the Mission be allocated funds to purchase a Mini bus and another utility vehicle at the cost Chf. 130,000 and Chf. 65,000 respectively.

- **Purchase of Furniture and Furnishings**

- 38 The furniture and furnishing in the Mission are very old and most of them date back to 1986 when the Mission was opened. In this regard, there is need to upgrade the same so as to improve the image of the Mission.

i) RESTRUCTURING OF THE MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE FOCUSING ON ECONOMIC DIPLOMACY

It is vital that the ongoing restructuring of the Ministry of Foreign Affairs and International Trade aimed at focusing on economic diplomacy ensures that there is coordination and systemic coherence between bilateral and multilateral missions, the Ministry and other policy organs in Government. Too much attention has been given to bilateral duty stations in particular, the need to promote trade without taking into consideration the important role played by Kenya's multilateral missions, (Geneva, New York, Brussels, Vienna and Addis Ababa) at the regional and international levels. This calls for a broad approach in the exercise.

- 39 The promotion of trade, market access etc. do not occur in isolation. They are dependent on many other variables especially issues of international rules and governance in the multilateral trading system. Inevitably, they impact on the level and volume of trade countries can attain.

The world is very unequal and developing countries including Kenya have perpetually been marginalized in the world economy. This constitutes a challenge for them in integrating into the world economy. For example, the "enabling clause" that gives developing countries flexibility to set up regional blocks is being weakened. The complexity of the dispute settlement mechanism denies most developing countries from using it due to capacity challenges. The developments undermine the trade policies of developing countries.

Due to the 13 year deadlock in the Doha Development Round, the developing countries are vigorously pursuing their trade objectives through negotiation of bilateral agreements with developing countries e.g. the Economic Partnership Agreement being pursued by the European Union with the East African Community, the Trans-Pacific Partnership Agreement between the United States and South-East Asian countries, the EU-US Transatlantic Trade and Investment Partnership among others. These proposed agreements not only deal with trade in goods and services but cover many of the staple issues of contemporary free trade agreements including intellectual property protection, competition policy, government procurement, sanitary and phytosanitary measures, trade remedies and dispute settlement.

- 40 There is no doubt that some of the proposed provisions commit parties to obligations beyond those required under current WTO agreements. Thus, with regard to government procurement, the parties are obliged to afford foreign nationals the right to enter the domestic market and grant them the same treatment as locals, under the provisions, a party cannot discriminate in favour of locals. It must be noted that attempts by the developed countries to incorporate similar provisions into a multilateral WTO agreement on government procurement were rejected by developing countries. There are numerous other examples of provisions that undermine the interests of developing countries.

Therefore, developments in the multilateral trading system impact national policies and in particular, a country's ability to grow and expand its exports. These also have socio-economic, environmental and geo-political implications. The economic benefits predicted have been overplayed whilst the wider risks to developing countries have been seriously downplayed or altogether ignored.

Multilateralism is geared towards drawing institutional policy responses to globalization in view of growing interdependence of national economies.

- 41 If Kenya is to make progress in international trade, policies have to be designed towards meeting the challenges of global economic governance and rule making which are at the heart of ensuring progress in developing the national economy.

In this regard, it is important for Kenya to play an active role within the WTO in ensuring that we have a strengthened and rules-based multilateral trading system that provides certainty and access to global markets. This will ensure reduction in protectionist and unilateral trade measures, enhanced economic interaction, fair and accommodating dispute settlement mechanism as opposed to economic power. In essence, this would result in the creation of a system that is clear and transparent in the promotion of global relations necessary for growth and unimpeded flow of international trade.

UNCTAD in Geneva is important policy analysis institution relevant to the work of the Mission. Its main focus is promotion and development of friendly integration of developing countries into the global economy. Over time, it has evolved into an authoritative knowledge-based institution that is shaping the policy debates of Member States. Domestic policies and international actions are mutually supportive in bringing about sustainable development. Among its key mandates are research, collection of data, policy analysis and technical assistance to developing countries. This support is invaluable to developing countries including Kenya which has inadequate capacity in the area of policy analysis.

The third institution is the International Trade Center (ITC) in Geneva- a joint Technical Cooperation Agency of UNCTAD and WTO. It focuses on matters of business and trade development. Its main role is to help developing countries and economies in transition to achieve sustainable human development through exports with an emphasis on competitiveness. Key advisory services include export promotion of "green" products, market analysis, packaging and eco-labeling.

- 42 In view of the foregoing, it is of vital importance to take into consideration the evolving role of multilateral duty stations. Efforts should be made to build adequate capacity within these missions in the envisaged restructuring process. In this regard, coherence and alignment in policy formulation at both domestic, regional and international levels will be critical. If this objective is pursued it will pay the desired dividends.

The Departmental Committee on Defence and Foreign Relations was thus urged to ensure that the points highlighted were given due consideration in the restructuring of the Ministry of Foreign Affairs and International Trade.

j) KENYA'S SIGNATURE AND RATIFICATION OF THE ARMS TRADE TREATY (ATT) AND ITS SIGNIFICANCE

- 43 The final Conference of the Arms Trade Treaty was held in March, 2013 at the United Nations Headquarters in New York and on 2nd April, 2013 the Arms Trade Treaty was adopted, by an overwhelming majority of states in the UN General Assembly (including Kenya). The adoption of the treaty was a clear victory for multilateralism.

The ATT is the first international Treaty aimed at reducing humanitarian suffering by bringing the arms trade under control and sets an important basis for concrete action and it creates a new global norm against which states practices will be measured, by other states and by international civil society. ATT is also the first legally binding instrument ever negotiated in the United Nations to establish common standards for the international transfer of conventional weapons. Such weapons range from warships and combat aircraft, to small arms and light weapons, and to ammunition, parts and components.

The Treaty will make it harder for weapons to be diverted into *illicit market*, to reach war loads, pirates, terrorists and criminals and has the potential to make a real difference. Its implementation is what really matters.

- 44 Kenya together with the United Kingdom was among the group of countries referred to as the Co-authors who lobbied over many years and tabled the UN Resolution calling for the negotiation of the Arms Trade Treaty. The negotiations were a complex process and the Treaty was the product of many years of preparations and negotiations. Kenya was proactive in calling for inclusion of small arms and light weapons in the framework of the Treaty against great opposition from major weapons producers such as the US and Egypt in Africa.

As of 24th October, 2013, seven (7) states had already ratified the Treaty and 113 had signed. Given the momentum displayed, it is feasible that the ATT could enter into force before the end of 2014.

- 45 Due to constitutional requirements (Kenya Constitution 2010), arrangements have been initiated that the mission's hope will lead to Kenya signing the Treaty. Nevertheless, there are reliable indications that the Ministry of Interior and Government Coordination is not keen to facilitate the process. It is rather strange considering that the Kenya Delegation to the Final Conference of the ATT in March, 2013 was headed, by the Director General of Police. Prior to his appointment, he was the head of the Kenya National Focus Point in Government on Small Arms and Light Weapons.

Considering the key role Kenya has played in the process leading up to the adoption of the Arms Trade Treaty, many countries including the UN are surprised at the slow pace it is taking Kenya to sign the Treaty. Many countries have constitutional provisions that they have to satisfy, but they have been able to speed up the process.

- 46 In view of the grave threat posed by the proliferation of Small Arms and Light Weapons in the Horn of Africa, it is important that Kenya signs up. Small Arms and light weapons have had a very adverse impact on Kenya's national security and in particular the growing threat posed by terrorism. Failure to sign the Treaty raises issues regarding our political commitment to multilateralism. As a country, Kenya should view the ATT in the context of the practical benefit to her national security and the security of our communities through a strong and well implemented ATT. It is therefore imperative that Kenya signs and ratifies the Treaty.

The upside is that a Fund has been established to support smaller states in terms of their capacity to fully implement the Treaty.

k) LOBBYING FOR KENYA NATIONALS SEEKING POSITIONS IN INTERNATIONAL ORGANIZATIONS

- 47 Nations are always seeking to ensure positions for their nationals in the United Nations System and in other international organizations. Such positions confer prestige, visibility, status and even the ability to influence or help shape the agenda in those organizations.

Each position has its requirements and processes that lead to the election or selection of suitable candidates. In some instances, candidates are elected to lead key agencies or organs with due consideration to equitable geographic representation. In other instances, candidates are selected for example in the United Nations System by the UN Secretary General who has discretionary authority conferred on him, for example the post of Secretary General of UNCTAD now occupied by Dr. Mukhisa Kituyi.

In the case of an election (equitable geographic representation) this inevitably requires states to lobby other states for support of their candidate. As part of the lobbying process, it is necessary to host prospective states that can provide support. This is done by inviting them to dinners, receptions, lunches and breakfasts. The objective of these functions is to provide a state with the opportunity to present their candidate who will outline his/her vision should he/she be elected to the position in question. They also serve as a useful forum for states to get to know prospective candidates. Inevitably, success will hinge on how effective the lobbying was (very much like campaigning to be elected to parliament in Kenya).

- 48 Lack of budgetary provision for lobbying for Kenya's candidates to posts in the United Nations System, and to other international organizations has hampered Kenya's ability to ensure her candidates secure those positions. The Departmental Committee on Defence and Foreign Relations to ensure there is budgetary provision for lobbying in the budget of the Ministry of Foreign Affairs and International Trade.

i) CHALLENGES FACING THE MISSION

49 The Ambassador enumerated some of the challenges that his mission was grappling with and which demands urgent attention. These include:-

- i. Understaffing and lack of certain key staff, particularly trade attachés in international trade docket.
- ii. Lack of proper matching of the skills of posted staff to the needs of the Mission leading to understaffing in key areas of the mission's work.
- iii. Lack of understanding of the role of the mission in the Trade and Economic Diplomacy.
- iv. Lack of ownership of immovable assets such as the Chancery and Residence which could reduce expenditure on rents.
- v. General underfunding of the Mission.
- vi. Insufficient furnishing at residences.
- vii. Slashing of budget in some critical budget items such as fuel, entertainment, furniture in the 2012/2013 budget
- viii. Exchange rate fluctuations which adversely affect the amount receivable and the overall financial position of the mission's allocated funds making it difficult for the mission to meet its obligations as budgeted as well as the financial value and status of officer's earnings.
- ix. Delays in transmissions of funds.

50 Consequently, the Committee recommends the following measures to the Government of Kenya and in particular the Ministry of Foreign Affairs and International Trade should:-

- i) Ensure the Foreign Service is a specialised professional activity like medicine and engineering and must have the capacity to train and recruit its own staff. It must therefore employ its staff based on rigorous training and examination that conform to international standards. Countries like Brazil can serve as role models on how Kenya can quickly professionalise its foreign service. The Ministry therefore review the ad hoc posting of staff which prevails at the moment and skills taken into account before any deployment is done.
- ii) Take into consideration the evolving role of multilateral duty stations. The Ministry should therefore ensure that it builds adequate capacity within these missions. In this regard, the Ministry should ensure coherence and alignment in policy formulation at domestic, regional and international levels. The Ministry should thus urgently organize a training programme to help officers in Foreign Service to transform their approach, attitude and practices in line with current global diplomatic trends largely focusing on econo-diplomacy.
- iii) Ensure that all officers posted abroad are well oriented, inducted and given refresher courses to help them adopt to changing global dynamics in diplomacy, and also enable them understand Kenya fully and particularly parliamentary

operations; government ministries; the private sector; the tourism industry; major policy statements and focus of government programmes among other areas.

- iv) Should ensure that in its current policy regarding deployment of staff to foreign missions, there is matching of skills and staff profiles to the requirements of missions to enable missions leverage their staff strengths to cover critical areas in their work. In the current era of shrinking revenues, the Government must align the deployment of staff in Geneva to the needs of the mission to avoid redundancy and ensure value for money.
- v) An Ambassador in charge of WTO and attachés to deal with WTO should be urgently identified and deployed to the mission as lack of experts in this critical area is a major setback in the Mission's performance on issues of WTO agreements Trade and Investments.
- vi) Approve and implement the proposed local staff regulations regarding their working conditions and terms as a matter of urgency and all staff put on contracts renewable based on satisfactory performance of their duties.
- vii) Initiate a process for institutionalized information management and coordination between the various Government Offices on the one hand and with the missions abroad on real time basis to enable them respond to queries and proactively give information on developments at home in good time.
- xiv) Ensure that in the ongoing restructuring of the Ministry of Foreign Affairs and International Trade aimed at focusing on economic diplomacy, there is coordination and systemic coherence between bilateral and multilateral missions, the Ministry and other policy organs in Government. This is because too much attention has been given to bilateral duty stations in particular, the need to promote trade without taking into consideration the important role played by Kenya's multilateral missions, (Geneva, New York, Brussels, Vienna and Addis Ababa) at the regional and international levels. Bilateral stations should be given serious consideration to enable success in the Country's focus on economic diplomacy. In this regard, the Ministry should allocate more funds to multilateral stations.
- xv) Kenya should play an active role within the WTO, WIPO and International Trade Centre (ITC) in ensuring that Kenya has a strengthened and rules-based multilateral trading system that provides certainty and access to global markets. This will ensure reduction in protectionist and unilateral trade measures, enhanced economic interaction, fair and accommodating dispute settlement mechanism as opposed to economic power. This would enable Kenya to make progress in international trade, and ensure that policies have to be designed towards meeting the challenges of global economic governance and rule making which are at the heart of ensuring progress in developing the national economy.

- xvi) Kenya should sign and ratify of the Arms Trade Treaty (ATT). Small Arms and light weapons have had a very adverse impact on Kenya's national security and in particular the growing threat posed by terrorism. Failure to sign the Treaty raises issues regarding Kenya's political commitment to multilateralism.
- xvii) The Ministry should have a budgetary provision for lobbying for Kenya's candidates to posts in the United Nations System, and to other international organizations to build Kenya's ability to ensure her candidates secure those positions. This is taking into consideration that Nations are always seeking to ensure positions for their nationals in such positions. Such positions confer prestige, visibility, status and even the ability to influence or help shape the agenda in those organizations.
- xviii) The Ministry should critically analyze and reform the issue of fluctuations in foreign exchanges that often adversely affect missions and officers' financial situations.

Under Treasury:-

- iv) Given the importance of Geneva, it is important that the Government allocates funds for purchase of property so as to cushion the Mission from exchange rate fluctuations. At the moment there are more properties being offered for sale than rental. This is a good time to purchase as it is easy to get a good bargain.
- v) The Ministry of Foreign Affairs and International Trade should be considered for additional funding for Foreign Missions in particular the operation and maintenance budget to enable missions operationalise their diplomatic engagements and execute their mandate effectively.
- vi) The Permanent Mission in Geneva should be considered for additional funding in operation and maintenance budget to enable it operationalise its diplomatic engagements and execute its mandate effectively. The mission should also be allocated funds to enable it settle the pending bills amounting to Chf130,000 for the residence occupied by a former Ambassador. Indeed, the Mission was taken to court over the matter, and the amount continues to accrue interest at 5 percent and therefore needs to be paid as a matter of urgency. Further, the mission should be allocated funds to purchase a mini bus and another utility vehicle at the cost Chf. 130,000 and Chf. 65,000 respectively. This is taking into consideration the high needs of the mission given the size and the number of delegations which visit Geneva.

TOUR OF THE KENYA MISSION CHANCERY

- 51 The Mission does not own any property in Geneva and has been renting the Ambassador's Residence, Chancery or residences for Home Based Staff since 1986 when the mission was opened.

The delegation toured the Mission's Chancery and observed that apart from inadequate office space for the staff, the furniture and furnishing in the Mission are very old with most of them having been purchased back in 1986, when the mission was opened. Most of them date back to 1986 when the Mission was opened. In this regard, there is need to upgrade the same so as to improve the image of the Mission.

The delegation heard that the Mission had identified an office block and an Ambassador's residence which are suitable to meet the needs of the Mission. While the price for the office block is quoted at Chf 26 million, it is possible to get the property at much less. A good residence for the Ambassador will cost between Chf 6-12 million depending on the size and location.

52 Consequently, the Committee recommends the following measures to the Government of Kenya and in particular the Ministry of Foreign Affairs and International Trade, and Treasury:-

- a) The mission should be allocated additional funding to enable replacement and upgrading of the old furniture and equipments in the mission to improve the image of the mission.
- b) Adequate space should be made available for the staff to provide a conducive working environment for the mission staff.

TOUR OF THE PROPERTIES IDENTIFIED FOR POSSIBLE PURCHASE BY THE MISSION

a) Office Block

53 As earlier highlighted, the Mission does not own any property in Geneva and has been renting the Ambassador's Residence, Chancery or residences for Home Based Staff properties since 1986.

The delegation toured the office block identified by the mission for possible purchase, if allocated funds. The office block located in the address 11, chemin des Mines - 1209 Geneva is a the five-storey building, which was fully renovated and upgraded in July 2013. It has three distinct building entrances and three elevators allowing to split the building into three or more separate users, each one with its own entrance and elevators for instance for use by different missions and embassies.

The property is situated amidst prestigious high end area of the United Nations, centrally located between the UN, the WTO, World Meteorological Department. It is also close to several permanent missions to the UN and the WTO from various countries such as Spain, Iceland, Egypt, Israel, UK among others; Federal Graduate Institute for International and Diplomatic Studies; Biotech Research Institute of Lausanne Federal Polytechnic and Geneva University; Headquarters of several multinationals; 4 daycare centers; 5 public schools; several restaurants; bank branches, supermarkets etc; University area of Secheron, several embassies and the city business district, the lakefront and the airport.

The delegation heard that the building and its equipment have been renovated and upgraded to the highest standards. The façade material, thermal insulation and general equipment provide a very low running cost of use and annual charges for future maintenance.

Due to its conception and high-end movable partitioning, the building provides ample flexibility for a quick change of its interior layout, suited to changing future user requirements. The office block is located at the heart of the diplomatic area and UN headquarters. It is adjacent to UN headquarters, WTO, World Meteorological Department among other agencies, and several embassies.

- 54 The Ambassador informed the delegation that the mission had held discussions with the Deputy President as well as the Cabinet Secretary for Labour, Social Security and Services on the need for the mission to own the property in Geneva and the two had expressed their support. Indeed, the Cabinet Secretary for Labour and Social Security and Services had indeed indicated that National Social Security Fund was willing to purchase the office block identified by the mission.

While the price being quoted is Chf 26 million, it is possible to get the property at much less. At the moment there are more properties being offered for sale than rental. This is a good time to purchase as it is easy to get a good bargain. The office block is big enough for the mission and would extra space would be rent out

- 55 Consequently, the Committee recommends to the Government of Kenya and in particular the Ministry of Foreign Affairs and International Trade, and Treasury that given the importance of Geneva, it is important that the Government allocates funds for purchase of property so as to cushion the Mission from high rents and exchange rate fluctuations.

b) TOUR OF THE PROPOSED AMBASSADOR'S RESIDENCE

- 55 The delegation also toured the residential house identified by the Mission for possible acquisition as Ambassador's residence if allocated funds. The residence is located at only five minutes from the centre of Geneva and is set on parcel of land approximately 2,000sqm. It was built in 2005 and offers space of approximately 500 sqm and 630sqm on four floors, ground, first, attic and lower ground floor.

It comprises 10 rooms, comprising of 4-5 bed rooms, living room, dining room, kitchen, 4 bathrooms, playroom, fitness room, laundry room, a wine cellar and a polyvalent room that can be used as an office, music room, play room or home cinema. The heating is done through a technological as well as ecological pump.

While the price being quoted is Chf 11 million, it is possible to get the property at much less.

TOUR OF THE NIGERIAN MISSION CHANCERY

- 56 The delegation was received by the Permanent Representative of the Federal Republic of Nigeria to the UN, H. E. Umunna H. Orjiako, Ph. D accompanied by Mr. Lamin Shehu, the Head of Chancery. The leader of the delegation briefed the Ambassador on the purpose of the visit. The delegation was accompanied by the Kenya's Permanent Representative to the UN, Amb. Dr. John Kakonge. The discussions were mainly focused on importance of owning property by foreign missions in Geneva.

The delegation learnt that Chancery of the Permanent Mission of the Federal Republic of Nigeria is owned by the mission. It was purchased in 2007 as two apartment blocks, which were then merged as one to House the Chancery. All the offices in the building are occupied by the mission. The mission also owns some apartments. The mission incurs service charges of approximately Chf 50,000 annually for the Chancery and all the apartments they own.

The Ambassador informed the delegation that despite the tight budget, the mission was thinking of moving to a stand-alone property. Other African missions with stand-alone properties include Zimbabwe and Algeria missions. The Ambassador observed that rent in Geneva is very expensive and was getting worse by day, and considering that all the missions in Geneva were permanent, purchasing buildings to house staff was a better option.

TOUR OF THE AMBASSADOR'S RESIDENCE, TANZANIAN MISSION

- 57 The delegation was received by the Ambassador/Permanent Representative of the Republic of Tanzania, H. E. Modest J. Mero accompanied by the Head of Chancery and his wife. The leader of the delegation briefed the Ambassador on the purpose of the visit. The delegation was accompanied by the Kenya's Permanent Representative to the UN, Amb. Dr. John Kakonge. The discussions were mainly focused on importance of owning property by foreign missions in Geneva.

The delegation learnt that Tanzania purchased the Ambassador's residence in 1983, when the mission was opened. Given the importance of Geneva, it is important that Governments consider purchasing properties for mission to cushion their missions from the high rent and foreign exchange rate fluctuations.

TOUR OF THE SOUTH SUDAN MISSION

- 58 The delegation toured the South Sudan Mission's Chancery opened in 2012. The delegation was accompanied by the Kenya's Permanent Representative to the UN, Amb. Dr. John Kakonge and was received by the head of the Chancery.

The delegation observed that the office space and conditions was relatively better than Kenya's yet the mission had only been operational for only about a year. The Delegation observed there is need to upgrade Kenya's mission facilities so as to improve its image.

TOUR OF THE BRAZILIAN MISSION

- 59 The delegation was received by the Permanent Representative of Brazil to the UN, H. E. Excellency Maria Nazareth Farani Azevêdo, The leader of the delegation briefed the Ambassador on the purpose of the visit. The delegation was accompanied by the Kenya's Ambassador/Permanent Representative to the UN, Amb. Dr. John Kakonge. The discussions were mainly focused on property ownership and leasing by missions.

The delegation heard that Chancery for the Permanent Mission of Brazil is leased. It is located in a block of buildings hosting several missions including those of the following countries; Sierra Leone, Mexico, Namibia, Bahamas, Maldives, Sychelles, Solomon Islands among others. It also located near the Centre international de Conférences de Geneva (CICG).

- 60 The Brazilian Envoy observed that her Mission was renting the Chancery, and that sometimes it is easier to rent than to purchase because of the long, bureaucratic process involved in purchasing as for Brazil, the process involves among other things, approval by Senate. But considering that the foreign missions in Geneva were permanent, buying was a better option. Her mission was interested in purchasing the residence she currently occupies but the owner was unwilling to sell.

She noted that the location was most important considerations while leasing, renting or even purchasing a mission.

COURTESY CALL ON THE SECRETARY-GENERAL OF UNCTAD, DR. MUKHISA KITUYI

- 61 Established in 1964, UNCTAD promotes the development-friendly integration of developing countries into the world economy. UNCTAD has progressively evolved into an authoritative knowledge-based institution whose work aims to help shape current policy debates and thinking on development, with a particular focus on ensuring that domestic policies and international action are mutually supportive in bringing about sustainable development. The organization works to fulfil this mandate by carrying out three key functions namely functioning as a forum for intergovernmental deliberations, supported by discussions with experts and exchanges of experience, aimed at consensus building; undertaking research, policy analysis and data collection for the debates of government representatives and experts, and providing technical assistance tailored to the specific requirements of developing countries, with special attention to the needs of the least developed countries and of economies in transition. When appropriate, UNCTAD cooperates with other organizations and donor countries in the delivery of technical assistance.

In performing its functions, the secretariat works together with member Governments and interacts with organizations of the United Nations system and regional commissions, as well as with governmental institutions, non-governmental organizations, the private sector, including trade and industry associations, research institutes and universities worldwide.

- 62 The delegation paid a courtesy call on the Secretary-General of UNCTAD, Dr. Mukhisa Kituyi (Kenya), who took office on 1 September 2013. The leader of delegation briefed him on the purpose of the delegation's visit to Geneva.

The delegation congratulated him for his nomination to the position and wished him well in his endeavours. The delegation also thanked him for finding time to address parliament during his last visit to Kenya and described his address as insightful and inspiring.

- 63 Dr. Kituyi briefed the delegation on some of the key projects undertaken by UNCTAD such protection of intellectual property rights of among other persons, musicians. He observed that the music industry is one of the fastest growing export sectors of the global service economy. Because it is based on creative expression and related intangible assets, intellectual property plays a critical role in determining its performance. UNCTAD has been at the forefront in ensuring protection of Intellectual Property Rights and Sustainable Development. One central objective has been to facilitate the emergence of a critical mass of well-informed stakeholders in developing countries - including the musicians with a view to enable them define their own sustainable human development objectives in the field of intellectual property and effectively advance them and promote their music careers. He added that through UNCTAD support, this has seen many African musicians and performers in grow to continental and international standards.

- 64 He added that UNCTAD also promotes the development-friendly integration of developing countries into the world economy. UNCTAD has progressively evolved into an authoritative knowledge-based institution whose work aims to help shape current policy debates and thinking on development, with a particular focus on ensuring that domestic policies and international action are mutually supportive in bringing about sustainable development.

He observed with concern that though Kenya has in the past enjoyed over 47 percent regional trade, but this has performance been dwindling. This is partly due to the many challenges facing the country, and unfortunately, the Country's main concentration is currently on devolution, with other areas being ignored.

He cautioned that if the trend does not change, the country will soon face major financial crises, and the gains made over time will be lost. He called for a balance in political space and wealth creation. Kenya should therefore ensure wealth creation first as opposed to pre-occupation with division of revenue between the national and county governments.

- 65 Consequently, the Committee recommends the following measures to the Government of Kenya:-
- i. In as much as the Country may currently concentrate on devolution, the new system of Governance provided for by the Constitution, other areas especially

regarding wealth creation should not be ignored. Therefore, there should be a balance between political space and wealth creation.

- ii. The Ministry should have a budgetary provision for lobbying for Kenya's candidates to posts in the United Nations System, and to other international organizations to build Kenya's ability to ensure her candidates secure those positions. This is taking into consideration that Nations are always seeking to ensure positions for their nationals in such positions. Such positions confer prestige, visibility, status and even the ability to influence or help shape the agenda in those organizations.

MEETING WITH THE NATIONS INSTITUTE FOR TRAINING AND RESEARCH (UNITAR) OFFICIALS

- 66 In October 2013, a delegation of Kenya National Assembly led by the Speaker, visited Geneva. During the visit, the Speaker held discussions with United Nations Institute for Training and Research (UNITAR) officials. The discussions centred on training and capacity building for members of parliament and staff of the Parliamentary Service Commission. The overarching idea was to establish and strengthen the Centre for Parliamentary Studies and Training (CPST) as a regional centre for excellence in governance and parliamentary studies to serve East African members and beyond.

It is against this background that the Kenya Mission in Geneva felt it was valuable for the delegation to meet the UNITAR officials with a view to familiarize with UNITAR's role and how Kenya Parliament can benefit from collaboration with UNITAR.

- 67 The delegation accompanied by the Ambassador held discussions with UNITAR officials led by the Assistant Secretary-General of the United Nations, and the Acting Head/Executive Director, UNITAR, Mrs. Sally Fegan Wyles at the UNITAR offices. She was accompanied by among others:-

- i. Mr. Rabih El Haddad – Manager, Multilateral Diplomacy Programme.
- ii. Mr. Evariste Karambizi – Manager, Peacekeeping Training Programme.
- iii. Mr. Babar Kamal – Manager, Public Finance and Trade Programme.
- iv. Mr. Alex Mejia – Director, Decentralization cooperation programme.
- v. Ms. Phyllis Obare- Officer, UNITAR

- 68 The leader of delegation pointed out to the officers that relevant partners to discuss the matter of cooperation with regard to capacity building for members of parliament and staff of the Parliamentary Service Commission, as well as the establishment and strengthening of the Centre for Parliamentary Studies and Training (CPST) was the Parliamentary Service Commission. However, he briefed the officers on the justification for the collaboration between Kenya Parliament and UNITAR.

He observed that the new constitution promulgated in August 2010 had brought about many changes in the areas of leadership and governance among others. As a result, Kenya Parliament had undergone tremendous transformation among them the

reintroduction of bicameral system in parliament and the adoption of a purely presidential system of governance. The county system of governance is also new and requires support not only to the elected members of the Assemblies, but also to the executives that serve in these county governments. All these changes, coupled with the fact that that close to 70 percent of the Members of the National Assembly are new and that all Senators are serving for the first time after the promulgation of the new constitution, presents a serious need for capacity building and sustainability programmes that will ensure good leadership and governance not only the legislature but also the executive and the judiciary.

The new changes in the legislature alone have created the need for serious capacity building of the members of the National Assembly and of the Senate, and those serving in the county assemblies as well as technical staff serving in the Parliamentary Service Commission. Strategic partnership and collaboration with UNITAR can bridge this gap extensively.

He further observed that CPST was the first such institution in the region and as such strengthening the Centre would enable it to serve the East African Community (EAC) members and beyond.

- 69 The delegation heard that UNITAR is a training arm of the United Nations System, serving some 27,000 beneficiaries annually by conducting more than 400 capacity development and research activities around the world. The Mission of UNITAR is to deliver innovative training and conduct research on knowledge systems to develop capacities of beneficiaries in the fields of Environment; Peace, Security and Diplomacy; and Governance.

As an autonomous body within the United Nations System, UNITAR is governed by a Board of Trustees and is headed by an Executive Director. The Institute is supported by voluntary contributions from governments, intergovernmental organizations, foundations, and other non-governmental sources.

UNITAR's new vision of training and capacity-building is based on the conviction that partnerships constitute a master-piece in international, national and local efforts to initiate change. Through the Institute-wide reform, new orientations for partnerships and relations with UN Member States, UN institutions, governments, intergovernmental organizations, academies and the private sector have been designed to provide UNITAR's units and programmes with a framework to support our goals.

- 70 A strategic partnership can improve synergies for both beneficiaries and contributes to an overall increase in institutional capacity. Investing in people is fundamental to deliver as one, excel in response to training needs, and innovate. Through partnerships with governments, academies, intergovernmental organizations, the private companies, foundations and the civil society, it makes it possible for UNITAR to consolidate and extend its capacity to provide a global platform for knowledge transfer.

71 With regard to training approach, UNITAR offers training programmes designed on a tailor-made basis for UN Member States. Each curriculum is developed on an individual basis, following a needs assessment; the design aims to answer the specific and well-defined needs of the countries, agencies or bodies concerned.

UNITAR organizes training in the form of seminars, workshops and fellowships where participants, mostly professionals from developing countries, learn from each other and share their experiences and the common issues they are facing. UNITAR has also adopted e-learning training with about half of its training programmes being conducted online through Skype and video conferencing.

UNITAR's programmes are designed around several core themes and principles:

- transfer of experiences, technology and skills through training must be driven by the needs and demands of partner countries;
- training must be an integral component of capacity building and human resource development;
- training must be linked to enhancing capabilities for task performance; and
- training must contribute to national strategy development and policy making.

UNITAR is committed to supporting training programmes that will have a sustainable impact. The institute is convinced that only carefully-designed and implemented training programmes can make a lasting contribution to national development.

72 The officers expressed their optimism in the successful collaboration between UNITAR and PSC/CPST and observed the need to ensure that the collaboration benefited the region particularly South Sudan and Somalia parliaments, as this would give it more prestige. Therefore, there was need to engage the two Parliaments. They added that under the subject, Kenya parliament was at an advantage as it was a Government proposal.

73 Consequently, the delegation recommends that:

- i) UNITAR should pursue the discussions held with the Speaker in October 2013 on training and capacity building for members of parliament and staff of the Parliamentary Service Commission with the Commission, and CPST formally.
- ii) Kenya Parliament should seek and collaborate with development partners with a view to building capacity for members of parliament and staff of the Parliamentary Service Commission.