



Republic of Kenya

The State Department for Planning



# Policy Gap Analysis Study for Sustainable Development Goals



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## Acronyms and Abbreviations

<b>AACSE</b>	Age Appropriate Comprehensive Sexual Education
<b>ACA</b>	Anti-Counterfeit Agency
<b>ACE</b>	Adult and Continuing Education
<b>ACFTA</b>	Africa Continental Free Trade Area
<b>ADF</b>	Agricultural Development Fund
<b>AEPEA</b>	Association of Energy Professionals of East Africa
<b>AFS 2001</b>	International Convention on the Control of Harmful Anti-fouling Systems on Ships 2001
<b>AGPO</b>	Access to Government Procurement Opportunity
<b>AIS</b>	Automatic Identification System
<b>ANC</b>	Ante Natal Clinic
<b>APBET</b>	Alternative Provision of Education and Training
<b>AQG</b>	Air Quality Guideline
<b>ARC</b>	Africa Risk Capacity
<b>ASAL</b>	Arid and Semi-Arid Areas
<b>ASDS</b>	Agricultural Sector Development Strategy
<b>ASRH</b>	Adolescent Sexual and Reproductive Health
<b>ATM</b>	Automated Teller Machine
<b>AU</b>	African Union
<b>BDS</b>	Business Development Services
<b>BPO</b>	Business Process Outsourcing
<b>CAASP</b>	Comprehensive Africa Agricultural Development Program
<b>CBET</b>	Competency Based Education and Training
<b>CCD</b>	Climate Change Directorate
<b>CDA</b>	Coast Development Authority
<b>CDACC</b>	Curriculum Development, Assessment and Certification Council
<b>CEDAW</b>	United Nations Convention on the Elimination of All forms of Discrimination Against Women
<b>CEEC</b>	Centre for Energy Efficiency and Conservation
<b>CFS</b>	Child Friendly Schools
<b>CIDP</b>	County Integrated Development Plan
<b>CITES</b>	Convention on International Trade on Endangered Species
<b>CLTS</b>	Community Led Total Sanitation



<b>CMS</b>	Catchment Management Strategy
<b>CO<sub>2</sub></b>	Carbon Dioxide
<b>COMESA</b>	Common Market for East and Central Africa
<b>COP</b>	Conference of Parties
<b>CPE</b>	Country Program Evaluation
<b>CPF</b>	Common Program Framework
<b>CPR</b>	Contraceptive Prevalence Rate
<b>CSAS</b>	Climate Smart Agricultural Strategy
<b>CSO</b>	Civil Society Organisation
<b>CT-OVC</b>	Cash Transfers to Orphaned and Vulnerable Children
<b>CT-PWSD</b>	Cash Transfers to Persons with Severe Disability
<b>DP</b>	Development Partner
<b>DRM</b>	Disaster Risk Management
<b>DRR</b>	Disaster Risk Reduction
<b>EAC</b>	East African Community
<b>ECD</b>	Early Childhood Education
<b>ECDE</b>	Early Childhood Development and Education
<b>ECE</b>	Early Childhood Education
<b>ECHN</b>	Enrolled Community Health Nurse
<b>ECTS</b>	Electronic Cargo Tracking System
<b>EDCP</b>	Effluent Discharge Control Plan
<b>EDE</b>	Ending Drought Emergencies
<b>EFA</b>	Education for All
<b>EMA</b>	Energy Management Awards
<b>EMCA</b>	Environmental Management and Coordination Act
<b>EPC</b>	Export Promotion Council
<b>EPZ</b>	Export Processing Zone
<b>EPZA</b>	Export Processing Zones Authority
<b>ESD</b>	Education for Sustainable Development
<b>FAO</b>	Food and Agricultural Organization
<b>FCTC</b>	Framework Convention on Tobacco Control
<b>FDI</b>	Foreign Direct Investment
<b>FGM / C</b>	Female Genital Mutilation / Cutting
<b>FIES</b>	Food Insecurity Experience Scale

<b>FNSP</b>	Food and Nutrition Security Policy
<b>FP</b>	Family Planning
<b>FRC</b>	Financial Reporting Center
<b>FTE</b>	Full Time Equivalent
<b>GAVI</b>	Global Alliance for Vaccines and Immunization
<b>GCF</b>	Green Climate Fund
<b>GDP</b>	Gross Domestic Product
<b>GER</b>	Gross Enrolment Rate
<b>GHG</b>	Green House Gas
<b>GNI</b>	Gross National Income
<b>GoK</b>	Government of Kenya
<b>GWP</b>	Global Water Partnership
<b>HFA</b>	Hyogo Framework for Action
<b>HIA</b>	Health Impact Assessment
<b>HLPF</b>	High Level Political Forum
<b>HPV</b>	Human Papillomavirus
<b>HR</b>	Human Resources
<b>HSNP</b>	Hunger Safety Net Program
<b>HTC</b>	HIV Testing and Counselling
<b>IAS</b>	Invasive Alien Species
<b>ICDTA</b>	Institute for Capacity Development of Teachers in Africa
<b>ICMS</b>	Integrated Customs Management System
<b>ICS</b>	Interim Coordinating Secretariat
<b>ICT</b>	Information and Communications Technologies
<b>ICZM</b>	Integrated Coastal Zone Management
<b>IDA</b>	International Development Association
<b>IDF</b>	Industrial Development Fund
<b>IDSR</b>	Integrated Disease Surveillance and Response
<b>IGAD</b>	Intergovernmental Authority on Development
<b>IHR</b>	International Health Regulations
<b>IMO</b>	International Maritime Organization
<b>IMR</b>	Infant Mortality Rate
<b>INDC</b>	Intended Nationally Determined Contributions
<b>IWRM</b>	Integrated Water Resource Management

<b>JKIA</b>	Jomo Kenyatta International Airport
<b>JKUAT</b>	Jomo Kenyatta University of Agriculture and Technology
<b>KAA</b>	Kenya Airports Authority
<b>KALRO</b>	Kenya Agricultural and Livestock Research Organization
<b>KAM</b>	Kenya Association of Manufacturers
<b>KCAA</b>	Kenya Civil Aviation Authority
<b>KCPE</b>	Kenya Certificate of Primary Education
<b>KDHS</b>	Kenya Demographic and Health Survey
<b>KEMRI</b>	Kenya Medical Research Institute
<b>KEMSA</b>	Kenya Medical Supplies Agency
<b>KENHA</b>	Kenya National Highways Authority
<b>KENIA</b>	Kenya National Innovations Agency
<b>KENIVEST</b>	Kenya Investment Authority
<b>KEPSA</b>	Kenya Private Sector Alliance
<b>KERRA</b>	Kenya Rural Roads Authority
<b>KES / KSh</b>	Kenya Shilling
<b>KESHP</b>	Kenya Environmental Sanitation and Hygiene Policy
<b>KESSP</b>	Kenya Education Sector Support Programme
<b>KFS</b>	Kenya Forestry Service
<b>KHP</b>	Kenya Health Policy
<b>KHSSP</b>	Kenya Health Sector Strategic Plan
<b>KICA</b>	Kenya Information and Communications Act
<b>KIHBS</b>	Kenya Integrated Housing and Budget Survey
<b>KIPI</b>	Kenya Industrial Property Institute
<b>KMFRI</b>	Kenya Marine and Fisheries Research Institute
<b>KNBS</b>	Kenya National Bureau of Statistics
<b>KNEC</b>	Kenya National Examinations Council
<b>KNFP</b>	Kenya National Focal Point
<b>KNH</b>	Kenyatta National Hospital
<b>KPA</b>	Kenya Ports Authority
<b>KPLC</b>	Kenya Power and Lighting Company
<b>KRA</b>	Kenya Revenue Authority
<b>KRB</b>	Kenya Roads Board
<b>KTB</b>	Kenya Tourist Board

<b>KTWSSP</b>	Kenya Towns Sustainable Water Supply and Sanitation Projects
<b>KUCCPS</b>	Kenya Universities and Colleges Central Placement Service
<b>KURA</b>	Kenya Urban Roads Authority
<b>KWS</b>	Kenya Wildlife Service
<b>KWTA</b>	Kenya Water Towers Agency
<b>KYEOP</b>	Kenya Youth Employment and Opportunities Project
<b>LDC (1972)</b>	London Convention on the Prevention of Maritime Pollution by Dumping (1972)
<b>LDCs</b>	Least Developed Countries
<b>LDFZ</b>	Livestock Disease Free Zone
<b>LMIS</b>	Labour Management Information System
<b>LPG</b>	Liquefied Petroleum Gas
<b>LPO</b>	Local Purchase Order
<b>LUSR</b>	Low Volume Seal Roads
<b>MARPOL</b>	International Convention for the Prevention of Pollution from Ships (1973)
<b>MCS</b>	Monitoring Control and Surveillance
<b>MDG</b>	Millennium Development Goal
<b>MES</b>	Managed Equipment Services
<b>MIS</b>	Management Information System
<b>MMR</b>	Maternal Mortality Rate
<b>MNH</b>	Maternal and Neonatal Health
<b>MoENR</b>	Ministry of Environment and National Resources
<b>MoH</b>	Ministry of Health
<b>MSME</b>	Micro, Small and Medium Enterprises
<b>MT</b>	Metric Tonnes
<b>MTP</b>	Medium Term Plan
<b>MTRH</b>	Moi Teaching and Referral Hospital
<b>MVC</b>	Most Vulnerable Children
<b>MW</b>	Mega Watts
<b>NACADA</b>	National Agency for Control Against Alcohol and Drug Abuse
<b>NACOSTI</b>	National Council for Science, Technology and Innovation
<b>NAMATA</b>	Nairobi Metropolitan Transport Authority
<b>NAP</b>	National Adaptation Plan
<b>NAPREDA</b>	Natural Products Research and Drugs Development
<b>NCCRS</b>	National Climate Change Response Strategy

<b>NCD</b>	Non-Communicable Disease
<b>NCIP</b>	Northern Corridor Integration Project
<b>NCPWD</b>	National Council for Persons with Disability
<b>NDEF</b>	National Drought Emergency Fund
<b>NDMA</b>	National Drought Management Authority
<b>NDMU</b>	National Disaster Management Unit
<b>NDMU</b>	National Drought Management Unit
<b>NEA</b>	National Employment Authority
<b>NEMA</b>	National Environmental Management Authority
<b>NEMA</b>	National Environmental Management Authority
<b>NER</b>	Net Enrolment Rate
<b>NESP</b>	National Education Sector Plan
<b>NFEC</b>	Non-Formal Education Centers
<b>NFS</b>	Non-Formal Schools
<b>NHIF</b>	National Hospital Insurance Fund
<b>NLUP</b>	National Land Use Policy
<b>NMT</b>	Non-Motorized Transport
<b>NNMR</b>	Neonatal Mortality Rate
<b>NPBM</b>	National Performance and Benefit Measurement
<b>NRF</b>	National Research Fund
<b>NRW</b>	Non-Revenue Water
<b>NSNP</b>	National Safety Net Program
<b>NSSF</b>	National Social Security Fund
<b>NTD</b>	Neglected Tropical Disease
<b>NTSA</b>	National Transport Safety Authority
<b>NVCET</b>	National Vocational Certificate in Education and Training
<b>NWSS</b>	National Water Services Strategy
<b>ODA</b>	Overseas Development Assistance
<b>ODF</b>	Open Defecation Free
<b>OECD</b>	Organization for Economic Cooperation and Development
<b>OOS</b>	Out of School
<b>OPRC-HNS</b>	Protocol on Preparedness, Response and Co-operation to pollution Incidents by Hazardous and Noxious Substances, 2000
<b>OVC</b>	Orphaned and Vulnerable Children

<b>OWG</b>	Open Working Group
<b>PCR</b>	Pupil Completion Rate
<b>PDB</b>	Permits Database
<b>PhD</b>	Doctor of Philosophy
<b>PO-CT</b>	Cash Transfers to Old Persons
<b>PPDA</b>	Public Procurement and Disposal Act
<b>PPP</b>	Public Private Partnership
<b>PSTR</b>	Primary to Secondary Transition Rate
<b>PVOC</b>	Pre-valuation of Conformity
<b>PWD</b>	Persons Living with Disability
<b>PWSD</b>	People Living with Severe Disability
<b>RDA</b>	Regional Development Authority
<b>RECP</b>	Resource Efficient and Cleaner Production
<b>RECTS</b>	Regional Electronic Cargo Tracking System
<b>RH</b>	Reproductive Health
<b>RTI</b>	Reproductive Tract Infections
<b>S/GBV</b>	Sexual and Gender Based Violence
<b>SA</b>	South Africa
<b>SALW</b>	Small Arms and Light Weapons
<b>SARAM</b>	Kenya Service Availability and Readiness Assessment and Mapping
<b>SCT</b>	Single Customs Territory
<b>SDG</b>	Sustainable Development Goal
<b>SE4All</b>	Sustainable Energy for All
<b>SEI</b>	Stockholm Environment Institute
<b>SEZ</b>	Special Economic Zones
<b>SFDRR</b>	Sendai Framework for Disaster Risk Reduction
<b>SGR</b>	Standard Gauge Railway
<b>SME</b>	Small and Medium Enterprises
<b>SNE</b>	Special Needs Education
<b>SOP</b>	Standard Operating Procedure
<b>SREP</b>	Scaling Up of Renewable Energy Program
<b>SRH</b>	Sexual and Reproductive Health
<b>STEM</b>	Science, Technology, Engineering and Mathematics
<b>STI</b>	Science, Technology and Innovation

<b>TARDA</b>	Tana River Development Authority
<b>TFR</b>	Total Fertility Rate
<b>THE</b>	Total Health Expenditure
<b>TLU</b>	Tropical Livestock Units
<b>TSC</b>	Teachers Service Commission
<b>TVET</b>	Technical and Vocational Education and Training
<b>TVETA</b>	Technical and Vocational Education and Training Authority
<b>UHC</b>	Universal Health Care
<b>UN</b>	United Nations
<b>UNCLOS</b>	United Nations Convention on the Law of the Sea (1982)
<b>UNCRC / CRC</b>	United Nations Convention on the Rights of the Child
<b>Under 5MR</b>	Under 5 years Mortality Rate
<b>UNDP</b>	United Nations Development Program
<b>UNESCO</b>	United Nations Education, Scientific and Cultural Organization
<b>UNFCCC</b>	United Nations Framework Convention on Climate Change
<b>UNFPA</b>	United Nations Population Fund
<b>USA</b>	United States of America
<b>USD / \$</b>	United States Dollar
<b>VAT</b>	Value Added Tax
<b>VMS</b>	Vessel Monitoring System
<b>VNR</b>	Voluntary National Review
<b>WASH</b>	Water, Sanitation and Hygiene
<b>WASREB</b>	Water Services Regulatory Board
<b>WB</b>	World Bank
<b>WEF</b>	Women Enterprise Fund
<b>WHO</b>	World Health Organization
<b>WRMA</b>	Water Resources Management Authority
<b>WSC</b>	Water and Sanitation Committee
<b>WSP</b>	Water Service Provider
<b>WTO</b>	World Trade Organization
<b>YEDF</b>	Youth Enterprise Development Fund
<b>ZDU</b>	Zoonotic Disease Unit

## Preface

The Sustainable Development Goals (SDGs) or Global Goals are a universal call to action to end poverty, protect the planet and ensure that all people enjoy peace and prosperity. They are the blueprint to achieve a better and more sustainable future for all. They address the global challenges we face, including those related to poverty, inequality, climate, environmental degradation, prosperity, and peace and justice. The goals provide clear guidelines and targets for all countries to end all forms of poverty, fight inequalities, and tackle climate change, while ensuring no one is left behind.

At the continental level, the Goals are consistent with the African Union (AU) Agenda 2063 that aims for a peaceful, integrated and prosperous continent by 2063. They are also consistent with 2050 Agenda of the East African Community (EAC), whose vision is “An upper-middle income region within a secure and politically united East Africa based on principles of inclusiveness and accountability.”

As articulated in this report, SDGs are fully addressed, directly or indirectly, by the Kenya Constitution 2010. They are also substantially consistent with the Kenya Vision 2030 and its medium-term plans (MTPs), that aim to transform Kenya into “a newly-industrializing, globally-competitive and middle-income country providing a high quality of life to all its citizens by 2030 in a clean and secure environment.” The MTP III includes the government’s Big 4 Agenda, whose main focus is food security, manufacturing, universal healthcare, and affordable housing to be delivered during the period 2018 to 2022. Achieving the Big 4 Agenda will directly contribute to the achievement of a number of SDGs.

The implementation of SDGs is a continuation of the achievements under the Millennium Development Goals (MDGs). Kenya, as is the case globally, had realised mixed results in the achievement of MDGs targets by 2015, with some areas making good progress such as Goal 2 on achieving universal primary education, while some lagged behind like in the case of Goal 5 on maternal health.

Kenya engaged very early in the Global Agenda 2030. Kenya co-chaired, with Hungary, the Open Working Group (OWG) that formulated the 17 goals and 169 targets and has since achieved a number of milestones. These include producing the SDGs Implementation Roadmap, communicating an executive order directing public agencies to mainstream SDGs into their policies, plans and budgets; raising awareness in ministries and the county governments; and establishing necessary structures for coordination of SDGs’ implementation, monitoring, review and reporting.

This study report whose aim is to identify policy gaps that need to be addressed for the effective and efficient achievement of SDG targets, is a critical starting point for the country. It provides the government, its ministries, departments and agencies; including the county governments, with a baseline of areas of policy that need to be addressed. Government ministries and agencies at national and county levels are encouraged to use this report and provide leadership in systematically addressing policy gaps in priority areas while improving the quality of policy formulation and implementation.

**Hon. (Amb.) Ukur Yatani, EGH**  
**Cabinet Secretary**  
**The National Treasury and Planning**

**Mr. Walid Badawi**  
**Resident Representative, UNDP Kenya**



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We wish to convey our sincere appreciation to all those who participated in and provided inputs to the development of this report. These include the SDGs Unit of the State Department of Planning in the National Treasury and Planning led by Ms. Sarah Muui, and the Strategic Advisory Unit of UNDP Kenya, specifically Mr. Rogers Dhliwayo and Mr. Julius Chokerah, who worked closely with the consultants to make this study possible.

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**Mr. Saitoti Torome, CBS**

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The Thika Super Highway is one of the flagship projects of the Kenya Vision 2030.

## Executive Summary

The Sustainable Development Goals (SDGs), or the 2030 Agenda, were adopted by world leaders in September 2015, and came into force on January 1, 2016. They are a universal call to action to end poverty, protect the planet and ensure that all people enjoy peace and prosperity. The 17 goals build on the successes of the Millennium Development Goals (MDGs) while including new areas. The goals are interconnected<sup>1</sup>.

The goals provide clear guidelines and targets for all countries to end all forms of poverty, fight inequalities and tackle climate change, while ensuring no one is left behind. They call for action by all countries, both developed and developing, to promote prosperity while protecting the environment.

## Agenda 2030, AU's Agenda 2063 and EAC Vision 2050

The African Union (AU)'s Agenda 2063 aims for a peaceful, integrated and prosperous continent by 2063 and is an endogenous plan for transformation. It includes seven aspirations, 20 goals, 39 priority areas, 200 national targets and 129 regional targets (for regional economic blocs).

Agenda 2063 and 2030 Agenda for sustainable development broadly converge on social development (people), inclusive economic development (prosperity), peaceful and inclusive societies and responsive institutions (peace), and a number of environmental sustainability issues (the planet).

East African Community (EAC) Vision 2050 is the regional vision for socio-economic

transformation and development adopted in February 2016 in Arusha, Tanzania. The Vision is to create "An upper-middle income region within a secure and politically-united East Africa based on principles of inclusiveness and accountability." The Mission is "To widen and deepen economic, political, social and cultural integration in order to improve the quality of life of the people of East Africa." The EAC Vision 2050 incorporates all the 17 SDGs.

## The Kenya Vision 2030, the Third Medium Term Plan and the Big 4 Agenda

Kenya Vision 2030 aims to transform Kenya into "a newly industrializing, globally competitive and middle-income country providing a high quality of life to all its citizens by 2030 in a clean and secure environment". The Vision has three pillars: Economic, Social and Political.

The Economic Pillar aims to achieve and sustain an average economic growth rate of 10 percent per annum until 2030. The Social Pillar seeks to build "a just and cohesive society enjoying equitable social development in a clean and secure environment". The Political Pillar aims to realize an "issue-based, people-centered, results-oriented, accountable, and democratic political system".

The three pillars are anchored on the foundations and enablers for national transformation, which include: infrastructure; information and communications technology (ICT); science, technology and innovation (STI); land reforms; public sector reforms; labour and employment; national values and ethics; ending drought emergencies (EDE); security; peace building and conflict resolution.

1. (<http://www.undp.org/content/undp/en/home/sustainable-development-goals.html>)

The Kenya 2030 Vision is implemented through successive five-year Medium Term Plans (MTPs). The First MTP covered the period 2008 to 2012; the second MTP covered the period 2013-2017 while the third MTP covered the period 2018 to 2022. The third MTP includes the government's Big 4 Agenda, whose main focus is food security, manufacturing, universal healthcare and affordable housing. These are to be delivered during the period 2018 to 2022.

Kenya has a devolved system of government (established under the Constitution 2010). Under the devolved system, government functions are shared between the national and county governments. Therefore, the county governments are required to develop five-year County Integrated Development Plans (CIDPs) that are aligned to the national government Medium Term Plans (MTPs). To correspond to the MTP III, the second generation CIDPs were expected to be ready by early 2018. These second generation CIDPs and the MTP III form the basis for planning and budgeting for five years to FY 2022/23. Both plans ensure that the SDGs are localized and mainstreamed into the development processes at national and in all the 47 counties.

### **Kenya's progress in the implementation of SDGs**

Kenya co-chaired with Hungary the Open Working Group (OWG) that formulated the 17 goals and 169 targets. Since the 2030 Agenda came into force in January 2016, Kenya has achieved a number of milestones. These include: producing the MDGs' End Term Report that provided the baseline and lessons and agreeing on the SDGs Road Map (it is now policy for public agencies to mainstream SDGs into policies, plans and budgets). The Kenya National Bureau of Statistics (KNBS) identified 131 out of 230 indicators the country is capable of supporting

with data. The State Department for Planning in the National Treasury and Planning coordinates the implementation and monitoring of the 2030 Agenda in Kenya. At the sub-national level, coordination is done through the SDGs Liaison office established within the Secretariat of the Council of Governors. The government is also coordinating with other stakeholders through the Inter-Agency Technical Committee, which draws membership from ministries, departments and agencies; counties, development partners, civil society organizations (CSOs) and the private sector. The SDGs Kenya Forum is also in place.

### **Rationale for and objectives of the study**

The detailed analyses of SDGs against Kenyan policy frameworks is seen as a necessary starting point in their implementation. The study focuses on assessing the country's preparedness to implement the 2030 Agenda for sustainable development. It assesses the extent to which the existing policies and strategies contribute to, while at the same time identifying where interventions are needed, in facilitating achievement of the SDGs. The study also identifies potential goal conflicts and synergies.

### **Methodology**

The methodology of conducting this study involved review of relevant documents and interviews with sector ministries and other key stakeholders. The Report was validated by a wide range of SDGs mutual stakeholders.

### **Findings and conclusions**

The following are the key findings and conclusions of the study.

1. **Extent to which policies address SDGs.**  
The goals and targets of 2030 Agenda are fully covered, directly or indirectly, by the Constitution 2010. They are almost fully covered, again directly or indirectly, by the Kenya Vision 2030 and its third MTP (which



includes the government's Big 4 Agenda). The targets are covered above average, either fully or partially, by the current sector policies (estimated by this study at nearly 60 percent); and legal and regulatory frameworks (estimate at nearly 70 percent).

2. **Big 4 Agenda.** The SDG targets related to three of the government's Big 4 Agenda: Food and Nutrition Security discussed under Goal 2, Universal Health discussed under Goal 3, and Manufacturing discussed under Goal 9 (Target 9.2) are well addressed by policy frameworks. Affordable housing addressed under Goal 11 (Targets 11.1 and 11.3), which addresses the issue of inclusive and sustainable urbanization is not well addressed by the policy framework and the laws in place are not effectively enforced.
3. **On adequacy,** the study estimates that only about 40 percent of the SDG targets are fully addressed by current sector specific policies and the legal and regulatory frameworks. An additional 36 percent were found to be partially addressed. This implies there is substantial work that is required to adequately address all the SDGs. Some of the work relates to reviewing the policies and legal frameworks so that they are fully aligned with the Constitution 2010, the Kenya Vision 2030 and the 2030 Agenda. Areas with critical gaps include those related to gender, youth, poverty reduction, transport, security, energy and inclusive and sustainable cities.
4. **Policies taking too long to be finalized.** A Substantial number of policies are taking too long to be finalized or revised and updated, thereby denying the country the much-needed guidance in key areas.
5. **Awareness on policies.** Findings from this study suggest that there may be limited awareness of the existing policies

among members of the public and other stakeholders. Not having key policies posted on sector ministries' websites worsens the situation.

6. **Data availability for monitoring achievement of SDG targets.** The KNBS provides a solid basis for monitoring the SDGs and has identified 128 indicators out of the 230 (or 56 percent) where data exists or can be obtained with reasonable effort within two years. However, data collection in the country is limited by the existing law which is under review) and resources.
7. **On the national monitoring of SDGs,** the lack of a footprint of the ministry in charge of planning in the counties (which was previously the case with District Development Officers) and lack of a policy and legal frameworks on monitoring and evaluation severely impedes the national monitoring of SDGs.
8. **Country indicators, baselines and targets:** The existence of country indicators and targets, whether or not they are the same as the SDG indicators, are critical for monitoring progress in the achievement of the SDG targets. The study findings estimated that about 40 percent of relevant targets have corresponding country indicators and targets.
9. **Significant interactions between SDGs.** Some goals and targets have significant impact and interactions with other goals and targets. These means focusing on them has substantial impact on most of the other goals. These include goals 2, 6, 8, 9 and 11. Some SDGs and targets have significant interaction with other SDGs and targets. These include goals 2, 8, 9 and 11 on one hand, and the environment-related goals 13, 14 and 15 on the other. These interactions need to be closely watched and measures taken to

maximize opportunities while minimizing the tradeoffs.

10. **Awareness of capacity building and coordination mechanisms for SDGs.** These are still weak across all government agencies at national and county levels; and also the private sector and other non-state actors.

## Recommendations

1. The following are the recommendations from this study:**Leadership in policy, legal and institutional frameworks.** Sector ministries are expected to provide leadership in the review of policy, legal and institutional frameworks within policy gap areas identified in this study. Effort and resources should be focused on finalizing the draft policies, with the National Assembly and other relevant agencies being sensitized to play their rightful roles. Besides, emphasis should be given to monitoring progress on the desired policy objectives. This includes ensuring that the resulting policies have appropriate indicators, baselines and targets. It is also desirable that policies are integrated as far as possible, allowing the interrelationships within and between the goals to be addressed in an integrated and coherent manner while supporting their ease of reference and use.
2. **Collection, analysis and dissemination of reliable and timely disaggregated data.** There is need to strengthen the policy, legal and institutional frameworks and infrastructure for collecting and analyzing data on progress on the achievement of SDGs. This includes the review of the Statistics Act, and the enactment of the National Monitoring and Evaluation Policy and Act. There is need to come up with a statistics policy to provide guidance on data collection, analysis and reporting at national and county levels. In addition, there is need to build the capacity of KNBS, Monitoring and Evaluation Directorate (MED) and counties on data collection, analysis and reporting on progress on achievement of the SDGs. KNBS should be supported with adequate resources to conduct critical surveys on regular basis.
3. **Public awareness.** There is need to increase public awareness on existing policies and policy development frameworks. A good starting point is posting draft and operational policies on the sector ministries' websites and undertaking public awareness efforts. Citizen participation enhances the quality of the process of policy development and implementation. There is also need to engage the mass media as one of the strategies to popularize the SDGs. Advocacy can only work well if media practitioners and managers are sensitized about SDGs so that they can take the the SDGs story as "newsworthy."
4. **Entrench community involvement.** Communities should play a critical role in the achievement of SDGs. For example, communities can play a major role in the achievement of the Big 4 Agenda and should be involved in discussions of their challenges and finding solutions to their problems to enhance ownership and sustainability.
5. **Leaving no one behind as a central theme in SDGs implementation.** In order to ensure that nobody is left behind, there is need to mainstream SDGs implementation at the county levels as well as identify SDGs champions and ambassadors. Identification of SDGs champions and ambassadors will make advocacy and awareness creation a continuous process. This will contribute to the full realization of the benefits of devolution through the county governments.

6. **Integrated planning, programming and action.**

SDGs are a network of goals and targets. It therefore requires an integrated approach to implementation to manage the tradeoffs and maximize synergies across the goals and targets. It is also important to link and coordinate different levels of government at the national, local and sectoral levels through an institutional coordination mechanisms.

7. **SDGs awareness, capacity building and coordination.**

There is need to enhance awareness and build capacity within both levels of government and other stakeholders, including the communities, private sector, the media, civil society, research institutions and academia, as well as the development partners.

8. **South-South cooperation and triangular learning.**

There are opportunities to enhance and improve South-South and triangular cooperation and learning to promote a win-win situation in which all partners learn, contribute and share responsibilities. Development partners should support and compliment specific South-South and triangular cooperation and learning initiatives by providing technical, financial and material assistance, including learning and scaling up proven innovative initiatives in SDGs implementation.

9. **SDGs financing.**

Focusing on the means of implementation is critical and there is need, therefore to explore different ways of financing SDGs. These include domestic resource mobilization, reducing waste such as illicit capital outflows and corruption, promoting impact investment and corporate social investments; promoting blended finance, green climate financing, sovereign wealth and innovative financing.

## Chapter 1. Introduction

### 1.1 Sustainable Development Goals

The Sustainable Development Goals (SDGs) or Global Goals, were adopted by world leaders in September 2015 and came into force on January 1st 2016. They are a universal call to action to end poverty, protect the planet and ensure that all people enjoy peace and prosperity. The 17 goals build on the successes of the Millennium Development Goals (MDGs) while including new areas. The goals are interconnected<sup>2</sup>.

The SDGs provide clear guidelines and targets for all countries to end all forms of poverty, fight inequalities and tackle climate change, while ensuring no one is left behind. They call for action by all countries, both developed and developing, to promote prosperity while protecting the environment.

SDGs principles include universality, integration and the “no one left behind” mantra. Universality implies that the goals and targets are relevant to all countries and actors. Policy integration means balancing all the three sustainable development dimensions: economic, social and environmental protection. Integrated approach implies managing trade-offs while maximizing synergies across the targets. The principle of “no one left behind” advocates that countries go beyond averages, ensuring all benefit, including those most left behind.

According to the United Nations (UN), sustainable development has been defined as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”. It calls for building an inclusive, sustainable and resilient future for people and the planet and to harmonize three core elements: economic growth, social inclusion and environmental protection. The elements are interconnected and are crucial for the well-being of individuals and societies. To this end, there must be promotion of sustainable, inclusive and equitable economic growth, creation of greater

<sup>2</sup> (<http://www.undp.org/content/undp/en/home/sustainable-development-goals.html>)

opportunities for all, reducing of inequalities, raising of basic standards of living, fostering of equitable social development and inclusion; and promotion of integrated and sustainable management of natural resources and ecosystems<sup>3</sup>.

## **1.2 2030 Agenda, AU's Agenda 2063 and the EAC Vision 2050**

The African Union (AU)'s Agenda 2063 aims for a peaceful, integrated and prosperous continent by 2063 and is an endogenous plan for transformation. It includes seven aspirations, 20 goals, 39 priority areas, 200 national targets and 129 regional targets (for regional economic blocks). Agenda 2063 and the 2030 Agenda broadly converge on social development (people), inclusive economic development (prosperity), peaceful and inclusive societies and responsive institutions (peace), and a number of environmental sustainability issues (planet).

East African Community (EAC) Vision 2050 is the regional vision for socio-economic transformation and development adopted in February 2016 in Arusha, Tanzania. The Vision is to create "An upper-middle income region within a secure and politically united East Africa based on principles of inclusiveness and accountability". The Mission is "To widen and deepen economic, political, social and cultural integration in order to improve the quality of life of the people of East Africa." The EAC Vision 2050 incorporates all the 17 SDGs.

## **1.3 Kenya Vision 2030, Third Medium Term Plan and Big 4 Agenda**

Kenya Vision 2030 aims to transform Kenya into "a newly industrializing, globally competitive and middle-income country providing a high quality of life to all its citizens by 2030 in a clean and secure environment". The Vision has three pillars: Economic, Social and Political. The Economic

Pillar aims to achieve and sustain an average economic growth rate of 10 percent per annum until 2030. The Social Pillar seeks to build "a just and cohesive society enjoying equitable social development in a clean and secure environment". The Political Pillar aims to realize "issue-based, people-centered, results-oriented, accountable, and democratic political system".

The three pillars are anchored on the foundations of national transformation, which include infrastructure, information and communications technology (ICT); science, technology and innovation (STI); land reforms; public sector reforms; labour and employment; ending drought emergencies (EDE); security, peace building and conflict resolution. National values and ethics are the soft part of Vision 2030.

The Kenya Vision 2030 is implemented through successive five-year Medium-Term Plans (MTPs). The first and second MTPs cover the period 2008 to 2012 and 2013 to 2017, respectively while the third MTP is for the period 2018 to 2022. The third MTP to be implemented during the period 2018 to 2022 includes the Big 4 Agenda on food and nutrition security, manufacturing, universal healthcare and affordable housing.

Under the devolved system of government, established under the Constitution 2010, the county governments develop five-year County Integrated Development Plans (CIDPs) that are aligned to MTPs at the national level. The CIDPs (second generation) 2018 to 2022 forms the basis for planning and budgeting. The SDGs will be localized and mainstreamed into the development processes at national and in all the 47 counties.

## **1.4 Kenya's Progress in the Implementation of Sustainable Development Goals**

Kenya co-chaired with Hungary the Open Working Group (OWG) that formulated the 17 goals and 169 targets after wide consultations

3. (<https://www.un.org/sustainabledevelopment/development-agenda/>)



with Ambassador Macharia Kamau representing Kenya. The OWP was initiated after the United Nations Conference on Sustainable Development in Rio de Janeiro in Brazil (Rio + 20) and adopted the document, "The Future We Want".

Before the expiry of the MDGs in 2015, there were extensive consultations at both national and county levels that were intended to foster an inclusive multi-stakeholder process and advocate for a post 2015 development agenda informed by national and local priorities. As a result, the government has embraced SDGs, established a secretariat, and started a voluntary national review on SDGs that offers opportunities in collating synergies and supporting government initiatives in fast tracking the implementation of SDGs.

Since the Agenda 2030 came into force in January 2016, Kenya has achieved a number of milestones including the following:

- The government prepared MDGs End Term Report, which highlights achievements made during the period 2000 to 2015 and the unfinished business. It provides lessons learnt and baseline information for the implementation of the SDGs.
- The government launched SDGs implementation Roadmap on 14th September, 2016.
- An Executive Order was issued by October 2016 requiring all government ministries, counties, departments and agencies to mainstream SDGs into their policies, plans and budgets; align performance contracts with SDGs, and align their monitoring, reporting and reports evaluation frameworks with the SDGs. Since then, effort has been made to build capacity and mainstream SDGs at national and county levels.
- KNBS identified 131 out of the 232

indicators the country is capable of supporting with data.

The State Department for Planning in the National Treasury and Planning coordinates the implementation and monitoring of 2030 Agenda. At the sub-national level, coordination is done through SDGs Liaison Office established within the Secretariat of the Council of Governors. The country has also made efforts to involve other stakeholders in SDGs implementation and monitoring.

An Inter-Agency Technical Committee, drawing membership from ministries, departments and agencies; counties, development partners, the civil society organizations (CSOs) and the private sector is in place. The SDGs Kenya forum is also in place with a membership of diverse CSOs constituencies seeking to contribute to the implementation of 2030 Agenda.

A Voluntary National Review (VNR) report was produced through a highly consultative process involving development partners, CSOs, Kenya Private Sector Alliance, UN agencies, women and youth organizations, among others. The report was presented to the High Level Political Forum (HLPF) in New York in July 2017.

## 1.5 Rationale for the study

The starting point in the implementation of SDGs is to establish the extent to which SDGs are consistent with Kenya's development objectives as set out in the Kenya Vision 2030 and the Constitution 2010. The initial mapping under the State Department for Planning indicated that Kenya Vision 2030 is well aligned to the global development framework. However, there is need for detailed analysis to assess whether there are gaps between the two frameworks and identify measures to address these gaps.

## 1.6 Objectives of the Study

The Policy Gap Analysis Study focused on assessing the country's preparedness to implement 2030 Agenda for sustainable development. The study provides a comprehensive analysis elaborating how SDGs targets align with the Kenya Vision 2030, the Third MTP, which also includes the Big 4 Agenda, the Constitution 2010, and the relevant sectoral policies and strategies. It assesses the extent to which the existing policies and strategies contribute to, while at the same time identifies where interventions are needed in facilitating achievement of the SDGs. It also identified potential goal conflicts and synergies.

## 1.7 Methodology

The methodology involved review of relevant documents and interviews with sector ministries and other stakeholders. The work involved detailed analysis of key national documents against each of the 169 SDG targets in order to establish the gaps, and determine priority areas where initiatives are required to fast track the achievement of the goals. The key documents reviewed included Kenya Vision 2030; the Third MTP, Big 4 Agenda; and key sector policies, strategies, action plans; as well as legal and regulatory frameworks.

## 1.8 Organization of the study report

This report is organised as follows:

Chapter 1 is the introduction while chapter 2 presents an overall assessment of the extent to which key national and sectoral policy documents contribute to the achievement of SDGs in Kenya. Chapter 3 provides a detailed analysis of the goals and targets against existing Kenyan policies; and chapter 4 presents the key findings, conclusions and recommendations.

## Chapter 2. Overall Assessment

This chapter presents the overall assessment of the extent to which key national and sectoral policy documents contribute to the achievement of the SDGs. These documents include: The Constitution 2010, Kenya Vision 2030, the Third MTP, the government's Big 4 Agenda; and key sectoral policies, strategies, legal and regulatory frameworks.

### 2.1 Relevant targets

The 2030 Agenda has a total of 17 goals and 169 targets. Out of these, 31 refer to development support to developing countries and Small Island Developing States. As Kenya is not among the countries involved in supporting these countries, any targets that refer to development assistance is considered not relevant for the purpose of this study. This assessment therefore only considers those that are relevant to Kenya, i.e. 138 targets.

### 2.2 The Constitution 2010 overall contribution to SDGs

- The Constitution of Kenya was promulgated in August 2010 after nation-wide consultations. It supports the achievement of the relevant SDG targets for Kenya. The most relevant sections include the following:
  - Chapter 2, Article 10, which binds all state organs, officers and all persons to apply prescribed **national values and principles of governance** that include among other things: equity, equality, non-discrimination, and sustainable development.
  - Chapter 4 – **Bill of Rights**, which prescribes extensive rights and fundamental freedoms that directly support the implementation of a number of SDG targets. These rights include, but are not limited to: right to life; equality and freedom from discrimination; freedom

from slavery, servitude and forced labour; freedom of association; access to justice; access to information; security of the person and property; and economic and social rights. Economic and social rights include the right to health (Goal 3); access to clean and safe water (Goal 6); freedom from hunger (Goal 2); education (Goal 4); and social security (Goal 1 and 3). It also includes the right to a clean and healthy environment and to have the environment protected for the benefit of present and future generations (mainly goals 13, 14 and 15).

- **Part 3** elaborates the application of those rights and fundamental freedoms to certain groups of persons, including children, the youth, and persons living with disabilities, older members of society, minorities and marginalized groups.
- **Chapter 5**, especially **Part 2**, on **Environment and Natural Resources**, provides for the protection of the environment. This includes obligations in respect of the environment and enforcement of environmental rights (mainly supporting goals 13, 14, and 15).
- **Chapter 6**, on **Leadership and Integrity**, contributes to the achievement of Goal 16, on **Peace and Strong Institutions**.

From the analysis, overall, the Constitution 2010 supports, either directly (68 percent) or implied (32 percent), all the relevant 138 targets of the global 2030 Agenda. The majority of the targets under goals 1-6, 8, 10 and 16 which focus on social and economic welfare of the population; (leaving no one behind); and peace and governance, are directly addressed by the Constitution. It is important to note that planned efforts to achieve SDG goals builds on the foundations laid for, and achievements of the MDGs in Kenya.

## 2.3 Kenya Vision 2030, the Third MTP, the Big 4 Agenda and SDGs

The mapping of the three pillars of the Kenya Vision 2030 against the 2030 Agenda goals was done under the leadership of the State Department for Planning and Statistics. This is presented in Annex 1. Preliminary analysis indicated a significant alignment between the Kenya Vision 2030 and the 2030 Agenda which is confirmed by this study. This section provides an overview of the extent to which Kenya Vision 2030, the Third MTP, which also includes the government's Big 4 Agenda, contributes to the achievement of the SDG targets.

From the analysis, overall, the Kenya Vision 2030 and its Third MTP, addresses, directly or indirectly, substantially all the targets of the global 2030 Agenda at 97 percent or 132 out of the 138 relevant SDG targets.

The government's Big 4 Agenda under the Third MTP on food security; manufacturing; universal healthcare; and affordable housing will contribute substantially to the achievement of SDG targets under the goals 1, 2, 3, 8, 9 on ending poverty and hunger in all their forms; and ensuring healthy lives and sustained economic growth and employment. Table 1 presents the number and percentage of targets supported by the Kenya Vision 2030 and the Third MTP under each goal.

Table 1: Vision 2030/MTPIII and SDGs

Goal	Total number of targets	Number of relevant targets	Number supported by Vision 2030 / MTPIII / Big 4 Agenda	Percentage supported by V2030/ MTPIII/B4 Agenda
1	7	6	6	100%
2	8	7	6	86%
3	13	13	13	100%
4	10	9	9	100%
5	9	9	9	100%
6	8	7	6	86%
7	5	3	3	100%
8	12	11	11	100%
9	8	7	7	100%
10	10	6	6	100%
11	10	9	9	100%
12	11	9	7	78%
13	5	3	3	100%
14	10	9	9	100%
15	12	12	12	100%
16	12	11	11	100%
17	19	5	5	100%
	<b>169</b>	<b>138</b>	<b>132</b>	<b>97%</b>

## 2.4 Relevant sectoral policies and strategies

A detailed analysis was done on the extent to which existing sectoral policies and strategies contribute to the achievement of the SDG targets. While a significant proportion of the policies and strategies reviewed are dated after the launch of the Kenya Vision 2030 in 2008 and the promulgation of the Constitution in 2010, some of them are dated before these two key national documents came into existence. The documents that dated before 2008 are considered not current for the purpose of this study as they may need to be reviewed (and some of them are in the process of such review) to be fully aligned to the Vision and the Constitution.

Overall, the study estimates that the sectoral policies and strategies contribute partially or

fully to 67 percent or 92 of the 138 relevant SDG targets. However, if we leave out the documents that are not considered current, only 58 percent or 80 out of the 138 SDG targets are supported. The SDG targets that are well supported (taking a cutoff point of 70 percent) are those under the goals 1 – 4, 6, and 13 – 15 on ending poverty and hunger in all their forms, health, education, water, sanitation, environment and climate change.

Inadequate coverage of SDG targets by sectoral policies may imply any of the following:

1. Sectoral policies are not considered necessary for the achievement of the Constitution and the Kenya Vision 2030 and its MTPs, and these policy documents adequately articulate what needs to be done. This implies that the documents adequately address the SDGs on their own. This position needs to be examined for each sector and effort put into

ensuring policies and strategies exist where they are needed. Sectoral policies have not been formulated or updated and fully aligned to the Constitution 2010 and the Kenya Vision 2030 (as discussed in sections 2.2 and 2.3, the two documents are aligned to Agenda 2030) and therefore the SDGs. This is apparent from the large number of policies listed for formulation or review in the Third MTP for most of the previously priority sectors.

2. Some of the sectoral policies may be lagging behind the government stated priorities and may need to be updated and aligned to these priorities, in particular, the government's Big 4 Agenda. For example, health-related policies will need to be updated to take into account the universal health coverage; and the capacities being established at county levels, including the managed equipment services. In this

case, the updating of health policies may result in the revision of health targets towards realizing the SDG targets more aggressively in the light of the significant increase in capacities and resources.

The term for some of the documents, especially strategies, are inconsistent with the term for the 2030 Agenda, and some, although they exist for the Second MTP period ending 2017 will require to be reviewed in line with the Third MTP. While drawing up future policies, it is desirable to align these as far as possible to 2030 Agenda. Table 2 presents the number and percentage of targets supported by sectoral policies and strategies under each goal.

Table 2: Sector policies and SDGs

Goal	Total number of targets	Relevant targets	SDG targets supported by sectoral policies / strategies		SDG targets supported by sectoral policies / strategies	
			Number	Current/up to date	Percentage	Current/up to date
1	7	6	5	5	83%	83%
2	8	7	5	5	71%	71%
3	13	13	13	13	100%	100%
4	10	9	9	8	100%	89%
5	9	9	6	3	67%	33%
6	8	7	6	5	86%	71%
7	5	5	3	0	60%	0%
8	12	11	6	5	55%	45%
9	8	7	4	3	57%	43%
10	10	6	3	2.5	50%	42%
11	10	9	6	5.5	67%	61%
12	11	9	3	3	33%	33%
13	5	3	3	3	100%	100%
14	10	9	7	7	78%	78%
15	12	12	10	10	83%	83%
16	12	11	2	1	18%	9%
17	19	5	1	1	20%	20%
	169	138	92	80	67%	58%

NB: The goals shaded green are the ones substantially addressed by policies.

## 2.5 Relevant laws and regulations

A total of 108, or 78 percent of the targets are supported by legal frameworks. However, only 68 percent or 97 of these are supported by current laws (that is, those enacted or revised after 2008). It is worth noting that these figures are higher than those of sectoral policies discussed in Section 2.4 above. Also, more goals are fully covered by legal frameworks than is the case for sectoral policies. This may be explained by the need for government agencies to act within the law which results in the fast tracking of the enactments or revisions of legal instruments to align them especially with the Constitution 2010 while leaving the formulation or revision of sectoral policies moving much slower.

This fast tracking of legal instruments to ensure government agencies act within the law may have its challenges that could limit their effectiveness in contributing to the achievement of SDGs and in living up to the spirit of the Constitution 2010 and the Kenya Vision 2030. Not only is it possible to end up with legal instruments that may be limiting, but the actualization of these with

appropriate regulations may also lag behind. For example, the Constitution 2010 and the Kenya Vision 2030 are clear on the need to share the benefits of the environment and natural resources. While up to date legal framework exists the appropriate regulations are not in place to support the actualization of this aspect.

While there is generally need for sectoral policies to provide guidance and set direction and targets, legal instruments may not always be required. However, for some sectors, we see greater coverage by legal frameworks than by sectoral policies. For example, for Goal 16 on peace and strong institutions, only 20 percent of the targets are covered by sectoral policies while 95 percent of the targets are covered by legal frameworks.

Some of the gaps that were noticed during the study are discussed under the targets in Chapter 3. Table 3 presents the number and percentage of SDG targets supported by legal and regulatory frameworks against each goal.

Table 3: Legal frameworks and SDGs

Goal	Total number of targets	Relevant targets	SDG targets supported by a legal framework		Proportion of SDG targets supported by a legal framework	
			Number	Current/up to date	Percent	Current/up to date
1	7	6	3	3	50%	50%
2	8	7	4	4	57%	57%
3	13	13	13	13	100%	100%
4	10	9	9	9	100%	100%
5	9	9	6	6	67%	67%
6	8	7	6	6	86%	86%
7	5	5	3	0	60%	0%
8	12	11	7	4.5	64%	41%
9	8	7	7	7	100%	100%
10	10	6	5	2	83%	33%
11	10	9	6	5	67%	56%
12	11	9	4	2.5	44%	28%
13	5	3	3	3	100%	100%
14	10	9	7	7	78%	78%
15	12	12	10	10	83%	83%
16	12	11	11	10.5	100%	95%
17	19	5	4	4	80%	80%
	<b>169</b>	<b>138</b>	<b>108</b>	<b>97</b>	<b>78%</b>	<b>68%</b>

## 2.6 Country indicators, baselines and targets

Setting policy indicators, baselines and targets provides clear guidance on how to measure progress towards the achievement of policy goals; the magnitude and speed of the desired change; and the necessary amount, timing and urgency of the actions and the resources necessary to achieve the intended outcomes. The indicators may be qualitative or quantitative and may or may not be the same as those of the SDGs.

However, this study could only identify 39 percent or 53 out of the relevant 138 SDG targets with corresponding one or more country policy

targets. In some cases some of the indicators are already in place (e.g. from KNBS surveys) but existing relevant policies do not have targets. For example for Goal 5 (Gender Equality), the Kenya Demographic and Health Survey (KDHS 2014), provides data on indicators on female genital mutilation (FGM) and sex/gender-based violence (S/GBV) disaggregated at county level. However, there are no up to date policies with indicators and targets for the two areas of national concern. Goal 16 on peace and strong institutions is well covered by law, but only one or 9 percent of the 11 relevant SDG targets have corresponding county targets. For Goal 14 (Life below water) there are no country targets set for any of the SDGs targets.



Table 4: Proportion of SDG targets with corresponding country targets

Goal	Total number of targets	Relevant targets	Number of SDG targets with relevant country policy targets	Percentage of SDG targets with country policy targets
<b>1</b>	7	6	4	67%
<b>2</b>	8	7	3	43%
<b>3</b>	13	13	7	54%
<b>4</b>	10	9	6	67%
<b>5</b>	9	9	5	56%
<b>6</b>	8	7	2	29%
<b>7</b>	5	3	2	67%
<b>8</b>	12	11	6	55%
<b>9</b>	8	7	6	86%
<b>10</b>	10	6	2	33%
<b>11</b>	10	9	2	22%
<b>12</b>	11	9	1	11%
<b>13</b>	5	3	1	33%
<b>14</b>	10	9	0	0%
<b>15</b>	12	12	3	25%
<b>16</b>	12	11	1	9%
<b>17</b>	19	5	2	40%
	<b>169</b>	<b>138</b>	<b>53</b>	<b>39%</b>

This may be a weakness that may challenge the implementation and monitoring of the progress in achievement of the SDG targets. There is need for significant and systematic effort to identify country indicators (which may or may not be the same as the SDG indicators), establish baselines and set policy targets to allow for effective planning and budgeting; and monitoring of effort and outcomes towards the realization of the SDG targets.

## 2.7 Mapping of SDG indicators

Out of the 232 SDG indicators, KNBS established that 131 indicators (57 percent) can be tracked with existing capacity or limited effort within the next two years (See Annex 2). The proportion is higher if based on the 138 relevant indicators used in this study. This situation also needs to be reviewed in the light of the proposed revision of the Statistics Act and in line with devolution that

allows for counties to collect and analyze data on relevant and priority indicators.

## 2.8 Adequacy of policy contribution to SDG goals

The study attempted to assign the level of adequacy of the country's policies in contributing to the achievement of the SDG targets. The ranking was done as follows:

**3 - Adequate:** the policies fully contribute to the achievement of the specific SDG target. The target is specifically addressed under the Constitution 2010 and Kenya Vision 2030; as well as sector policies, plans, and legal frameworks which are up to date.



**2 – Inadequate:** The SDG target is partially supported by one or more Kenyan policies.

**1 –Very inadequate:** policy contribution to the SDG target can be traced in the policies but is substantially inadequate to make a difference to its achievement.

**0 – Non-existent:** there is no reference

to the target in any of the Kenyan policies.

As illustrated in Table 5, only 40 percent of the targets are adequately addressed by sector policies while 36 percent are partially covered. Goal 4 on education, and Goal 13 on climate action lead with the all the targets adequately covered by Kenyan policies. This is followed by goals 6, 3 and 14 at 71 percent, 69 percent, and 56 percent respectively. Goals 1 and 15 tie at 50 percent.

Table 5: Adequacy of policy contribution to SDGs

Goal	Total number of SDG targets	Relevant SDG targets	Adequacy of policy contribution to SDG targets				Relation-ships
			3	2	1	0	
1	7	6	3	3	0	0	13
2	8	7	3	2	2	0	9
3	13	13	8	5	0	0	10
4	10	9	9	0	0	0	9
5	9	9	2	5	1	1	10
6	8	7	6	1	0	0	14
7	5	3	1	1	1	0	13
8	12	11	2	7	2	0	14
9	8	7	1	6	0	0	11
10	10	6	0	4	2	0	9
11	10	9	0	6	3	0	13
12	11	9	1	4	4	8	8
13	5	3	3	0	0	0	10
14	10	9	6	1	1	1	10
15	12	12	6	4	1	1	11
16	12	11	2	1	10	0	16
17	19	5	2	1	2	0	16
	<b>169</b>	<b>138</b>	<b>40%</b>	<b>36%</b>	<b>21%</b>	<b>8%</b>	

While this is substantially a subjective exercise, it may be useful for sectors to review the extent to which existing policies contribute to the achievement of SDGs and assess the effort necessary to raise the level of adequacy.

## 2.9 Interactions between the goals

The relationships between goals were mainly assessed through the relationships between individual SDG targets. For example, Target 3.2 on child health being reinforced by Target 2.2 on

nutrition which links goals 2 and 3. Some goals also seem to impact the achievement of all or a number of goals. For example, the achievement of all goals are reinforced by Goal 16 – achieving peace and strong institutions; and Goal 17 – partnerships for the goals.

While some of the relationships were established as part of this study taking into account the country's context, substantial references were made to two key sources:

- Mans Nilsson; Stockholm Environment Institute (SEI); Working Paper 2017-06 - Important Interactions among SDGs under Review at the High Level Political Forum, 2017.
- Sustainable Development Solutions Network (SDSN), Indicators and a Monitoring Framework: <http://indicators.report/indicators/i-2/>

As can be seen from Table 5, the goals are highly interrelated. The interactions may be reinforcing or counteracting; and may be stronger or weaker. The following specific interactions are significant:

*Goal 2 on ending hunger*, in particular target 2.3 on increasing food production reinforces achievement of food (2.1) and nutrition (2.2) security; contributes to reduction of poverty (Goal 1); indirectly contributes to Goals 3 on health and 4 on education. Women are most involved and most likely to be impacted by increase in food production (Goal 5); while increasing food production generates employment and economic growth (Goal 8); contributes to industrialization (Target 9.2) especially to agro-industries and agricultural inputs, and is affected by infrastructure (Target 9.1). It can contribute to reducing inequality (goal 10) while inclusive cities are highly dependent on availability of adequate and nutritious food (goal 11).

Increasing food production interacts negatively with Goals 13, 14 and 15 on climate action, life below water and life on land respectively. Increasing food production is dependent on strengthening institutions and security (Goal 16); and availability of resources and investment (Goal 17).

*Goal 6 on water and sanitation*. Availability of water and adequate sanitation and the protection of water ecosystems has a significant impact on Goal 1 on ending poverty; it is the major factor in increasing food productivity (Target 2.3); it reinforces the achievement of outcomes under Goal 3 on health (especially target 3.1, 3.2 and 3.3 on maternal and child health and reducing communicable diseases). It contributes to the establishment and running of educational and training institutions and education outcomes under Goal 4; and significantly supports the welfare of women as the burden of water scarcity falls on their shoulders while limiting their participation in socio-economic and political affairs.

Water contributes to the availability of clean energy from hydroelectric generation to economic development and employment under Goal 8 and to industrialization (Target 9.2). It is dependent on resilient infrastructure (Target 9.1). It also contributes significantly to reducing inequalities (Goal 10) and the establishment of resilient and inclusive cities (Goal 11). It is reinforced by goals 13, 14 and 15 on climate action, life below water and life on land. Achievement of this target will depend on strong institutions (Goal 16) and availability of significant amount of resources (Goal 17).

*Goal 11 on resilient and inclusive cities*. According to Kenya Vision 2030, 60 percent of Kenyans will be living in cities by 2030. They will require employment (Goal 8) which will rely on industrialization (Target 9.2). It will require inclusive and resilient infrastructure (Target 9.1) and access to basic services, including water and sanitation

(Goal 6); health (Goal 3), education (Goal 4), and energy (Goal 7).

Urbanization can create inequalities including income (Goal 1), opportunities (Goal 10) and gender (Goal 5). It directly and negatively contributes to Goal 13, 14 and 15 on climate action, life below water and life on land respectively. Achievement of intended outcomes in Goal 11 depend on effectiveness of institutions, including national and county governments and security (Goal 16) including in planning and enforcing laws and regulations; and availability resources (Goal 17).

*Significant negative interactions are between Goals 2, 8 and 9 and 13, 14 and 15.*

Increasing agricultural productivity has potential to negatively impact on climate change including increase in green house gases (GHG) emissions. It also interferes with life below water and life on land through the use of chemicals that find their way into the environment and water sources.

Industrialization (Target 9.2) has the potential to increase GHG emissions adversely impacting on Goal 13, and contaminating the environment below water (Goal 14) and on land (Goal 15).

Increasing employment and economic growth has negative correlation with environmental outcomes expected under Goals 14 and 15 and contributes to climate change (Goal 13).

## 2.10 The role of the mass media

There is need to engage the media as one of the strategies to popularize SDGs. Advocacy can only work well if media practitioners and managers are sensitized about the SDGs so that they can take the SDGs “story” as newsworthy. Sensitization should therefore involve:

- **Media gatekeepers.** Sensitise media managers (editors, station managers,

producers) to see the bigger picture of how SDGs as drivers of national development can be integrated into their daily harvest of news, feature stories and productions and help balance the “sellable” stories of politics, crime, disaster and entertainment.

- **Staff reporters.** Train senior reporters (including documentary producers) on what SDGs are and how they can look at them from a journalistic perspective. Journalism trainers can be engaged to provide the theoretical framework.
- **Correspondents.** Train field correspondents, based at the counties, on what SDGs mean to the counties and the country at large. This is the group that provides the bulk of news consumed in Kenya through leading media houses. They are paid from only those stories that are published or aired. If they understand a subject they are always eager to write about it, earning a living in the process.
- **Incentives.** There is need to create an award scheme to honour journalists who write leading stories on SDGs. The Media Council of Kenya (a State corporation) can be approached to give guidelines since they have been running the Annual Journalism Excellency Award (AJEA) scheme. The Award recognizes journalists under different thematic areas (governance, business, health, sports, development, camerawork etc).

## Chapter 3: Detailed analysis per goals and targets

This chapter provides a detailed analysis of the goals and targets against existing Kenyan policies; and identifies where the targets have been adequately covered and where there are gaps that need to be addressed.

## TARGET 1.4

1 NO  
POVERTY



**EQUAL RIGHTS TO OWNERSHIP, BASIC SERVICES,  
TECHNOLOGY AND ECONOMIC RESOURCES**



## END POVERTY IN ALL ITS FORMS EVERYWHERE

### Goal 1. End poverty in all its forms everywhere

Eradicating poverty in all its forms remains one of the greatest challenges facing humanity. The number of people living in extreme poverty dropped by more than half between 1990 and 2015 – from 1.9 billion to 836 million, with the rapid economic growth in countries like China and India lifting millions out of poverty. However, progress has been uneven with too many people still living below the international extreme poverty of USD1.90 per day, and struggling for the most basic of human needs, including adequate food, clean drinking water and sanitation. South Asia and sub-Saharan Africa, account for 80 percent of those living in extreme poverty<sup>4</sup>.

The SDGs are a bold commitment to end poverty in all forms and dimensions by 2030.

The First Inspiration of Africa Agenda 2063 is for “A prosperous Africa based on inclusive growth and sustainable development”. The first goal is to “Eliminate all forms of poverty”, while article 9 states: “We are determined to eradicate poverty in one generation and build shared prosperity through social and economic transformation of the continent”.

The Kenya Vision 2030 aims to “create a socially just and equitable society without extreme poverty”. The ultimate objective is to improve the livelihoods of the poor.

The Constitution 2010 under the Bill of Rights recognizes access to basic necessities including health, housing, adequate sanitation, clean water

and education as fundamental human rights and provides for the progressive realization of these rights.

**Target 1.1:** By 2030, eradicate extreme poverty for all people everywhere

**Target 1.2:** By 2030, reduce at least by half the proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions

The two targets are discussed together as they are similar except for the differences in indicators. Target 1.1 refers to people living below international poverty line - those whose average daily income (or consumption) per day is less than USD1.90<sup>5</sup> per person per day.

The **National definitions of poverty**<sup>6</sup> under Target 1.2 for Kenya and the current baselines are as follows:

- **Overall poverty.** Households and individuals whose monthly adult equivalent total consumption expenditure per person is less than KSh3,252 in rural and peri-urban areas and less than KSh 5,995 in core-urban areas are considered to be overall poor or live in “overall poverty”.
- **Food poverty.** Households and individuals whose monthly adult equivalent food consumption expenditure per person is less than KSh1,954 in rural and peri-urban areas and less than KSh 2,551 in core-urban

4 - <http://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-1-no-poverty.html>

5 - [Povertydata.worldbank.org/poverty/country/ken](http://Povertydata.worldbank.org/poverty/country/ken)

6 - Kenya National Bureau of Statistics (KNBS), Kenya Integrated Housing and Budget Survey (KIHBS), 2015/16

areas respectively.

- **Hardcore or extreme poverty:** Households and individuals whose monthly adult equivalent total consumption expenditure per person is less than KSh1,954 in rural and peri-urban areas and less than KSh 2,551 in core-urban areas respectively are considered to be hardcore poor or live in "hardcore or extreme poverty".

National poverty data is provided by the Kenya National Bureau of Statistics (KNBS) through the Kenya Integrated Housing and Budget Survey (KIHBS). The latest KIHBS was produced in 2015/16 while the previous one in 2005/6. Though the survey is supposed to take place every five years, the 10-year period between the two surveys undermines planning and monitoring of poverty levels in the country. This is a weakness that needs to be addressed.

KIHBS 2015/16 data is disaggregated by rural, peri-urban, core-urban; and by characteristics of the head of household (age cohort, sex, education level, marital status); household size; selected child and older person poverty measures.

According to KIHBS 2015/16, overall poverty reduced by 10.7 percent from 46.8 percent in 2005/6 to 36.1 percent in 2015/16. Overall poverty head count was comparatively higher in rural areas (40.1 percent) than in peri-urban (27.5 percent) and core-urban areas (29.4 percent). Proportion of those living below food poverty line reduced by 12.4 percent from 44.4 percent in 2005/6 to 32.0 percent with rural food poverty being higher at 35.8 percent, peri-urban being 28.9 percent and core-urban 24.4 percent in 2015/16.

Hard core/extreme poverty reduced by 11 percent from 19.6 percent in 2005/6 to 8.6 percent in 2015/16. Those in rural areas were experiencing high levels of hard-core poverty at 11.2 percent compared to peri-urban at 6.0 percent and core-urban at 3.4 percent.

## Relevant policies

The Kenyan policies addressing Target 1.1 and 1.2 directly include the Constitution 2010, Kenya Vision 2030, the Third Medium Term Plan and the Agricultural Sector Development Strategy (ASDS) 2009 – 2020.

**The Constitution 2010** provides for access to basic necessities as fundamental human rights. Chapter 4 - Bill of Rights, Part 2 – Rights and Fundamental Freedoms; Article 43, economic and social rights include highest attainable standards of health, adequate housing and reasonable sanitation, adequate food of acceptable quality, clean and safe water in adequate quantities, social security and education. It also obligates the State to provide appropriate social security to persons who are unable to support themselves and their dependants. Article 21 provides for the progressive realization of these rights, while Article 27 on Equality and Freedom from discrimination provides that the rights apply to all Kenyans.

**Kenya Vision 2030 and the Third MTP** aims to "create a socially just and equitable society without extreme poverty". The ultimate objective is to improve the livelihoods of the poor. The Third MTP (2018 – 2022), which includes the government's Big 4 Agenda, provides for the development of 500,000 affordable houses by 2022; universal health coverage; and the creation of 940,000 jobs under manufacturing in addition to supporting 1,000 SMEs in agro-processing, 10,000 in improving export standards, and increasing financing to small and medium enterprises (SMEs). Under food and nutrition security, the government's aims at not only ensuring 100 percent food and nutrition security but also supporting 1,000 production-level SMEs. All these initiatives have direct impact on reducing poverty levels.

**Agricultural Sector Development Strategy**



**2009 – 2020.** This strategy recognizes the impact of increasing agricultural production and productivity in reducing poverty levels. Targets include reducing the proportion of people living in absolute poverty to less than 25 percent and food insecurity by 30 percent.

### **National policy poverty reduction targets**

The Kenya Vision 2030 provides clear targets on reducing poverty levels which include:

- To raise annual personal incomes from an estimated Ksh66,950 in 2006 (approx. USD 650) to 309,000 (USD3,000); and
- To reduce poverty levels from 46% of total population to between 3% and 9% consistent with most industrializing countries in South East Asia.

However, the three medium term plans, while they all include poverty reduction programmes, have not set poverty reduction targets consistent with the Vision. The ASDS 2009 – 2020 has clear and specific poverty reduction levels. It sets the reduction of people living in absolute poverty to less than 25 percent by 2020 and food insecurity by 30%.

### **Related goals and targets**

Achieving Targets 1.1 and 1.2 is reinforced and reinforces a number goals and targets. These include 2.3 – increasing agricultural productivity of small scale farm producers (Nilsson); Target 3.8 – universal healthcare; Target 4.1 – By 2030, ensure that all girls and boys complete free, equitable and quality primary and secondary education; Target 5.1 – End all forms of discrimination against all women and girls everywhere; Target 6.1 – access to safe drinking water for all; Target 7.1 – Access to modern energy services (Nilsson); Target 9.1 – Quality, reliable, sustainable and resilient infrastructure; Target 9.2 – Inclusive and sustainable industrialization (Nilsson).

Ending poverty under Target 1.1 and 1.2 is closely

interrelated and reinforces the achievement of the health outcomes under Goal 3. Reducing the individual and household health burden under Goal 3 can contribute to higher productivity at individual and household levels leading to higher incomes and improved livelihoods. It is also related to Goal 10 on reduced inequalities and Goal 11, on inclusive and sustainable cities.

### **Comment on adequacy**

The over 10% reduction in the proportion of people living below the poverty line in the last 10 years from 2006 to 2016 indicate good progress, but this rate will not result in ending poverty by 2030. The continued less than 10% gross domestic product (GDP) growth rate envisaged in the Kenya Vision 2030 and the lower growth rates of the seven priority sectors of tourism; agriculture and livestock; wholesale and retail; trade, finance, and business process outsourcing (BPO), and oil and mineral resources undermines the achievement of poverty reduction targets.

The government's Big 4 Agenda will have a major impact as industrialization and food security components will lead to higher productivity and employment. The 500,000 affordable housing will not only provide housing for 500,000 families but also have a multiplier effect on supply chains where the environment, opportunities and investments for affordable housing will grow.

The lack of specific policy targets other than in the Kenya Vision 2030 and the ASDS, and the long period of 10 years between surveys undermines the planning for and implementation of initiatives to achieve these targets. These are targets the national and county governments should set every five years in the MTPs and CIDPs and monitor closely through regular availability of data. In fact, lifting people out of poverty should be a major factor that should influence elections at national and county levels.

**Target 1.3** Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable.

**Indicator: 1.3.1** Proportion of population covered by social protection floors/systems, by sex, distinguishing children, unemployed persons, older persons, persons with disabilities, pregnant women, newborns, work-injury victims and the poor and the vulnerable

Access to social protection is recognized as a basic right, as enshrined in the Universal Declaration of Human Rights. International Labor Organization (ILO) includes 10 elements of comprehensive social security coverage: medical care, sickness benefits, protection for disability, old age and survivorship; maternity, children, unemployment, and employment injury; and general employment against poverty and social exclusion.

### Relevant Policies

Kenyan policies that address social protection include Constitution 2010, Kenya Vision 2030 and Third MTP (which includes the Big 4 Agenda), Sessional Paper No. 2 of 2014 on The National Social Protection Policy, National Social Security Fund Act No 45 of 2013, and the National Health Insurance Fund Act.

**Constitution 2010:** The Constitution recognizes social protection as a fundamental right. Chapter 4 Part 2 – Rights and Fundamental Freedoms Article 43 - Economic and social rights provides that every person has the right to social security and obligates the State to provide appropriate social security to persons who are unable to

support themselves and their dependants.

**Vision 2030 and MTPIII:** The Third MTP and the government's Big 4 Agenda for the period 2018 to 2022 include a number of programmes supporting the achievement of this target. This includes National Safety Net Programme (NSNP), the Universal Health Coverage (UHC); and the initiatives under the Ending Drought Emergencies (EDE).

Under the NSNP, the government aims to increase the number of beneficiaries from 810,000 in 2017 to 1.8 million in 2022. These include Inua Jamii Programme which provides cash transfers to older persons of over 70 years (PO-CT). It was launched on July 5, 2017 to be effective from January 2018 and includes bi-monthly payments of Ksh4,000 and free NHIF cover. Also included in the National Safety Net Programme (NSNP) are cash transfers to orphaned and vulnerable children (CT-OVC) and cash transfer to people living with severe disabilities (PWSD), and the Hunger Safety Net Programme (HSNP). The HSNP targets 374,806 households in the four poorest arid and semi-arid lands (ASAL) counties (Turkana, Wajir, Mandera, and Marsabit) in case of extreme weather events.

One of the components of the government's Big 4 Agenda is the universal health coverage (UHC) by 2022. This includes coverage by the National Health Insurance Fund (NHIF) for all in Kenya and the improvement of health services delivery and access in all the 47 counties.

Ending drought emergencies (EDE) is one of the foundations of the Second and Third MTP. Its aim is to ensure that droughts do not result in emergencies by 2022. It is discussed in detail under Goal 2.

**Sessional Paper No. 2 of 2014 on the National Social Protection Policy:** The overarching goal of social protection is to "ensure that all Kenyans live in dignity and exploit their human capabilities for their own social and economic development".



Policy objectives protecting individuals and households from the impact of adverse shocks, cushioning workers from income threatening shocks, and ensuring resilience. Policy measures include: social assistance targeting needy and vulnerable groups; social security targeting formally and informally employed; and health insurance by establishing NHIF as a fully-fledged insurance scheme covering all Kenyans.

**National Social Security Fund Act No 45 of 2013:** The Act provides for pension benefits for employed and self-employed persons. The benefits include retirement pension, invalidity pension, survivors benefit, funeral grant and emigration benefit.

### Relationship with goals and targets

This target is related to Target 1.5 – building the resilience of the poor and vulnerable; Targets 2.1 and 2.2 on ending hunger and malnutrition; Target 3.1 – 3.9 under Goal 3 – ensure healthy lives and especially Target 3.8 – achieve universal health coverage. The Target also supports Goal 8 – on decent work especially Targets 8.3, 8.5 and 8.8; Goal 10 on reducing inequalities (in particular Target 10.4 includes social protection); and Goal 11 – on inclusive cities especially Target 11.1 - ensure access to basic services.

### Policy indicators and targets

The policy target under the Constitution 2010, the Third MTP (UHC under the government's Big 4 Agenda), Sessional Paper No. 2 of 2014 on the National Social Protection Policy and National Social Security Fund Act No 45 of 2013 is to provide a 100 percent social security coverage. The data on indicators for this target is available.

### Comment on adequacy

Kenyan policies and government initiatives under the Third MTP including the UHC under the government's Big 4 Agenda fully and adequately

support the achievement of this target.

**Target 1.4** By 2030, ensure that all men and women, in particular the vulnerable, have **equal rights to economic resources**, have **equal access to basic services**, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance.

**Target 1.4.1** Proportion of population living in households with access to basic services

**Target 1.4.2** Proportion of total adult population with secure tenure rights to land, with legally recognized documentation and who perceive their rights to land as secure, by sex and by type of tenure

The basic services referred to in this target include safely-managed water and sanitation services, health services, basic education, social protection, electricity, and modern cooking solutions. The target also includes access to appropriate new technology and financial services including microfinance. The right to secure tenure over land and property includes not only having title deeds to land and property but also the perception of the enjoyment of this right.

### Relevant policies

Kenyan policies that support the achievement of this target includes the Constitution 2010, Kenya Vision 2030 and the Third MTP, Sessional Paper No 3 of 2009 on National Land Policy, Land

Registration Act No 3 of 2012 (revised 2016), Land Laws (Amendment) Act No 28 of 2016, The National Land Commission Act No 5 of 2012 (Revised 2016), Land Act No 6 of 2012 (revised 2016), Community Land Act No 27 of 2016, Kenya Environmental Sanitation and Hygiene Policy 2016 – 2030, Land Registration Act 3 of 2012-section 93(2), and Matrimonial Property Act No. 49 of 2013.

**Constitution 2010.** This target is very well covered under the Constitution 2010. Access to basic services is considered a fundamental right for all. Chapter 4 (Bill of Rights), Article 43 provides for economic and social rights and obligates the government to provide social security to persons unable to support themselves. Article 42 provides for the right to a clean and healthy environment which relates to the provision of reasonable sanitation services.

Article 21 provides for the progressive realization of these rights and obligates the State to “observe, respect, protect, promote, and fulfill the rights and fundamental freedoms in the Bill of Rights.” Article 204 (Equalization Fund) provides for 0.5 percent of revenue collected by the national government calculated from most recent audited accounts to be set aside to provide basic services, including water, roads, health facilities, and electricity to marginalized areas to the extent necessary to bring the quality of those services in those areas to the level generally enjoyed by the rest of the nation. This Fund will be provided for a period of 20 years from the effective date and may be extended by Parliament for a further fixed term.

The Bill of Rights, Part 3, Article 52, further elaborates certain rights to ensure greater certainty as to the application of those rights and fundamental freedoms to children, persons with disabilities, the youth, minorities and marginalized groups and older members of society.

Article 27 provides for equality and freedom from discrimination – which means that all Kenyans have equal rights over economic resources, including land, property and other natural resources.

Part 5 provides for the establishment of the Kenya National Human Rights and Equality Commission whose functions under Article 59 includes to promote gender equality and equity generally and to coordinate and facilitate gender mainstreaming in national development.

The Constitution 2010 under Chapter Five, Part 1, Article 60 on principles of land policy, provides that “Land in Kenya shall be held, used and managed in a manner that is equitable...., and in accordance with the following principles— (a) equitable access to land; (b) security of land rights; (f) elimination of gender discrimination in law, customs and practices related to land and property in land”. Article 63 – Community land - provides for secure ownership of and exercise of rights over land, by communities. In Part 2 under Article 69 on obligations in respect of the environment the State is obligated to ensure sustainable exploitation, utilization, management and conservation of the environment and natural resources, and ensure the equitable sharing of the accruing benefits and to utilize the environment and natural resources for the benefit of the people of Kenya.

#### **Vision 2030, Third MTP and the Big 4 Agenda.**

The Vision addresses access to basic services. On water and sanitation, the vision is “to ensure water and improved sanitation availability and access to all by 2030”. It further states: “By 2030 no Kenyan should be without access to an improved water source and sanitation.” The Third MTP targets universal access to electricity by 2022, free and accessible Early Childhood Education (ECD), primary, and day secondary education for all. Under the Big 4 Agenda,

500,000 affordable low-cost housing will be built by 2022.

The Kenya Vision 2030 recognizes that “secure access to land contributes to social and economic development and guarantees tenure which builds more confidence in the investors, be they small or large.”

On Gender, The Kenya Vision 2030 “mainstreams gender equality in all aspects of society. In this regard, gender equality will be addressed by making fundamental changes in four key areas, namely: opportunity, empowerment, capabilities and vulnerabilities. Furthermore, given that women play a critical role in socio-economic development, there is urgent need to remove all obstacles that hinder their contribution. Under the Kenya Vision 2030, specific policy measures will be taken to correct glaring gender gaps in access to and control of resources; economic opportunities, and in power and political voice.”

**Sessional Paper No 3 of 2009 on National Land Policy:** The policy vision is to “guide the country towards efficient, sustainable and equitable use of land for prosperity and posterity.” The policy offers a framework of policies and laws designed to ensure the maintenance of a system of land administration and management that will provide all citizens with the opportunity to access and beneficially occupy and use land; and...socially equitable ... allocation and use of land.

Land policy principles include equitable access to land for subsistence, commercial productivity, settlement, and the need to achieve a sustainable balance between these uses; intra- and inter-generational equity; (c) gender equality; and secure land rights.

**Land Registration Act No 3 of 2012 (revised 2016).** The objective of this Act is to revise, consolidate and rationalize the registration of titles to land,

to give effect to the principles and objects of devolved governments in land registration. The Act applies to the registration of interests in all public, private and community and in line with Articles 62, 63 and 64 of the Constitution.

**Land Act No 6 of 2012 (revised 2016)** gives effect to Article 68 of the Constitution, to revise, consolidate and rationalize land laws; to provide for the sustainable administration and management of land and land-based resources. Applies to all land declared as public, private or community land under Articles 62, 63, and 64 of the Constitution. Article 4 provides for the guiding values and principles, which include equitable access to land; security of land rights; elimination of gender discrimination in law, customs and practices related to land and property in land; affording equal opportunities to members of all ethnic groups; and non-discrimination and protection of the marginalized. Article 5 defines the different tenure systems and rights thereto.

**Community Land Act No 27 of 2016:** The Act gives effect to Article 63 (5) of the Constitution; to provide for the recognition, protection and registration of community land rights; management and administration of community land; and for the role of county governments in relation to unregistered community land. Article 5 provides that every person shall have the right, either individually or in association with others, to acquire and own properly, in accordance with Article 40 of the Constitution, of any description and in any part of Kenya. It also provides that customary land rights shall be recognized, adjudicated for and documented for purposes of registration; and customary land rights, including those held in common, shall have equal force and effect in law with freehold or leasehold rights.

**The National Land Commission Act No 5 of 2012 (Revised 2016):** This Act gives effect to Article 67 of the Constitution which provides for the

establishment of the National Land Commission, whose objective includes the management and administration of land in accordance with the principles of land policy set out in Article 60 of the Constitution and the National Land Policy. Functions include advising the national government on a comprehensive programme for the registration of titles in land throughout Kenya; and to launch investigations on its own initiative or on a complaint, into present or historical land injustices and recommend appropriate redress.

**Matrimonial Property Act No. 49 of 2013:** This is an Act of Parliament to provide for the rights and responsibilities of spouses in relation to matrimonial property.

**Kenya Environmental Sanitation and Hygiene Policy 2016 – 2030:** The policy's vision is "a clean, healthy and economically prosperous Kenya, free from sanitation and hygiene-related diseases." The mission is "to ensure all Kenyans have sustainable access to highest attainable standards of sanitation as well as clean and healthy environment". The goal is "to ensure universal access to improved sanitation, clean and healthy environment by 2030." Its guiding principles include the recognition of a clean and healthy environment and sanitation as a human right; sanitation as a public service and an economic good; recognition of sanitation and hygiene promotion as a cost-effective preventive means in public health. Community-led total sanitation (CLTS) especially in rural areas; and an integrated multi-sectoral approach is also addressed by the policy.

**Affirmative action programmes:** This is the government's ongoing affirmative action programmes to ensure equity and providing access to financial and other services to previously disadvantaged groups including women, youth, and persons living with disability.

These programmes include the Women Enterprise Fund (WEF) that targets financial access for women owned enterprises; Youth Enterprise Development Fund (YEDF) that provides access to finance for youth enterprises and training and external job placements for the youth; Uwezo Fund, which targets financial access for women, youth and persons living with disability; Access to government procurement opportunities (AGPO), which reserves 30 percent procurement opportunities in the public sector for women, youth and persons living with disability.

The World Bank-funded Kenya Youth Employment and Opportunities Programme (KYEOP) targets youth between 18 and 29 years with training, work experience, jobs and labour market information. Disability mainstreaming seeks to ensure inclusion and empowerment of PWD with assistive devices, bursaries for learners, grants for self-help groups and institutions; vocational skills, tool kits, training in sign language, entrepreneurs provided with local purchase order (LPO) financing.

### Related goals and targets

This target is related to Targets 1.1 and 1.2 on reducing poverty; Target 2.3 on increasing agricultural productivity (through access to productive land and finance); Target 5.1 on ending discrimination against women and girls; Target 5.a on reforms to give women equal rights to economic resources; Target 10.2 on empowering and promoting social, economic and political inclusion of all; and Target 11.1 on ensuring access to basic service for all.

### Policy indicators and targets

**Under the Third MTP,** relevant targets include:

- Access to electricity from 69 percent in 2017 to 100 percent by 2022;
- Access to water from 72.6 percent in 2016 to 80 percent by 2022.

- The WEF plans to increase loan disbursements from Ksh10.8bn to Ksh25.7bn to 2,157,653 beneficiaries; increase the number of women trained on entrepreneurship from 830,435 to 1,632,806; and link 11,500 women enterprises to local and international markets
- Uwezo Fund - expand access to finance by Ksh2.5 billion to 500,000 beneficiaries and undertake capacity building for 25,000 women, youth, and PWD
- The Youth Enterprise Development Fund (YEDF) plans to provide an additional Ksh5 billion in financing to the youth and conduct training on life skills and entrepreneurial skills for 500,000 youth.
- The access to government procurement opportunity (AGPO) programme plans to include 210,000 qualifying enterprises in the programme; and build capacity of 310,000 women, youth and persons living with disability.
- Kenya Youth Employment and Opportunity Project (KYEOP) targets 280,000 youth with entrepreneurship and life skills training, internships and jobs.
- Under Disability Mainstreaming Program, 22,170 persons living with disability will be provided with assistive devices; 8,729 learners will be issued with educational bursaries; 2,610 self- help groups will be provided with grants; 175 of institutions will receive grants; 250 will be trained on vocational skills; 12 vocational and rehabilitation centres (VRCs) will be upgraded; and 2,875 graduates of (VRC) will be provided with tool kits while 1,700 workers will be trained in Kenya sign language and 900 entrepreneur provided with LPO financing guarantee fund.

Targets of the **Kenya Environmental Sanitation and Hygiene Policy (2016 – 2030)** include:

achieving and sustaining 100% open defecation-free (ODF) Kenya by 2030. It also aims to achieve and sustain 100% access to improved sanitation in rural and urban areas by 2030 and increase public investment in sanitation and hygiene from 0.2% to at least 0.5% of GDP in 2020 and to 0.9% of GDP by the year 2030.

The indicators for access to basic services corresponding to SDG indicator Target 1.4.1 are available from various agencies. However, indicators for Target 1.4.2 on the proportion of total adult population with secure tenure rights to land by sex and type of tenure are not available according to KNBS.

### **Comment on adequacy**

Kenyan policies, including the Constitution 2010, the Kenya Vision 2030 and its MTPs, sectoral policies and laws related to land rights, and government affirmative action initiatives adequately addresses this target. Access to basic services are well enshrined in the Constitution 2010, and well-articulated in the Kenya Vision 2030. Access to electricity is well on course to achieve 100 percent connectivity by 2020. Access to water now stands at 72.6 percent and it is likely to achieve the target of 80 percent by 2022.

However, it is important to note the history of missed targets when it comes to access to water. The target has been at 80 percent for the last two MTPs. While sanitation is well-articulated in the Constitution, The Kenya Vision 2030 and Sanitation and Hygiene Policy, progress has been slow with sanitation levels in the country being too low. According to KIHBS 2015/16, access to improved sanitation is at 65.2 percent nationally, with rural areas lagging behind at 48.8 percent against urban areas at 86.3 percent. Open defecation is at 14 percent with significant regional disparities e.g. Turkana is at 82.2 percent with other Northern and North Eastern counties at

over 70 percent. While the target for ODF Kenya by 2020 under the National ODF Campaign Framework 2016 – 2020 is an aggressive target, the target for universal access to improved sanitation and ODF Kenya by 2030 under the Kenya Environmental and Hygiene Policy 2016 – 2030 is not aggressive enough particularly with devolved governments and opportunities presented by the community-led total sanitation (CLTS) approach.

Land rights including land tenure is well enshrined in the Constitution, and well covered by the National Land Policy, and the laws related to land. However, historical land injustices, lack of access to land by the poor and disadvantaged groups and inadequate land planning present challenges whose solutions are not yet in sight.

**Target 1.5** By 2030, build the resilience of the poor and those in vulnerable situations and reduce their exposure and vulnerability to climate-related extreme events and other economic, social and environmental shocks and disasters.

**Indicator 1.5.1** Number of deaths, missing persons and persons affected by disaster per 100,000 people

**Indicator 1.5.3** Number of countries with national and local disaster risk reduction strategies

When disasters happen due to climate related extreme events or other factors, the poor and those in vulnerable situations suffer the most. This target focuses on building the resilience of these poor and vulnerable populations and to reduce loss of lives and livelihoods.

## Kenyan policies supporting this target

Kenyan policies relating to this target include the provisions of the Constitution 2010, Kenya Vision 2030 / Third MTP – Ending Drought Emergencies, Drought Management Authority (NDMA) Act, 2016, National Disaster Management Unit (NDMU), Climate Change Act No11 of 2016, National Climate Change Response Strategy (NCCRS), National Climate Change Action Plan 2013-2017, Kenya National Adaptation Plan (NAP) 2015-2030, Kenya Climate –Smart Agriculture Strategy (CSAS) 2017 – 2026, and international protocols which Kenya is a signatory.

**The Constitution of Kenya 2010:** Chapter 4 Part 2 –Rights and Fundamental Freedoms, Article 43, provides for economic and social rights with Article 21 providing for the progressive realization of those rights. These include basic rights that are most likely to be inaccessible during periods of disasters. It obligates the State to provide appropriate social security to persons who are unable to support themselves and their dependants. Objectives of devolved governments provided under Article 174 of the Constitution is to bring services closer to the people and this has a major impact on the ability of the government to deal with the specific circumstances communities encounter, including droughts and other disasters.

**The Kenya Vision 2030/Third MTP.** Ending Drought Emergencies (EDE)<sup>7</sup> is one of the foundations of Kenya Vision 2030. It was introduced for the first time in the MTP II. This resulted from the Summit of Heads of State and Governments of the Horn and East Africa Region held in September 2011 under the regional Inter-Governmental Authority on Development (IGAD). The summit made a commitment to end the worst forms of suffering caused by drought. Under MTP III, the government has reaffirmed its commitment to end the worst of the suffering

<sup>7</sup> - NDMA Website



caused by drought by 2022. EDE is a new approach that recognises that droughts cause emergencies because the foundations needed to support sustainable livelihoods in drought-prone areas – principally security, infrastructure and human capital (education, health and nutrition) – are often weak. The EDE which is implemented through a Common Programme Framework (CPF) will accelerate investments in these development foundations as well as strengthen the institutions responsible for managing drought risks. The overall outcome is for communities to become resilient to drought and other effects of climate change, and for the impact of droughts to be contained.

**The National Drought Management Authority (NDMA) Act, 2016** established the National Drought Management Authority (NDMA)<sup>8</sup> as a public body to exercise overall coordination over all matters relating to drought management, including implementation of policies and programmes relating to drought management. The NDMA provides a platform for long-term planning and action, as well as a mechanism for solid coordination across government and with all other stakeholders. The Act also established the institutional framework at national and county levels and the National Drought Emergency Fund (NDEF) under NDMA to provide a common basket emergency fund, and to facilitate timely response to drought emergencies and build capacity. The government committed an initial amount of Ksh2 billion to operationalize the Fund.

**National Disaster Management Unit (NDMU).** This interagency unit was established by through an Executive Order on 8<sup>th</sup> August 2013. The unit led by the National Police Service, collaborating with stakeholders, is a disaster management unit with an established command structure, budget and Standard Operating Procedures

(SOPs) based on best practices. The mandate of NDMU is to provide leadership, coordination, command, and control, before, during, and after emergencies and disasters in the country. The mission is “to effectively prepare for and respond to disasters and emergencies, manage recovery and mitigation efforts in collaboration with other stakeholders in order to save lives, minimize loss of property, protect the environment and safeguard development gains.

**Climate Change Act No 11 of 2016.** This Act provides a regulatory framework for enhanced response to climate change and measures to enhance climate change resilience. It requires the national and county governments to: mainstream climate change responses into development planning, decision making and implementation; build resilience and enhance adaptive capacity to the impacts of climate change; formulate programmes and plans to enhance the resilience and adaptive capacity of human and ecological systems to the impacts of climate change; and mainstream and reinforce climate change disaster risk reduction into strategies and actions of public and private entities. The Act established a multi-sectoral and multi-stakeholder National Climate Change Council, chaired by the President with the relevant Cabinet Secretary (CS) as the secretary. The Directorate of Climate Change (CCD) provides secretariat services. The Act also provides for a Climate Change Fund which is a financing mechanism for priority climate change actions and interventions.

**National Climate Change Response Strategy (NCCRS) 2010.** The purpose of the Strategy is to put in place robust measures needed to address most, if not all, of the challenges posed by climate variability and change. The strategic focus is to ensure that adaptation and mitigation measures are integrated in all government

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<sup>8</sup> - NDMA Website

planning and development objectives. The vision is “a prosperous and climate change resilient Kenya.” The mission is “to strengthen and focus country-wide efforts towards climate change adaptation and GHG emission mitigation.” Specific objectives include recommending robust adaptation and mitigation measures to minimize risks while maximizing opportunities.

**National Climate Change Action Plan 2013-2017.** The Action Plan, which is being revised for the period 2018 to 2022, is for a low-carbon, climate resilient development pathway. It makes recommendations for an enabling policy and regulatory framework; adaptation analysis and priority actions; mitigation options, considerations for technology requirements, a national performance and benefit measurement (NPBM) system; knowledge management and capacity development; and a climate change financing mechanism.

**Kenya National Adaptation Plan (NAP) 2015-2030.** The Plan has the theme “Enhanced climate resilience towards the attainment of the Kenya Vision 2030 and beyond”. It recognizes that “Kenya’s economy is highly dependent on natural resources therefore recurring droughts, erratic rainfall patterns and floods will continue to negatively impact livelihoods and community assets”. The objectives include: highlighting the importance of adaptation and resilience building actions in development; integrating climate change adaptation into national and county development planning and budgeting processes; enhancing the resilience of Vision 2030 to climate shocks; enhancing synergies between adaptation and mitigation actions in order to attain a low carbon climate resilient economy; and enhancing resilience of vulnerable populations to climate shocks through adaptation and disaster risk reduction (DRR) strategies. The plan also spells out adaptation actions, their costs and other

attributes, sector by sector.

**Kenya Climate-Smart Agriculture Strategy (CSAS) 2017 – 2026.** Kenya’s agriculture is mainly rain fed (98 percent) and highly susceptible to climate change and variability which is likely to jeopardize attainment of the sector contribution to the national economy and the attainment of the Kenya Vision 2030 targets. This strategy aims to guide actions needed to transform and reorient agricultural systems to effectively support development and ensure food security in a changing climate. The goal is to adapt to climate change, build resilience of agricultural systems while minimizing GHG emissions for enhanced food security and improved livelihoods. Specific objectives include: sustainably increase agricultural productivity and incomes; adapting and building resilience to climate change; and reducing and / or removing GHG emissions where possible.

**International protocols in which Kenya is a signatory.** Kenya is a signatory to all the international protocols on climate change, including the UN Framework Convention on Climate Change (UNFCCC), adopted on 5 June, 1992; the Kyoto Protocol: adopted on December 11, 1997 and which entered into force on February 16, 2005; and the Paris Agreement, which is a landmark agreement reached by the Parties to the UNFCCC on December 12, 2015 to combat climate change.

### **Related goals and targets**

This target is related to the following: Target 1.3 on nationally appropriate social protection systems and measures; Target 2.3 on doubling agricultural productivity and incomes of small-scale food producers; Target 2.4 on sustainable food production systems and implement resilient agricultural practices; Target 11.5 on reducing the impact caused by disasters; Target 13.1



Strengthen resilience and adaptive capacity to climate-related hazards and natural disasters in all countries; and Target 6.1 on universal and equitable access to safe and affordable drinking water for all.

### Indicators and targets

Ending drought emergencies by 2022 is the target for the Kenya Vision 2030 / Third MTP. No other targets were identified.

### Comment on adequacy

Kenyan policies adequately address this target. Kenya has the potential to meet this target and in particular for disasters caused by droughts, with the existing policy, legal and institutional framework and capacity reinforced by the existence and determination of the county governments, especially the most affected (ASAL) counties. The results of the planning, preparation and response to emergencies by both levels of government have been encouraging in the last five years. Significant infrastructure developments are taking shape. These include road networks, dams, irrigation schemes, schools and hospitals. Social protection and assistance schemes have also been catered for. If this is sustained and enhanced there is a high likelihood of meeting this target. However, while this appears to be the case for drought-related emergencies, policies, plans and response to emergencies caused by floods and other disasters remain weak. More effort needs to go into establishing appropriate frameworks and capacities for the latter.

**Target 1.a** Ensure significant mobilization of resources from a variety of sources, including through enhanced development cooperation, in order to provide adequate and predictable means for developing countries to implement programmes and policies to end poverty in all its dimensions.

**Indicator 1.a.1** Proportion of resources allocated by the government directly to poverty reduction programmes

**Indicator 1.a.2** Proportion of total government spending on essential services (education, health and social protection)

**Target 1.b** Create sound policy frameworks at the national, regional and international levels, based on pro-poor and gender-sensitive development strategies, to support accelerated investment in poverty eradication actions

**Indicator 1.b.1** Proportion of government recurrent and capital spending to sectors that disproportionately benefit women, the poor and vulnerable groups

Targets 1.a and 1.b are related. Target 1.a focuses on mobilization of adequate resources from all sources for poverty alleviation as measured by the proportion of resources allocated to poverty reduction programs and spending on essential services (health, education and social protection) while Target 1.b focuses on pro-poor and gender-sensitive policies for poverty eradication.

## Relevant policies

Kenyan policies that support the achievement of these targets emanate from the Constitution 2010, Kenya Vision 2030, and the various affirmative programmes focused on women, the youth, persons living with disability, vulnerable groups and the marginalized.

**Constitution 2010.** Chapter 4 Part 2 – Rights and Fundamental Freedoms, Article 43 provides for economic and social rights, which are considered fundamental rights. They include right to access to adequate housing, reasonable standards of sanitation, adequate food of acceptable quality, clean and safe water in adequate quantities; the highest attainable standard of health, education, and social security. This Article provides for the “State to provide appropriate social security to persons who are unable to support themselves and their dependants.” Article 21 provides for the progressive realisation of social and economic rights.

Article 204 on Equalisation Fund provides that 0.5 percent of revenue collected by the national government calculated from the most recent audited accounts be set aside to provide basic services including water, roads, health facilities, and electricity to marginalized areas to the extent necessary to bring the quality of those services in those areas to the level generally enjoyed by the rest of the nation, so far as possible. The period is 20 years from effective date but may be extended by Parliament for a further fixed term. This calls for the government to formulate policy, plan, and set aside resources and implement programs to end poverty in all its dimensions.

**The Kenya Vision 2030/Third MTP/Big 4.** Vision 2030 aims to “create a socially just and equitable society without extreme poverty”. The ultimate objective is to improve the livelihoods of the poor.

In the Third MTP/ Big 4, more resources and

investments planned under the Big 4 Agenda, which are geared towards poverty eradication and are pro-poor. A number of development partners have already committed to supporting Kenya to achieve the Big 4 agenda. The private sector is also expected to play a key role and invest in the same. Manufacturing is expected to support the growth of employment by lifting many people out of poverty. Improving food and nutrition security will lead to increase in productivity, jobs, and reduced food poverty. Creation of 500,000 affordable housing will not only afford that number of families decent housing but will also create jobs in manufacturing of building materials and have a multiplier effect in the development of low-cost housing. Universal health coverage (UHC) will cushion families from health related economic shocks, while ensuring access to health services leading to better health outcomes, productivity and better livelihoods.

**Affirmative action programmes.** These include Women Enterprise Fund for financing women owned enterprises; Youth Enterprise Development Fund, which finances youth enterprises, trains the youth and offers job placements abroad. Uwezo Fund, which finances enterprises owned by women, the youth and persons living with disabilities; and access to government procurement opportunity (AGPO), which reserves 30 percent public procurement opportunity to women, youth and persons living with disabilities-owned enterprises also fall under the affirmative action programmes. There is also the World Bank-funded Kenya Youth Employment and Opportunity Project (KYEOP) that targets youth between the ages of 18 to 29 years with training, work experience, jobs and labour market information. Disability mainstreaming ensures inclusion and empowerment of persons living with disability with various support programmes.

## Related goals and targets

These targets relate to Target 2.a on increasing investment in rural infrastructure, agricultural research and extension services, technology development and plant and livestock gene banks in order to enhance agricultural productive capacity in developing countries. They also relate to Target 3.c on substantially increasing health financing and skilled workforce; Target 4.c on increasing the supply of qualified teachers; Target 7.a on facilitating access to clean energy research and technology. Other related targets are 17.1 on strengthening domestic resource mobilization to improve domestic capacity for tax and other revenue collection; Target 10.1 to 10.4 on equality; Targets 11.1 and 11.2 on access to basic services, and Target 11.3 on inclusive and sustainable cities. Goal 17 on strengthening the means of implementation is also related to these targets.

## Indicators and targets

According to KNBS data on indicators is available for Target 1.a but not for Target 1.b. For country targets, see those discussed in relation to Targets 1.1 and 1.2.

## Comment on adequacy

Policy frameworks do not adequately address this target. However, the government's Big 4 Agenda, which is pro-poor is likely to attract a significant increase in funding from the government and also targeted support from development partners some of whom have already committed their support. The existence of devolved governments is a major factor that will ensure increased resources for pro-poor programmes to even the hitherto marginalized areas. However, the reduced overseas development assistance (ODA) due to the country status as a lower middle income economy in addition to the generally reduced global ODA flows to developing coun-

tries impact adversely on pro-poor programme funding.

Both levels of government are obligated and appear to implement policies and programmes that are pro-poor. However, while there are targets under the Kenya Vision 2030, on reducing poverty level to 3.9 percent consistent to those of newly-industrialized states of South East Asia, and the Constitution 2010, which obligates the State to provide basic services, there are no targets in the MTPs or other newer policies set for poverty reduction levels or the proportion of resources that needs to be allocated. Poverty or welfare monitoring is inadequate with the last KIHBS in 2015/16 coming 10 years after the last one in 2005/6.

The policy framework needs to be improved with clear targets in the MTPs and CIDPs and proper monitoring framework be put in place, including ensuring undertaking of the KIHBS every five years. This will allow both levels of government to be judged on their ability to reduce poverty levels and improve the livelihoods of their citizens.





If done right, agriculture and forestry can provide nutritious food for all and generate decent incomes, while supporting people-centred rural development and protecting the environment.



## END HUNGER, ACHIEVE FOOD SECURITY AND IMPROVED NUTRITION AND PROMOTE SUSTAINABLE AGRICULTURE

### Goal 2. End hunger, achieve food security and improved nutrition and promote sustainable agriculture

Agriculture is the single largest employer in the world, providing livelihoods for 40 per cent of today's global population. It is the largest source of income and jobs for poor rural households. Five hundred million small farms worldwide, most still rain-fed, provide up to 80 per cent of food consumed in a large part of the developing world. However, many rural women and men can no longer make ends meet on their land, forcing them to migrate to cities in search of opportunities.

Extreme hunger and malnutrition remain a huge barrier to development in many countries. Globally, 795 million people are estimated to be chronically undernourished as of 2014, often as a direct consequence of environmental degradation, drought, and loss of biodiversity. Over 90 million children under the age of five are dangerously underweight. Poor nutrition causes nearly half (45 per cent) of deaths in children under five – 3.1 million children each year. And one person in every four still goes hungry in Africa.

If done right, agriculture, forestry, and fisheries can provide nutritious food for all and generate decent incomes, while supporting people-centred rural development and protecting the environment. The SDGs aim to end all forms of hunger and malnutrition by 2030, making sure that all people, especially children, have access to sufficient and nutritious food all year round. This involves promoting sustainable agricultural

practices by supporting small scale farmers and allowing equal access to land, technology and markets<sup>10</sup>.

In Kenya 32.0 percent of the population were living below the food poverty line in 2015/16, a 12.4 percent reduction from 44.4 percent 10 years earlier in 2005/6. This is the proportion of people that is unable to meet the minimum basic food consumption needs<sup>11</sup>. The country still faces health challenges, especially concerning children, for whom under-nutrition is the single greatest contributor to child mortality<sup>11</sup>. The proportion of children who were stunted, wasted and undernourished were 26 percent, 4 percent and 11 percent respectively in 2014<sup>12</sup>.

**Target 2.1** By 2030, end hunger and ensure access by all people, in particular the poor and people in vulnerable situations, including infants, to safe, nutritious and sufficient food all year round

**Indicator 2.1.1** Prevalence of under-nourishment

**Indicator 2.1.2** Prevalence of moderate or severe food insecurity in the population, based on the Food Insecurity Experience Scale (FIES)

**Target 2.2** By 2030, end all forms of malnutrition, including achieving, by 2025, the internationally agreed targets on stunting and

9 - <https://www.un.org/sustainabledevelopment/hunger/> and <http://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-2-zero-hunger.html>

10 - KNBS KIHBS 2015/16

11 - Kenya Health Policy 2014-2030

12 - KNBS KDHS 2014

wasting in children under 5 years of age, and address the nutritional needs of adolescent girls, pregnant and lactating women and older persons

**Indicator 2.2.1** Prevalence of stunting (height for age  $<-2$  standard deviation from the median of the World Health Organization (WHO) Child Growth Standards) among children under 5 years of age

**Indicator 2.2.2** Prevalence of malnutrition (weight for height  $>+2$  or  $<-2$  standard deviation from the median of the WHO Child Growth Standards) among children under 5 years of age, by type (wasting and overweight)

The two targets on ending hunger and malnutrition are discussed together. According to KIHBS 2015/16, 32 percent of the population was living below the food poverty line in 2016. This is the proportion of people that is unable to meet the minimum basic food consumption needs<sup>13</sup>. According to KDHS 2014, the proportion of households in Kenya that reported not having enough food or money to buy food in the seven days preceding the survey in 2014 was 31 percent. The proportion of children stunted, wasted and undernourished was 26 percent, 4 percent and 11 percent respectively in 2014. According to the Health Sector Policy 2014 to 2030, the country faces health challenges, especially concerning children, for whom under-nutrition is the single greatest contributor to child mortality.

According to the National Food and Nutrition Security Policy 2011, 10 million people suffered from chronic food insecurity and poor nutrition, and between two to four million people required

emergency food assistance at any given time in 2011.

## Relevant policies

The policies that support the achievement of the two targets emanate from the Constitution 2010, Kenya Vision 2030 / Third MTP / Big 4 Agenda, National Food and Nutrition Security Policy 2011, and the Agricultural Sector Development Strategy (ASDS 2009 – 2020). The proposed Food Security Bill 2014, when enacted, will also contribute to the achievement of these targets.

**Constitution 2010.** Chapter 4, Part 2 – Rights and Fundamental Freedoms: Economic and social rights – provides for freedom from hunger as a fundamental right for all Kenyans. Article 43(1) (c) states, “every person has the right to be free from hunger, and to have adequate food of acceptable quality” and Article 53 provides that “every child has the right to basic nutrition”. The Article further obligates the State to provide appropriate social security to persons who are unable to support themselves and their dependants.

**Vision 2030 / MTP III / Big 4 Agenda / EDE.** The Kenya Vision 2030 aims to “create a socially just and equitable society without extreme poverty.” These, according to national definitions of poverty (KIHBS 2015/6), includes food poverty. Under the Third MTP and the government’s Big 4 Agenda; in terms of food and nutrition security, the government targets to ensure that all citizens enjoy food security and proper nutrition by 2022, that is, 100% food and nutrition security. It will focus on three broad areas: enhancing large-scale production; boosting smallholder productivity; reducing post-harvest losses; and reducing the cost of food. Under ending drought emergencies (EDE), which is one of the foundations of Kenya Vision 2030 in the Third MTP, the government has made a commitment to end the worst of the suffering caused by drought by 2022

<sup>13</sup> - KNBS KIHBS 2015/16



in the drought affected ASAL counties. (See Ending Drought Emergencies discussed under SDG 1).

**National Food and Nutrition Security Policy (FNSP).** The policy states that all Kenyans, throughout their life-cycle enjoy at all times safe food in sufficient quantity and quality to satisfy their nutritional needs for optimal health. The broad objectives of the FNSP are to: achieve good nutrition for optimum health of all Kenyans; increase the quantity and quality of food available; accessible and affordable to all Kenyans at all times; protect vulnerable populations using innovative and cost-effective safety nets linked to long-term development. The FNSP addresses associated issues of chronic, poverty-based food insecurity and malnutrition, as well as the perpetuity of acute food insecurity and malnutrition associated with frequent and recurring emergencies and disasters.

**Food Security Bill 2014:** The proposed Bill is aimed at giving effect to Article 43 (1) (c) of the Constitution on the freedom from hunger and the right to adequate food of acceptable quality; Article 53 (1) (c) on the right of every child to basic nutrition and Article 21 on the implementation of rights and fundamental freedoms under the Constitution. Provisions include: right to food, responsibilities of national and county governments; responsibility of the Cabinet Secretary in charge of health on pregnant and lactating mothers; infants, orphaned and vulnerable infants to food; institutional framework including the establishment of a Food Security Authority and county food security committees; food insecurity and information mapping systems; powers of the President in situations of food emergencies; and financial provisions.

**Agricultural Sector Development Strategy (ASDS 2009 – 2020).** The agricultural sector vision under this strategy is, “A food secure and prosperous nation”. Policy targets include re-

duce food insecurity by 30 percent by 2020.

## Related goals and targets

The two targets:

- Are reinforced by all the targets in Goal 1; and the rest of targets in Goal 2;
- Reinforces Targets 3.1 and 3.2 on maternal and child health and to some extent Target 3.3 on communicable diseases.
- Reinforced by Goal 5.1 on ending discrimination against women and targets 5.a, b, and c on access by women to technology, reforms to give women access to economic resources and strengthening policy for gender equality respectively;
- Reinforced by Target 6.4 on ensuring sustainable supply of freshwater to address water scarcity and substantially reduce the number of people suffering from water scarcity.
- Related to most targets in Goal 8 – employment and economic growth, especially, Targets 8.1 and 8.2 on economic growth and productivity; and targets 8.3, 8.5 and 8.6 on creation of decent jobs, full and productive employment for all, including the youth.
- Related to most targets in Goal 9 especially Target 9.1 on sustainable and resilient infrastructure, Target 9.2 on industrialization, and Target 9.3 on increasing financial access to small scale industries.

## Policy indicators and targets

According to KNBS data on indicators is available for both targets. Country policy targets include the following:

- Food and Nutrition Security Policy of 2011 and the Third MTP (Big 4 Agenda) targets 100 percent food and nutrition security by 2022.



- Third MTP and the government's Big 4 Agenda targets placing an additional 700,000 acres under irrigation through public-private partnership (PPP) and leasing idle land owned by the government to grow maize, potato, rice and animal feeds; and establishing 1000 SMEs focused on food processing to improve value addition, access to credit and commercialized feedlots; and reducing post-harvest losses from 20 to 15 percent
- Health Sector Policy 2014 – 2030 and the Third MTP target to reduce the prevalence of undernourished children (stunting) from 26 percent in 2014 to less than 5 percent by 2030 which is consistent with Target 2.2 and Indicator 2.2.1

### Comment on adequacy

The policy framework adequately addresses the achievement of the two targets. This includes provisions in the Constitution 2010, the Third MTP / Big 4 Agenda, and the Food and Nutrition Security Policy of 2011.

The target of achieving 100 percent food and nutrition security by 2022 is an ambiguous one especially taking into consideration the proportion of the population living below food poverty line of 32 percent. The historical under performance of the agricultural sector and the consistent lack of focus on food productivity and sufficiency at household level makes it a stretch target that will be challenging to achieve. However, a number of initiatives are in place to support the achievement of these targets. These include the establishment of a common programme framework, the existence of devolved governments with those most affected in ASAL areas collaborating closely with the national government and development partners on this issue. This is in addition to the establishment of the National Drought Management Authority.

<sup>14</sup> - Economic Survey 2017

<sup>15</sup> - Economic Survey 2018

<sup>16</sup> - Kenya Vision 2030

**Target 2.3** By 2030, double the agricultural productivity and incomes of small-scale food producers, in particular women, indigenous peoples, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment

**Indicator 2.3.1** Volume of production per labour unit by classes of farming/pastoral/forestry enterprise size

**Indicator 2.3.2** Average income of small-scale food producers, by sex and indigenous status

Agriculture and livestock are one of the seven priority sectors with the potential to raise the GDP growth rate to the Kenya Vision 2030's target of 10%. During the First and Second MTP period the agricultural GDP growth rate averaged 5.2 percent and 5.1 percent respectively against a target of 7 percent. Crops and livestock production contributed on average 27.3 percent of the GDP, rising steadily from 24.2 percent in 2012 to 30.9 percent in 2016, making it the dominant sector<sup>14</sup>. However, the sector growth declined in 2017 to 1.6 percent compared to 5.1 percent in 2016<sup>15</sup>. More than one third of Kenya's agricultural produce is exported, and this accounts for 65 percent of total exports. The sector accounts for 18 percent of total formal employment, employs majority of people in the rural areas and provides 75 percent of total industrial raw materials. Livestock in ASAL accounts for 90 percent of employment and 95 percent of family incomes. It also accounts for 40 percent of agricultural GDP<sup>16</sup>.

Challenges in the sector have revolved around overdependence on rain-fed agriculture, low productivity, high costs of inputs, limited application of modern technology, land use, declining soil fertility and poor infrastructure<sup>17</sup>. During the Second MTP period, the performance of the sector was seriously affected by impacts of climate change with frequent and severe droughts and floods resulting in devastating consequences<sup>18</sup> on the sector and society as a whole. The sector has huge potential especially with irrigation, including the ASAL areas<sup>19</sup> but only 1% of the medium to high potential areas are irrigated.

The target relates to policies and programmes that support agricultural productivity and incomes of small holder farmers; and secure equal access to resources including land, inputs, financial services, markets and opportunities.

### Relevant policies

Kenya's documents supporting the achievement of this target include the Constitution 2010, Kenya Vision 2030 / Third MTP / Big 4 Agenda / EDE, Agricultural Sector Development Strategy 2009-2020, and the Fisheries Management and Development Act No 35 (2016).

**Constitution 2010:** Chapter 4 Part 2 – Rights and Fundamental Freedoms, specifically Article 43 provides for economic and social rights, including food in adequate quantities. Article 21 provides for the progressive realization of the rights. The right to food for all Kenyans implies increased agricultural productivity. Also, having the agricultural sector as a key contributor to the Kenyan economy, its productivity is key to the realization of the rights under the Bill of Rights.

### Vision 2030 / MTP III / Big 4 / EDE.

Flagship projects are geared towards increasing the productivity of the agricultural sector. These include fertilizer cost reduction and the development of Livestock Disease Free Zones

(LDFZs). Fertilizer cost reduction would reduce the cost of this critical input especially for small scale farmers and would be achieved through subsidizing the community; exploring local manufacturing and involving additional private sector players in blending and distribution. Plans for LDFZs in the MTP III period include finalizing the first one at Bachuma and starting two others and collaborating with the counties and the private sector to enforce livestock standards.

Other planned strategies in the MTP III period include: putting additional 700,000 acres of land under irrigation to grow maize, potato, cotton, and aquaculture and feeds production; increasing rice production from the current 150,000 MT to 220,000 MT through expansion of Mwea Irrigation Scheme thereby increasing production and incomes of small scale farmers and reducing the gap between rice produced in the country and consumption which is currently at 540,000 MT.

This will save the country foreign exchange. The government also plans to reduce post-harvest losses from 20% to 15% through incentives for post-harvest technologies and investments. Other initiatives on crops include agriculture input access; facilitating access to planting material for drought-tolerant crops for enhanced adaptation to climate change especially in ASAL areas; increasing access to quality Irish potato seeds; and involvement of the youth in modern agriculture programmes.

Initiatives targeted at livestock include increasing access to artificial insemination semen doses, expanding access to livestock insurance, increasing access to livestock feed in ASAL areas, and small scale irrigation projects. There are also plans to increase dairy commercialization, and honey production through the establishment of bee bulking sites. Other initiatives include waiving duty on feeds and establishing commercialized feedlots for livestock, fish, poultry and

<sup>17</sup> - Vision 2030/MTP I/MTP II

<sup>18</sup> - MTP III Sector Plan

<sup>19</sup> - Vision 2030

piggery to improve productivity and ensuring traceability and access to export markets under the government's Big 4 Agenda on food and nutrition security.

Other important initiatives to drive smallholder productivity is the establishment of 1,000 SMEs focused on food processing to improve value addition; improving access to credit and inputs to farmers; and various initiatives focused on improving marketing of the produce.

On fisheries, the new focus on the blue economy has potential to improve the productivity and incomes of fishers and small scale aquaculture farmers. Some of the important initiatives in the MTP III period include: development of fisheries infrastructure; aquaculture development that includes youth aquaculture program and fish breeding; strengthening marine fisheries and aquaculture-based livelihoods for coastal communities; fish stocks enhancement in inland water bodies – rivers, lakes and dams; diversification of fish export markets; and promotion of aquaculture cluster enterprises.

On irrigation, which is a major factor in increasing food production, the irrigation capacity and coverage will be expanded significantly with the proposed construction of the proposed 12 big dams and water reservoirs. The dams are: Thiba, Thwake, Lowaat, Thuchi, Radat, Gogo, Rwabura Dam, Thiririka, Galana, Sio Sango, Kocholia, and High grandfalls. Construction of 1,500 water pans and small dams in ASAL regions and the promotion of irrigation technologies including green houses in water scarce areas is also proposed.

EDE is one of the foundations in the Third MTP and articulates the government's commitment (under the auspices of IGAD) to end the worst suffering caused by drought by 2022. The plan is to accelerate investments under the Common Programme Framework (CPF) in the five pillars directly supporting small holder productivity in

the ASAL areas. These pillars include security; infrastructure (including road network, large dams for irrigation, human consumption and livestock); health and education; livestock export processing zones; and the operationalization of the National Drought Emergency Fund (NDEF).

**Agricultural Sector Development Strategy 2009-2020.** The strategy recognizes the agricultural sector as the backbone of Kenya's economy and the means of livelihood for most of the rural population, and therefore inevitably the key to food security and reduction of poverty. The sector vision is "A Food Secure and Prosperous Nation." The overall goal is to achieve an average growth rate of 7 percent. The mission for the sector is "An Innovative, Commercially-oriented and Modern Agriculture" whose two strategic thrusts are: 1. Increasing productivity, commercialization and competitiveness of the agricultural commodities and enterprises and; 2. developing and managing key factors of production. The strategic thrust of increasing productivity, commercialization and competitiveness of the agricultural commodities is expected to enable the sector export more of its output and thereby earn the country foreign exchange and create employment.

**Fisheries Management and Development Act No 35 (2016).** This policy provides for the conservation, management and development of fisheries and other aquatic resources to enhance the livelihood of communities dependent on fishing and to establish the Kenya Fisheries Services. The objective is to uplift the living standards of the fishing communities and to introduce fishing to traditionally non-fishing communities. Overall it aims to enhance food security. The principles include allocation and access to fisheries resources in a manner that achieves optimum utilization, equitable distribution and long-term sustainable development of fisheries resources to achieve economic growth, human resource de-

velopment, employment creation, a sound ecological balance and generational equity.

Other policies are those on equality and equity, including gender equality, marginalized and vulnerable groups; and access to land and other economic resources.

### Related goals and targets

The target reinforces Targets 1.1 and 1.2 on ending poverty and Target 1.5 on building the resilience of the poor and vulnerable. Over 75 percent of the Kenyan population is rural and agriculture is the main economic activity. Increasing productivity will directly reduce poverty and lead to lowering the proportion of the population below the poverty line<sup>20</sup>. It also reinforces targets 2.1 and 2.2 on food and nutrition security and Goal 8 on employment and economic growth. It is reinforced by Target 6.4 on availability of water for irrigation, Target 9.1 on sustainable and resilient infrastructure and Target 9.2 on industrialization. It is related to targets 10.1 to 10.3 on higher rate of income growth for the bottom 40 percent of the population, social economic and political inclusion of all, and equal opportunity and reduced inequalities responsively. Doubling agricultural and livestock production as required by this target may conflict with targets under Goals 13 on climate change, 14 on life below water and 15 on life on land as it may result in higher GHG emissions, and pollution of water bodies through higher use of fertilizers and chemicals and unsustainable use of land use.

### Indicators and targets

According to KNBS data on indicators for this target is not available. Country policy targets include targets under the Third MTP and the ASDS. Targets under the Third MTP for the next five years include:

- Access to 300,000MT of subsidized

fertilizer annually

- Additional 700,000 acres under irrigation to grow maize, potato, cotton, aquaculture and feeds production
- Increase production of rice from current 150,000MT to 220,000MT by 2022
- Reduce post-harvest losses from 20% to 15%
- Bulk and distribution of 672MT of drought tolerant crop seeds
- Development of the first livestock disease free zone
- Production of 1.5 million doses of semen annually; maintenance of 5,000 high quality breeding stock; and complete construction of six tanneries.
- Livestock insurance expanded to cover 500,000 households (2.5TLUs) in 14 ASAL counties.
- Increase availability of fodder in ASAL areas by stocking one million bales of hay and 100MT of pasture seeds.
- Scale up small holder dairy commercialization project to reach 600 groups corresponding to 15,000 small dairy farmers with benefits reaching 100,000 households, 200 milk traders and 200 milk processors/operators.
- Establish of 200 bee bulking sites to increase honey production from the current 25,000MT towards the potential 100,000MT
- The significant irrigation capacity with substantial food production potential to be realized from the proposed 12 big dams and water reservoirs and 1500 water pans and small dams in ASAL regions;
- Establishment of 1,000 SMEs focused on food processing

One target under ASDS is to increase the value of contribution of agriculture to the GDP by more than Ksh80 billion per annum by 2020 and attain a sector GDP growth rate of 7 percent.

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20 - Nilsson

### Comment on adequacy

Target 2.3 has the greatest impact on livelihoods. Achieving this target not only has the greatest potential to achieve food and nutrition security, but also employment, incomes and inputs for agro-industries. However, significant challenges remain for small scale producers, who are the major actors. These include inadequate access to affordable inputs and credit, technology and technical support / extension services, water for irrigation, and the continued fragmentation of agricultural land into small uneconomical and unproductive sizes. The traditional family knowledge of sustainable food security systems seems to have been lost, including the traditional food granaries at household level. The family capacity to grow food and manage their food security situation and support from the government seems to have reduced over time.

Government plans under MTP III on agriculture, livestock and fisheries directly address the challenges of the sector and have the potential to more than double the productivity of small holder farmers, pastoralists and fishers. Great emphasis needs to be put on the planned efforts including expansion of irrigation capacity for small holder farmers; access to inputs; planned dairy and livestock initiatives; and promotion of fisheries. The EDE and CPF through the implementation of the five pillars will provide the foundations that directly support the productivity of small holder crop and livestock farmers in the ASAL regions. The legal and institutional framework and capacity exist and has potential to support the achievement of this target. Devolution with county governments undertaking targeted initiatives is also a major factor in achieving the target.

However, the history of missing targets especially on key agricultural projects (including flagships) need to be arrested. This includes the very slow implementation of disease-free zones to

promote livestock markets and improve the livelihoods of pastoralists. The generally poor agricultural extension services are a major impediment to small holder producers and this need to be improved by the county governments.

**Target 2.4** By 2030, ensure sustainable food production systems and implement resilient agricultural practices that increase productivity and production, that help maintain ecosystems, that strengthen capacity for adaptation to climate change, extreme weather, drought, flooding and other disasters and that progressively improve land and soil quality

**Indicator 2.4.1** Proportion of agricultural area under productive and sustainable agriculture

One of the key challenges in the agricultural sector is decreasing soil productivity and the adverse impact of climate change. This is the main reason given for not meeting the sector targets during the Second MTP period. Therefore, ensuring sustainable food production and implementing resilient agricultural systems that strengthen adaptive capacity is a necessity.

### Relevant policies

Kenya's overall legal and policy framework is very articulate on support for the achievement of this target. This includes the Constitution 2010, Kenya Vision 2030 and the Third MTP, Climate Smart Agricultural Strategy, Agriculture Sector Development Strategy 2009 – 2020, Crops Act No 16 of 2013, and Fisheries Management and Development Act No 35 of 2016.

**The Constitution** 2010. The Constitution is very strong on sustainable development and sustain-



able use of resources. That includes ensuring sustainable agricultural practices. National values and principles of governance under Article 10 include sustainable development. Principles of land policy in Article 60 states that “land in Kenya shall be held, used and managed in a manner that is equitable, efficient, productive and sustainable, and in accordance with...sustainable and productive management of land resources.”

**Vision 2030 / MTP III.** The Kenya Vision 2030 recognizes that the economy is heavily dependent on climate sensitive sectors, agriculture being one of them. The vision for the environment is “a nation living in a clean, secure and sustainable environment” inspired by the principle of sustainable development. Strategic thrusts include conservation and environmental planning and governance. Strengthening soil and water conservation is a national priority.

A nationwide programme on soil and water conservation will be implemented to address loss of soil nutrients through soil erosion, and to conserve the available moisture in the soils for sustainable crop production in the emerging environment of climate change. Specifically, in every sub-county, 400 farms will be conserved in a catchment, complete with on-farm water harvesting structures.

**Climate Smart Agricultural Strategy.** The agricultural sector, according to the strategy, will build the capacity of Stakeholders on improved Climate Smart Agriculture (CSA) technologies and practices; and promote integrated soil and water management. Techniques for effective and efficient agricultural water use, including rain water harvesting, on-farm water harvesting and waste water management will be promoted. The sector will mainstream sustainable natural resource management to reduce emissions as a co-benefit through promotion of agro forestry. In addition, techniques and innovations that either use fuel efficiently or green energy along agricul-

tural value chains will be promoted.

**Agriculture Sector Development Strategy (ASDS) 2009 – 2020.** The ASDS lays great emphasis on sustainable agriculture practices. It states, “The sub-sector will ensure dynamic equilibrium of agricultural land through sustainable land use practices and environmental conservation. In terms of land development, the sub-sector will develop...soil and water conservation programmes...and protect forests and river banks”. Through this intervention strategy, the sub-sector will enhance sustainable land management through promotion of the development and adoption of soil and water conservation measures, agro forestry, river bank protection, and water harvesting technologies.

One of the six thematic working groups (TWGs) established under this strategy is the ‘Sustainable Land and Natural Resources Management’. The strategy is fully compatible with the the four pillars of the Comprehensive African Agricultural Development Programme (CAADP) one of which is, “Extending the area under sustainable land management and reliable water control systems”.

**Crops Act No 16 of 2013.** The Act provides, under Article 4, that “land owners and lessees of agricultural land, being stewards, have the obligation to cultivate the lands they own or lease and make the land economically productive on a sustainable and environmentally friendly manner”.

**Fisheries Management and Development Act No 35 of 2016.** This Act provides for the conservation, management and development of fisheries and other aquatic resources to enhance the livelihood of communities dependent on fishing and to establish the

Kenya Fisheries Services. The objective is to protect, manage, use and develop the aquatic resources in a manner which is consistent with ecologically sustainable development, to uplift the living standards of the fishing communities and to introduce fishing to traditionally non-fishing communities and to enhance food security. Principles include long-term sustainable use, conservation and management of fisheries resources and habitat; and adoption and implementation of management measures in such a manner as to ensure that the fisheries resources and habitat are not overexploited, threatened or endangered. They also include allocation and access to the fisheries resources in a manner that achieves optimum utilization, equitable distribution and long-term sustainable development of fisheries resources to achieve economic growth, human resource development, employment creation, a sound ecological balance and generational equity; conservation and protection of fisheries habitats. All these have to ensure effective application of the ecosystem approach to fisheries management, and that biodiversity and genetic diversity in the marine environment is maintained and enhanced.

### Related targets

These include Target 2.3 – small holder productivity will be adversely impacted by not employing sustainable agricultural practices; Target 14.1 – reducing marine pollution<sup>21</sup>; and Target 14.4 – reducing overfishing.<sup>22</sup>

### Indicators and targets

According to KNBS data on indicators for this target are not available. They are no country targets set for this target.

<sup>21</sup> - Nilsson

<sup>22</sup> - Nilsson

### Comment on adequacy

From the above, sustainable agricultural production is adequately articulated in the Kenyan legal and policy frameworks, including the Constitution 2010 and the Kenya Vision 2030 and its MTPs. However, on the ground, there is a serious lack of emphasis on sustainable agriculture. This may be one of the leading causes of declining soil fertility and agricultural productivity. The continued subdivision of land into unviable sizes is not helping the situation and may be a major factor that impedes on the progress of achieving these targets.

**Target 2.5** By 2020, maintain the genetic diversity of seeds, cultivated plants and farmed and domesticated animals and their related wild species, including through soundly managed and diversified seed and plant banks at the national, regional and international levels, and promote access to and fair and equitable sharing of benefits arising from the utilization of genetic resources and associated traditional knowledge, as internationally agreed

**Indicator 2.5.1** Number of plant and animal genetic resources for food and agriculture secured in either medium or long-term conservation facilities

**Indicator 2.5.2** Proportion of local breeds classified as being at risk, not-at-risk or at unknown level of risk of extinction

### Relevant policies

The Constitution 2010, Kenya Agricultural and Livestock Research Act No 17 of 2013; and the Fisheries Management and Development Act No 35 of 2016 support the achievement of this target.



**Constitution 2010.** The Constitution, under Article 69, obligates the State to protect genetic resources and biological diversity.

**Kenya Agricultural and Livestock Research Act No 17 of 2013:** The institutional infrastructure exists within the Kenya Agricultural and Livestock Research Organization (KALRO), which already maintains gene banks for plant and animal species as provided for under the Act. Objects and functions of the organisation under Article 5 of the Act include to “(a) promote, streamline, co-ordinate and regulate research in crops, livestock, genetic resources and biotechnology in Kenya.

**Fisheries Management and Development Act No 35 of 2016.** Objectives under Article 5 of the Act is “to protect, manage, use and develop the aquatic resources in a manner which is consistent with ecologically sustainable development”. The principles include “long-term sustainable use, conservation and management of fisheries resources and habitat; and adoption and implementation of management measures in such a manner as to ensure that the fisheries resources and habitat are not overexploited, threatened or endangered.” Allocation and access to the fisheries resources in a manner that achieves a sound ecological balance and generational equity is also one of the objectives. Other objectives are conservation and protection of fisheries habitats; ensuring the effective application of the ecosystem approach to fisheries management; and ensuring that biodiversity and genetic diversity in the marine environment is maintained and enhanced.”

## Indicators and targets

Data on the first Indicator (2.5.1) are not available according to KNBS. However, the second Indicator (2.5.2) can be available within one to two years with limited effort. Kenyan policy targets are also not available for this Target.

## Comment on adequacy

Kenya does not seem to have an elaborate policy and legal framework for the maintenance of genetic resources which is deemed by this study to be inadequate. KALRO maintains gene banks for both plant and animal species but the effectiveness of this function may be undermined by weak policy and legal frameworks. There is therefore need for specific policy and legal prescriptions on the preservation of genetic diversity to allow for adequate focus and resources in the development of appropriate gene banks and other facilities and the development of requisite human capacity.

**Indicator 2.a** Increase investment, including through enhanced international cooperation, in rural infrastructure, agricultural research and extension services, technology development and plant and livestock gene banks in order to enhance agricultural productive capacity in devel-

**Indicator 2.a.1** The agriculture orientation index for government expenditures

This target focuses on resources and investment for rural infrastructure, agricultural research, technology development, and plant and livestock gene banks, and agricultural extension services. The Kenya Vision 2030 recognizes that limited extension services and application of modern agricultural technologies as some of the key challenges resulting in low productivity in the sector.

### Relevant policies

Kenyan policy documents relating to this target include Kenya Vision 2030, the Agriculture Sector Development Strategy, and the Kenya Agricultural and Livestock Research Act No 17 of 2013

**Kenya Vision 2030:** Key reforms include strengthening agricultural research and development through enhancing human and financial resources and legal and institutional reforms, which include the consolidation of the various laws and research institutions into one (KALRO) with significant implications on the performance and coordination of agricultural research and development (R&D) initiatives in Kenya. The other key reform area is the improved delivery of extension services through increasing the number of extension officers per farm household. Extension services have since been devolved to county governments under the provisions of the Constitution 2010.

**Agriculture Sector Development Strategy (ASDS) 2009 to 2020.** The strategy recommends the establishment of an Agricultural Development Fund (ADF) to finance activities that cannot be commercialized.

**Kenya Agricultural and Livestock Research Act No 17 of 2013.** This Act provides for the establishment and functions of KALRO and for the co-ordination of agricultural research activities in Kenya. The objects and functions of the organisation under article 5 include, to (a) promote, streamline, co-ordinate and regulate research in crops, livestock, genetic resources and biotechnology in Kenya; (b) promote, streamline, co-ordinate and regulate research in crops and animal diseases; and (c) expedite equitable access to research information, resources and technology and promote the application of research findings and technology in the field of agriculture.

Article 38 provides for research funds to be those generated by organizational activities,

from the government and other sources. The Act establishes an Agricultural Research Fund for the purposes of agricultural research with monies from internal and external sources, including the government and development partners. The Fund aims to provide strategic and predictable funding for agricultural research activities of the Organisation.

### Indicators and targets

According to KNBS, the first Indicator (2.a.1) is available while the second Indicator (2.a.1) is best provided by global agencies. On Kenyan policy targets, under Kenya Vision 2030 is to increase resources available for agricultural research from Ksh3.2 billion in 2008 to 2 percent of the Agricultural GDP.

### Comment on adequacy

The policy support for increasing investment for agricultural R&D and extension services is inadequate. Other than what is provided for under Kenya Vision 2030 and the MTPs there is no policy on funding agricultural R&D except the law which provides for the establishment of the research institutions. There is also no indication from any source that what was provided for under Kenya Vision 2030 on increasing resources for agricultural research is being implemented. Currently there is too much reliance on development partners for agricultural R&D and extension services improvement programs.

However, with devolution and with the county governments being in charge of agricultural extension services and to the extent they are responsible for rural infrastructure, these two areas are likely to improve with access to increased devolved resources depending on the respective county priorities.

**Target 2.b** Correct and prevent trade restrictions and distortions in world agricultural markets, including through the parallel elimination of all forms of agricultural export subsidies and all export measures with equivalent effect, in accordance with the mandate of the Doha Development RoundIndicator 2.b.1 Producer Support Estimate

**Indicator 2.b.2** Agricultural export subsidies

This is more relevant to developed countries. Kenya is on the receiving end of this.

**Target 2.c** Adopt measures to ensure the proper functioning of food commodity markets and their derivatives and facilitate timely access to market information, including on food reserves, in order to help limit extreme food price volatility

**Indicator 2.c.1** Indicator of food price anomalies

## Relevant policies

Kenyan policies discussed for this target are outlined in Kenya Vision 2030, the Third MTP / Big 4 Agenda and the ASDS 2009 – 2020.

Kenya Vision 2030. The Vision acknowledges the challenge of markets for agricultural produce and one of the strategic thrusts for the agricultural sector is increasing market access.

The Third MTP / Big 4 Agenda. These two present a number of initiatives to improve the functioning of food commodity markets, market infrastructure and value addition, and market information at national and regional levels. These

include the following:

- A structured commodity exchange and national e-Soko (online marketing) and provide technical support for physical market infrastructure development.
- Livestock marketing infrastructure, standards and promotion of value addition
- Promotion of agricultural market information through an automated Market Information System (MIS) to capture, analyse and widely disseminate real time agricultural market information linked to regional e-Soko
- Regional e-Soko is an e-service that will enable access to latest agriculture market information and services across the Northern Corridor Integration Projects (NCIP) region. Partner states have identified the need to develop and deploy a regional e-Soko as a major component in the information strategy to provide sufficient agricultural information to value chain players to improve agricultural production, processing and marketing across the NCIP region and abroad. The national e-Soko will be integrated to the regional e-Soko.
- The standard market access project aims to strengthen the legal framework and institutional infrastructure for testing and certification of plant and animal-based products to enhance market access and competitiveness of Kenya's animal and plant-based products, through greater adoption of relevant international standards.

Under Food and Nutrition Security of the Big 4 Agenda, the government aims to reduce food prices.

Agriculture Sector Development Strategy (ASDS) 2009 – 2020. According to the Strategy market access is critical to agricultural develop-

ment. One of the strategic interventions in the Strategy is “improvement of agribusiness and market access” with emphasis on collection, collation and dissemination of information on domestic and international markets. The information will be disseminated to producers, exporters and service providers to facilitate the private sector in the development of marketing infrastructure, especially rural market facilities and support and empower farmer organizations to play their role in providing market support services.

### **Indicators and targets**

According to KNBS, data on the Indicator 2.c.1 are available. There are no Kenyan policy targets available for this SDG target.

### **Comment on adequacy**

Kenya policy framework and initiatives in place are adequate to support the achievement of this target.

## **Goal 2 – overall recommendations**

Efforts on increasing food production, and ensuring food and nutrition security should emphasize initiatives that are aimed at supporting small holder farmers and pastoralists. This includes removing impediments and dealing with challenges affecting the entire value chains. The government and other stakeholders should focus on providing adequate access to affordable inputs and credit, technology and technical support / extension services, water for irrigation, and implementing land reforms in ways that support agricultural productivity for small holders. On food and nutrition security, there is need to focus on the family unit/household and ensure proposed initiatives and build the capacity of families to play a central role of planning for, producing and managing their food and nutrition situation. In addition, households should be encouraged to reduce post-harvest losses through proper food storage, management and preservation; while ensuring each member of the family has access to adequate food and proper nutrition.



## ENSURE HEALTHY LIVES AND PROMOTE WELL-BEING FOR ALL AT ALL AGES

### Goal 3. Ensure healthy lives and promote well-being for all at all ages

Globally, the world has made huge strides in reducing child mortality, improving maternal health and fighting HIV/AIDS; malaria and other diseases. Since 1990, there has been an over 50 percent decline in preventable child deaths globally. Maternal mortality also fell by 45 percent worldwide (against the MDGs target of 75 percent). New HIV/AIDS infections fell by 30 percent between 2000 and 2013, and over 6.2 million lives were saved from malaria.

The Sustainable Development Goals make a bold commitment to end the epidemics of AIDS, tuberculosis, malaria and other communicable diseases by 2030. The aim is to achieve universal health coverage, and provide access to safe and affordable medicines and vaccines for all. Supporting research and development for vaccines is an essential part of this process as well<sup>23</sup>.

**Target 3.1.** By 2030, reduce the global maternal mortality ratio to less than 70 per 100,000 live births

**Indicator 3.1.1.** Maternal Mortality Ratio

**Indicator 3.1.2** Proportion of births attended by skilled health personnel

For Kenya, maternal mortality ratio (MMR) declined only 17 percent from 590 per 100,000 live births in 2003 to 362 in 2014<sup>24</sup>

against the MDG target of 147 by 2015. Maternal deaths make up 15 percent of all deaths among women of reproductive age, or 7,300 women dying every year (this translates to 20 women dying per day) from childbirth-related complications. The chance of a woman dying from child birth related complications in Kenya is almost a 100 times greater than that in developed countries (1 in 38 compared to 1 in 3,500). There are also significant regional disparities within the country with the county having the highest MMR being 20 times the lowest<sup>25</sup>.

By 2012, maternal and child health (especially neonatal health) were considered the most lagging MDGs in Kenya. An MDGs acceleration framework was developed with the leadership of the Ministry of Planning with the support of UNDP focusing on maternal and child health. According to the KDHS 2014, the decrease in maternal mortality ratio from 488 per 100,000 live births in 2008/9 to 362 in 2014, considering the confidence interval of 254 - 471, is not statistically significant. The survey concludes that there is no evidence that maternal mortality ratio has declined in recent years in Kenya. However, the other indicators of maternal health improved.

Unmet need for family planning reduced from 26 percent in 2008/9 to 18 percent in 2014 but against a target of 0 percent by 2015; delivery assisted by a skilled provider increased from 44 percent in 2009 to 62 percent in 2014 while deliveries in a health facility increased from 43 percent in 2008/9 to 61 percent in 2014. Health facility births are most common in urban areas at 82 percent. However there are significant regional disparities with Kiambu and Kirinyaga

<sup>23</sup> - <http://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-3-good-health-and-well-being.html>

<sup>24</sup> - KDHS 2014

<sup>25</sup> - *Scaling up Effective Interventions in MNH – an Implementation Plan for the period 2016-2018*

having at 90 percent, compared to Wajir with the lowest rate of facility deliveries at 18 percent. Almost all women (96 percent) aged 15-49 years had at least one antenatal care (ANC) visit attended by a skills provider. However only 60 percent attended the recommended four visits and only 20 percent had their first ANC visit in the first trimester as recommended.

Since 2013, the country has made significant steps in improving maternal health. These include the implementation of the Linda Mama programme where deliveries are free in public hospitals; the Managed Equipment Services (MES) and upgrading of other health facilities in at least two hospitals per county, which brings emergency care closer to the people; and the Beyond Zero Campaign led by the First Lady, which has not only provided resources but also profiled the issue of maternal health nationally.

### Relevant policies

Maternal health is well articulated in the Constitution 2010, the Kenya Vision 2030 and its MTPs; Kenya Health Policy 2014 – 2030, Health Act No 21 of 2017, Linda Mama (free maternity services) Programme, and scaling up effective interventions in maternal and neonatal health (MNH) – an implementation plan for the period 2016-2018.

**Constitution 2010.** All health targets under Goal 3 in Chapter 4 are covered in the Constitution. Article 26 provides that “every person has the right to life”. Article 43 on economic and social rights provides that “every person has the right to the highest attainable standard of health, which includes the right to health care services, including reproductive health care.” Health care is extended to minorities and marginalised groups under article 56, which obligates the State to ensure that minorities and marginalised groups have reasonable access to health services.

**Kenya Vision 2030.** The Vision’s provisions cover

all targets under Goal 3 on health. The Vision projects “Equitable and affordable healthcare at the highest affordable standard”. The focus is to shift from curative to preventive/promotive healthcare services. The overall goal is to “reduce health inequalities and reverse the downward trend in the health-related impact and outcome indicators. Strategic thrusts include revitalizing health infrastructure, strengthening health service delivery, and developing equitable financing mechanisms all of which will contribute significantly to improving maternal health outcomes.

### Third MTP Health Sector Plan / Big 4 Agenda.

The Third MTP lays emphasis on achievement of SDG health targets and the AU Agenda 2063 on health. Under the government’s Big 4 Agenda, universal health coverage by 2022 from the 36 percent in 2018 aims at guaranteeing access to health services to all Kenyans while providing protection against financial risk. The Third MTP also includes plans for infrastructure and equipment upgrade including the continuation of the provision of specialized equipment in 104 county hospitals and in the four national referral hospitals under the managed equipment services (MES). Infrastructure upgrade includes the construction of a 2,000-bed facility at Moi Teaching and Referral Hospital (MTRH). There are also human resource capacity improvement plans.

**Linda Mama program.** This is a government program that offers free maternity services at public hospitals. This includes ante natal, post-natal and newborn health services. It was initiated through a presidential directive on 1<sup>st</sup> June 2013 and aims to encourage women to give birth in hospitals and contribute to improvement of maternal and neonatal health outcomes while improving quality in service delivery. Initially health facilities would provide services and would be reimbursed, but from the final quarter



of 2017 the program is being implemented through NHIF.

**Kenya Health Policy 2014-30.** This policy applies to all targets under Goal 3 on health, and focuses on realization of obligations under the Constitution 2010 and Kenya Vision 2030. The policy goal is “to attain the highest possible standard of health in a responsible manner.” The health sector aims to achieve this goal by supporting equitable, affordable, and high-quality health and related services at the highest attainable standards for all Kenyans.

The sector will be guided by the primary healthcare approach, which remains the most efficient and cost-effective way to organise a health system. This will be realised progressively during the policy period (2014–2030). The policy target is to attain a level of health commensurate with that of a middle income country. The provision of essential health services will be geared towards providing affordable, equitable, accessible and quality healthcare that is responsive to clients’ needs. The priority policy strategies include ensuring access to comprehensive maternal, neonatal, and reproductive health services. **However, the target for MMR is 113 by 2030 which is inconsistent with the SDG target of less than 70.**

**Health Act No 21 of 2017.** The Act aims at implementing constitutional provisions on health care and the government’s policy on free maternity care and covers all targets in Goal 3 on health. Under Article 4, on responsibilities for health, it is a fundamental duty of the State to observe, respect, protect, promote and fulfill the right to the highest attainable standard of health including reproductive health care and emergency medical treatment. Article 5 provides that “every person has the right to the highest attainable standard of health which shall include progressive access for provision of promotive, preventive, curative, palliative

and rehabilitative services.” Article 3 provides that the “national and county governments shall ensure the provision of free and compulsory vaccination for children under five years of age; and maternity care.” Article 6 provides that every person has a right to reproductive health care, which includes: the right of men and women of reproductive age to be informed about, and to have access to, reproductive health services, including to safe, effective, affordable and acceptable family planning services; the right of access to appropriate health-care services that will enable parents to go safely through pregnancy, childbirth, and the postpartum period, and provide parents with the best chance of having a healthy infant; access to treatment by a trained health professional for conditions occurring during pregnancy including abnormal pregnancy conditions, ..., or any medical condition exacerbated by the pregnancy.

**Scaling up Effective Interventions in MNH – an Implementation Plan for the period 2016-2018.** This is a multi-stakeholder initiative that sets aggressive targets for improved MNH outcomes to be achieved by 2018. Its strategic goal is to improve maternal health and reduce neonatal mortality. The overall objective is to reduce MMR to 150/100,000 live births and NMR to 15/1000 live births by 2018.

### **Related goals and targets**

The target is closely related to Target 3.2 on child health. It is also related to Goal 5 – achieve gender equality and empower all women, especially Target 5.6 on sexual and reproductive health rights. It is also related to Goal 2 on ending hunger and achieving food security and in particular Target 2.2 on ending all forms of malnutrition and address the nutritional needs of adolescent girls, pregnant and lactating women.



## Indicators and targets

The data on indicators under this target is available from the KNBS and KDHS surveys. The KHP 2014 – 2030 target for MMR is 113 by 2030, which is inconsistent with the SDG target of less than 70. The Health Sector Plan 2013 – 2017 – target for MMR is 29 in 2030. The Kenya Health Sector Strategic Plan (KHSSP) 2014-2018 target for MMR is 150 in 2018. Scaling up Effective Interventions in MNH – an implementation plan for the period 2016-2018 has aggressive (unrealistic) targets for 2018 that include include MMR of 150 per 100,000 live births, skilled birth attendance of 90 percent; proportion of women attending at least one ANC visit at 99 percent from 95.5 percent in 2014; and 4 visits from 58 percent in 2014 to 90% in 2018; proportion of women attending ANC within the first trimester from 20% to 60 percent.

## Comment on adequacy

The target is adequately covered by the Constitution 2010, Kenya Vision 2030 and its MTP and now the Big 4 Agenda and sectoral policies and legal frameworks. However, Kenya Health Policy 2014 – 2030 MMR target of 113 per 100,000 live births by 2030 is inconsistent with the SDG target of achieving less than 70 by 2030. The health policy targets need to be reviewed to align them with the Health Sector Plan 2013-2017.

The UHC and food and nutrition security under the Big 4 Agenda, the Linda Mama initiative, the Managed Equipment Services, infrastructure upgrades, and county government presence at the grassroots provides the opportunities needed to achieve the SDG target of less than 70 percent.

**Target 3.2.** By 2030, end preventable deaths of newborns and children under 5 years of age, with all countries aiming

to reduce neonatal mortality to at least as low as 12 per 1,000 live births and under-5 mortality to at least as low as 25 per 1,000 live births

**Indicator 3.2.1** Under-five mortality rate

**Indicator 3.2.2** Neonatal mortality rate

There is significant reduction in mortality rates among children. Under five years mortality rate reduced from 115 per 1000 live births in 2003 to 52 in 2008/9 and 52 in 2014. Infant mortality rate reduced from 77 per 1000 live births in 2003 to 52 in 2008/9 and 39 in 2014. Neonatal mortality rate reduced from 33 in 2008/9 to 22 in 2014.

Basic vaccination coverage for children aged 12-23 months improved slightly to 79 percent in 2014 from 77 percent in 2008/9. Nutritional status of children improved slightly between 2008/9 to 2014 with the proportion of those stunted (too short for age or chronic under-nutrition), wasted (too thin for height – acute malnutrition), and underweight reducing from 35 percent to 26 percent, 7 percent to 4 percent and 16 percent to 11 percent respectively.

## Relevant policies

Kenyan policies supporting this target are the same as those for Target 3.1 on maternal health above.

**The Constitution 2010.** In addition to right to life under Article 26 and to the highest attainable standard of health, Article 53 of the Constitution provides for the right of every child to basic nutrition, shelter and health care.

**Health Act No 21 of 2017.** This Act specifically obligates the county and national government to provide free and compulsory immunization of children under five years.

## Related SDGs and targets

The target is closely related to Target 3.1 on maternal health. The wellbeing of the mother has a significant bearing on the wellbeing of the child. It is reinforced by Target 2.2 on ending malnutrition<sup>26</sup>, Target 6.1 on access to clean and safe water, and Target 6.2 on sanitation and hygiene.<sup>27</sup>

## Kenyan indicators and targets

The data on indicators for this target are available from KDHS surveys. The following provides the targets set under the different policy documents.

Under KHSSP the target for Neonatal Mortality Rate (NNMR) is 15 in 2018 while Under five MR is 35 in 2018. The target for the proportion of fully-immunized children is 90 percent in 2018 from 79 percent in 2013, which are fairly ambitious targets but appear unrealistic.

Health Sector for the Third MTP target for Under five MR is 16 in 2030 while Infant Mortality Rate (IMR) is eight. The target for the proportion of fully immunized children under one year is 100%. The targets under scaling up interventions for MNH for NNMR is five in 2018 which is very aggressive and unrealistic.

Targets under the KHP 2014 – 2030 is 13, 20 and 24 for NNMR, IMR, under five MR, respectively by 2030 which are almost fully consistent with the SDG targets. However the KHP uses 2010 estimates as the baseline that may be outdated. There is need therefore to review the Policy in line with baseline data from KDHS 2014 and in line with the current aggressive government health initiatives.

## Comment on adequacy

Relevant policies for this Target are the same as those for Target 3.1.

The KHP 2014 – 2030 targets are almost consistent with SDGs Target 3.2. The policy should be revised to be more aggressive, taking into account the current government initiatives, including the Big 4 Agenda on achieving UHC and food and nutrition security. The mid-term health policies and strategies should also be reviewed as is customary for the health sector. There should be coordination in setting policy targets to ensure that key policy documents have realistic and consistent targets for the mid-term to the long term (2030).

The implementation of UHC, supply side capacity and quality improvement, county government presence at the grassroots, the potential improvements in maternal health outcomes, and the positive trends in children health outcomes in the last 10 years make it possible to achieve this target.

Therefore setting high level targets, maintaining the aggressive drive to reach and maintain high levels of immunization of close to 100 percent may be particularly critical in contributing to the achievement of this target.

**Target 3.3** By 2030, end the epidemics of AIDS, tuberculosis, malaria and neglected tropical diseases and combat hepatitis, water-borne diseases and other communicable diseases

**Indicator 3.3.1** Number of new HIV infections per 1,000 uninfected population, by sex, age and key populations

**Indicator 3.3.3** Malaria incidence per 1,000 population

**Indicator 3.3.4** Hepatitis B incidence per 100,000 population (no target)

**Indicator 3.3.5** Number of people requiring interventions against neglected tropical diseases

<sup>26</sup> - Nilsson

<sup>27</sup> - Nilsson

## Relevant policies

Kenya's legal and policy documents that support the achievement of this target include the Constitution 2010, Kenya Health Policy 2014 – 2030, Kenya Health Act No 21 of 2017, KHSSPs, and the second Kenya National Strategic Plan for the Control of Neglected Tropical Diseases (NTDs).

**Constitution 2010.** This refers to Chapter 4 Article 26 on right to life, and Article 43 on economic and social rights which include the right to the highest attainable standard of health.

MTP III Health sector plan. Kenya has a commitment to fast track the ending of AIDS as a public health threat by 2030.

**Health Act No 21 of 2017.** The Act implements constitutional provisions and government policy on free maternal health services and also free and compulsory immunization of children under 5 years.

**KHP 2014-2030.** Policy objectives 1 is to eliminate communicable conditions with the aim of reducing the burden of communicable diseases and reduction of disease to a level that is not of major public health concern. Current efforts to tackle malaria, TB, and HIV are expected to bear fruit in the short and medium term.

**KHSSP 2014 – 2018.** The policy's objective is to eliminate communicable conditions with interventions targeting HIV, malaria, immunization, water-borne diseases, etc. It is expected that the KHSSP for the next five years will continue focusing on this area with aggressive targets consistent with government initiatives focused on health.

**Second Kenya National Strategic Plan for the Control of NTDs.** This is aimed for effective control and in some cases elimination of some of the NTDs by 2020.

## Related SDGs and targets

This target is reinforced by Target 6.1 on access

to safe water and Target 6.2 on sanitation and hygiene. The target is related to Targets 1.1 and 1.2 on ending poverty, and on Target 1.5 on building the resilience of the poor<sup>28</sup>. It is reinforced by Target 2.2 on ending malnutrition.

## Indicators and targets

The data on indicators for this target are available according to KNBS. Kenya policy targets include:

Third MTP Health Sector Plan's whose targets include reducing malaria prevalence to 5 percent from 8 percent in 2017; TB incidence from 26.6 in 2017 to less than 10 by 2030; and HIV prevalence to less than 0.5 percent from 5.6 percent in 2017;

KHP 2014 – 2030, whose targets include reducing annual deaths due to communicable conditions (per 1000 persons) by 62 percent from 6.8 (2010) to 2.6 in 2030.

Second Kenya National Strategic Plan for Control of the Neglected Tropical Diseases (NTDs) 2016-2020 that aims to eliminate NTDs by 2020.

## Comment on adequacy

The provisions of the Kenyan policies and aggressive government initiatives focused on health adequately addresses the achievement of this target.

- i) There is need to minimize disruption in health service delivery resulting from labour disputes while building specialist human resource capacity to handle the new capabilities established especially in county hospitals.
- ii) The effective implementation of the community health strategy to increasingly have communities take charge of their health can contribute immensely to health outcomes expected under this target.

**Target 3.4** By 2030, reduce by one third premature mortality from non-communicable diseases through prevention and treatment and promote mental health and well-being

<sup>28</sup> Nilsson

**Indicator 3.4.1** Mortality rate attributed to cardiovascular disease, cancer, diabetes or chronic respiratory disease

**Indicator 3.4.2** Suicide mortality rate

According to the Kenya Health Policy (KHP) 2014 – 2030, non-communicable conditions (NCDs), which include cardiovascular diseases, cancers, respiratory diseases, digestive diseases, psychiatric conditions, and congenital anomalies, represent an increasingly significant burden of ill health and death in the country. These represented 50–70 per cent of all hospital admissions during the previous policy period and up to half of all inpatient mortality. Even though communicable diseases will remain significant, the re-emerging trends point to the fact that non-communicable diseases will increasingly, in the foreseeable future, be the leading contributors to the high burden of disease in the country. This implies that future healthy policy frameworks will address the high disease burden arising from these conditions.

Mental health is defined by WHO as “a state of well-being whereby individuals recognize and realize their abilities, are able to cope with the normal stresses of life, work productively and fruitfully, and make a contribution to their communities.” Positive mental health includes emotion, cognition, and social functioning and coherence. Mental health is a key determinant of overall health and socio-economic development. Currently, there is inadequate data and information on the prevalence of mental health, neurological, and substance use (MNS) in Kenya. However, it is estimated that up to 25% of outpatients and up to 40% of in-patients in health facilities suffer from mental conditions according to KNCHR (2011). The most frequent diagnosis of mental illnesses made in general hospital settings are depression, substance

abuse, stress and anxiety disorders<sup>29</sup>.

## Relevant policies

The policies that contribute to the achievement of this target are the same as those discussed above for Targets 3.1 – 3.3 and include the Constitution 2010, the KHP 2014 – 2030, and the Health Act No 21 of 2017. There is also the Kenya Mental Health Policy 2015 – 2030. International protocols include the Convention on the Rights of Persons with Disabilities.

**KHP 2014-2030.** Policy objective 2 specifically addresses this target and states “Halt and reverse the rising burden of non-communicable conditions and mental disorders”. This will be achieved through implementing strategies to address all of the identified non-communicable conditions and mental disorders in the country. The policy seeks to ensure a significant reduction in the general ill health in the Kenyan population by achieving reductions in deaths due to non-communicable conditions... to below levels of public health importance.”

**Kenya Mental Health Policy 2015 – 2030** has the theme “Towards Attaining the Highest Standard of Mental Health” in line with Constitution 2010 and the Kenya Vision 2030. It provides for a framework on interventions for securing mental health systems reforms in Kenya. The vision of the Policy is “A Nation where mental health is valued and promoted; mental disorders prevented and persons affected by mental disorders are treated without stigmatization and discrimination”. Objectives include: to strengthen effective leadership and governance for mental health; ensure access to comprehensive, integrated and high quality, promotive, preventive, curative and rehabilitative mental health care services at all levels of healthcare; implement strategies for promotion of mental health, prevention of mental disorders and substance use disorders; and to strengthen mental health systems.

<sup>29</sup> - Kenya Mental Health Policy 2015 – 2030

The Convention on the Rights of Persons with Disabilities, which is binding on State Parties that have ratified or acceded to it, protects and promotes the rights of all persons with disabilities, including persons with mental and intellectual impairments. The Convention and its Optional Protocol was adopted on 13th December, 2006 at the United Nations Headquarters in New York and entered into force on 3rd May, 2008.

### Related SDGs and targets

The target is reinforced by Goal 11 – make cities and human settlements inclusive, safe, resilient and sustainable. It is also reinforced by Target 7.1 ensure universal access to affordable, reliable and modern energy services through reduction in indoor and outdoor air pollution (WHO 2016)<sup>30</sup>. It is related to Target 2.2 on ending malnutrition as this is a risk factor driving up the burden of disease.

### Indicators and targets

According to KNBS, the data on the first Indicator 3.4.1 on mortality related to NCDs is available. The data on the second Indicator 3.4.2 on suicide mortality is not available.

The KHP 2014 – 2030 target is to achieve reductions in deaths due to NCDs to below levels of public health importance. Specifically to reduce annual deaths due to NCDs (per 1,000 persons) by 27 percent from 2.8 to 2. This falls short of the one third reduction prescribed under the SDG target.

The Third MTP Health Sector Plan target is to increase in access to specialized health care for NCDs from 12 percent in 2017 to 100 percent by 2030

### Comment on adequacy

KHP 2014 – 2030 target falls short of the one

<sup>30</sup> - Nilsson

third reduction of mortality rates due to NCDs as required by the SDG target. However, the emphasis and strategies are consistent with the SDG target. The KHP needs to be revised with SDG-specific targets in mind but also to take into account the current aggressive government policies, initiatives and investments. The Kenya Mental Health Policy 2015 – 2030 covers mental health adequately.

Dealing with environmental causes of NCD, including indoor and outdoor pollution, is critical. Connecting rural and urban poor to electricity and promoting use of liquefied petroleum gas (LPG) for cooking contributes to the achievement of this target.

It is possible to achieve this target with the current initiatives that include the universal health care, upgrading of infrastructure and equipment under (MES), and the existence of county governments and services at the grassroots. However, there is need to create public awareness through communication, public education and behaviour change education.

The successful implementation of the Community Health Strategy can contribute significantly to dealing with NCDs at the community / grass roots levels.

interventions (pharmacological, psycho-social and rehabilitation and aftercare services) for substance use disorders

**Indicator 3.5.2** Harmful use of alcohol, defined according to the national context as alcohol per capita consumption (aged 15 years and older) within a calendar year in litres of pure alcohol

According to KHP 2014 – 2030, risk factors to good health in Kenya include alcohol and



tobacco use. Evidence shows that tobacco use remains high, particularly among the productive populations in urban areas and among males with one in five males between ages 18–29 years and one in two males between 40–49 years using tobacco products. The same pattern is seen in the use of alcohol products, especially the impure products mainly found in the rural areas and urban slums. Cases of alcohol poisoning were reported during the previous policy period, and more than 2 per cent of all deaths in the country were attributed to alcohol and substance abuse.

### Relevant policies

The treatment of substance abuse is covered under the Constitution 2010, Kenya Vision 2030; and its Third MTP, including the Big 4 Agenda, the [KHP 2014 – 2030](#), the Health Act No 21 of 2017, and Alcoholic Drinks Control Act of 2010. The prevention is discussed under Alcoholic Drinks Control Act of 2010, National Authority for the Campaign against Alcohol and Drug Abuse (NACADA) Act of 2012, and Narcotic Drugs and Psychotropic Substances (Control) Act, No 4 of 1994.

[KHP 2014-2030](#) addresses this issue in objective 5, which states, “Minimise exposure to health risk factors through strengthening health promotion interventions and facilitate the use of products and services that lead to healthy lifestyles in the population”. Among key policy strategies to achieve this objective are: mitigating the negative health, social, and economic impacts resulting from the excessive consumption and adulteration of alcoholic products; and reduce the prevalence of tobacco use and exposure to tobacco smoke and other harmful addictive substances.”

[Alcoholic Drinks Control Act of 2010](#): The Act provides for the regulation of the production, sale and consumption of alcoholic drinks. The object and purpose of the Act under Article 3 is

to provide for the control of production, sale, and use of alcoholic drinks, in order to – (a) protect the health of the individual in light of the dangers of excessive consumption of alcoholic drinks; (b) protect the consumers of alcoholic drinks from misleading or deceptive inducements and inform them of the risks of excessive consumption of alcoholic drinks; (c) protect the health of persons under the age of 18 years by preventing their access to alcoholic drinks; (d) inform and educate the public on the harmful health, economic and social consequences of consumption of alcoholic drinks; (e) adopt and implement effective measures to eliminate illicit trade in alcohol, including smuggling, illicit manufacturing and counterfeiting; (f) promote and provide for treatment and rehabilitation programmes for those addicted or dependent on alcoholic drinks; and (g) promote research and dissemination of information on the effects of alcoholic drink consumption, in particular the health risks that may arise therefrom.

[National Authority for the Campaign against Alcohol and Drug Abuse \(NACADA\) Act 2012](#): The Act establishes an institutional framework for the control of alcohol and drug abuse and for the formulation and implementation of policy. NACADA was established under the Act to coordinate a multi-sectoral effort aimed at preventing, controlling and mitigating alcohol and drug abuse in Kenya. NACADA's main focus is on demand reduction and aims to empower the general public with sufficient information to facilitate informed decisions against the debut and/or continuation of consumption of intoxicating substances. NACADA also contributes towards supply suppression. The aim of supply suppression measures is to control, limit or otherwise curtail access to intoxicating substances by the general public especially the vulnerable populations.



**Narcotic Drugs and Psychotropic Substance (control) Act, No 4 of 1994:** This Act provides for the control of the possession of, and trafficking in, narcotic drugs and psychotropic substances and cultivation of certain plants and for the forfeiture of property derived from, or used in, illicit traffic in narcotic drugs and psychotropic substances.

The National Police Service's, Anti-Narcotics Unit, under the Criminal Investigations Department, is charged with the responsibility of enforcing the provisions of the Act. The Unit was established in 1983 to specifically deal with illicit drug trafficking. Functions of the Unit include: investigation of drug cases; detection and prevention of drug offences; apprehension and prosecution of drug offenders; gathering and disseminating drug intelligence to other law enforcement agencies locally and internationally; maintaining a database on reported drug cases; and liaison with local and international organizations dealing in drug related cases.

### Related SDG and targets

The target reinforces Target 1.5<sup>31</sup> on building resilience of the poor and vulnerable to shocks and Target 3.4 on reducing deaths from NCDs.

### Comment on adequacy

The policy framework and capacities exist and are adequate for the control and treatment of alcohol and drug abuse. The problem is the huge amounts of money involved, which enables handlers to promote substance abuse with little impediment from the law enforcement agencies. Implementation has been limited interventions like public education and rehabilitation, which have been low or ineffective. Rehabilitation services and resources are too inadequate to cope with the huge and growing burden of substance abuse. This leads to the conclusion that the country may not achieve this target.

<sup>31</sup> - Nilsson

**Target 3.6** By 2020, halve the number of global deaths and injuries from road traffic accidents

**Indicator 3.6.1** Death rate due to road traffic injuries

According to KHP 2014 – 2030 road traffic accident is one of the major causes of disability and death in the country amounting to 2 percent and 1.9 percent of all cases of disability and death respectively in the country.

### Relevant policies

This target is covered under the Constitution 2010, the Kenya Vision 2030 and its Third MTP, including the Big 4 Agenda; the KHP 2014 – 2030, and the Health Act No 21 of 2017. Control of traffic accidents is discussed under the National Transport Safety Authority (NTSA) Act 2012 and the Traffic Act Cap 403 revised 2012.

**Constitution 2010:** The rights to the highest standards of health is provided for in the Constitution. In addition, is the provision under Article 43 that "A person shall not be denied emergency medical treatment". The latter is important in the achievement of this target as many accident victims die or suffer significant injuries due to lack of emergency treatment.

**KHP 2014-2030:** The policy addresses this target under objective 3, which aims to reduce the burden of violence and injuries by putting in place strategies to address the causes of injuries and violence. Relevant priority policy strategies include: Promote corrective and inter-sectoral preventive interventions to address causes of injuries and violence; facilitating greater universal access to timely and high-quality emergency care (curative and rehabilitative) that mitigates the effects of injuries and violence; scaling up physical and psychosocial

rehabilitation services to address long-term effects of violence and injuries; and promoting public health aspects of road safety.

**National Transport Safety Authority (NTSA) Act 2012:** This Act provides for the establishment of the National Transport and Safety Authority. The National Transport and Safety Authority was established under the Act on 26th October 2012 to, among other objectives, to minimize loss of lives through road crashes. The main functions of the Authority include: to advise and make recommendations on matters relating to road transport and safety; to implement policies relating to road transport and safety; and to ensure the provision of safe, reliable and efficient road transport service. Its mandate includes: to develop and implement road safety strategies; facilitate the education of members of the public on road safety; conduct research and audits on road safety; compile inspection reports relating to traffic accidents; establish systems and procedures for, and oversee the training, testing and licensing of drivers; formulate and review the curriculum of driving schools; and coordinate the activities of persons and organizations dealing in matters relating to road safety.

**Traffic Act Chapter 403 (Revised 2012):** This part of the Act consolidates the law relating to control of traffic on the roads.

### Related SDGs and targets

This target is reinforced by Target 9.1 on sustainable and resilient infrastructure, specifically roads. It is also closely related to Target 11.2 on safe, affordable and accessible transport systems.

### Indicators and targets

According to KNBS, data on Indicator 3.6.1 are available. However, there are no policy targets on reducing road traffic accidents.

### Comment on adequacy

Legal and institutional infrastructure and capacity exist. However, challenges include: the culture of not following the law; corruption in the law enforcement agencies leading to poor enforcement of the law; poor road infrastructure, including poor signage and vandalism of road furniture. Even with the creation of NTSA to deal exclusively on road safety, there has been no notable change to the number of the road casualties on deaths and injuries.

Furthermore, there is no policy on reducing road traffic accidents and no set national targets. There is no indication that we are likely to reduce road accidents and achieve this target. However, improving access to health services, including emergency services through improved infrastructure, equipment and universal health care services, will impact positively on the health of those injured.

**Target 3.7** Strengthen Bv 2030. ensure

**Indicator 3.7.1** Proportion of women of reproductive age (aged 15-49 years) who have their need for family planning satisfied with modern methods

**Indicator 3.7.2** Adolescent birth rate (aged 10-14 years; aged 15-19 years) per 1,000 women in that age group

There has been improvements in this area for the last 15 years. According to KDHS 2014, the total fertility rate (TFR) reduced to 3.9 in 2014 from 4.6 in 2008/9 and 4.9 in 2003. The contraceptive prevalence rate (CPR); i.e. use of 'any method' and 'any modern method' was 58 percent and 53 percent respectively in 2014 compared to 46 percent and 39 percent in 2008/9 respectively; and 39 percent and 32 percent in 2003 respectively. Unmet need for FP was 18 percent

in 2014 (against a target of 0 percent in 2015) from 26 percent in 2008/9. Teenage pregnancy among adolescent women of 15-19 years was 18 percent in 2014. Proportion of health facilities offering youth friendly services was only 10 percent in 2013<sup>32</sup>.

### Related policies

Legal framework policies that contribute to the achievement of this target include the Constitution 2010, KHP 2014 – 2030, Health Act No 21 of 2017, National Adolescent SRH Policy 2015, Population policy for National Development 2011, and the National Reproductive Health Policy 2007.

**Constitution 2010:** Under Chapter 4 the Constitution provides for in Article 26 that “Every person has the right to life”. Article 43 on economic and social rights provides that “Every person has the right to the highest attainable standard of health, which includes the right to health care services, including reproductive health care.”

**Kenya Health Policy 2014 – 2030:** The LHP addresses this target under objective 4 on essential healthcare. It states that the provision of essential health services will be geared towards providing affordable, equitable, accessible and quality healthcare that is responsive to clients’ needs. The priority policy strategies to achieve this include: to ensure access to comprehensive maternal, neonatal, and reproductive health services. Other contributing strategies include designing, piloting and implementing appropriate service delivery models for hard to reach areas and disadvantaged population groups and ensuring access to emergency care.

**Health Act No 21 of 2017:** The Act specifically provides for the right to reproductive health care services in Article 6, which states that “Every person has a right to reproductive health care which includes: the right of men and women

of reproductive age to be informed about, and to have access to reproductive health services including to safe, effective, affordable and acceptable family planning services; the right of access to appropriate health-care services that will enable parents to go safely through pregnancy, childbirth, and the postpartum period, and provide parents with the best chance of having a healthy infant; and access to treatment by a trained health professional for conditions occurring during pregnancy including abnormal pregnancy conditions, or any medical condition exacerbated by the pregnancy.”

**National Adolescent SRH Policy 2015:** goal is “to enhance the sexual reproductive health status of adolescents in Kenya and contribute towards realization of their full potential in national development.” Specific objectives include: promote adolescent sexual reproductive health and rights; contribute to increased access to Adolescent sexual and reproductive health () information and age appropriate comprehensive sexuality education (AACSE); contribute to reduction of sexually-transmitted infections (STIs) burden, including human papillomavirus (HPV) and HIV as well as improvement of appropriate response for infected adolescents; and reduce early and unintended pregnancies. Other objectives include: reducing of harmful traditional practices; reduce drug and substance abuse; reduce sexual and gender-based violence (SGBV) incidences amongst adolescents to improve response; and address the special SRH-related needs of marginalized and vulnerable adolescents.

**Population Policy for National Development 2011:** The policy’s goal is “to attain high quality of life for the people of Kenya by managing population growth that can be sustained with available resources.” Policy objectives include: Reduce population growth rate in order to harmonize with the economic growth and

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32 - SARAH 2013

social development envisioned in Kenya Vision 2030; reduce fertility and mortality rates that sustain the high population growth rate and at the same time assist individuals and couples who desire to have children but are unable to; provide information and education on population matters to the general public and particularly the youth to encourage a small family norm; provide equitable and affordable quality reproductive health services, including family planning; contribute to the planning and implementation of socio-economic development programmes as a long term measure to influence population dynamics with special focus on poverty reduction, technology and research; environment, education, health, and, gender equality; equality and empowerment of women; and mobilize resources through government budgetary allocation; international cooperation and public/private partnerships to ensure the sustainability of the population programmes and effective impacts on the population dynamics.

**National Reproductive Health Policy 2007:** The goal of NRHP is “to enhance the reproductive health status of all Kenyans by: a) Increasing equitable access to reproductive health services; b) Improving quality, efficiency and effectiveness of service delivery at all levels; and c) Improving responsiveness to client needs.” Policy objectives include: a) Reduce maternal, perinatal and neonatal morbidity and mortality; b) Reduce unmet family planning needs; c) Improve sexual and reproductive health of adolescents and youth; d) Promote gender equality and equality in matters of reproductive health, including access to appropriate services; e) Contribute to reduction of the HIV/AIDS burden and improvement of the RH status of infected and affected persons; f) Reduce the burden of reproductive tract infections (RTIs) and improve access to, and quality of, RTI services; g) Reduce the magnitude of infertility and increase access to efficient and effective investigative

services for enhanced management of infertile individuals and couples; h) Reduce morbidity and mortality associated with the common cancers of the reproductive organs in men and women; i) Address RH-related needs of the elderly; and j) Address the special RH-related needs of people with disabilities.

### Related SDGs and targets

The target is reinforced by Target 5.5 on women’s full participation in economic and political life and Target 5.1 on ending discrimination against women. It is indivisible with Target 5.6 on sexual and reproductive health rights<sup>33</sup>. The outcomes expected from this target are also closely related to Goal 1 of ending poverty in all its forms, Goal 4 on quality education for all (especially women).

### Indicators and targets

Data are available on the two indicators according to KNBS.

**Kenya Vision 2030** targets include: increasing the proportion of women using family planning methods to 70 percent; double the number of births attended by skilled health personnel from 42 to 84 percent; and reduce the rate of high risk sex through increased access to safe-sex methods for men and women from 47 and 25 percent respectively, to 70 percent.

National Adolescent Sexual and Reproductive Health Policy 2015 targets include: reduce teenage pregnancy among adolescent women 15-19 years from 18 percent in 2014 to 12 percent by 2020 and to 10 percent by 2025; and increase the proportion of facilities offering youth-friendly services from 10 percent in 2013 (SARAM 2013) to 30 percent by 2020 and 50 percent by 2025

**Population Policy for National Development targets** include: reduce TFR from 3.9 to 2.6 in 2030; increase CPR for any method to 70 percent by 2030. The policy target of 52 percent for 2015 has already been surpassed. The target for

unmet need for family planning was to achieve 0 percent in 2015 which did not happen.

### Comment on adequacy

The target is well supported by the Kenya Vision 2030, the Constitution 2010, Health Act of 2017, and relevant policies. Kenya policy targets are consistent with the SDG target. However, the Reproductive Health Policy of 2007 needs to be reviewed to be consistent with Kenya Vision 2030 and the Constitution 2010 and include targets consistent with the relevant SDG targets and the current aggressive government initiatives and investments under the Big 4 Agenda.

**Target 3.8** Achieve universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all

**Indicator 3.8.1** Coverage of essential health services (defined as the average coverage of essential services based on tracer interventions that include reproductive, maternal, newborn and child health, infectious diseases, non-communicable diseases and service capacity and access, among the general and the most disadvantaged population)

**Indicator 3.8.2** Number of people covered by health insurance or a public health system per 1,000 population

In 2018, 36 percent of Kenyans had health coverage. The Kenyan policy targets to increase this to 100 percent by 2022.

### Relevant policies

The Kenyan policy legal framework that support this target include the Constitution 2010, the

Kenya Vision 2030 and the Third MTP, which includes the Big 4 Agenda, Kenya Health Policy 2014 – 2030, the Health Act No 21 of 2017 and Sessional Paper No. 2 of 2014 on the National Social Protection Policy.

**Constitution 2010:** This target is consistent with provisions of Constitution 2010, which calls for the “highest attainable standard of health” under Article 43 on social and economic, but also obligates the State to provide “appropriate social security to persons who are unable to support themselves and their dependants.”

**Kenya Vision 2030 / Third MTP / Big 4 Agenda:** The objective of the social health protection project in the Third MTP is to enhance social health protection to the population by expanding schemes to cover a harmonized benefit package to targeted populations. This is one of the components of the government’s Big 4 Agenda, whose objective of universal health coverage (UHC) is to guarantee quality and affordable healthcare to all Kenyans by 2022. The government targets 100 percent UHC to all households. To realise this objective, the government will focus on reconfiguring NHIF and reforming the governance of private insurance companies (by reviewing laws governing private insurance companies) to encourage investment and bringing the cost of cover within the reach of every Kenyan. The government will also scale up provision of specialized medical equipment to increase access to specialized care throughout the country. Linda Mama will be expanded to include mission and private hospitals. Free health insurance cover will be provided under the health insurance programme for elderly people of 70 years and above; persons with severe disabilities; the Health Insurance Subsidy Program (HISP) for the poor including children orphaned/affected by HIV/AIDS and other disease conditions.

**Kenya Health Policy 2014 – 2030:** This policy states that financial barriers hindering access to



health services will be minimised or removed for all persons requiring health and related services; guided by the concepts of Universal Health Coverage and Social Health Protection.

**Health Act No 21 of 2017:** Under Part 7 on health financing, the department of health is obligated to ensure progressive financial access to universal health coverage by taking measures that include: developing mechanisms for an integrated national health insurance system, including making provisions for social health protection and health technology assessment; establishing, in collaboration with the department responsible for finance, oversight mechanisms to regulate all health insurance providers; and developing policies and strategies that ensure realization of universal health coverage. It also provides for compulsory and free vaccines for all children under 5 years.

**Sessional Paper No. 2 of 2014 on the National Social Protection Policy.** The policy has broad strategies under health insurance that include: implementation of reforms to ensure a comprehensive national health insurance scheme that covers all Kenyans; development of a strategy that provides for health insurance regulation to improve the standards and supervision within the health sector for people to realize the right to health; and development of private public partnerships in the health sector to ensure that all people in Kenya have access to health insurance that allows them to access the highest quality of health care.

### Indicators and targets

According to KNBS there is no data on the indicators under this target. However, data on the second indicator (3.8.2) may be possible to obtain from insurance agencies, including the NHIF. On Kenya's policy targets - under the government's Big 4 Agenda - the target is universal coverage of households with health insurance from 36

percent in 2018 to 100 percent by 2022. The Third MTP target for health expenditure is an increase from 4.7 percent of GDP in 2018 to 10 percent by 2030.

### Related goals and indicators

This target reinforces the achievement of most targets in Goal 3 on health, which include Targets 3.1 to 3.9. It is related to Goal 1 on ending poverty and reinforced by Goal 8 on decent work and economic growth; and Goal 9 on infrastructure and industrialization. It is also reinforced by Target 2.2 on ending malnutrition and Target 6.1 on access to clean and safe water. These are the factors that increase the health burden and therefore the cost to the health system.

### Comment on adequacy

Kenyan policies address achievement of this target adequately and have aggressive targets for the achievement of UHC by 2022, way ahead of 2030. The universal health coverage is part of the government's Big 4 agenda that is likely to attract the necessary political will and resources for 100 percent UHC. Also, the push to improve equipment and physical infrastructure and enhance health personnel capacity is on course. Linda Mama programme, HISP, and free health insurance cover for older persons and PWSD is already being implemented. Implementing food and nutrition security as part of the Big 4 Agenda will reduce the health burden and therefore the cost of implementing the UHC.

However, UHC needs to be supported by effective implementation of the community health strategy and therefore focus on primary health / preventive health care to make it affordable. The idea is to build capacity of communities to own and control their health situation thereby substantially reducing / preventing health problems before they occur or very early in the process. Other factors that



increase the health burden including access to safe water and sanitation (especially sanitation) should be focused on as well.

**Indicator 3.9.2** Mortality rate attributed to unsafe water, unsafe sanitation and lack of hygiene (exposure to unsafe Water, Sanitation and Hygiene for All (WASH) services)

**Indicator 3.9.3** Mortality rate attributed to unintentional poisoning

According to Kenya Health Policy 2014 – 2030, unsafe water, sanitation and hygiene is a major risk factor in health. It ranks second as a risk factor contributing to mortality and morbidity with 5.3 percent of deaths, and 5.3 percent of the life lost due to incapacity arising from ill health.

### Relevant policies

Relevant policies and legal framework that contribute to the achievement of this target include the Constitution 2010, Kenya Vision 2030, Climate Change Act, Environmental Management and Coordination Act 1998 (Revised 2015), Kenya Health Policy 2014 – 2030, and the Kenya Health Act No 21 of 2017.

**Constitution 2010.** Article 43 provides for the highest attainable standard of health; Article 42 provides that every person has the right to a clean and healthy environment, which includes the right to have the environment protected for the benefit of present and future generations and to have obligations relating to the environment fulfilled under Article 70.

**Vision 2030:** The aim of the Vision is to transform Kenya into a “newly industrializing, middle income country providing a high quality of life to all its citizens in a clean and secure environment”

**Climate Change Act 2016 and Environmental Management and Coordination Act.** This Act

provide the institutional framework and the legal basis for the enforcement of provisions related to the protection of the environment.

**Kenya Health Policy 2014 – 2030:** The policy’s objective 1 on eliminating communicable conditions aims to reduce the burden of communicable diseases to a level that is not of major public health concern. The priority policy strategies include: promoting good hygiene and sanitation to control water- and food-borne diseases; improving nutrition and food safety throughout the life-course; and increasing access to improved water safety and sanitation.

Policy objective 5 aims to minimise exposure to health risk factors through strengthening health promotion interventions and facilitate the use of products and services that lead to healthy lifestyles in the population. Key policy strategies include: promoting a healthier environment and intensify primary prevention of environmental threats to health; ensuring that health impact assessment (HIA) is conducted for any major infrastructural development; strengthening mechanisms for the screening and management of conditions arising from health-risk factors at all levels; and strengthening inter-sectoral collaboration mechanisms for regulation of the food industry to promote healthy products and responsible marketing;

**Health Act No 21 of 2017.** Part 8 on promotion and advancement of public and environmental health under Article 68 obligates the national health system to devise and implement public and environmental measures to promote health and to counter health influences having an adverse effect on the health of the people. This includes: the promotion of supply of safe foodstuffs of sufficient quality in adequate quantities and the promotion of nutritional knowledge at all population levels; ensure that measures for managing environmental risk factors to curtail occurrence and distribution of diseases are put in place and implemented. In particular

such measures shall target: the reduction of disease burden arising from poor environmental hygiene, sanitation, occupational exposure and environmental pollution; the reduction of morbidity and mortality of water-borne, food-borne and vector-transmitted diseases; and mitigate the health effects of climate change; and the reduction of morbidity, mortality, prolonged hospital stays, long-term disabilities, antibiotic resistance that emanate from health care acquired infections;

Article 69 obligates the national government department of health to formulate national strategic and operation policies that shall provide for measures that include: ensuring that food and water available for human consumption are hygienic and safe; ensuring houses, institutions, hospitals and other public places maintain the environment to the highest level of sanitation attainable to prevent, reduce or eliminate environmental health risks; developing risk-based, sustainable, integrated food safety systems, occupational health practices, water safety systems, appropriate housing, and vector and vermin control; strengthening infection prevention and control systems including health care waste management in all health facilities; dissemination of public health guidelines to counties in regard to matters affecting the public health from the environment and sanitation; promoting disease surveillance in connection with the prevention of environmental, food, water and sanitation related diseases; and addressing all issues pertaining to environmental hygiene and sanitation.

### Kenyan indicators and targets

According to KNBS data on Indicator 3.9.1 on mortality rate attributed to household and ambient air pollution can be obtained with reasonable effort within two years. Data on Indicator 3.9.2 on mortality rate attributed to unsafe water, unsafe sanitation and lack of hygiene are available, while data on the third

Indicator 3.9.3 on mortality rate attributed to unintentional poisoning are not available. There are no Kenyan policy targets related to this SDG target.

### Related goals and targets

This target is related to Targets 6.1, 6.2 and 6.3 on access to clean and safe water, adequate sanitation and ensuring water quality; and to Target 3.1 on ending preventable deaths of children, Target 3.3 on ending communicable diseases, and Target 3.8 on universal health care (the more health risk factors are managed the less the health burden and the less costlier the universal health care). It is also related to Goals 13, 14 and 15 on climate action, life below water and life on land respectively.

### Comment on adequacy

Protecting the environment is well supported by the Constitution 2010, Kenya Vision 2030, Environmental Management and Coordination (EMC) Act, Climate Change Act, Health Act of 2017, and the current institutional framework and capacity. These support the reduction of hazardous chemicals and air, water and soil pollution and contamination with the potential to substantially reduce the number of deaths and illnesses from these sources. However, it is the enforcement of the law that has been the challenge. The policies also adequately support the access to health services for those affected.

**Target 3.a** Strengthen the implementation of the WHO Framework Convention on Tobacco Control in all countries, as appropriate

**Indicator 3.a.1** Age-standardized prevalence of current tobacco use among persons aged 15 years and older

## Relevant policies

The policies that support the implementation of this target include the Kenya Health Policy 2014 – 2030, the Health Act No 21 of 2017, and the Tobacco Control Act No 4 of 2007 and Tobacco Control Regulations 2014

**Kenya Health Policy 2014-2030:** Policy objective 5 focuses on minimizing exposure to health risk factors by strengthening health promotion interventions with a key policy strategy to reduce the prevalence of tobacco use and exposure to tobacco smoke and other harmful addictive substances

**Health Act No 21 of 2017:** Part 8 on promotion and advancement of public and environmental health under article 68 obligates that the national health system devises and implements public and environmental measures to promote health and to counter health influences having adverse effects on the health of the people, including interventions to reduce the use of tobacco and other addictive substances and to counter exposure of children and others to tobacco smoke.

**Tobacco Control Act No 4 of 2007 and Tobacco Control Regulations 2014:** This Act provides for the control of the production, manufacture, sale, labelling, advertising, promotion and sponsorship of tobacco products, to provide for the Tobacco Control Board, and to regulate smoking in specified areas. The aim of the regulations is to implement tobacco controls in line with WHO Framework Convention on Tobacco Control (FCTC).

The Kenya government enforced the tobacco regulations, including providing for graphic warnings and standardized packaging from September 26, 2016. This is after the Court of Appeal ruled against the cigarette manufacturer BAT which had challenged the new Tobacco Control Regulations, published in the Kenya

Gazette on December 4, 2014. The court upheld nearly all elements of the regulations, including graphic health warnings, ingredient disclosure, smoke-free environments in streets, walkways, verandas adjacent to public places, disclosure of annual tobacco sales and other industry disclosures and regulations for limiting interaction between the tobacco industry and public health officials and other public officers. The ban on sale of cigarettes as single sticks was also be enforced. In addition, the court allowed the enforcement of the Tobacco Control Fund, to which the tobacco industry is obliged to pay annually 2% of the value of tobacco products manufactured or imported. These funds will be used to support education and research related to tobacco as well as cessation activities.

The new regulations strengthen the implementation of the WHO's FCTC in Kenya in several areas, further adding to the strong track record of Kenya in its implementation of the FCTC since its ratification in 2004<sup>34</sup>.

## Indicators and targets

Data on the indicator for this target are available according to KNBS. Kenya is committed to the full implementation of the FCTC<sup>35</sup>.

## Related goals and targets

This target is related to Target 3.4 on non-communicable diseases – tobacco use contributes to these diseases. It also relates to Target 3.5 on strengthening prevention and treatment of substance abuse, and Target 3.8 on universal health coverage – tobacco increases the health burden for the health system. It is cheaper to implement and sustain the UHC with lower health burden resulting from reduced tobacco use.

## Comment on adequacy

The policy and legal framework supporting the achievement of this target is adequate. Kenya has also done well in implementing controls in line with FCTC.

34 - <http://apps.who.int/ctc/implementation/database/groups/kenya-regulations-be-enforced-26-september-2016>, <http://apps.who.int/ctc/>

35 - <http://www.mfa.go.ke/kenya-leads-implementation-world-health-organization-framework-tobacco-control/>

**Target 3.b** Support the research and development of vaccines and medicines for the communicable and non-communicable diseases that primarily affect developing countries, provide access to affordable essential medicines and vaccines

**Indicator 3.b.1** Proportion of the population with access to affordable medicines and vaccines on a sustainable basis

**Indicator 3.b.2** Total net official development assistance to medical research and basic health sectors

## Relevant policies

Discussed under this target include the Kenya Medical Research Institute (KEMRI), established under STI Act of 2013, Kenya Medical Supplies Agency (KEMSA), established under the KEMSA Act of 2013, Kenya Health Policy 2014 – 2030, and the Health Act No 21 of 2017.

**Kenya Medical Research Institute.** KEMRI is a state corporation established under the STI Act 2013. The Act mandates KEMRI as a National body responsible for carrying out health research in Kenya. The mandate includes: to carry out research in human health; to cooperate with other research organizations and institutions of higher learning on matters of relevant research and training; to liaise with other relevant bodies within and outside Kenya carrying out research and related activities; to disseminate and translate research findings for evidence-based policy formulation and implementation; to cooperate with the Ministry of Health, the National Commission for Science, Technology and Innovation (NACOSTI) and the Medical Sciences Advisory Research Committee

on matters pertaining to research policies and priorities. KEMRI collaborates with regional and international research institutions in the performance of its mandate. KEMRI has over a period of time developed various research products.

KEMRI has six main programmes, that are aligned to the KEMRI Strategic Master Plan and the Kenya Vision 2030: These are: Biotechnology Research; Natural Products Research & Drug Development (NAPREDA); Infectious and Parasitic Diseases; Public Health & Health Research Systems; Non-Communicable Diseases Research; Sexual, Reproductive, Adolescent & Child Health; and Non-communicable Diseases Research.

KEMRI is the medical research arm of the Government and provides advice to the Ministry of health on various aspects of healthcare and delivery. It supports national diseases surveillance and rapid response capacity for major disease outbreaks (Cholera, Chikungunya Virus, H1N1 Flu, Yellow Fever, Rift Valley Fever, Ebola, Aflatoxicosis, etc).

In line with the constitutional requirements, KEMRI has developed a comprehensive framework under which the Institute has devolved its research activities and services, through seven regional clusters that serve the 47 counties under the strategic pillar of health research in the context of devolution. KEMRI has developed a critical mass of scientists, technical and administrative support staff to rank as one of the leading centres of excellence in health research development. It has a total of 1250 staff members, who include professors, 200 PhDs, over 200 Masters degree holders, medical doctors; and over 900 highly-trained administrative & technical staff. KEMRI has 12 research and training centres in Nairobi, Kilifi, Kisumu and Mandera.

Kenya Medical Supplies Authority (KEMSA)

/ KEMSA Act of 2013: This is the legal and institutional framework for the distribution of medical supplies to public hospitals in Kenya. KEMSA is a state corporation under the Ministry of Health established under the KEMSA Act 2013 whose mandate is to: procure, warehouse and distribute drugs and medical supplies for prescribed public health programmes; the national strategic stock reserve, prescribed essential health packages and national referral hospitals; establish a network of storage, packaging and distribution facilities for the provision of drugs and medical supplies to health institutions; enter into partnership with or establish frameworks with county governments for purposes of providing services in procurement, warehousing, distribution of drugs and medical supplies; collect information and provide regular reports to the national and county government's on the status and cost effectiveness of procurement, the distribution and value of prescribed essential medical supplies delivered to health facilities; stock status and on any other aspects of supply system status and performance that may be required by stakeholders; and support the county governments to establish and maintain appropriate supply chain systems for drugs and medical supplies.

**Kenya Health Policy 2014-2030:** Two of the eight policy orientations are health products and technologies and R&D. Policy orientation 6: Health products and technologies is aimed towards ensuring that effective, safe, and affordable health products and technologies are available and rationally used at all times, while moving towards maintaining a strategic national health products and technologies (HPT) reserve. In policy orientation 8 on R&D the Ministry of Health prioritizes research in order to support evidence based policy and intervention formulation, identifying gaps and critical factors for special needs for vulnerable

groups especially the women, children and the elderly.

**Health Act of 2017: Part 7 – Regulations of Health Products and Health Technologies** Article 62 provides for the establishment by an Act of Parliament as a single regulatory body for regulation of health products and technologies which shall license health products and health technologies; license manufacturers and distributors of health products; conduct laboratory testing and inspection of manufacturing, storage and distribution facilities of health products and technologies; control of clinical trials; conduct advertising and promotion, post marketing surveillance for quality, safety and disposal of health products and health technologies; regulate contractors for medical devices and physical security for products including radioactive materials and biological products.

In Part 14 – Promotion and Conduct of Research for Health, Article 93 establishes a National Health Research Committee, whose functions under Article 96 is to make recommendations on the development on the national research for health policy and on the various priorities to be accorded in the area of research for health in the light of current knowledge and needs, recognized priorities and economic resources; and identifying research for health priorities. The Committee shall give due regard to—the burden of disease; the cost-effectiveness of interventions aimed at reducing the burden of disease, the availability of human and institutional resources for the implementation of an intervention at the level closest to the affected communities; the health needs of vulnerable groups such as women, older persons, children and people with disabilities; the health needs of communities; national security; and emerging issues on health.



## Indicators and targets

According to KNBS data on the first indicator can be obtained from global agencies while the data on the second indicator are available. There are no identified policy targets for this SDG target.

## Related goals and targets

All the targets under Goal 3 are reinforced by research and development and access to affordable vaccines and medicines.

## Comment on adequacy

Kenya has adequate policy, legal and institutional framework; infrastructure and capacity for research and development; for the regulation of medical supplies, the procurement and distribution of medical supplies to public hospitals. KEMRI has the capacity and is collaborating with regional and international research bodies for the development of health products. The universities offering medicine also have potential for research that can be exploited.

**Target 3.c.** Substantially increase health financing and the recruitment, development, training and retention of the health workforce in developing countries

**Indicator 3.c.1** Health worker density and distribution

According to Kenya Health Policy 2014 – 2030, the government expenditure on health as a percentage of total government expenditures has remained fairly constant—between 6 and 8 per cent over the last decade. However, health expenditures as a proportion of GDP increased from 5.1 percent to 5.4 percent while public expenditures as a proportion of general

government expenditures have been reduced from 8.0 percent to 4.6 percent during the same period. Public sector financing has also remained constant over the last decade, at about 29 per cent of total health expenditure (THE), whereas donors' contribution has more than doubled, from 16 per cent in 2001/02 to 35 per cent in 2009/10. Per capita health expenditure also has increased, from \$34 in 2001/02 to \$42 in 2009/10, which is still below the recommended World Health Organization (WHO) target of \$64 to meet a basic package of healthcare. Abuja Declaration target was at least 15% allocation of national budgets to the health sector.

## Relevant policies

Kenyan policies discussed in this section include the Third MTP, Kenya Health Policy 2014 – 2030, and the Health Act on 2017.

**MTP III Health Sector Plan:** The plan addresses the human resource for health, which entails capacity building of health workers to increase the skills pool in the health sector and address capacity gaps and reduce shortages in the health workforce especially in the ASAL areas to improve health outcomes. Key components include training of Enrolled Community Health Nurses (ECHN) for students drawn mainly from the ASAL counties; training of the specialized and sub-specialized health workers in such sub-specialization areas as geriatrics to cater for the aging population, bio-medical sciences and NCDs. In addition, schemes of services for new cadres such as emergency medical technicians, morticians, and medical physicists will be developed; capacity building for county public health officers on food and WASH interventions as part of the process to prevent and control cholera outbreaks; and the establishment of the Kenya Institute of Health Systems Management for the training of health managers.



**Kenya Health Policy 2014 – 2030:** Policy orientation 3's aspiration is for an adequate and equitable distribution of a productive health workforce; the national and county governments to ensure appropriate capacity building and equitable distribution of health personnel. It includes applying affirmative action to retain personnel in hard to reach areas.

**Health Act on 2017:** The Act establishes a Kenya Health Human Resource Advisory Council under Article 30. Functions of the Council under Article 31 is to review policy and establish uniform norms and standards for posting of interns to national and county government facilities; inter-county transfer of healthcare professionals; transfer of healthcare professionals from one level of government to another; the welfare and the scheme of service for health professionals; management and rotation of specialists; and the maintenance of a master register for all health practitioners in the counties. The Act also establishes the Kenya Health Professions Oversight Authority under Article 45. The functions of the Authority provided under Article 48 are to maintain a duplicate register of all health professionals working within the national and county health system; promote and regulate inter-professional liaison between statutory regulatory bodies; coordinate joint inspections with all regulatory bodies; receive and facilitate the resolution of complaints from patients, aggrieved parties and regulatory bodies; monitor the execution of respective mandates and functions of regulatory bodies recognised under an Act of Parliament; arbitrate disputes between statutory regulatory bodies, including conflict or dispute resolution amongst Boards and Councils; and ensure the necessary standards for health professionals are not compromised by the regulatory bodies.

### Indicators and targets

The data for the target are available according to KNBS.

Under the government's Big 4 Agenda and the Third MTP, the target is to increase ratio of health workers per 10,000 people from nine to 14; increase proportion of health expenditure to GDP from 4.7 percent in 2017 to 10 by 2030; increase doctor to population ratio (per 10,000 ) from 2.3 in 2017 to seven by 2030; and nurse to population ratio (per 10,000 pop) from 23 in 2017 to over 223 by 2030.

### Related goals and targets

Meeting the health outcome targets under Goal 3 is dependent on the availability and equitable distribution of requisite health personnel.

### Comment on adequacy

There are clear targets under the government's Big 4 Agenda on the increase of the numbers of health personnel to improve health service delivery capacity. Kenya has adequate public and private sector capacity to train and deploy adequate numbers of health personnel. Currently there is a large number of unemployed nurses and doctors. The existence of county government adds significant impetus to the availability of skilled health personnel and appropriate facilities in the ASAL counties. However, major challenges exist. These include: the numerous labour disputes leading to months of health worker strikes. (This is a major concern that may impede progress in the achievement of health outcomes). Management of health personnel to ensure they are productive, available and offer quality services, is a challenge particularly in the public health facilities. The devolution of functions of managing professional doctors and nurses to the county governments needs to be reviewed as it may be contributing significantly to the problems seen in the health sector in the last five years.

The Third MTP does provide a target of increasing health budget to 10 percent of government

budget by 2030. But so far, budgetary provisions for health have been low. According to [Health Sector Report November 2017](#), public health programmes are largely dependent on development partners funding for financing. With the rebasing of economy, the country will go beyond the threshold eligible for donor funding resulting in reduction or cessation of funding of public health programmes for several critical supports e.g. by the Global Alliance for Vaccines and Immunization (GAVI) and the Global Fund. The Government therefore needs to allocate adequate resources for effective implementation of health sector programmes with the overall goal of sustainable financing and in line with the deliberate attempt to attain the Abuja Declaration target of at least 15 percent allocation of national budgets to the health sector.

**Target 3.d** Strengthen the capacity of all countries, in particular developing countries, for early warning, risk reduction and management of national and global health risks

**Indicator 3.d.1.** International Health Regulations (IHR) capacity and health emergency preparedness

The International Health Regulations (IHR) (2005) were adopted by the 58th World Health Assembly in May 2005 to control the spread of diseases and public health risks across borders. The IHR (2005) are global standards that become legally binding once they have been incorporated into domestic public health laws (unless country constitutions specifically state that such international standards automatically apply). Member states of WHO, who are States Parties to the IHR, were given up to 2007 to assess their

capacity and develop national action plans on the regulations. Countries were also given up to 2012 to meet the requirements of the IHR regarding their national surveillance, reporting and response systems on public health risks and emergencies and to provide the measures set for disease control at designated airports, ports and ground crossings. The progress toward attainment of these goals is dependent on eight core capacities which were to be in place by the 2012.

#### Kenya's level of capabilities and preparedness

According to WHO Mission Report (Feb 27 to Mar 3 2017)<sup>36</sup> on the country's preparedness and level of implementation of IHR (2005), Kenya has existing legislation that covers most of the IHR (2005) core capacities, including: the Public Health Act (which provides for reporting of notifiable diseases); the Food, Drugs and Chemical Substances Act; the Environment Management and Co-ordination Act; the Malaria Prevention Act; the Meat Control Act; the Animal Diseases Act; and the Kenya Veterinary Policy, 2015. East African Community (EAC) One Stop Border Posts Act, 2016 was created by EAC Heads of State for border operations, including surveillance within five countries in the EAC region for this purpose.

Further, in 2012, the Ministry of Health reviewed its technical guidelines for integrated disease surveillance and response (IDSR) to incorporate the IHR (2005). Kenya has also entered into agreements with a number of other countries regarding public health emergencies. Kenya is a signatory to the EAC Protocol on Sanitary and Phytosanitary Measures, whose ratification process is ongoing. Kenya also cooperates with IGAD and AU on preparedness and response to health threats, including the recent Ebola epidemic. However, the Mission report recommended a comprehensive review/assessment and revisions (where it is found

appropriate) of the existing laws and policies in all relevant sectors to ensure they address the IHR (2005); and establish budget lines for IHR in all key sectors to facilitate the mobilization of domestic resources to ensure sustainable financing for the full implementation of IHR core capacities.

The office of the Director of Medical Services of Kenya has established a structure to coordinate the IHR (2005) at the national level, and identified potential partners and stakeholders to support implementation. (A Division of Disease Surveillance and Response exists at the MOH.) A multi-sectoral, multidisciplinary National Task Force Committee, chaired by the Cabinet Secretary for Health, has been established for preparedness and response to public health events. This was last activated in May 2016 for a coordinated multi-sectoral response to cholera and chikungunya outbreaks. Additionally, a Zoonotic Disease Unit (ZDU), which brings together human health and animal health experts, is well functioning with clear terms of reference to support IHR (2005) implementation. The ZDU recently led a multi-sectoral response to deal with the highly pathogenic avian influenza. The Mission Report also provides (on page 4) comprehensive scores on Kenya's capacities against various indicators<sup>37</sup>

### Relevant goals and targets

Health related threats can have significant adverse impact on all socio and economic indicators as demonstrated by the Ebola epidemic in West Africa that affected airlines and tourism. The SDGs that could be adversely affected by lack of preparedness and inadequate response to health threats include 1, 2, 3, 4, 5, 8, 9, 10 and 11.

### Comment on adequacy

Kenya already has an elaborate policy and legal framework and institutional infrastructure for

the effective implementation of the IHR 2005 and implements reasonable response against health threats. However, there is need to take the Mission Report seriously and review areas of weaknesses and implement appropriate initiatives to strengthen them with the support of partners. This includes ensuring availability of requisite human and resource capacities, institutional mechanisms and coordination necessary to provide a reasonable level of assurance that the country can respond adequately to health threats. It is important to appreciate that a major health hazard breakout can grind the country to a halt as demonstrated by the Ebola epidemic in West Africa, which not only ground a number of countries but also impacted adversely on Kenya's economy.

Until the recommendations of the 2016 report are fully implemented, the policy framework to support the achievement is considered inadequate.

### Goal 3 – overall recommendations

Community involvement in health is inadequate. The country has been unable to effectively implement the Community Health Strategy that would allow communities to participate more effectively and take charge of their own health outcomes.

The Kenya Vision 2030 articulates the need to re-orient and refocus health services towards primary health. Involving communities by effectively implementing appropriate strategies will be more effective and ultimately cheaper for the country to achieve the health outcomes under Goal 3. There is need to emphasize on community involvement and ownership of the efforts to achieve health outcomes. The government and other stakeholders should therefore support the full implementation of the Community Health Strategy.

36 - <https://extranet.who.int/sph/sites/default/files/jeeta/WHO-WHE-CPI-REP-2017.44-eng.pdf>

37 - <https://extranet.who.int/sph/jeeta/kenya>

## TARGET 3.3

3 GOOD HEALTH  
AND WELL-BEING



FIGHT COMMUNICABLE DISEASES





Linda Mama programme is a government initiative that offers free maternity services.



## ENSURE INCLUSIVE AND EQUITABLE QUALITY EDUCATION AND PROMOTE LIFELONG LEARNING OPPORTUNITIES FOR ALL

### Goal 4. Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all

Obtaining quality education is the foundation to improving people's lives and sustainable development. However, more than half of children that have not enrolled in school live in sub-Saharan Africa and an estimated 50 per cent of out-of-school (OOS) children of primary school age live in conflict-affected areas.

Children from the poorest households are up to four times more likely to be out of school than those of the richest households. Disparities between rural and urban areas also remain high.

Goal 4 aims to ensure that all girls and boys complete free primary and secondary schooling by 2030. It also aims to provide equal access to affordable vocational training, to eliminate gender and wealth disparities, and achieve universal access to quality higher education.

For Kenya, education is a fundamental human and an enabling right enshrined in the Constitution 2010. It means ensuring universal access to inclusive and equitable quality education and learning, an education that aims at the full development of the human personality and promoting mutual understanding, tolerance, friendship and peace; "leaving no one behind"; and ensuring gender equality, which is inextricably linked to the right to education for all. Achieving gender equality requires a rights-based approach that ensures that girls and boys, women and men not only gain access to and complete education cycles but are also empowered equally in and through education.

### Relevant policies on education

These include the Constitution 2010, Kenya Vision 2030 and the Third MTP; Sessional Paper No 4 of 2012 on Reforming Education and Training in Kenya; National Education Sector Plan (NESP) 2013 – 2018; Basic Education Curriculum Framework 2016, Curriculum Reform Policy 2015, National Curriculum Policy 2015, and The Basic Education Act 2013, Children's Act Chapter 141 (Revised 2012). Others are: The Sector Policy for Learners and Trainees with Disabilities (2018); The Technical and Vocational Education and Training Act of 2013; Universities Act 2012, Teachers Service Commission (TSC) Act, African Charter on Human and Peoples Rights, African Charter on the Rights and Welfare of the Child; International Covenant on Economic, Social and Cultural Rights; and the UN Convention on the Rights of the Child.

Constitution 2010. The right to education is well enshrined in the Constitution as a fundamental right in Chapter 4 under the Bill of Rights. Article 43 on Economic and Social Rights provides that every person has the right to education. Article 53 provides that every child has the right to free and compulsory basic education. Article 54 provides that a person with any disability is entitled to access to educational institutions and facilities that are integrated into society to the extent compatible with the interests of the person. Article 55 obligates the State to take measures, including affirmative action programmes, to ensure that the youth access relevant education and training.

**Kenya Vision 2030 - Social Pillar.** This pillar seeks to build a just and cohesive society that enjoys equitable social development in a



clean and secure environment. The aim of the Education and Training Sector (ETS) is to provide globally competitive, quality education, training and research for sustainable development. It focuses on raising the quality of education, raising transition rates, providing access and equity; ensuring relevance and developing capacity of teachers and trainers. The sector also underscores the importance of education in ensuring that citizens have the requisite skills required to steer the country towards achieving the economic and social goals of Vision 2030.

**Third MTP.** Programmes for the education sector include: Enhancing access and equity in education and training; curriculum review and reform; special needs intervention for education and training; enhancing quality and relevance of education and training; ICT integration into teaching, learning and training; governance and accountability in education and training; and rebranding adult and continuing education.

**Sessional Paper No 4 of 2012 on Reforming Education and Training in Kenya.** The Sessional Paper envisages a curriculum that is competence-based, able to foster quality education in the country. Through this policy, the Ministry of Education is committed to promoting education for sustainable development as a key element to enable development of quality education. Its vision is “a globally competitive, quality education, training and research” while the mission is “to create an education and training environment that equips learners with desired values, attitudes, knowledge, skills and competencies, particularly in technology, innovation and entrepreneurship, while also enabling all citizens to develop to their full capacity, live and work in dignity, enhance the quality of their lives, and make informed personal, social and political decisions”. Focus areas include access, equity, quality and relevance; education for the marginalized, hard- to -reach and vulnerable

groups; curriculum and assessment; information and communication technology; open and distance learning in education and training; governance and management of education and training; teacher education and development; teacher management; planning, implementation, monitoring and evaluation; financing and resource mobilization; public-private sector partnership in education and training; and the national qualifications framework.

**National Education Sector Plan (NESP) 2013 – 2018.** This policy provides a framework for implementing the Sessional Paper No 14 of 2012, and operationalizing the Basic Education Act 2013. It aims to develop an education system that is of high quality, relevant and is equitably accessed. It prioritizes the following areas: access to free and compulsory basic education (includes ECDE, primary and secondary education), education quality, equity and inclusion; social competencies and values relevance; and sector governance and accountability.

**Basic Education Curriculum Framework 2016.** Its vision is for education curriculum reforms to enable every Kenyan to become an engaged, empowered and ethical citizen. Its mission is nurturing every learner’s potential. Goals include: foster nationalism, patriotism, and promote national unity; promote social, economic, technological and industrial needs for national development; promote individual development and self-fulfillment; promote sound moral and religious values; promote social equity and responsibility; promote respect for and development of Kenya’s rich and varied cultures; promote international consciousness and foster positive attitudes towards other nations; and promote positive attitudes towards good health and environmental protection. Curriculum framework pillars include values (where values stated in the Constitution include responsibility, respect, excellence, care and compassion,

understanding and tolerance, honesty and trustworthiness, trust, and being ethical). Others are theoretical approaches (instructional design theory, visible learning theory, constructivism theories) and guiding principles (opportunities, excellence, diversity & inclusion, differentiated curriculum learning, parental empowerment & engagement, community service learning). The core competencies to be achieved by every learner in basic education: communication and collaboration, self-efficacy (a person's belief about his or her capabilities to perform tasks or assignments that can change and transform his or her life), critical thinking (use logic and evidence to arrive at conclusions), problem solving, creativity and imagination, citizenship, digital literacy, and learning to learn. Organization of basic education include: early years (pre-primary and lower primary – grades 1 to 3); middle school (upper primary – grades 4 to 6 and lower secondary – grades 7 to 9); senior school (this level allows the learner to begin specialization in a career path of choice).

**Curriculum Reform Policy 2015.**<sup>38</sup> The policy reform's vision is "nurturing every learners' potential". Overall goal is to prepare a relevant competency-based curriculum that ensures learners acquire competencies and qualifications capable of promoting national values, inspiring individual innovation and life-long learning. Key focus areas include: access to quality and relevant education; inclusion and equity in education; competency-based curriculum that utilizes technology, pedagogical approaches and assessment; enrolment and gender disparity in science, technology, engineering and mathematics; regional and international benchmarking and harmonization; county-specific development agenda; governance and monitoring and evaluation.

<sup>38</sup> - <https://kicd.ac.ke/curriculum-reform/curriculum-development-policy/>

**National Curriculum Policy 2015-2028.** The policy's vision is to produce citizens equipped with relevant and quality knowledge with national values and social competencies. It also aims to equip Kenyans with the 21st century skills and competencies as the country undertakes a major reform of the national curriculum.

**The Basic Education Act 2013:** This Act gives effect to Article 53 of the Constitution and other enabling provisions to promote and regulate free and compulsory basic education; provide for accreditation, registration, governance, and management of institutions of basic education. It also provides for establishment of the National Education Board, the Education Standards and Quality Assurance Commission; and the County Education Board. It provides for the free and compulsory basic education; creation of institutions for enhanced efficiency in delivery of education, devolution of education management and delivery, and the creation of structures to ensure public participation in the management of public institutions.

**Children's Act Chapter 141 (Revised 2012).** The Act provides for parental responsibility, fostering, adoption, custody, maintenance, guardianship, care and protection of children; and for the administration of children's institutions. It gives effect to the principles of the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child.

Article 7 provides that every child shall be entitled to education, the provision of which shall be the responsibility of the Government and the parents. It further provides that every child shall be entitled to free basic education, which shall be compulsory in accordance with Article 28 of the United Nations Convention on the Rights of the Child.

**Sector Policy for Learners and Trainees with Disabilities** – The policy's overall goal is to

promote the provision of education and training for learners and trainees with disabilities from early years to university. The policy aligns the provision of education and training to the Constitution of Kenya 2010, the Basic Education Act (2013), as well as SDG No. 4 on equitable, inclusive quality education and lifelong learning for all. To achieve its objectives, the policy has outlined 16 policy provisions and 17 policy statements. These are inclusive education, assessment and early intervention, access to quality and relevant education and training, quality learning environment, health and safety; specialized learning resources, assistive devices and technology; public participation and engagement; advocacy and awareness creation; equity and gender mainstreaming; curricula; financing and sustainability; partnership, collaboration and coordination; research, data management and innovation; inclusive disaster risk reduction; mentorship, moulding and nurturing of national values; institutional implementation framework for the sector policy.

**The Technical and Vocational Education and Training (TVET) Act of 2013.** The TVET Act provides for the establishment of a technical and vocational education and training system; for the governance and management of institutions offering technical and vocational education and training; and for coordinated assessment, examination and certification. It requires the institution of a mechanism for promoting access and equity in training, and to assure standards, quality and relevance. The Act establishes the TVET Authority; licensing, registration and accreditation of institutions and trainers; organization of training institutions; standards, quality and relevance in training; harmonization of training qualifications (national and international); TVET curriculum development; and establishment of the Assessment and Certification Council.

**Universities Act 2012.** The Act provides for the development of university education; the establishment, accreditation and governance of universities; the establishment of the Commission for University Education (CUE), the Universities Funding Board (UFB) and the Kenya University and Colleges Central Placement Service Board (KUCCPSB). It provides for establishment and accreditation of universities; guidelines on the governance and management of universities; for the establishment of UFB.

**Teachers Service Commission (TSC) Act.** The TSC Act makes further provisions for the Teachers Service Commission, established under Article 237 of the Constitution 2010; its composition, functions and powers; and the qualifications and procedure for appointment of members. The Act converted the TSC, previously a semi-autonomous agency into a constitutional commission and operationalized Article 237 of the Constitution of Kenya. The Commission is mandated to carry out the functions of registration, recruitment, employment, promotion, and management of teachers.

**African Charter on Human and Peoples Rights (Adopted in Nairobi June 27, 1981 Entered into Force October 21, 1986.)** Article 17. This charter provides that every individual shall have a right to education,

**African Charter on the Rights and Welfare of the Child (adopted in 1990, entered into force 1999, ratified by Kenya in 2000).** Article 11 of this charter provides that every child has the right to an education, to develop their personality, talents and mental and physical abilities to their fullest potential. This education also includes the preservation and strengthening of positive African morals, and traditional values and cultures. Governments should also take special measures in respect of female, gifted, and disadvantaged children, to ensure equal access to education for all sections of the community.

International Covenant on Economic, Social and Cultural Rights (adopted 1966, came into force 1976). Article 13 requires states parties recognize the right of everyone to education and agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. It further points out that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations; and all racial, ethnic or religious groups, and further the activities of the UN for the maintenance of peace. It provided for free and compulsory primary education. Secondary, technical and vocational secondary education generally available to all especially through progressive introduction of free education. Higher education shall be made equally accessible to all on the basis of capacity, by every appropriate means, and fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education.

UN Convention on the Rights of the Child (adopted on November 20, 1989, entry into force on September 2, 1990). Articles 28, 29 and 30 of the convention provide for free and compulsory basic education, the need for education to develop each child's personality and talents to the full, and the right of children to learn and use the language and customs of their families.

**Target 4.1** By 2030, ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes

**Indicator 4.1.1** Proportion of children and young people: in grades 2/3; at the end of primary; and at the end of lower

secondary achieving at least a minimum proficiency level in (i) reading and (ii) mathematics, by sex

This target is aimed at ensuring that all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities; have access to and complete, free and compulsory quality and relevant education. The focus is on basic education – primary and secondary levels. The overall objective is to ensure the provision of 12 years of free, publicly-funded, inclusive, equitable, quality primary and secondary education. – At least nine years of these are compulsory, public and free, and leading to relevant learning outcomes should be ensured for all without discrimination.<sup>39</sup>

In Kenya, primary school enrolment increased from 8.56 million in 2008 to 10.4 million in 2017. Net enrolment rate (NER) increased from 88.1 percent in 2012 to 91.2 percent in 2017 while the gross enrolment rate (GER) declined marginally from 105 percent in 2012 to 104 percent in 2017. The pupil completion rate (PCR) shows a steady increase from 79.3 percent in 2014 to 84.0 percent in 2017 with the number of KCPE candidates steadily increasing from 811,930 in 2012 to 993,718 in 2017.

Primary to secondary transition rate (PSTR) increased over time from 64.5 percent in 2012 to 83.1 percent in 2017. Secondary school enrolment increased from 1.34 million in 2008 to 2,831 million in 2017. Net enrolment rate (NER) increased from 44.5 percent in 2008 to 2.83 percent in 2017 while gross enrolment rate (GER) increased steadily from 50.5 percent in 2012 to 68.5 percent in 2017. The number of KCSE candidates grew from 445,520 in 2012 to 610,501 in 2017.

Public expenditures on recurrent and development increased by 40 percent from Ksh66.3 billion in 2013 to Ksh92.7 billion in 2017.

39 - Unpacking Sustainable Development Goal 4 - Education 2030

Curriculum development and review is focused on improving quality and relevance of education in primary and secondary schools. The government provided infrastructure grants to public primary and secondary schools to improve infrastructure like laboratories. Digital content was developed during the period and each public primary school provided with Ksh60,000 to improve the ICT infrastructure. Digital learning tools were provided to a number of public primary schools.

The total number of teachers was 217,152 in 2017. Textbook to Pupil Ratio improved from 1:3 in 2012 to 1:1 in 2017.

### Relevant policies

Legal framework and policies that support the achievement of this target include the Constitution 2010, Kenya Vision 2030 and the Third MTP; Sessional Paper No 4 of 2012 on Reforming Education and Training in Kenya; National Education Sector Plan (NESP) 2013 – 2018, Basic Education Curriculum Framework (2016), Curriculum Reform Policy 2015, National Curriculum Policy 2015, Basic Education Act 2013, Children's Act Chapter 141 (Revised 2012), TSC Act, African Charter on Human and Peoples Rights, African Charter on the Rights and Welfare of the Child; International Covenant on Economic, Social and Cultural Rights; and the UN Convention on the Rights of the Child.

### Related goals and targets

This target is related to Goal 1 on ending poverty, Goal 3 on health (specifically Targets 3.1, 3.2 and 3.7 on maternal and child health and reproductive health) and Target 4.5 on eliminating gender disparities in education; as well as Target 5.1 on ending discrimination against women and girls.

### Indicators and targets

The data for the indicator for the target are partially available according to KNBS.

Kenya policy targets include achievement of 100 percent PER by 2022 PER from 91.2 percent in 2017; PSTR 100 percent by 2022 from 83.1 percent in 2017.

### Comment on adequacy

This target is adequately covered by policy, legal and institutional framework.

**Target 4.2** By 2030, ensure that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education

**Indicator 4.2.1** Proportion of children under 5 years of age who are developmentally on track in health, learning and psychosocial well-being, by sex

**Indicator 4.2.2** Participation rate in organized learning (one year before the official primary entry age), by sex

The Target aims at expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children. It involves increasing access to education to children between the ages of 36-59 months. The overall objective is to provide at least one year of free and compulsory quality pre-primary education as well as that of early childhood development and care<sup>40</sup> delivered by well-trained educators.

### Relevant policies

This target is fully covered by Kenyan policies that include the policy provisions discussed at the beginning of this section on Goal 4, and specific policies on early childhood education and pre-primary education which include: the Third

<sup>40</sup> - SDG 4 – Education 2030 Relationship

MTP on specific plans for the five year period; Basic Education Act No 14 of 2013, National Early Childhood Development Policy Framework (2006), Sessional Paper No 1 of 2005, Sessional Paper No 14 of 2012 on reforming education and training sectors in Kenya, National Children's Policy 2008, and Education for All (EFA) policy.

**Constitution 2010.** The Constitution devolves the management of ECDE to the counties so as to involve the people in the management of ECDE centres and enhance ownership.

**Third MTP.** The sector aims to achieve universal early childhood development education<sup>41</sup>. This will ensure that all girls and boys have access to quality day care and pre- primary education in all parts of the country so as to be ready for primary education. The components include: establishment of an ECDE centre in every primary school to facilitate a seamless transition of children from pre-primary to primary level. This will be implemented in collaboration with county governments; provision of capitation grant to cater for learning and instructional materials as well as integration of health and nutritional services; construction, upgrading and equipping of ECDE facilities in every ward. This will ensure addition of ECDE facilities and creation of friendly learning environments; implementation of ECDE policy, service standard guidelines, and Kenya school readiness assessment training. Recruitment of adequate skilled ECDE teachers to ensure quality and balanced services for learners; development and implementation of a scheme of service for ECDE teachers will also be implemented. This will ensure harmonization in the engagement of the teachers across the country and recruitment of an ECDE quality assurance officer for every sub-county. This will strengthen monitoring and evaluation activities; recruitment of care givers in ECDE centres for children below four years; and capacity building of teachers, care givers and managers of ECDE

institutions.

**Basic Education Act No 14 of 2013.** The Act refers to this level of education as pre-primary and defines it as education offered to a child of four or five years before joining level one in a primary school. It also provides guidelines on management of ECDE. Under Article 18, on the establishment of County Education Boards, one of the key functions is to oversee, in consultation with the county government, the operation and management of pre-primary education, including early childhood care. Article 28 provides that the Cabinet Secretary in charge of Education shall, in consultation with the National Education Board and the relevant County Education Board; provide for the establishment of pre-primary within a reasonably accessible distance within a county while Article 41 provides for the inclusion of pre-primary education in the education structure.

**National Early Childhood Development Policy Framework (2006).** The framework provides comprehensive guidelines on management of ECDE in Kenya. The vision statement is, "All children realizing their full potential in life." The goal is to enhance access, equity and quality services for all children from conception to eight years;. The objectives are: to establish a good foundation for children to develop to their fullest potential for national development and to foster national unity; to ensure and safeguard the rights and welfare of all children; and to provide, through coordinated partnerships, quality and integrated services for the holistic development of children.

**Sessional Paper No. 1 of 2005.** The Sessional Paper recognizes the ECDE and focuses on provision of education to four to five-year-olds with a view to providing a holistic and integrated programme that meets the child's cognitive, social, moral, spiritual, emotional, and physical needs. It places a focus on access, quality and

41 - Education and Training Sector MTP III



equity; places the management of ECDE centres under the care of parents and other stakeholders and mainstreams the sub-sector as part of primary education.

#### **Sessional Paper No 14 of 2012 on Reforming Education and Training Sectors in Kenya.**

The Sessional Paper recognizes pre-primary education as part of basic education and requires all primary schools to have a functioning pre-primary section, with admission not subjected to entry interviews or examinations by 2015; devolves ECDE management to County Governments; provision of free and compulsory pre-primary education for all four to five-year-olds in Kenya. It emphasizes on training of teachers and awarding recognized qualification from Kenya National Examination Council (KNEC); education for the marginalized, hard-to-reach and vulnerable groups (most vulnerable children –MVC); girls, and women in the arid and semi-arid lands, urban slums); establishment of pre-primary learning centres in ASAL regions, hard to reach and vulnerable areas; allocate capitation and development grants in line with basic education sub-sector funding; identify and allocate capitation grants for children with special needs and plan for special pre-primary centres that would offer services to such children; and promote nutritional and health programmes at pre-primary centres.

National Children's Policy 2008. The goals are based on the key pillars of Child Rights as articulated in the (UNCRC), 1989. Policy vision is to create an environment where all the rights of a child in Kenya will be fulfilled. The overall goal of this policy is to realize and safeguard the rights and welfare of the child. It asserts that all children deserve quality, relevant, accessible affordable and child friendly education in a secure and safe environment. The Kenya government and parents/guardians are required to take steps to ensure accessibility, utilization of free

and compulsory basic education that should take into account the foundational significance of the Early Childhood Education (ECE). The policy provides for the establishment of the National Council for Children's Services as a coordinating body for ECD providers.

**Education for All (EFA)** Goal 1 Early Childhood Care and Education – is expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children. It sets the GER Target for ECDE at 80 percent by 2015

#### **Related goals and targets**

This target reinforces Target 4.1, on complete, free, equitable, and quality primary education.

#### **Indicators and targets**

Data on the two indicators for this target are available according to KNBS.

#### **Comment on adequacy**

This target is adequately covered by the policy, legal and institutional framework.

**Target 4.3** By 2030, ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university

**Indicator 4.3.1** Participation rate of youth and adults in formal and non-formal education and training in the previous 12 months, by sex

**Target 4.4** By 2030, substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship

**Indicator 4.4.1** Proportion of youth and adults with information and communications technology (ICT) skills, by type of skill

The provision of tertiary education should be made progressively free, in line with existing international agreements. Tertiary education is referred to as post-basic education and involves the university and technical and vocational education and training (TVET). This is an important sector as it provides hands-on skills training that are essential for participation in the labour market.

The focus should be to increase tertiary enrollment rates for both women and men and reduce barriers to skills development and TVET. Skills acquisition should go beyond work-specific skills. Emphasis must be placed on developing high-level cognitive and non-cognitive/transferable skills, such as problem solving, critical thinking, creativity, teamwork, communication skills and conflict resolution; which can be used across a range of occupational fields. Moreover, learners should be provided with opportunities to update their skills continuously through lifelong learning.

This requires equitable access to TVET, which needs to be expanded whilst ensuring quality. Learning opportunities should be increased and diversified, using a wide range of education and training modalities so that all youth and adults, especially girls and women; acquire relevant knowledge, skills and competencies for decent work and life<sup>42</sup>. TVET can be accessed through TVET colleges and through apprenticeships, entrepreneurship, medium size enterprises and the National Youth Service (NYS).

## Relevant policies

The legal framework and policies that support the achievement of this target includes the Constitution 2010 (specifically Article 55) and Kenya Vision 2030. Other policies include the Third MTP, Sessional Paper No. 1 of 2005 – A Policy Framework for Education, Training and Research; Sessional Paper No. 14 of 2012, on Reforming Education and Training Sectors in Kenya, Basic Education Act No. 14 of 2013, The TVET Act (2013), Technical and Vocational Education and Training Policy 2012, Education Sector Policy on Peace Education 2014, Education and Training Gender Policy 2015, Education for Sustainable Development Policy for the Education Sector 2017, Kenya National Qualification Framework Act, TVET Master Plan and Strategy (2016-2031), and TVET strategy 2016-2020.

Third MTP programmes for TVET include construction and rehabilitation of TVET SNE institutions and provision of equipment; implementation of Competency-Based Education and Training (CBET) programme; Kenya National Qualifications Framework; review and implementation of NVQET curriculum; establishment of enterprise development incubators; enhancement of retention in TVET; and student financing.

Review of university curriculum aimed at ensuring that university education is in tandem with the competence-based curriculum for education and training to prepare learners with knowledge and requisite skills matching the labour market. The reformed universities curriculum will provide seamless transition of learners from basic and TVET institutions to universities.

Other initiatives for university education include increasing access to university, whose objective is to improve access to quality university education; provision of specialised equipment to SNE students in universities, establishment

<sup>42</sup> - UNESCO SDG 4 – Education 2030 relation

and development of centres of specialization in universities; and ICT integration in university education.

**Sessional Paper No. 1 of 2005 - A Policy Framework for Education, Training and Research.** This framework provides for the development of a comprehensive national skills training strategy; promotion of private sector investments in the development of TVET facilities; provision of scholarships and other merit awards to both staff and learners to promote excellence in creativity and innovation in the field of science and technology; provision for financing of students through scholarships and loans with special attention to vulnerable and marginalized groups and learners with special needs; incorporate TVET into secondary school education by requiring those schools that have infrastructure, equipment and staff to offer industrial and technical training curriculum; place skills training institutions under one coordinating ministry in order to make them appropriately staffed and equipped to provide credible TVET programmes; and rehabilitate facilities in public TVET institutions to ensure quality training.

It also provides for the expansion of the university education; promotion of private sector investment; strengthening of quality assurance mechanisms; financing of students through provision of scholarships, bursaries, loans in cognizant of gender parity and expansion of financial base of the Higher Education Loans Board (HELB); ensure relevant training and development of requisite skills; creation of centres of excellence; regular peer reviews and evaluation of programmes offered; development of facilities that enhance participation of learners with special needs; and review of all professional programmes to ensure quality and relevance and the incorporation of internships into the academic programmes.

**Sessional Paper No. 14 of 2012 on Reforming Education and Training Sectors in Kenya.** The Sessional paper provides for the establishment of education service delivery pathways to accommodate identification and development of talent and skills which will be certified through the Kenya National Qualification Framework. It places emphasis on university education with a focus on access, equity, quality, relevance, financing, governance and management of universities; and provides for the regulation, systematization of accreditation of educational programmes, assessments and recognition of various qualifications (national and international). On TVET – the policy's objective is to provide adequate and appropriate skilled artisans, craftspeople, technicians and technologists at all levels of the economy through practical training and work experience. To ensure access and equity the policy targets to pursue TVET expansion programmes at national, county and constituency levels to accelerate attaining and sustaining a gross enrolment ratio (GER) of 20 percent in TVET by 2023. To ensure quality and relevance – implement competency-based modular curriculum framework, skills curriculum, and instruction design and assessment; institutionalization of quality assurance and accreditation system and monitoring; development of centres of excellence, development of linkages with the industry, and establishment of TVET Authority. On university education, the policy seeks to expand access and equity by promoting expansion to satisfy the demand for university places of the growing population; advocate for an increase in the number of private universities; expand government student sponsorship to private universities; and the establishment of the Kenya Universities and Colleges Central Placement Service. On affirmative action, to ensure that universities graduate an average of 2,400 PhDs; ensure at least 40 percent enrolment of female

students into science-based university academic programmes; increase enrolment of students with special needs through affirmative action, appropriate out-reach programmes targeting them and through pre-entry programmes. On increasing financing – provide scholarships, loans and bursaries. On quality and relevance – establish specialized universities to promote and exploit innovative uses of technology, expand facilities, provide appropriate teaching and learning environment, address staffing capacity (numbers, specialization and qualifications), collaborate with professional accreditation bodies and external quality assurance; and address class sizes, weak linkage between the competences acquired and the demands of the market; and address inadequate research funding.

**Basic Education Act No. 14 of 2013.** This Act encourages independent and critical thinking and cultivating skills; disciplines and capacities for reconstruction and development.

**The TVET Act (2013):** The TVET Act provides for the inculcation of technical and professional skills, knowledge and levels of qualification needed in the various sectors of the economy. It also allows for the establishment of the TVET Authority, which is charged with the task of licensing and registering TVET institutions and trainers; accreditation, quality assurance, assessment and certification.

**Technical and Vocational Education and Training Policy 2012:** The goal of this policy is to develop a well-coordinated and harmonized TVET system that is capable of producing qualified graduates with the relevant skills for industrial and economic development. It provides a framework to achieve two main paradigm shifts; a) The shift from time-bound, curriculum-based training to flexible, competency based training and; b) The shift from supply-led training to demand-driven. These shall be developed by promoting the role

of industry in both the design and delivery of TVET programmes.

**Education Sector Policy on Peace Education 2014:** The policy provides for development of skills that will promote effective interpersonal relationships and harmonious co-existence. Its rationale is that Kenya is a signatory to international treaties and conventions that advocate peaceful and harmonious co-existence among people of all nations. The Universal Declaration of Human Rights (1948) Article 26(2) states that education should promote understanding, tolerance and friendship among all nations. This policy contributes to the actualization of the commitments in Kenya.

**Education and Training Gender Policy 2015:** The goal of this is to promote gender equality issues in as far as access, equity and equality in the education sector. It advocates the elimination of all gender disparities and inequalities in education and for the creation of a gender-responsive learning and working environment and for the enhancement of a gender-sensitive and responsive governance and management in the education sector.

**Education for Sustainable Development Policy for the Education Sector 2017.** The overall objective of the policy is to reorient education and learning so that everyone can acquire the knowledge, skills, values and attitudes necessary for contributing to sustainable development. This will be realized through integrating sustainable development into education and integrating education into sustainable development.

**Kenya National Qualification Framework Act.** The Act provides for the development of Kenya Qualifications Framework and establishment of the Kenya National Qualifications Authority and establishment of standards.

**TVET Master Plan and Strategy (2016-2031).** The masterplan acts as a roadmap for future

development and renovation for the TVET system in Kenya for the next 15 years (bringing together the different actors in the different sectors). The plan also provides the framework and justification for budget requests relating to appropriation decisions and capital expenditures at national level.

**TVET strategy 2016-2020.** The strategy is to implement phase 1 of the master plan. It is designed to guide and assist TVET practitioners, investors, development partners, implementers and all beneficiaries in the TVET sub-sector. TVET sub-sector initiatives will be implemented with due regard to sustainability, cost-effectiveness, local ownership and high added-value to services.

**Guidance and Counseling Policy Guidelines for TVET:** The objective of the guidelines is to guide the provision of effective, efficient and meaningful counseling services in TVET institutions with the aim of facilitating student learning and institutional stability; enhances cohesion, healing, promoting career choices for individual and development. Additionally, the supportive nature of the services offered in guidance and counseling enables individuals, families, communities and institutions of learning to manage difficult situations.

**Industrial Training (Amendment) Act of 2011:** The Act provides for the establishment of the National Industrial Training Authority (NITA), a state corporation mandated to promote the highest standards in the quality and efficiency of industrial training in Kenya and ensure an adequate supply of properly trained manpower at all levels in the industry.

**University Education Act 2012:** The University Education Act provides for the development of university education; the establishment, accreditation and governance of universities; the the Commission for University Education (CUE), and the Universities Funding Board and the Kenya

University and Colleges Central Placement Service Board. It provides guidelines on the governance and management of universities and for the establishment of the Universities Funding Board.

### Related goals and targets

The two targets are related to Goal 1 on ending poverty, Goal 3 on health, Goal 5 on gender equality, Goal 8 on productive employment and Goal 9 on resilient infrastructure and inclusive industrialization. Specific Targets include 3.1, 3.2 and 3.7 on maternal, child health and reproductive health respectively; Target 4.5 on eliminating gender disparities in education, Target 5.1 on ending discrimination against women and girls; Targets 8.5 and 8.6 on employment including youth employment; and Targets 9.1 and 9.2 on resilient infrastructure and inclusive industrialization.

### Indicators and targets

Data for the indicators for the two targets are available according to KNBS.

Policy targets include gross enrolment rate (GER) for TVET – 20 percent by 2022.

### Comment on adequacy

The two targets are adequately supported under Kenya's policy, legal and institutional framework and infrastructure.

**Target 4.5** By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations

**Indicator 4.5.1** Parity indices (female/male, rural/urban, bottom/top wealth



quintile and others such as disability status, indigenous peoples and conflict-affected, as data become available) for all education indicators on this list that can be disaggregated

This target is about inclusion, equity and gender equality. The overall objective of this target is to ensure that all children, particularly girls, children in difficult circumstances (orphans and those in slums), and those belonging to ethnic minorities, have access to quality education at all levels.

**Inclusion and equity:** All people, irrespective of sex, age, race, colour, ethnicity, language, religion, political or other opinion; national or social origin, property or birth, as well as persons with disabilities, migrants, indigenous peoples, and children and youth, especially those in vulnerable situations or other status; should have access to inclusive, equitable quality education and lifelong learning opportunities. Vulnerable groups that require particular attention and targeted strategies include persons with disabilities, indigenous peoples, ethnic minorities and the poor.

**Gender equality:** This refers to a situation of equal treatment of men and women, girls and boys so that they both can enjoy the benefits of development including equal access to and control of opportunities when they arise. Gender parity refers to equal number of men and women, girls and boys relative to their respective numbers in the population. Adolescent girls and young women, who may be subject to gender-based violence, child marriage, early pregnancy and a heavy load of household chores. Those living in poor and remote rural areas, require special attention. In contexts in which boys are disadvantaged, targeted action should be focused on them.

**Gender parity:** Gender parity refers to equal number of men and women, girls and boys relative to their respective numbers in the population. Gender disparity is the existence of differences in women's and men's access to resources, status and well-being, which usually favour men and are often institutionalized through law, justice and social norms. **Gender disparities** in accessing education have been prevalent in Kenya from pre-independence days to the present, with females being the most disadvantaged. Lack of same opportunities in accessing education at all levels arises due to religious & cultural practices; poverty at home with preference being given to educating boys.

### Relevant policies

The legal framework and policies that support the achievement of this target include the provisions of the Constitution 2010 and the Kenya Vision 2030. Other policies discussed below include: the Third MTP, Sessional Paper No.14 of 2012 on Reforming Education and Training Sectors in Kenya; NESP 2014 – 2018 sector plan, Education and Training Gender Policy 2015, Policy for Alternative Provision of Basic Education and Training (APBET) 2009, Education Sector Policy on HIV and AIDS 2013, National Curriculum Policy 2015, Policy Framework on Nomadic Education in Kenya 2010, Special Needs Education (SNE) Policy 2009, Social Protection Policy 2011, Prohibition of Female Genital Mutilation Act 2011, TSC Act 2012, and Kenya National Gender and Equality Commission Act 2011.

**Constitution 2010 .** The Constitution refer to provisions discussed in the introduction to this section on Goal 4. Also refer to Article 27 on equality and freedom from discrimination which provides that every person is equal before the law and has the right to equal protection and equal benefit of the law and that equality includes the full and equal enjoyment of all rights and fundamental freedoms. It also



provides that women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres. Subsection 4 provides that the State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth. Articles; 43(1) (f) reiterates education as a right for all people while article 54 (b) provides for the access to education for persons with disability. Article 55(a) recommends access to relevant education and training for the youth while 56 provides for affirmative action programmes for special groups.

**Vision 2030:** One of the points of focus of the Education Sector is to ensure access and equity to address disparities between male and female students and between different socio-economic groups and regions.

**Third MTP :** The MTP III also addresses education and training in marginalized areas to ensure increased equitable access for learners in ASAL regions, pockets of poverty, urban slums and hard to reach areas; special needs education (SNE); and Adult & Continuing Education (ACE) to improve access, retention and completion.

**The Sessional Paper No.14 of 2012 on Reforming Education and Training Sectors in Kenya:** The sessional paper addresses equity and equality in the provision of education for marginalized and hard-to-reach and vulnerable groups.

**NESP 2014 – 2018 sector plan.** The plan addresses equity and inclusion and it prioritizes the focus on gender in education, most vulnerable children and expanding education opportunities in the ASAL.

**Education and Training Gender Policy 2015.** The policy gives clear policy direction and strategies on gender issues affecting the education sector.

It aims to reduce gender inequalities in access, participation and achievement in all levels of education.

**Policy for Alternative Provision of Basic Education and Training (APBET) 200:** The policy provides the necessary guidelines to streamline the development and management of alternative channels that provide education and training to needy Kenyans. These include children who are not able to enroll in institutions of formal education and the youth and adults who have missed out on formal education. They are able to access education and training in non-formal schools (NFS), non-formal education centres (NFEC) and adult continuing education centres (ACE).

**Education Sector Policy on HIV and AIDS 2013:** This provides a framework for prevention, treatment, care and support as well as the management of responses within the education sector at all levels.

**National Curriculum Policy 2015:** The aim of this policy is to increase enrolment in science, technology, engineering and mathematics (STEM) related programmes and courses and enhance gender parity in these areas. It also focuses on promoting inclusive education and ensuring equity in education and training to address the needs of learners with disabilities and vulnerable groups in nomadic and ASAL counties and those living in extreme poverty and informal settlements.

**The Policy Framework on Nomadic Education in Kenya 2010:** This policy gives direction on how to address the challenging issues of access, equity and equality in education in marginalised and nomadic environments. The National Council for Marginalised and Nomadic Education (NACONEK) was thus established as a vehicle to address education in these areas.

**Special Needs Education (SNE) Policy 2009:** The special needs policy's overall goal is to achieve

education for all in line with the national and global commitment. The SNE vision is to have “A society in which all persons regardless of their disabilities and special needs achieve education to realize their full potential.”

**Sector Policy for Learners and Trainees with Disabilities 2018:** the policy’s overall goal is to promote the provision of education and training for learners and trainees with disabilities from early years to university. The Policy focuses on inclusive education, access to quality and relevant education and training, provision of specialized learning and assistive devices and technology; equity and gender mainstreaming.

**Social Protection Policy 2011.** The goal of the Social Protection Policy is to ensure that all Kenyans live in dignity and exploit their human capabilities for their own social and economic development. The policy focuses on the provision of social assistance, social security, and health insurance.

**The prohibition of female genital mutilation act, 2011 Article 27** provides for necessary steps to (a) protect women and girls from female genital mutilation which hinders access and participation of girls to education

**The TSC Act, 2012:** The TSC imposes disciplinary measures meant to deter teachers from sexually harassing their learners which leads to girls or boys dropping out of school.

**Kenya National Gender and Equality Commission Act, 2011:** The TSC Act promotes gender equality and freedom from discrimination.

### Related goals and targets

This target is related to the other targets in Goal 4, Goal 5 (in particular Target 5.1 on ending all forms of discrimination against women and girls) and Goal 10 (especially Targets 10.2 and 10.3 on inclusion and equal opportunity for all).

### Indicators and targets

Data on the indicator for this target are available according to KNBS.

The policy targets is to achieve inclusion and gender parity in education.

### Comment on adequacy

This target is adequately supported under Kenyan policies, laws and institutional framework.

**Target 4.6** By 2030, ensure that all youth and a substantial proportion of adults, both men and women, achieve literacy and numeracy

**Indicator 4.6.1** Percentage of population in a given age group achieving at least a fixed level of proficiency in functional (a) literacy and (b) numeracy skills, by sex

The target focuses on improvement in levels of adult literacy especially for women, and equitable access to basic and continuing education for all adults. Kenya has adopted the UNESCO definition of literacy and continuing education as ‘the entire body of organized educational process whereby persons regarded as adults by the society to which they belong develop their abilities, enrich their knowledge, improve their technical and professional qualifications and bring about changes in their attitudes and behavior in the two fold perspective of full personal development and participation in balanced and independent social, economic and cultural development’.

Adult literacy rate is the proportion of the population aged 15 and above who can, with understanding, read and write a short, simple statement on their everyday life. Generally, ‘literacy’ also encompasses ‘numeracy’, the

ability to make simple arithmetic calculations. This indicator is calculated by dividing the number of literates aged 15 years and over by the corresponding age group population and multiplying the result by 100.

In 2016, adult literacy rate was at 84.5 percent nationally, with male being 89 percent and female 80.2 percent. The rate for rural population was 78.8 national with 84.6 percent being male and 73.6 female; while urban adult literacy rate was 93.2 percent with 95.4 percent being male and 90.9 percent being female<sup>43</sup>. As indicated in the data, women are lagging behind in literacy.

### Relevant policies

Policies that support the achievement of the target include the Constitution 2010, Kenya Vision 2030, the Third MTP; The National Adult and Continuing Education Policy (2010); Education Sector Policy on Peace Education (2014), Education and Training Gender Policy 2015; and National Education Sector Plan (NESP) 2013-2018.

**The Constitution of Kenya 2010** refer to provisions discussed in the introduction to this section on Goal 4

**The Third MTP:** Initiatives of the Third MTP include undertaking an adult literacy survey, last done in 2006, to provide data and information for planning for the promotion of literacy and life-skills competencies needed to implement the Kenya Vision 2030; improvement of ACE facilities – increase number of community learning resource centres (CLRCs), adult secondary education classrooms, ACE centres, build and equip one adult education instructors training college; and advocacy and community empowerment for ACE to reduce stigma associated with adult illiteracy.

**The National Adult and Continuing Education Policy (2010):** The policy defines continuing education as all educational processes that enable persons to continue learning across their life span. It further defines adult and continuing education as the entire body of learning processes within the perspective of life-long learning whereby adults and out-of-school youth are given opportunities to develop their abilities, enrich their knowledge and improve their skills to meet their own needs and those of their society.

**Education Sector Policy on Peace Education (2014).** This policy recognizes literacy as an important enabler of peace.

**Education and Training Gender Policy 2015** underlines the need for equity by increasing participation of illiterate adults, especially women and out-of-school youth in the adult education and literacy programmes

**National Education Sector Plan 2013-2018:** The plan emphasizes the need to develop areas that facilitate access to quality education. These include investment in special needs education, alternative provision of basic education and training (to cater for out of school children; adult and continuing education investment (The sector provides basic education and training opportunities to out-of-school youth and adults who for some reasons either missed their chances in formal education system in their childhood or dropped out of school before attaining sustainable literacy skills); provision for school health, nutrition and meals (to increase attendance amongst young children especially in informal settlements and marginalized areas); child friendly environments / schools ( CFS); investment; education in emergencies (EIE) – (to ensure learners access quality education even in the occurrence of natural or man-made disasters, especially in marginalized and nomadic areas of arid and semi-arid lands. Initiatives include: establishing an adult literacy centre near every

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primary school, secondary school and or a faith based organization (FBO) institution.

### Related goals and targets

Related goals include Goal 2 (especially 2.3 on increasing food production), Goal 3, on health, Goal 5, on gender equality.

### Indicators and targets

The data on the indicator for this target are available according to KNBS.

There are no policy targets identified.

### Comment on adequacy

The policy framework addresses this target. However, the institutional infrastructure, resources and national emphasis on this area is low.

**Target 4.7** By 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development

**Indicator 4.7.1** Extent to which (i) global citizenship education and (ii) education for sustainable development, including gender equality and human rights, are mainstreamed at all levels in: (a) national education policies, (b) curricula, (c) teacher education and (d) student assessment

**Sustainable Development** is development that meets the needs of the present without

compromising the ability of future generations to meet their own needs. Peace, health and democracy are mutually reinforcing prerequisites for sustainable development. The pillars of sustainable development are Social, Economic and Environmental. **Education for Sustainable Development** is one of the tools for attaining sustainable development in Kenya through appropriate learning, capacity-building programmes and development of skills in sustainable use of resources at all levels. It calls for Kenya to incorporate the principles and values associated with sustainable development into every one of its education programmes. The content of such education must be relevant, with a focus on both cognitive and non-cognitive aspects of learning. The knowledge, skills, values and attitudes required by citizens to lead productive lives, make informed decisions and assume active roles locally and globally in facing and resolving global challenges can be acquired through education for sustainable development (ESD), Sustainable Lifestyles and Global Citizenship Education (GCED), which includes peace and human rights education, as well as intercultural education and education for international understanding.

In light of this the Ministry of Education, Science and Technology (MoEST) established a national ESD coordination desk in 2012 and collaborates with the Ministry of Environment and Natural Resources and the National Environment Management Authority (NEMA) to promote ESD activities. A national steering committee comprising of representatives from government, civil society organizations and the private sector has been spearheading the process of ESD implementation. ESD has also been entrenched in the 2013-2018 National Education Sector Plan (NESP). MoEST has established partnerships and networks with other organizations such as the Ministry of Health, Ministry of Environment and Natural Resources, UNESCO, UNEP,

WFP, UNICEF and MASHAV (Israel's Agency for International Development) for effective implementation. The ministry has an MoU with MASHAV that has already been implemented.

### Relevant policies

The emphasis in the Constitution 2010 and the Kenya Vision 2030 on the rights to clean and healthy environment implies the need for awareness and action by all to ensure that this becomes a reality.

Other policies that support the achievement of this target include: The Basic Education Act, Environmental Management and Coordination Act, No. 8 of 1999; Kenya Education Sector Support Programme (KESSP) 2005–2010, National Education Sector Plan (NESP) 2013–2018, Sessional Paper No. 4 of 2012, Sessional Paper No. 11 of 2014 on National Education for Sustainable Development Policy, National Curriculum Policy 2015, Education for Sustainable Development Policy for the Education Sector 2017, Education and Training Gender Policy 2015 and the National Climate Change Response Strategy (NCCRS) 2009.

**Third MTP.** The overall goal is to enhance quality and relevance in education and training for sustainable development and global competitiveness. Initiatives include establishing 47 Education for Sustainable Development (ESD) model institutions as demonstration centres for best management practices; and installing renewable energy systems in schools, TVET and universities for sustainable power supply.

**Basic Education Act.** Article 42 of the Act stipulates that 'the Cabinet Secretary of Education shall upon advice of the National Education Board, advise the government on the promotion of environmental protection education for sustainable development.'

**The Environmental Management and Coordination Act, No. 8 of 1999** provides for effective coordination and regulation of all actions directed at or likely to have influence on the environment. The Act has provision for promotion for environmental education.

**Kenya Education Sector Support Programme (2005–2010) (KESSP)** provided for opportunities for ESD implementation in formal education and contributed to a number of achievements in terms of sustainable development in the country.

**National Education Sector Plan (NESP) 2013–2018** provides a strategy for education and training to promote ESD with reference to the Global Action Programme. Its mission is to provide, promote and co-ordinate lifelong education, training and research for Kenya's sustainable development

**Sessional Paper No. 4 of 2012** commits the Ministry of Education to promoting ESD as a key element to enable sustainable development and quality education. The recommendation on curriculum reform is expected to foster quality education and enhance the integration of ESD at all levels of education.

**Sessional Paper No. 11 of 2014 on National Education for Sustainable Development Policy.** The policy, that is spearheaded by the Ministry of Environment and Natural Resources, provides mechanisms for engaging all stakeholders in addressing sustainable development challenges through education.

**National Curriculum Policy 2015.** This policy which aims at producing citizens equipped with relevant and quality knowledge; equipped with 21st Century skills and competencies and with national values and social competencies. One of its key areas of focus is the provision of quality and relevant education and training that empowers learners to be nationally and globally competitive.



**Education for Sustainable Development Policy for the Education Sector 2017** was developed as the Government's commitment to the 2014 UNESCO World Conference on ESD. Its main objective is to re-orient education and learning towards sustainable development. Its key focus areas are: advancing policy; transforming learning and training environments; Building capacities of educators and trainers; Empowering and mobilizing the youth; Accelerating sustainable solutions at local level.

**Education and Training Gender Policy 2015** aims at promoting gender equality issues in the education sector. It focuses on Access to gender-sensitive quality education; equity (equitable provision of resources, opportunities for all regardless of age, gender, culture or disability); it also focuses on safety, security and gender-based violence with the aim of creating safe and protective learning and working environments and in the prevention of sexual harassment and gender-based violence at all levels of the education and training sector. It also promotes nurturing and mentoring programs in the education sector and in the establishment of structures of good governance that ensure gender responsiveness at all levels of education.

**National Climate Change Response Strategy (NCCRS) 2009** and an Investment Framework. Both were developed by the Ministry of Environment and Mineral Resources and the Ministry of Forestry and Wildlife. They emphasize the importance of climate change education.

### Related goals and targets

This target reinforces Goal 6 on clean water and sanitation, Goal 7 on energy, Goal 13 on climate action and Goals 14 and 15 on life below water and on land respectively.

### Indicators and targets

Data on the indicator are not available according to KNBS.

No policy targets identified.

### Comment on adequacy

This target is adequately supported by policy.

**Target 4.a** Build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all

**Indicator 4.a.1** Proportion of schools with access to: (a) electricity; (b) the Internet for pedagogical purposes; (c) computers for pedagogical purposes; (d) adapted infrastructure and materials for students with disabilities; (e) basic drinking water; (f) single-sex basic sanitation facilities; and (g) basic hand washing facilities (as per the WASH indicator definitions)

This target addresses the need for adequate physical infrastructure and safe, inclusive environments that nurture learning for all, regardless of background or disability status

### Relevant policies

The legal framework and policies that support the achievement of this target includes the Constitution 2010, Kenya Vision 2030, the Third MTP, National Education Sector Plan (NESP), Education and Training Sector Gender Policy, Kenya Environmental Sanitation and Hygiene Policy 2016-2030; Sector Policy for Learners and Trainees with Disabilities May 2018; Persons with Disabilities Act (2003); and programs and initiatives which include the Child Friendly Schools (CFS) and Sanitary Towel Program.

**The Constitution 2010** (please refer to Articles of the Constitution that provides for education as a right for all). Article 27 provides for freedom from discrimination on any grounds, including sex, age, or disability. Article 54 provides



that a person with any disability is entitled to access educational institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interests of the person. It also provides that a person with any disability is entitled to access materials and devices to overcome constraints arising from the person's disability. Article 55. (a) The State shall take measures, including affirmative action programmes, to ensure that the youth access relevant education and training; Fourth Schedule (9) "The functions and powers of the county are to provide pre-primary education, village polytechnics, home craft centres and childcare facilities" While Article 43 provides that every person has the right to reasonable standards of sanitation and to clean and safe water in adequate quantities. This implies the same rights for children in school.

**Kenya Vision 2030:** The vision's projection for water and sanitation is to ensure that improved water and sanitation are available and accessible to all. This standard also applies to children in school.

**The Third MTP:** Universal secondary education programme, according to MTP III includes provision of infrastructure, including classrooms, laboratories, and sanitation facilities. Expansion of TVET includes significant infrastructure development throughout the country. The Third MTP also addresses the issue of special needs learners, universal early childhood development education including ECDE facilities and a friendly learning environment; education and training in marginalized areas – rehabilitation, construction and equipping of classrooms, Universal Basic Education - Construction of library facilities with capacity for safety storage of laptops, books, and other instructional materials in public primary schools. It increase funding support for instructional materials in APBET and non-formal schools; and integrating ICT into teaching,

learning and training at all levels of education. The government has undertaken an aggressive programme of connecting primary and secondary schools to the national electricity grid with the target to have 100 percent connection. There is also a programme to connect secondary schools and other learning institutions to the national internet broadband which will continue in the next five years.

**National Education Sector Plan (NESP):** The plan advocates for science laboratory and laboratory equipment investment; improvement of infrastructure; installation of electricity lines or solar power in all primary schools; connecting every public institution of learning with electricity under Rural Electrification Programme. Where the institutions are far from the national grid there shall be provision of alternative sources of energy. For education and training programmes it involves establishment of computer laboratories and internet services in all public schools to enable access to e-libraries and e-laboratories and aligning learners with special needs. is part of this plan. There is also provision of facilities that are accessible to these learners, including in ASAL regions, marginalized communities, poor rural areas, vulnerable and orphaned children; informal urban settlements and pockets of poverty; gender-insensitive infrastructure in learning institutions such as furniture and sanitation facilities.

**Children Friendly Schools (CFS):** These are meant to address the rights of every child to education of good quality. CFS schools inculcate the culture of inclusiveness, effectiveness, healthy safe and protective school environment, emphasizing gender responsiveness and active participation of all stakeholders in the school and community.

**Education and Training Sector Gender Policy:** The goal of this policy is to promote gender equality issues in as far as access, equity and equality in the education sector. This is in line

with its Mission – To provide, promote and coordinate the delivery of a gender sensitive and gender responsive quality education, training and research that enhances involvement of all learners in science, technology and innovation for sustainable development. The general objective of the Gender Policy is to eliminate all gender disparities and inequalities in education, create a gender responsive learning and work environment; and enhance gender-sensitive and responsive governance and management in the education sector. The specific objectives include: reduce gender inequalities in access, participation and achievement at all levels of education; support equal participation of women and men as decision-makers in shaping the educational policies and practices for sustainable development; increase participation in education for disadvantaged girls and women, boys and men, including orphans and vulnerable children (OVC); people with special needs, people living in ASAL areas, and the rural and urban poor. Other objectives include to ensure a gender responsive curriculum design, development and implementation; improve participation in research, SMT subjects and STEM courses through provision of mentoring programmes to all learners in the education sector; and ensure a safe and secure learning and work environment that is free of any form of sexual harassment and gender-based violence.

**Kenya Environmental Sanitation and Hygiene Policy 2016-2030.** This policy addresses sanitation and hygiene in schools in terms of sufficient facilities, access of facilities by the disabled and girls; and lack of appropriate hygiene practices. The management, operation and maintenance of facilities also remain a major issue for schools and an area which requires much greater attention. Adolescent schoolgirls in particular face challenges in managing their menstruation. Most girls in rural and poor urban environments lack sanitary menstrual materials.

It recommends the pupil-toilet-ratio (PToR) as 30:1 for boys and 25:1 for girls.<sup>44</sup> In 2014, this was at 34:1 and 29:1 for boys and girls respectively in public primary schools. In public secondary schools, the ratio was 22:1 for male and 18:1 for female. This compares favorably with the national norm.

**Sector Policy for Learners and Trainees with Disabilities 2018** addresses education and training for learners and trainees with disabilities in all levels of education and training. It reviews the Special Needs Education Policy (2009). The vision is to have an inclusive and equitable quality education opportunity for all for sustainable development. The mission is to provide a conducive environment in which the potential of all learners and trainees with disabilities is harnessed to equip them with skills for self-reliance and dignity. The policy's goal is to provide a robust sector policy framework for provision of education and training for learners and trainees with disabilities. Section 4.3 (Access to Quality and Relevant Education and Training) identifies inappropriate infrastructure, inadequate facilities and lack of equipment for learners and trainees with disabilities enrolled in regular institutions as a major barrier to enrolment. The policy's strategy is to Provide teaching and learning resources in accessible formats, qualified teaching and support staff for home-based and institution-based learners and trainees with disabilities. Section 4.4 (Quality Learning Environment, Health and Safety) recommends the provision of a barrier-free physical and social learning environment to operate with minimal support and maximize their functional potentials. This policy has the following strategies: (1) Provide adequate resources to make all institutions of learning and training accessible to learners and trainees with disabilities (2) Ensure compliance to safety standards and barrier free requirements for institutions of learning and training (3) Protect

learners and trainees with disabilities from any form of violence such as sexual, physical, emotional or psychological abuse within the school or training institution, at community level and home (4) Provide adequate, clean, and safe water and sanitation (5) Provide enriched school feeding programmes to learners and trainees at risk of malnutrition (6) Provide basic health services to learners and trainees with disabilities. Section 4.5 (Specialized Learning Resources, Assistive Devices and Technology) recommends the government to provide learners and trainees with physical disabilities with basic assistive devices needed to access both the learning environment and the curriculum. Key strategies include facilitation of production, procurement, distribution, maintenance of specialized learning resources, assistive devices, and learning technologies; the policy also calls for the facilitation of access to tax waivers for the same. Section 4.9. (Equity and Gender Mainstreaming) the policy is cognizant of the fact that learners and trainees with disabilities face multiple forms of discrimination based on gender, nature and severity of disability, resource allocation, and distribution and regional disparities leading to high school drop-out and low transition rates. This is more so for the girls. The main reason is lack of adequate and appropriate facilities. Learners and trainees with disabilities require specialized human resources, infrastructure, teaching and learning materials for quality education and training.

**Persons with Disabilities Act (2003)** provides for the rights and rehabilitation of persons with disabilities; to achieve equalization of opportunities for persons with disabilities; and to establish the National Council for Persons with Disabilities. Article 35 provides for tax, demurrage, port charges, value added tax and any other government levy exemptions for materials, articles and equipment to be used by individuals with disabilities, institutions and

organizations of and for persons with disabilities to keep their costs at reasonable minimum.

**Sanitary Towel Program.** The government has been implementing this program to keep the girls in school.

### Related goals and targets

This target is related to all the other targets in goal 4, goal 5 on gender (specifically target 5.1, 5.2 and 5.6), goal 6 (and in particular access to clean and safe water, and sanitation services targets 6.1 and 6.2 respectively), 7 on energy (in particular universal access to affordable, reliable and modern energy services target 7.1), goal 10 (in particular target 10.2 and 10.3 on social and economic inclusion and equal opportunity respectively) and goal 17 on access to ICT services (17.8).

### Indicators and targets

Data on the indicator are available according to KNBS.

Policy targets include universal access to electricity for public primary and secondary schools.

### Comment on adequacy

This target is adequately addressed by the policy, legal and institutional framework.

**Target 4.b** By 2020, substantially expand globally the number of scholarships available to developing countries, in particular least developed countries, small island developing States and African countries, for enrolment in higher education, including vocational training and information and communications technology, technical, engineering and scientific programmes,

in developed countries and other developing countries

**Indicator 4.b.1** Volume of official development assistance flows for scholarships by sector and type of study

**N/A** – relevant to development partners and global development agencies

**Target 4.c** By 2030, substantially increase the supply of qualified teachers, including through international cooperation for teacher training in developing countries, especially least developed countries and small island developing States

**Indicator 4.c.1** Proportion of teachers in: (a) pre-primary; (b) primary; (c) lower secondary; and (d) upper secondary education who have received at least the minimum organized teacher training (e.g. pedagogical training) pre-service or in-service required for teaching at the relevant level in a given country

Teachers are the key to achieving all of the Goal 4 targets. The availability of qualified teachers in adequate numbers requires urgent attention especially to address the equity gap in education exacerbated by the shortage and uneven distribution of professionally trained teachers, especially in disadvantaged areas. As teachers are a fundamental condition for guaranteeing quality education, teachers and educators should be empowered, well remunerated, motivated, professionally qualified, and supported within well-resourced, efficient and effective governance system.

The number of teacher training colleges for pre-primary and ECD more than doubled from 131 to 276 between 2013 and 2017. Those for

primary teachers increased slightly from 123 to 135 over the same period. Enrolment increased by 14 percent from 37,113 to 42,131 between 2013 to 2017. The number of teachers in public secondary schools and tertiary institutions increased by 43 percent from 65,337 to 93,631 between 2013 to 2017<sup>45</sup>.

### Relevant policies

The policy support for the achievement of this target is strongly provided by the Constitution 2010 and the Kenya Vision 2030 and the Third MTP. Other policies that are discussed briefly below include: National Education Sector Plan (NESP) 2013 – 2018; Sessional Paper No 14 2012, Sector Policy for Learners and Trainees with Disabilities of 2018; Education for Sustainable Development Policy for the Education Sector 2017, Education Sector Policy on HIV and AIDS 2013; Education and Training Sector Gender Policy; Institute for Capacity Development of Teachers in Africa (ICDTA), TSC Act 2012, and TVET Act 2013.

**The Constitution 2010:** The right to education enshrined in the Constitution in article 43 on economic and social rights implies the development of requisite capacity to provide education services including adequate teaching capacity.

**Vision 2030 - Social Pillar: Investing in the People of Kenya** - addresses modernizing teacher training including upgrading teacher training colleges at all levels. It also addresses the training of school heads.

**The Third MTP:** Relevant initiatives include: Training of examiners of special needs education (SNE) candidates; review of pre-primary teacher training curriculum and other levels of teacher education curriculum to effectively deliver the new curriculum; and modernization of teacher training to improve professionalism and maintain teaching standards.

**National Education Sector Plan (NESP) 2013 – 2018:** The goal of this plan is to enhance education quality; establish personal and professional standards of quality for teachers through a registration process that supports efficient appointment and deployment processes and the capacity development of teachers already recruited and placed; and on teacher education to develop a National Teacher Development Policy. (NTDP);

**Sessional Paper No 14 2012:** This is a policy framework for education and training. The objectives of teacher education programmes is developing communication skills, professional attitudes and values that equip teachers with the knowledge and ability to identify and develop the educational needs of the child. Strategies include: (1) Reform the teacher education curriculum to reflect the aspirations of constitution, and Vision 2030 with a shift to competency-based approach; (2) Upgrade the capacity of the existing teacher educators to meet the required standard; (3) Recognize the capacity and competencies acquired by teachers through continuous professional development; (4) Prepare at institutional level, an action plan for re-training, which updates teachers and provides regular re-training; (5) Expand access to special needs education training through decentralization of training institutions to the counties; and develop and implement a comprehensive teacher education, management and professional development policy.

**Sector Policy for Learners and Trainees with Disabilities 2018:** On capacity building and human resource development, the main objective is to facilitate provision of quality professional development of staff working with learners and trainees with disabilities and enhance provision of learning support services.

**Education for Sustainable Development Policy for the Education Sector 2017:** On building

capacities of educators and trainers, the Ministry of Education in collaboration with the TSC and other stakeholders shall integrate ESD into teacher education and professional development; develop sector-wide training and professional development programmes; and strengthen lifelong and non-formal education opportunities in ESD.

**Education Sector Policy on HIV and AIDS 2013:** The policy aims to encourage and facilitate HIV counseling and testing (HTC) through provision of training to increase the number of HTC professional counsellors and to strengthen the capacity of existing ones; Policy Statement 5.2.2 institutionalizes and embeds capacity building on HIV and AIDS for personnel in all capacity development programmes in the education sector by (i) Conducting pre-service and in-service training of educators in order to impart appropriate knowledge and skills to prevent HIV infection; (ii) Ensuring that HIV and AIDS related training for all education sector educators, managers, administrators, and support personnel is conducted by accredited and recognized training institutions.

**Education and Training Sector Gender Policy:** One of the objectives is to institutionalize a gender responsive and inclusive quality curriculum for teacher education and development and build the capacity of all teacher trainers on established standards and sensitize them on gender mainstreaming and gender-responsive pedagogy; mainstream gender in teacher education and development to ensure that primary teacher trainers are trained on established standards and sensitized on gender mainstreaming; and ensure that trainers of trainers for APBET and ACE institutions are trained on established standards and sensitised on gender mainstreaming.

**Institute for Capacity Development of Teachers in Africa (ICDTA):** The centre is charged with the

responsibility of building teachers' capacities to enable them cope with the pedagogy-related challenges they face in the process of curriculum delivery in the area of mathematics, science and technology education.

**TSC Act 2012:** One of the functions of the TSC is to ensure that teachers comply with the teaching standards prescribed by the Commission; facilitate career progression and professional development for teachers in the teaching service including the appointment of head teachers and principals; and registration of teachers. Article 35 on compliance with teaching standards provides that the Commission shall take all necessary steps to ensure that persons in the teaching service comply with the teaching standards prescribed by the Commission. It also requires every registered teacher to undertake career progression and professional development programmes as may be prescribed by regulations made under the Act.

**TVET Act 2013:** Article 17 provides for the licensing, registration and accreditation of

institutions and trainers and further provides that no person or institution shall offer training in Kenya unless the person or institution has been accredited, licensed and registered under this Act to offer such training.

### **Related goals and targets**

Intended outcomes under Goal 4 are fully dependent on this target – that is the existence of teaching capacity available is equitable throughout the country.

### **Indicators and targets**

Data for the target are available according to KNBS.

### **Comment on adequacy**

The policy, legal and institutional framework and capacities and trends adequately support the achievement of this target.





Women play a critical role in the socio-economic development of the country, which ultimately contributes towards ending poverty.



## ACHIEVE GENDER EQUALITY AND EMPOWER ALL WOMEN AND GIRLS

### Goal 5. Achieve gender equality and empower all women and girls

While the world has achieved progress towards gender equality and women's empowerment under the Millennium Development Goals (including equal access to primary education between girls and boys), women and girls continue to suffer discrimination and violence in every part of the world.

Gender equality is not only a fundamental human right, but a necessary foundation for a peaceful, prosperous and sustainable world.<sup>46</sup>

Ending all forms of discrimination against women and girls is not only a basic human right, but it also crucial to accelerating sustainable development. It has been proven time and again, that empowering women and girls has a multiplier effect, and helps drive up economic growth and development across the board<sup>47</sup>.

#### Relevant policies

There are a number of policies and legal instruments that support the achievement of the targets under this goal starting with the Constitution 2010 and Kenya Vision 2030. The following apply to all the five targets under this goal:

**The Constitution 2010:** The Constitution is very elaborate on gender equality and provides a foundation for formulating enabling policies and laws to achieve gender equality and empowerment of women and girls. Under the Article 10, national values and principles of governance include equity, social justice, inclusiveness, equality, human rights, and non-discrimination. The Bill of Rights (Article 27)

on equality and freedom from discrimination provides: (1) Every person is equal before the law and has the right to equal protection and equal benefit of the law. (2) Equality includes the full and equal enjoyment of all rights and fundamental freedoms. (3) Women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres, (4) The State shall not discriminate directly or indirectly against any person on any ground, including sex, pregnancy, or marital status. (5) A person shall not discriminate directly or indirectly against another person on any of the grounds specified or contemplated in clause (4), (6) The State shall take legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination. (8) The State shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender. Article 59 obligates the government to promote gender equality and equity generally and to coordinate and facilitate gender mainstreaming in national development. Article 59 establishes the Kenya National Human Rights and Equality Commission; whose functions include to promote gender equality and equity generally and to coordinate and facilitate gender mainstreaming in national development. It further provides that "Every person has the right to complain to the Commission, allegations that a right or fundamental freedom in the Bill of Rights has been denied, violated or infringed, or is threatened"

<sup>46</sup> - <https://www.un.org/sustainabledevelopment/gender-equality/>

<sup>47</sup> - <http://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-5-gender-equality.html>

**The Kenya Vision 2030:** The Vision is also elaborate on gender equality and equity and addresses all the five targets under Goal 5. Under the Social Pillar, Vision 2030 mainstreams gender equality in all aspects of society. In this regard, gender equality will be addressed by making fundamental changes in four key areas: opportunity, empowerment, capabilities, and vulnerability. Furthermore, given that women play a critical role in the socio-economic development of any nation, there is an urgent need to remove all obstacles that hinder their contribution to national development. Under this Vision, specific policy measures will be taken to correct the glaring gender gaps in access to and control of resources; economic opportunities, and in power and political voice. Strategies to reduce gender disparities and address vulnerabilities include: providing financial support to women to raise their incomes and reduce the gap in estimated earned incomes between men and women; increasing the number of women in Parliament; giving priority to female employees in the public sector to attain at least 30 percent representation in recruitment, promotion, and appointment of women to all decision-making levels; and reducing gender based violence (GBV).

Flagship projects include: increasing funds and providing training to women entrepreneurs; and increasing women representation at the executive level in all branches of government and the private sector. Initiatives include gender mainstreaming in all government policies, plans, budgets and programmes; and affirmative action of 30% representation of women at all decision-making levels.

Under the Political Pillar, the Vision states, "Kenya will be a state in which equality is entrenched, irrespective of one's race, ethnicity, religion, gender or socio-economic status...". One of the nine guiding principles in the Pillar

include gender equality with the Vision further stating, "Kenya shall be a nation that treats its women and men equally."

**National Policy on Gender and Development 2000:** The overall objective is to ensure women's empowerment and mainstreaming the needs of women, men, girls and boys in all sectors of development in the country so that they can participate and benefit equally from development initiatives. The policy framework underlines the need to focus on empowerment strategies that demonstrate understanding of essential linkages within sectors. In addition, it recognizes that gender is central and cross-cutting, and therefore programme strategies should incorporate gender equality as a goal. To achieve these, mechanisms aimed at achieving gender balanced development through the removal of disparities between men and women should be put in place. It also underscores social, cultural, legal, and political factors that perpetuate inequalities.

**Sessional Paper No. 2 of 2006 on Gender Equality and Development:** The Sessional Paper provides a framework for gender mainstreaming and recognizes that socio-cultural attitudes held by men and women, and socialization process are of great significance in determining the unequal status between men and women. It also recognizes that development initiatives impact differently on men and women and in turn women and men impact differently on development process.

It is important to note that the Sessional Paper No. 2 of 2006 on Gender Equality and Development and the National Policy on Gender and Development (2000) came into being before the Vision 2030 and the Constitution 2010 and are being reviewed so that they are fully aligned. However, it is taking too long to have an updated national gender policy in place and this is denying the nation guidance and policy targets to aspire



to and support planning and monitoring of initiatives.

There was a **Plan of Action 2008-2012: to implement the National Policy on Gender and Development**, whose objective was to facilitate the mainstreaming of gender concerns in all areas of the development process. It also provided a basis for stakeholders to initiate programmes to promote gender equality in the country. However, there was none identified for the Second and Third MTP periods.

### **International conventions of which Kenya is a signatory**

**UN General Assembly of the Declaration on Convention of the Elimination of All forms of Discrimination against Women (CEDAW).** Adopted in 1979 by the UN General Assembly, this convention is often described as an international bill of rights for women. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination. The Convention defines discrimination against women as “...any distinction, exclusion or restriction made on the basis of sex, which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”

The **UN Declaration on the Elimination of Violence Against Women** was adopted by the UN General Assembly in 1993. It covers physical, sexual and psychological violence at home and elsewhere in society. The definition of violence against women that the UN presents in the Declaration is currently the most widely accepted definition: “Any act of gender-based

violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.” The Declaration states three categories of violence against women: violence perpetrated by the State, such as violence against women in custody and as part of warfare, violence occurring within the general community, including rape, sexual harassment, trafficking in women and intimidation at work; and violence in the family and in the private sphere, for example incest and selective abortions. According to the Declaration, violence against women is rooted in the historically-unequal power relations between women and men. It also explains that violence against women is “one of the crucial social mechanisms by which women are forced into a subordinate position compared to men.” The UN member states are; therefore, urged to legislate against acts of violence, work preventively and improve the situation of victimized women.

The **United Nations Convention on the Rights of the Child (commonly abbreviated as the CRC or UNCRC)** is a human rights treaty that sets out the civil, political, economic, social, health and cultural rights of children. The Convention defines a child as any human being under the age of eighteen, unless the age of majority is attained earlier under national legislation. This convention also applies to this goal.

**Target 5.1** End all forms of discrimination against all women and girls everywhere

**Indicator 5.1.1.** Whether or not legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex

**Target 5.c** Adopt and strengthen sound

policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels

**Indicator 5.c.1** Proportion of countries with systems to track and make public allocations for gender equality and women's empowerment

### Relevant legal framework and policies

These include the Constitution 2010, the Kenya Vision 2030, Sessional Paper No. 2 of 2006 on Gender Equality and Development; and National Policy on Gender and development (2000). Also included is the UN's Declaration on Convention of the Elimination of All forms of Discrimination against Women (CEDAW) discussed above. Others discussed below are the Employment Act of 2007 and Education and Training Sector Gender Policy (edited 2015)

**Employment Act, 2007:** This Act prohibits discrimination and harassment of employees on the basis of sex, guaranteeing equal remuneration for work of equal value.

**Education and Training Sector Gender Policy (2015).** The goal of this policy is to promote gender equality in regard to access, equity and equality in the education sector and to enhance empowerment for effective participation and contribution in national development by all. Ultimately this policy will work towards ensuring inclusiveness in issues of gender, empowerment and mainstreaming of needs and concerns of women, men, girls and boys in the sector. Its mission is to provide, promote and coordinate the delivery of a gender-sensitive and gender-responsive quality education, training and research that enhances involvement of all learners in science, technology and innovation

for sustainable development. The overall objective is to eliminate all gender disparities and inequalities in education, create a gender responsive learning and work environment and enhance gender sensitive and responsive governance and management in the education sector. Specifically, the policy aims to: reduce gender inequalities in access, participation and achievement at all levels of education; support equal participation of women and men as decision-makers in shaping the educational policies and practices for sustainable development; increase participation in education for disadvantaged girls and women, boys and men, including orphans and vulnerable children (OVC), people with special needs, people living in ASAL areas and the rural and urban poor; ensure a gender-responsive curriculum design, development and implementation; improve participation in research, SMT subjects and STEM courses through provision of mentoring programs to all learners in the education sector; and ensure a safe and secure learning and work environment that is free of any form of sexual harassment and gender based violence.

### Indicators and targets

Data on the indicator under this target are available according to KNBS.

**The Kenya Vision 2030** targets include: giving priority to female employees in the public sector to attain at least 30 percent representation in recruitment, promotion, and appointment of women to all decision making levels; increasing adult literacy rates of men and women from 64 percent and 59 percent to 70 percent.

**The Constitution 2010** targets include the two thirds gender rule. The rule in Article 27 on equality and freedom from discrimination, provides that the State shall take legislative and other measures to implement the principle

that no more than two-thirds of the members of elective or appointive bodies shall be of the same gender. Article 81, on general principles for the electoral system, provides that not more than two-thirds of the members of elective public bodies shall be of the same gender. Article 175, on principles of devolved governments, provides that no more than two-thirds of the members of representative bodies in each county government shall be of the same gender while Article 177, on membership of county assembly, provides that a county assembly consists of the number of special seat members necessary to ensure that no more than two-thirds of the membership of the assembly are of the same gender. Article 197, on county assembly gender balance and diversity, provides that not more than two-thirds of the members of any county assembly or county executive committee shall be of the same gender and Article 250, on the composition, appointment and terms of office to commissions and independent offices, provides that the chairperson and vice-chairperson of a commission shall not be of the same gender.

### Related goals and targets

The target is indivisible from ensuring empowerment and political inclusion (Target 10.1) and equal opportunities (Target 10.3). Discrimination prevents women from engaging in trade and from forming small enterprises and providing decent work (Targets 8.3 and 8.5), and blocks access to education at all levels (Targets 4.1; 4.2; 4.3; 4.4). Women's empowerment and control reinforces access to adequate food and the nutritional health of their children (Targets 2.1, 2.2) particularly in food insecure countries.<sup>48</sup>

Empowerment of women and their access to productive resources reinforces Targets 2.3 and 2.4 on increased food production and sustainable food production systems.

### Comment on adequacy

Kenya has very strong policy and legal foundation against discrimination of women and girls in the Vision 2030 and the Constitution 2010. Institutional infrastructure is already in place. Other laws and policies are consistent with this and include: Employment Act and Education and Training Sector Gender Policy.

However, the lack of an up to date gender policy fully aligned with the Constitution 2010 and Kenya Vision 2030 denies the country the guidance and policy targets necessary to guide planning, mobilization of resources and effort in this area.

**Target 5.2** Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation

**Indicator 5.2.1** Proportion of ever-partnered women and girls aged 15 years and older subjected to physical, sexual or psychological violence by a current or former intimate partner in the previous 12 months, by form of violence and by age

**Indicator 5.2.2** Proportion of women and girls aged 15 years and older subjected to sexual violence by persons other than an intimate partner in the previous 12 months, by age and place of occurrence

According to KDHS 2014, 45 percent of women age 15-49 have ever experienced physical violence since age 15 while 20 percent have experienced physical violence in last 12 months. Proportion of women who have ever experienced sexual violence is 14 percent while 8 percent experienced violence in the last year. On spousal violence, 37 percent of ever married women

<sup>48</sup> - Nilsson



experienced physical violence, with 32 percent experiencing emotional and 13 percent sexual violence.

The proportion of men aged 15-49 that have experience violence since age 15 is 44 percent while 12 percent say they have experienced violence in the last year.

## Relevant policies

The legal framework and policies that support the achievement of this target include the Constitution 2010, the Kenya Vision 2030, the Protection Against Domestic Violence Act No. 2 of 2015, Counter – Trafficking in Persons Act 2010, the National Plan of Action for Combating Human Trafficking; Strategic Framework, Sexual Offenses Act No. 3 of 2006; National Guidelines on the Management of Sexual Violence (2014), National Gender and Development Policy (2000), Children’s Act of 2001, Penal Code and the programmes under the ministry responsible for gender. The UN Declaration on the Elimination of Violence against Women discussed above is also relevant.

**Protection against Domestic Violence Act No. 2 of 2015:** This Act provides for the protection and relief of victims of domestic violence and the protection of a spouse and any children or other dependent persons.

**Counter-Trafficking in Persons Act 2010:** The Act comprehensively covers the offence of trafficking in persons and other related offences, including the prevention, suppression and punishing trafficking in persons especially women and children. It provides modalities of trial of offenders and an elaborate system on victim assistance including establishing a fund for victims of trafficking.

**The National Plan of Action for Combating Human Trafficking - Strategic Framework - 2013**

**– 2017:** This is a plan by the Ministry of Labour and Social Protection to ensure the government and other players collaborate and have a unified approach to tackle human trafficking. It would be desirable to have the same for the period 2018 to 2022 and beyond.

**Sexual Offenses Act No. 3 of 2006:** The Sex Offenses Act provides for sexual offences, their definition, prevention and the protection of all persons from harm from unlawful sexual acts, and access to justice and psychosocial support

**National Guidelines on the Management of Sexual Violence (2014):** guiding policy framework on procedures and services for management of survivors of sexual violence and explicitly recognizes sexual violence as a serious human rights and health issue that calls for attention by all concerned. It provides information on management of sexual violence in a multi-pronged manner. It also gives medical practitioners information on steps to be taken when treating a survivor of sexual violence, preservation of evidence for court use, issues of psycho-social support and other ethical issues related to the management of health-related problems of sexual violence.

**National Gender and Development Policy (2000):** The policy makes recommendations on diverse issues on violence including: amendments of SGBV laws, more so the Penal Code to include gender-related crimes; privacy in conducting SGBV hearings; SGBV tailored trainings on agents in the judicial system; setting up safe shelters for victims of domestic violence; and ensuring access to information.

**The Penal Code:** The Penal Code outlaws the deliberate infliction of “grievous bodily harm” (which includes FGM) on anyone.

**Programs under the Ministry of Public Service, Gender and Youth.** The Ministry is working on the following measures: a multi-sectoral approach

for response services at the one-stop GBV centres that require a gender officer, medical services, psycho-social, legal services, and security services (police). A few public hospitals have established these centres including KNH, Kilifi and Kiambu. Resources are required to implement and replicate these centres. Other measures include public education aimed at reducing vulnerability and capacity building of duty bearers to provide services to victims, and a toll-free hotline (1195) launched in 2017 although there is need to promote awareness on this service. The Ministry is also leading a joint programme on prevention and response to gender-based violence with UN, development partners and Kenyan civil society organizations. The programme runs from July 2017 to December 2020, with an estimated total budget of USD11,514,667. The overall goal of the joint programme is to accelerate efforts towards elimination of GBV in Kenya. This will facilitate implementation of many planned mitigation measures that have lagged behind due to lack of capacity in various forms.

### Relevant goals and targets

This target is related to Target 16.1 on significantly reducing all forms of violence and related death rates everywhere.

### Indicators and targets

Data on the two targets are available according to KNBS. However, there are no Kenyan policy targets attached to this very critical SDG target.

### Comment on adequacy

Kenyan laws are adequate on the issue of violence against women and girls. However, lack of up to date policy guidance and targets hinders enforcement.

**Target 5.3** Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation

**Indicator 5.3.1** Proportion of women aged 20-24 years who were married or in a union before age 15 and before age 18

**Indicator 5.3.2** Proportion of girls and women aged 15-49 years who have undergone female genital mutilation/cutting, by age

According to KDHS 2014, 21 percent of women age 15-49 have been circumcised. The prevalence of female genital mutilation / Cutting (FGM/C) has significant regional variations and is closely associated with ethnic groups. The large majority (greater than 75%) of Somali, Samburu, Kisii, and Masaai women are circumcised, compared to less than 2% of women in Luo, Luhya, Turkana, and Mijikenda/Swahili groups. Overall, more than one-quarter of women are married by age 18, while 8 percent are married by age 15.

### Relevant policies

Kenyan legal framework and policies that contribute to the achievement of this target includes the Constitution 2010, Kenya Vision 2030, Prohibition of Female Genital Mutilation Act No. 32 Of 2011, National Action Plan for Abandonment of FGM, The Children's Act, 2001, The Medical Practitioners and Dentist Act and the Nurses Act, and the Penal Code.

**Constitution 2010:** Article 44 of the Constitution prevents any person from forcing another person to perform, observe, or undergo any cultural practice or rite such as FGM. Equally, Article 53 protects children from harmful cultural practices such as FGM and requires the government to put into place programmes such as awareness

creation in order to protect the youth from harmful cultural practices

**Prohibition of Female Genital Mutilation Act No. 32 of 2011** provides for the prohibition of the practice of female genital mutilation, to safeguard against violation of a person's mental or physical integrity through the practice of female genital mutilation

**National Action Plan for Abandonment of FGM** describes the sensitive and responsive interventions and strategies for achieving the goal of reducing the number of girls, women and families that are affected by female genital mutilation.

**The Children Act, 2001:** provides for child care, administration institutions, and sets the age of marriage at 18 years in line with the Convention on the Rights and Welfare of the Child. It gives effect to the principles of the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. It prohibits any person to perform FGM and other harmful practices that "negatively affect" children.

**The Medical Practitioners and Dentist Act and the Nurses Act:** provide for the revocation of licences for practitioners performing FGM.

The Penal Code outlaws the deliberate infliction of "grievous bodily harm" (which includes FGM) on anyone.

**United Nations Convention on the Rights of the Child (UNCRC):** Kenya is a state party to this international convention which upholds the "best interest of the child" as the guiding principle to all matters concerning children.

### Indicators and targets

Data on the two indicators under this target are available according to KNBS.

There are no Kenyan policy targets set for this

SDG target. The overall target of elimination of the practice does not provide adequate guidance on midterm planning and efforts.

### Comment on adequacy

Kenyan legal framework and policies elaborate against child, early, forced marriages and FGM/C include the Constitution 2010 and the Kenya Vision 2030. Kenya is also a signatory to numerous international Convention on the protection of women and children.

The enforcement is also impeded by strong customs that are proving difficult to break but also the unintended consequences of enforcement (stigma, jailing of care givers, etc.). Lack of an up-to-date policy framework with midterm targets denies the country the guidance and targets for planning, resource mobilization and efforts needed to produce the magnitude and speed of outcomes necessary to achieve this target.

**Target 5.4** Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate

**Indicator 5.4.1** Proportion of time spent on unpaid domestic and care work, by sex, age and location

The researchers of this study did not identify any policies or legal instruments supporting the achievement of this target.

**Target 5.5** Ensure women's full and effective participation and equal opportunities for leadership at all levels of de-

cision-making in political, economic and public life

**Indicator 5.5.1** Proportion of seats held by women in national parliaments and local governments

**Indicator 5.5.2** Proportion of women in managerial positions

The participation of women in key decision making positions in 2017 were as follows: Cabinet Secretaries 27.3 percent, Principal Secretaries 20 percent, Governors 6.4 percent, Deputy Governors 14.9 percent, Members of the National Assembly 20.8 percent, Senators 31.3 percent, Members of the County Assembly 33.5 percent; Judges of the Supreme Court 28.6 percent, Judges of the Court of Appeal 31.8 percent, Judges of the High Court 41.2 percent and Magistrates 49.2 percent.

Only the proportion of the Members of the County Assembly, Judges of the High Court and Magistrates are in line with the requirements of the Constitution 2010.

## Relevant policies

Kenyan legal framework and policies that support the achievement of this target include the Constitution 2010, and the Kenya Vision 2030. Two Thirds Gender Bill is still in draft.

**The Constitution 2010** makes extensive provisions and provides specific targets to support the outcomes envisaged under this SDG target. Under Part 1—Electoral System and Process Article 81, on general principles for the electoral system provides that not more than two-thirds of the members of elective public bodies shall be of the same gender. Part 3 – Political Parties Article 91, on basic requirements for political parties provides that “Every political

party shall respect and promote human rights and fundamental freedoms, and gender equality and equity”. Chapter 8 Part 2, Article 97, provides that the National Assembly consists of forty-seven women. Article 98 provides that the Senate consists of sixteen women members who shall be nominated by political parties according to their proportion of members of the Senate; and two members, being one man and one woman, representing the youth; and two members, being one man and one woman, representing persons with disabilities. Article 100, on the promotion of representation of marginalised groups, provides that Parliament shall enact legislation to promote the representation of women in Parliament. In Article 172 on the functions of the Judicial Service Commission provides that in the performance of its functions, the Commission shall be guided by, among other things, the promotion of gender equality. In Chapter 11, Article 175, on principles of devolved government reflect, among other principles, that no more than two-thirds of the members of representative bodies in each county government shall be of the same gender. Article 177, on Membership of county assembly provides that a county assembly consists of the number of special seat members necessary to ensure that no more than two-thirds of the membership of the assembly are of the same gender. Article 197, on county assembly gender balance and diversity provides that not more than two-thirds of the members of any county assembly or county executive committee shall be of the same gender. Article 250, on the composition, appointment and terms of office of commissions and independent offices provides that the chairperson and vice-chairperson of a commission shall not be of the same gender.

**Two Thirds Gender Laws Bill** is to give effect to Article 81(b) of the Constitution. So far, it has faced numerous problems both within and outside Parliament. There is no agreement yet on this issue in both houses of Parliament even

after numerous attempts and court directions giving time limits. The bottom line is that there is risk that Parliament, with just 19 percent of members of Parliament being women instead of the 33.3 percent required by the Constitution 2010, may be declared illegitimate if a petitioner going to court on the issue. (Refer to the judgement of March 29, 2017<sup>49</sup>). This may be one of the biggest thorns in the flesh of implementing constitutional requirements on leadership.

### Indicators and targets

Data on both indicators under this target are available according to KNBS.

Kenyan targets under the Constitution 2010 and the Kenya Vision 2030 (please refer to the targets under Target 5.1).

### Related goals and targets

This target reinforces the productivity increases in the economy (Target 8.2) and decent job creation (Target 8.3), agricultural productivity in smallholder farms (Target 2.3). Employment of women is reinforced by industrialization (Target 9.1) and trade liberalization (Targets 17.11; 17.12) as many industries hire women, who are perceived to be more productive than men. This positive association is strongest in labour abundant economies in transition, but there is a risk of reversal when industries upgrade. The target is enabled by access of small-scale enterprise to financial services (Target 9.3), and improved maternal health (Target 3.1) that enables women to participate in the labour force.<sup>50</sup>

### Comment on adequacy

The Constitution 2010 and Vision 2030, are elaborate and adequate on support for the achievement of this target. This includes the fact that Kenya is also a signatory to the UN

Convention against all forms of discrimination against women.

However, the non-enactment of the Two-Third Gender Bill and the lack of up-to-date policy guidance and midterm targets impede on the achievement of this target. As a result, policy support for this SDG target is very inadequate.

**Target 5.6** Ensure universal access to SRH and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences

**Indicator 5.6.1** Proportion of women aged 15-49 years who make their own informed decisions regarding sexual relations, contraceptive use and reproductive health care

**Indicator 5.6.2** Number of countries with laws and regulations that guarantee women aged 15-49 years access to sexual and reproductive health care, information and education

This target is covered by the policies and targets discussed under Target 3.7. Overall, there has been an improvement in the access of contraceptives leading to a reduction on the unmet need for family planning and the total fertility rates in Kenya.

### Related goals and targets

The target is reinforced by Target 5.5, on women's full participation in economic and political, life and Target 5.1, on ending discrimination against

49 - <http://knchr.org/Portals/0/CourtRulings/GENDER%20RULE%20-JUDGMENT.pdf?ver=2017-03-29-120419-267>

50 - Nilsson



women. It is indivisible with Target 3.7, on sexual and reproductive health.<sup>51</sup> The outcomes expected from this target are also closely related to Goal 1 – ending poverty in all its forms, Goal 4 on quality education for all (especially women).

### Comment on adequacy

Achievement of this target is adequately and well supported by the Constitution 2010 and the Vision 2030; Health Act of 2017, National Adolescent SRH Policy 2015 and other relevant policies. Kenya policy targets are consistent with the SDG target. Reproductive Health Policy 2007 needs to be reviewed to be consistent with the Constitution 2010 and Kenya Vision 2030 and the Constitution 2010 and include targets consistent with the relevant SDG targets and the current ambitious government initiatives and investments under the Big 4 Agenda.

**Target 5.a** Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.

**Indicator 5.a.1** (a) Proportion of total agricultural population with ownership or secure rights over agricultural land, by sex; and (b) share of women among owners or rights-bearers of agricultural land, by type of tenure

**Indicator 5.a.2** Proportion of countries where the legal framework (including customary law) guarantees women's equal rights to land ownership and/or control

There is no data on the proportion of land ownership by sex. However, adequate legal framework exists to guarantee women equal rights to ownership and control of land and other economic resources as discussed below.

### Relevant policies

Kenyan legal framework and policies that support the achievement of this target include the Constitution 2010, the Kenya Vision 2030, Matrimonial Property Act No. 49 of 2013, and Land Registration Act 3 of 2012.

**Constitution 2010:** Article 40(1) protects the right of both men and women to acquire and own property of any description anywhere in Kenya. Article 40(2) prohibits the State from making laws that arbitrarily deprive a person of property or the enjoyment of the rights /interests over property on any discriminatory grounds. Under Article 45 (3), parties to a marriage are entitled to equal rights at the time of the marriage, during the marriage and at the dissolution of the marriage. Article 60 (1) provides for equitable access to land and elimination of gender discrimination in law, customs and practices related to land and property in land. Article 68 (c)(iii) provides for the regulation of recognition and protection of matrimonial property and in particular the matrimonial home during and on the termination of marriage.

**Matrimonial Property Act No. 49 of 2013:** gives effect to the Articles of the Constitution 2010 for women's equal rights of ownership to matrimonial and other property and provides for the rights and responsibilities of spouses in relation to matrimonial property.

**Land Registration Act 3 2012:** gives effect to the Articles of the Constitution 2010 for women's equal rights of ownership to matrimonial and other property. Article 93(2), on spousal rights over matrimonial property, if land is held in

<sup>51</sup> - Nilsson

the name of one spouse only but the other spouse or spouses contribute by their labour or other means to the productivity, upkeep and improvement of the land; that spouse or those spouses shall be deemed by virtue of that labour to have acquired an interest in that land in the nature of an ownership in common of that land with the spouse in whose name the certificate of ownership or customary certificate of ownership has been registered and the rights gained by contribution of the spouse or spouses shall be recognized in all cases as if they were registered.

**Vision 2030 / Third MTP:** The Government is undertaking programs focused on financial access / inclusion for women and other vulnerable groups. These include the Women Enterprise Fund focused on access to financial services for women owned enterprises; and Uwezo Fund that focuses on providing financial access to women, youth and persons living with disability owned enterprises. Access to government procurement opportunity (AGPO) is a government program that reserves 30 percent procurement opportunity in public entities.

### Indicators and targets

Data for the two indicators for this target are available according to KNBS.

According to the Constitution 2010 and the Kenyan Vision 2030 and other laws, women have full rights over access to land and other economic resources.

The Women Enterprise Fund targets include: increasing loan disbursements from Ksh10.8 billion to Ksh25.7 billion to 2,157,653 beneficiaries and women trained on entrepreneurship from 830,435 to 1,632,806 while linking 11,500 women enterprises to local and international markets.

Uwezo Fund targets to expand access by Ksh2.5 billion to 500,000 beneficiaries, and

capacity building for 25,000 women, youth and PWD.

Under AGPO the government plans to include 210,000 qualifying enterprises in the program and build capacity building for 310,000 women, youth and PWD.

### Related goals and targets

This target is related to Targets 1.1 and 1.2 on reducing poverty – empowering women has the potential to reduce poverty levels; Target 1.4, on equal access to economic resources and basic services; 2.3 on increasing agricultural productivity – women have a major role and huge potential impact on increasing agricultural productivity; Target 5.1, on ending all forms of discrimination against women; Targets 8.3 and 8.5, on entrepreneurship and employment; and Targets 10.2 and 10.3 on inclusion and equal opportunity.

### Comment on adequacy

Adequate policy and legal framework exist to guarantee women equal rights and control of land and other economic resources.

**Target 5.b** Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women

**Target 5.b.1** Proportion of individuals who own a mobile telephone, by sex

### Relevant legal framework and policies

The constitution 2010 and Kenya Vision 2030 generally provide for equal access to all resources by men and women. This includes technology. However, only the National ICT

Policy of 2006 is specific on this target.

National ICT Policy 2006 seeks to facilitate sustained economic growth and poverty reduction; promote social justice and equity; and mainstream gender in national development. Under Section 2.13 Engendering ICT, the policy states that gender issues touch on all aspects of ICTs in development. Therefore, there is need to: a) Ensure the participation of women in ICT policy formulation and implementation at all levels and b) Ensure that ICT policies at all levels are engendered and geared towards meeting specific developmental needs of women. The broad-objectives of the IT policy include: a) Ensuring that IT plays a key role as an empowerment tool, addressing gaps relating to gender, youth, people with special needs, rural and urban and disadvantaged groups. Under section 5.3 one of the strategies to be adopted to achieve policy objectives include integrating gender, youth, disadvantaged groups and people with special needs in developing the networks.

This policy is being reviewed and there is a draft National ICT Policy 2016 which also lays emphasis on gender. The policy objectives include giving special attention to providing new learning and ICT access opportunities for women

and youth, the disabled and disadvantaged, particularly disenfranchised and illiterate people, in order to address social inequities. Strategies include creating opportunities and providing assistance for the disadvantaged, people with special needs, women and the youth to acquire IT skills; and engaging of women, youth and children, communities in underserved areas, and other disadvantaged groups, including people with disabilities, through e-inclusion and e-accessibility programmes and activities.

### **Indicators and targets**

Data for the indicator for this target are available according to KNBS.

There are no Kenyan policy targets related to this SDG target.

### **Comment on adequacy**

Although Constitution 2010 and the Vision 2030 provide a firm foundation for the achievement of this target, the only relevant policy identified (the National ICT Policy of 201) is not up to date. The policy support for this target is therefore considered inadequate.



The Constitution provides for gender equality and women's contribution in all areas of socio-economic development.



## ENSURE AVAILABILITY AND SUSTAINABLE MANAGEMENT OF WATER AND SANITATION FOR ALL

### Goal 6. Ensure availability and sustainable management of water and sanitation for all

Clean, accessible water for all is an essential part of the world we want to live in. There is sufficient fresh water on the planet to achieve this. However, every year millions of people in the world, most of them children, die from diseases associated with inadequate water supply, sanitation and hygiene. Water scarcity, poor water quality and inadequate sanitation negatively impact food security, livelihood choices and educational opportunities for poor families across the world<sup>52</sup>.

Ensuring universal access to safe and affordable drinking water for all by 2030 requires that we invest in adequate infrastructure, provide sanitation facilities, and encourage hygiene at every level. Protecting and restoring water-related ecosystems such as forests, mountains, wetlands and rivers is essential if we are to mitigate water scarcity.<sup>53</sup>

[The Constitution of Kenya 2010](#) guarantees access to safe water in adequate quantities as a basic human right. Article 43 provides that “every person has the right to accessible and adequate housing, and to reasonable standards of sanitation” and “Every person has the right to clean and safe water in adequate quantities”. Article 56 obligates the State to put in place affirmative action programmes designed to ensure that minorities and marginalized groups have reasonable access to water, health services and infrastructure. Under the Fourth Schedule Part II, the Constitution devolves water and sanitation services to county governments

leaving the national government with the responsibility of national policy, training, capacity building, technical assistance, and standards formulation.

[Kenya Vision 2030 – Social Pillar](#) states that water sector service provision should endeavour to “reverse the declining trend of water availability per capita, increase access to safe water and sanitation, increase area under irrigation and reclaim arid and semi-arid lands for productive use”. The overall goal of the water sector is to ensure an effective management of this resource by ensuring it is conserved, preserved, protected and made available in such quality and quantity to sustain various national demands. Overall target is to ensure water and improved sanitation availability and access to all by 2030.

[The Water Act 2016](#) provides for the regulation, management and development of water resources; water and sewerage services. These includes the management, conservation, use and control of water resources and for the acquisition and regulation or rights to use water; and regulation and management of water supply and sewerage services. Although the Act requires water service providers to be established based on their commercial viability, Article 94 provides that nothing in the Act shall deprive any person or community of water services on the grounds only that provision of such services is not commercially viable.

[National Policy on Water Resources Management and Development of 1999](#)

[Kenya Environmental Sanitation and Hygiene Policy 2016 – 2030](#): The goal of this policy is to

<sup>52</sup> - <https://www.un.org/sustainabledevelopment/water-and-sanitation/>

<sup>53</sup> - <http://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-6-clean-water-and-sanitation.html>



ensure universal access to improved sanitation, clean and healthy environment by 2030. The strategies include: scaling up access to improved rural and urban sanitation; ensuring clean and healthy environment free from public nuisances; fostering private-sector participation and investment in sanitation; building governance and leadership capacity for sanitation; sustainable financing and investment for sanitation; building enabling legal and regulatory environment; establishing an effective research and development framework for sanitation; and strengthening monitoring and evaluation systems for the sanitation sector.

**Target 6.1** By 2030, achieve universal and equitable access to safe and affordable drinking water for all

**Indicator 6.1.1** Proportion of population using safely managed drinking water services

Lack of safe drinking water is a major cause of illness and mortality as a result of exposure to infectious agents, chemical pollutants, and poor hygiene. Inadequate access to water in the home is also a source of economic disadvantage by requiring large commitments of human resources to accessing and carrying water to homes.

There has been an improvement in the access to safe water. Households are considered to use improved drinking water if it is obtained from the following sources: piped water, borehole with pump, protected spring, protected well, rain water and bottled water.

Nationally, 72.6 per cent of households have access to improved drinking water sources, an improvement from the 58.9 per cent reported in

2005/06 KIHBS. In rural areas, 61.8 per cent of the households have access to improved sources of drinking water compared to 86.7 per cent of the households in urban areas<sup>54</sup>.

## Relevant policies

The Constitution 2010, Kenya Vision 2030 and the Water Act of 2016 provide are psrt of the policy framework . Other policies include the National Water Master Plan 2030, the Water Resource and Management Authority (WASREB) Strategic Plan 2018-2022; and the Strategic Water Storage Programme.

**The National Water Master Plan 2030** is a framework for water resources development and management consistent with the country's social and economic development activities. It provides the plans for six catchment areas and its objectives include: (i) Increase coverage of improved water supply to 100 percent for both urban and rural areas, (ii) increase coverage of piped water supply by registered water service providers (WSPs) to 100 percent for urban population, (iii) increase unit water supply amount to suitable national standard level; and (iv) decrease non-revenue water (NRW) rate to 20 percent for efficient water use.

**WASREB Strategic Plan 2018-2022:** This plan's objectives and targets to be achieved by 2030 include: a) increase coverage of water supply to 100 percent of both urban and rural areas; b) increase coverage of piped water supply by registered water service providers (WSPs) to 100 percent for urban populations; c) increase unit water supply amount to suitable national standard levels; d) decrease non-revenue water (NRW) rate from 42 to 20 percent for efficient water use. WASREB recognizes that water is a key cross-cutting issue in the successful delivery of the government's Big Four Agenda. For the Third MTP period WASREB targets are 65 percent water coverage by 2022. Strategic

<sup>54</sup> - KIHBS 2015/16

objectives include: enhance consumer and other stakeholders' confidence in water services regulation; strengthen governance in water services provision; and ensure a financially sustainable and socially responsive water services sector.

**Strategic Water Storage Programme** was unveiled by President Uhuru Kenyatta on May 24, 2018 and aims to increase the number of Kenyans with access to safe water by nine million and the proportion of households with access to safe water from 60 percent in 2018 to 80 percent in 2022 with a focus on informal settlements and arid areas<sup>55</sup>.

## Related goals and targets

This target reinforces Goal 3 on health and in particular Targets 3.2 and 3.3 on child health and communicable diseases; Goal 1, on reducing poverty, Goal 4, on access to inclusive education, and Goal 5, on gender equality. Access to water benefits women and girls most as it is them who bear the burden of fetching water from long distances. It also reinforces Goal 10, on equality, and Goal 11 on inclusive and sustainable cities. It is reinforced by all the targets in Goal 6.

## Indicators and targets

Data on the indicator for this target are available according to KNBS.

**Policy targets:** Strategic Water storage programme targets access to safe water increased to 80 percent by 2022 from 60 percent in 2017.

WASREB – targets access at 65 percent piped water by 2022 and 100 percent by 2030; and reduction of NRW from 42 percent to 20 percent by 2030.

<sup>55</sup> - <http://www.president.go.ke/2018/05/24/president-kenyatta-unveils-strategic-water-storage-program-covering-entire-country/>

<sup>56</sup> - KIHBS 2015/16

**Target 6.2** By 2030, achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations.

**Indicator 6.2.1** Proportion of population using safely managed sanitation services, including a hand-washing facility with soap and water.

Safely managed sanitation services are those that effectively separate excreta from human contact, and ensure that excreta do not re-enter the immediate environment. This means that household excreta are contained, extracted, and transported to designated disposal or treatment site, or, as locally appropriate, are safely re-used at the household or community level. A sanitation facility is considered adequate if it is not shared with other households. It can be a pit latrine with a superstructure, and a platform or squatting slab constructed of durable material (e.g. composting latrines, pour-flush latrines) or a toilet connected to a septic tank, or to a sewer network.

Access to adequate sanitation facilities is fundamental to decreasing the frequency of associated diseases. The use of basic sanitation facilities, for instance, reduces diarrhea-related morbidity in young children. Its association with other socioeconomic characteristics (education, income) and its contribution to general hygiene and quality of life also makes it a good universal indicator of human development.

Access to improved sanitation was 59.3 percent nationally with urban areas at 84.1 percent and rural areas at 45.4 percent<sup>56</sup>. Access to sewerage services was at 16 percent nationally in 2017, with 32 urban areas spread across 26 counties

with sewerage systems. Nairobi had the highest sewerage system at 50 percent coverage.<sup>57</sup>

The proportion of the population using safely managed sanitation services as at 2017 was 20 percent while basic sanitation services was at five percent.<sup>58</sup>

## Relevant policies

**Constitution 2010's** Article 43 provides that "every person has the right to... reasonable standards of sanitation". Kenya Vision 2030 aims to have water and sanitation availability and access for all by 2030. Other policies discussed below include the Third MTP of the Kenya Vision 2030, Kenya Environmental Sanitation and Hygiene Policy (KESHP), Kenya Environmental Sanitation Strategic Framework (KESSF) 2016-2020, National School Health Strategic Implementation Plan, National Water Services Strategy (NWSS), National Water Master Plan 2030, and the National ODF Kenya 2020 Campaign Framework 2016 - 2020. The Acts that address delivery of sanitation services include the Public Health Act Cap 242; Local Government Act Cap 265; Environmental Management and Co-ordinating Act 1999; Food, Drugs and Chemical Substances Act Cap 25; Water Act 2016; Factories Act Cap 514; and the Education Act Cap 211.

**The Third MTP** aims to improve access to improved sanitation services and to reduce the proportion of population without access to basic sanitation. The target is to increase sewerage coverage to 30 percent. The government plans to provide sewerage facilities in all urban and rural towns through the following projects (a) improve and expand sewerage facilities in Nairobi and satellite towns, (b) implement the Kenya Towns Sustainable Water Supply and Sanitation Programme (KTWSSP), (c) financing the development of Rural and Urban Public Sanitation projects to improve access sanitation

services; (d) financing the development of household sanitation projects to improve access to sanitation services for 1,154,000 people, and (e) implement school WASH programme aimed improving access to schools and surrounding communities (50 percent of all schools to have adequate water services).

**Kenya Environmental Sanitation and Hygiene Policy (KESHP)** is aligned to the Constitution 2010, in particular, incorporating access to adequate sanitation as a fundamental right as enshrined in the Constitution and the devolution of sanitation functions to county governments. The policy addresses the issue of Sanitation in schools with a special focus on girls who face major challenges during their menses (access and disposal of sanitary towels); access by disabled learners, sufficient number of facilities, availability of handwashing facilities; incorporation of WASH into school health programme.

The policy goal is to ensure universal access to improved sanitation, clean and healthy environment by 2030. Key target is to ensure that all Kenyans have sustainable access to improved sanitation and a clean health environment by 2030. Main Targets: (i) to achieve and sustain 100 percent ODF Kenya by 2030, (ii) achieve and Sustain 100 percent access to improved sanitation in rural and urban areas by 2030, (iii) increase public investment in sanitation and hygiene from 0.2 percent to 0.9 percent of the GDP by 2030 and (iv) to establish an enabling legal and regulatory environment for sanitation at both national and county levels.

**The Kenya Environmental Sanitation Strategic Framework (KESSF) 2016-2020** is a medium-term framework for the implementation of the KESHP 2016-2030.

**Water Act 2016** provides for the regulation, management and development of water

<sup>57</sup> - WASREB

<sup>58</sup> - Ministry of Water and Sanitation (inputs during the Report Validation Exercise)

resources, and water and sewerage services. It establishes the Water Sector Trust Fund, with one of its responsibilities being to fund research activities in the area of water resources management and water services, sewerage and sanitation.

[The National School Health Strategic Implementation Plan](#) aims to identify and mainstream key health interventions for improved school health and education. Chapter 5 addresses the issue of Water, Sanitation & Hygiene (WASH) recognizing that improving water, sanitation and hygiene in learning institutions generates considerable benefits in terms of improved child-health, attendance, retention, performance, and transition of all learners, including girls, boys and children with special needs. The concept of Child-Friendly Schools involves the integration of health, sanitation, nutrition and safety.

[The National Water Services Strategy \(NWSS\)](#) provides for a clear institutional framework by separating water resources management and development from water services delivery with the ministry in charge of water affairs left to deal with policy and strategy formulation; mobilization of funds, coordination and monitoring. The overall goal is to ensure sustainable access to safe water and basic sanitation to all Kenyans. Specific goals related to sanitation include: to increase access to waterborne sewage collection, treatment and disposal from 30 percent to 40 percent in the urban setting and from just under 5 percent to 10 percent in the rural setting by 2015; ensure effluent discharge meets the relevant Kenyan standards, including those under Environmental Management and Coordination Act; increase the access to basic sanitation from 55 percent to 77.5 percent in the urban setting and from 45 percent to 72.5 percent in the rural setting by 2015.

[The National Water Master Plan 2030](#) is a

framework for water resources development and management consistent with the country's social and economic development activities. Its main objective in the area of sanitation is to increase coverage rate of improved sanitation to 100 percent by 2030. The key strategies; include to (a) improve sanitation by sewerage system and on-site treatment facilities, (b) increase coverage rate of sewerage system to 80 percent for urban population. A sewerage system will be developed for 95 urban centers. It also includes installation of improved on-site treatment facilities for the remaining population not covered by sewerage system.

[National ODF Kenya 2020 Campaign Framework 2016/17-2019/20](#). Its overall goal is to eradicate open defecation (OD) and to declare 100 percent villages and Kenya ODF by 2020. It advocates for the community-led total sanitation (CLTS) approach where specific objectives include: (i) develop capacities of key CLTS stakeholders in all 47 counties by 2017; (ii) develop an effective Planning, Monitoring, Evaluation and Research Unit (PM&ER) system for more effective evidence based approaches to achieve campaign targets; (iii) mobilise partners and the media to support the campaign goals; (iv) facilitate and assist county governments in achieving their respective ODF sub county; ward and village targets; (v) engage and enable the private sector to respond effectively to the demand created for sanitation materials and products; and (vi) mobilise and allocate adequate resources to enable county governments to achieve their ODF sub county, ward and village targets. The campaign action framework includes both national and county level actions.

### **Related goals and targets**

This target is related to Goal 3, on health, especially on Targets 3.2; and 3.3, on child health and reducing communicable diseases

respectively. It is also related to Goal 11, on inclusive cities especially; Target 11.1, on ensuring access for all to adequate, safe and affordable housing and basic services.

### Indicators and targets

Data on the indicator for this target are available according to KNBS.

Kenya policy targets is universal access to adequate sanitation by 2010 ( the Constitution 2010, Kenya Vision 2030, and other policies discussed here).

### Comment on adequacy

The targets is adequately supported by Kenyan policies.

However, community involvement in sanitation is inadequate. Sanitation is a key factor in achieving the health outcomes under Goal 3 and especially targets 3.2 and 3.3, on child health and communicable diseases. Kenya has lagged behind in sanitation with the country still having 14 percent of the population practicing open defecation. The community led total sanitation (CLTS) approach, which Kenya has adopted, has great potential but it has not been effectively implemented.

There is need to fully implement the CLTS approach and other strategies that will ensure full involvement and participation of and ownership by community in ensuring adequate sanitation for all by 2030.

**Target 6.3** By 2030, improve water quality by reducing pollution, eliminating dumping and minimizing release of hazardous chemicals and materials, halving the proportion of untreated wastewater and substantially increasing recycling and safe reuse globally

<sup>59</sup> -Source: Wikipedia

<sup>60</sup> -<https://sustainabledevelopment.un.org/topics/water/unsdgab/wastewater>

<sup>61</sup> - SDG-NO.6- PILOT PROGRESS MONITORING-REPORT- DECEMBER 2017

**Indicator 6.3.1** Proportion of wastewater safely treated

**Indicator 6.3.2** Proportion of bodies with good ambient quality

Wastewater is any water that has been affected by human use. Wastewater is “used water from any combination of domestic, industrial, commercial or agricultural activities; surface runoff or storm water; and any sewer inflow or sewer infiltration.”<sup>59</sup> Wastewater therefore is a byproduct of domestic, industrial, commercial or agricultural activities.

Industrial and agricultural pollution; city storm waters and human sewage create acute health and pollution issues in an increasingly urban world. Rough estimates suggest that 80-90 percent of wastewater in developing countries is discharged directly into rivers, lakes and seas, causing water-borne diseases, hindering tourism and economic development while severely damaging the environment.<sup>60</sup>

A study conducted on 307 water bodies, in 2017 On six open water bodies, 154 and 147 ground water bodies indicated that of the 307 water bodies, 109 have good ambient water quality. This means 35.5 percent of the country’s water bodies have good-quality water. The analysis also indicates that nationally, 30.53 percent of river water bodies have good-quality water while 42.18 percent ground water bodies have good-quality water. However, these are provisional values since some regions/basins did not have the minimum threshold water quality data necessary to assess their water bodies.<sup>61</sup>

### Relevant policies

Legal framework and policies that support the achievement of this target include the



Constitution 2010 and the Kenya Vision 2030 (environmental provisions), the Third MTP, Kenya Environmental Sanitation and Hygiene (KESH) Policy 2016-2030; Nairobi County WSC 2014-2019 Strategic Plan and National Water Quality Management Strategy 2012-2016.

**Third MTP on Waste Management and Pollution Control.** The objective is to promote appropriate integrated waste management technologies both in urban and rural areas. This will involve research, legislations, viable technology and enforcement of statutory mechanisms for the disposal of human and industrial waste, e-waste; elimination of harmful emissions, including those from factories and motor vehicles. This will require collaboration between the national and county governments. Other initiatives include the rehabilitation of urban rivers which have been polluted due to uncontrolled waste management and effluent discharge resulting in very poor water quality; development of a waste water treatment and disposal policy; implement water master plans for cities and towns to develop their Waste Water Treatment Plant; construction of bio-degeneration structures for household sewerage wastewater. On water quality: testing for aluminum residues in drinking water, assessment of arsenic pollution in ground water and mapping of fluoride in water resources will be done in the 47 counties. Pollution activities will be identified and measures undertaken to mitigate against its occurrence. Establishment of centre national water quality monitoring stations networks is in progress; Athi water restoration programme will undertake projects to restore water quality in Athi River and WRMA will carry out surface and ground water assessment of the Laikipia, Lamu, Mandera, Tana River, and Nairobi aquifers.

**Kenya Environmental Sanitation and Hygiene (KESH) Policy 2016-2030.** Policy Strategy 1 aims to scale up sanitation in rural and urban

areas through promotion of environment sanitation; enforcement of use of appropriate disposal systems; safe collection and disposal; classification of industrial waste and its safe treatment and disposal; integrated master plans that incorporate liquid waste and solid waste treatments and disposal; promotion of recycling, and reuse of treated waste water. Policy Strategy 2 aims to ensure a clean and healthy environment for all Kenyans through appropriate technology choices for waste management and pollution control. The strategy outlines the key institutions to be involved in waste water management. These include: The national government through the National Environmental Sanitation Coordinating and Regulatory Authority (NESCRA), National Environmental Management Authority (NEMA), and Water Services Regulatory Board (WASREB). It outlines key regulations, control and coordination of all agencies involved in liquid waste management; technology to be used, and treatment and disposal. County governments shall ensure that sites for the treatment and disposal of wastes (landfills, composting facilities, waste stabilization ponds, trickling filters and septage treatment plants are located so as not to create safety and health hazards or aesthetic problems in the surrounding area. It also provides guidelines for treatment and disposal of industrial waste, health care waste, e-waste

**Nairobi County WSC 2014-2019 Strategic Plan.** The objective of the wastewater management programme is to efficiently collect, convey, treat and dispose of 400,000m<sup>3</sup> per day of wastewater in an environmentally friendly manner by 2018/19. Key strategies include preventive maintenance of sewerage infrastructure; wastewater quality and abuse monitoring; education and advocacy campaigns; expansion and rehabilitation of existing sewer network; reuse of backwash and final effluent; compliance to regulatory requirement on wastewater; implement polluter-

pay principle (PPP); embrace appropriate technology; explore possibilities of accessing carbon credits; and waste water recycling.

**National Water Quality Management Strategy 2012-2016** mission is “to facilitate sustainable and integrated water quality management for human health, environmental health and national development”. Its goals include: improved water quality by reducing pollution from point and non-point sources; enhanced water quality monitoring programmes, water quality data management, information management and sharing; harmonized water quality management guidelines recognizing differences in institutional, social and natural conditions; equipped laboratories at three levels with professional staff for improved water quality analysis; enhanced trans-boundary water quality management by enacting trans-boundary policies and protocols; improved enforcement and compliance to water quality standards and guidelines; establishment of applied water quality research programmes for sustainable water quality management; introduction of biological water quality monitoring techniques. The Ministry of Water and Sanitation has the overall mandate to oversee the implementation of this strategy. **WRMA and WASREB** are the implementers. Laboratories follow a 3-tier approach – (i) Central Water Testing Laboratory at the ministry headquarters and will oversee, monitor, guide and support the laboratories under both WRMA and WASREB/WSBs; (ii) Regional/catchment laboratories based in the six regions or catchment areas; (iii) Sub-catchment and other laboratories based at the sub-catchments level. They will be used mainly for routine environmental water quality monitoring and for drinking water quality surveillance.

The **National Water Master Plan 2030** recommends the rehabilitation and expansion of waste water treatment plants in the six water

catchment areas. The plan recommends that water quality is observed and analysed quarterly; enhance evaluation system of water resources increasing capacity by addressing the issue of staffing. It provides specific strategies for each of the catchment areas and proposes actions for the period to 2022 for improving water quality monitoring and pollution control system which include: i) publishing a guideline for water quality monitoring ii) enforcing preparation of Effluent Discharge Control Plan (EDCP) by industries for pollution control, iii) establishing water resources quality objectives for major water bodies. For capacity building it runs training courses on discharge measurement, water quality analysis in the laboratory for both surface and groundwater and on operation of hydro-meteorological database.

### Related goals and targets

These include Goal 3, on health; and Goals 14 and 15, on life below water and over land respectively.

### Indicators and targets

Data are available on one of the two targets according to KNBS.

No policy targets identified.

### Comment on adequacy

The target is adequately covered under Kenyan policies. The problem is the implementation of the policies.

**Target 6.4** By 2030, substantially increase water-use efficiency across all sectors and ensure sustainable withdrawals and supply of freshwater to address water scarcity and substantially

reduce the number of people suffering from water scarcity

**Indicator 6.4.1** Change in water-use efficiency over time

**Indicator 6.4.2** Level of water stress: freshwater withdrawal as a proportion of available freshwater resources

Change in water-use efficiency over time is 9.138 USD/M3 according to the FAO data sheet. GVA for Agriculture, Industries and Services was based on national accounts by Kenya National Bureau of Statistics, while water withdrawals data was from WRA permit Database (PDB).

The FAO data sheet also places the level of water stress at 20.2 percent. Total renewable freshwater resources are 23.960 km<sup>3</sup> based on NWMP 2030, while water withdrawal data was from WRA Permit Database (PDB) totaling 4.032 km<sup>3</sup>.<sup>62</sup>

Kenya's renewable fresh water capita is low, standing at 647m<sup>3</sup> per capita and projected to fall to 235m<sup>3</sup> by 2025. The abstraction rate being 5.5 percent (84.7 percent surface water and 15.3 percent being underground water).

### Relevant policies

Policies that support the achievement of this target include Kenya Vision 2030 / Third MTP, Water Act 2016 and the National Water Master Plan 2030.

**Kenya Vision 2030.** In order to increase water supply and to use water resources more efficiently, Kenya needs to upgrade its capacity for monitoring trends in water flows and abstraction from 30-40 percent to 70 percent of available supply to ensure all planning and distribution of water is based on reliable data. This will be done through addressing the challenges of inadequate staff and hydro-

meteorological stations. Effective management of water resources will be achieved through: enforcing regulations by the Water Resources Management Authority (WRMA); formation of water resource users' associations to assist in self-regulation; and promoting fair allocation of water among users for sustainability.

**Under the Third MTP on Water Resource monitoring** the government plans to rehabilitate 400 monitoring stations, upgrade 200 to telemetry, and establish 100 surface water and 80 ground water monitoring stations. In addition three rain gauging stations (RGS) will be upgraded to telemetric with the support of IGAD-HYCOS. Telemetric stations will be upgraded from manual by installation of 15 telemetric groundwater quality monitoring stations.

**National Water Master Plan 2030** includes the (i) Establishment of more efficient monitoring networks for surface water, groundwater for amount and quality, as well as rainfall water (ii) proposes the frequency for each type of water ((ii) proposes the Items and frequencies of environmental monitoring – River (river flow & water quality), lake (water level & quality) (iv) strategies for each of the catchment areas.

**The Water Act 2016** provides for the regulation of water abstraction and use.

### Related goals and targets

Related targets include Target 2.3, on doubling food productivity; Target 6.1, on access to clean and safe water.

### Indicators and targets

Data on one indicator for this target is available with minimum additional effort but not available for the other one.

Under Kenya Vision 2030 increase monitoring trends in water flows and abstraction from 30-40 percent to 70 percent of available supply.

## Comment on adequacy

The policy, legal and institutional framework is in place to achieve this target. Any limitations would be in resources and implementation.

**Target 6.5** By 2030, implement integrated water resources management at all levels, including through trans-boundary cooperation as appropriate

**Indicator 6.5.1** Degree of integrated water resources management implementation (0-100) – Kenya baseline is set at 51.8 percent<sup>64</sup>

**Indicator 6.5.2** Proportion of trans-boundary basin area with an operational arrangement for water cooperation

Trans-boundary waters constitute 54 percent of the country's water sources and includes the Nile initiative; Lake Turkana Basin; Lake Jipe and Lake Natron. The proportion of trans-boundary basins' area with an operational arrangement for water cooperation in Kenya is 26 percent<sup>63</sup>.

The integrated water resources management (IWRM) approach was defined by Global Water Partnership (GWP) as a process that ensures the coordinated management of water and related natural resources for the sustainability of ecosystems and human beings. It recognizes that water is a public good with both social and economic values. The negotiated approach is recommended so as to allow for participation of all sectors (multi-stakeholder dialogue) and deal with conflicting interests. It empowers local actors and works to create rules and regulations that assure equitable participation of all stakeholders in decision-making processes.

## Relevant policies

Kenyan policy documents supporting the achievement of this target include the Third MTP, National Water Master Plan 2030, Water Act 2016, and National Water Resources Management Strategy.

**Third MTP.** A legal framework for the implementation of trans-boundary water policy will be developed. Other initiatives include the sustainable development of Lake Turkana and its River Basin; negotiation for a joint management and development of River Dawa and Marti aquifer; mapping all transboundary resources, establishment 20 hydro metrological stations and implement an integrated development and management plan of Dawa transboundary shared water resources and implement transboundary catchment management plans to enhance conservation of transboundary resources. Finally, implement Mairi and Norera transboundary storage dams and pollution control programme.

**The National Water Master Plan 2030** includes the development of transboundary water resources as an input to achieve the Kenya Vision 2030. The development of transboundary water resources should be undertaken with treaties and agreements with neighboring countries in line with the Transboundary Water Policy. On institutional strengthening action 1 is to define and implement Integrated Water Resources Management approach.

**The Water Act 2016** establishes the Water Resources Authority; provides for basin water resources committees and water resource users' associations.

**National Water Resources Management Strategy:** The overall objective is to achieve equitable access to water resources and their sustainable and efficient use. Specific objectives include: to put in place mechanisms that promote equal access to water for all Kenyans; to enhance

<sup>63</sup> - SDG-NO.6- PILOT PROGRESS MONITORING-REPORT- DECEMBER 2017

<sup>64</sup> - SDG-NO.6- PILOT PROGRESS MONITORING-REPORT- DECEMBER 2017

and strengthen roles of gender in Water Resources Management; to create mechanisms for an integrated approach to land and water resources planning and management on a catchment basis; and provides a framework for the development of a catchment management strategy (CMS) for each of the catchments.

### Related goals targets

Related targets include Target 6.1, on access to safe water; and Target 2.3 on increasing agricultural productivity (through irrigation). Others include Target 11.1, on access to basic services, and Target 15.1, on ensuring the conservation, restoration and sustainable use of terrestrial and inland freshwater ecosystems and their services

### Indicators and targets

Data on one indicator are not available while those of the other target are best provided by global agencies.

### Comment on adequacy

Policy support for the achievement of this target is adequate.

**Target 6.6** By 2020, protect and restore water-related ecosystems, including mountains, forests, wetlands, rivers, aquifers and lakes

**Indicator 6.6.1** Change in the extent of water-related ecosystems over time

This is an important area especially as Kenya is a water scarce country. The current status of Kenya's ecosystem is worrying. There is wanton destruction of forests that are the country's water sources; and destruction of wetlands that are natural water reservoirs. Poor farming practices, especially on sloping lands and

deforestation have resulted in water run-off and soil erosion.

### Relevant policies

The legal framework and policies that support the achievement of this target include the Constitution 2010 (on environment), Kenya Vision 2030, Third MTP, National Water Master Plan 2030, Water Act 2016, Land Act 2012, and Environmental Management and Coordination Act 1999 (Revised 2012).

**Vision 2030:** The vision for the environmental sector is "a people living in a clean, secure and sustainable environment" with a focus on conservation of strategic natural resources, including forests, water towers, wildlife sanctuaries and marine ecosystems in a sustainable manner; and achieve 10 per cent forest cover by 2030. On water catchment management, Vision 2030 calls for the full rehabilitation of the five water towers of Mau Escarpment, Mt. Kenya, Aberdare Ranges, Cherangany Hills, and Mt. Elgon.

**Third MTP.** The key focus of the Third MTP envisioned strategy is on delineation, protection and rehabilitation of catchment areas; rehabilitation of rivers, recharging of groundwater, especially in the drainage basin; management and conservation of water aquifers and mapping of underground water. Land reclamation is also an important aspect. In this case a Land Reclamation Policy will be formulated and 50,000 ha of gully eroded, landslide and flood prone areas will be rehabilitated and reclaimed.

**National Water Master Plan 2030.** The master plan proposes conservation of watersheds in the catchment areas, advocates for the conservation of the five water towers and the development of the catchment areas in relation to their characteristics.

**The Water Act 2016** provides for the establishment and functions of basin water resources committees responsible for the



management of the water resources within respective basin areas.

The [Land Act, 2012](#) Article 19, provides for the conservation of land based natural resources and obligates the National Land Commission to make rules and regulations for the sustainable conservation of land based natural resources that may contain measures to protect critical ecosystems and habitats; to facilitate the access, use and co-management of forests, water and other resources by communities that have customary rights; to these recourses.

The [Environmental Management and Coordination Act 1999 \(Revised 2012\)](#) provides for the establishment of an appropriate legal and institutional framework for the management of the environment, which includes the protection of rivers, lakes and wetlands; hill tops; hill sides, mountain areas and forests; re-forestation and afforestation of hill tops, hill slopes and mountainous areas; and protection of environmentally significant areas.

### Related goals and targets

These include Target 6.1, on access to clean and safe water; Target 2.3, on increasing agricultural production; Target 7.2, on generation of renewable energy; Target 11.1, on access to basic services that include water; and Target 15 on life on land.

### Indicators and targets

Reclaim 18 water towers.

### Comment on adequacy

This target is adequately covered by the policy framework.

**Target 6.a** By 2030, expand international cooperation and capacity-building support to developing countries in wa-

ter- and sanitation-related activities and programmes, including water harvesting, desalination, water efficiency, wastewater treatment, recycling and reuse technologies

**Indicator 6.a.1** Amount of water and sanitation-related official development assistance that is part of a government-coordinated spending plan.

### Relevant for development agencies

Proportion of donor funds aligned with the national WASH plan was 51.17 percent in the Financial Year 2016/17<sup>65</sup>.

**Target 6.b** Support and strengthen the participation of local communities in improving water and sanitation management

**Indicator 6.b.1** Proportion of local administrative units with established and operational policies and procedures for participation of local communities in water and sanitation management

The legal and institutional framework for the participation of communities in water management is in place. Out of the 47 county governments, eight have established operational policy procedures for participation of local communities in water and sanitation management. The extent to which service users/communities participate in planning is moderate<sup>66</sup>.

65 - SDG-NO.6- PILOT PROGRESS MONITORING-REPORT- DECEMBER 2017

66 - SDG-NO.6- PILOT PROGRESS MONITORING-REPORT- DECEMBER 2017

## Relevant policies

The legal framework and policies that support the achievement of this target includes the Constitution 2010 (public participation), Kenya Vision 2030, and water Act of 2016.

**Kenya Vision 2030.** The Vision encourages private sector participation in water supply development and management. For better management of water resources the vision proposes the development of innovative community-based methods and technologies for water harvesting to enhance water storage capacity. In sanitation, it proposes the involvement of community experts and leaders in creating awareness and educating communities on sanitation issues and more so on the effects of certain cultural practices.

**This Water Act 2016** article 26 provides that basin water resources committees and article 29 provides for water resource users association shall be a community based association for collaborative management of water resources and resolution.

## Indicators and targets

Data on the indicator for this target are available according to KNBS.

## Comment on adequacy

The policy, legal and institutional framework for the participation of communities in water management is in place. One policy (ODF framework) has adopted the community-led total

sanitation that fully involves the community in sanitation matters and in particular in achieving ODF environment. Otherwise, involvement of communities in sanitation is not well supported.

## Goal 6 – Overall recommendation

**Access to water for all and the protection and rehabilitation of water ecosystems** is another goal with significant impact on a wide range of goals and targets as explained in Chapter 2. This Goal has a history of missed targets. There was the target of water for all by year 2000 which was widely missed. The current target of reaching 80 percent of the population, announced by the President, has been in place and missed consistently for a while. Significant effort and resource intensive initiatives are, now being undertaken in this area which gives hope that not only will the country get clean and safe water for household use but also adequate water for irrigation.

To achieve universal access to water and the protection and rehabilitation of the fragile water ecosystems, the government should aggressively ensure the planned projects are delivered. It should specifically ensure there is an increased access to water for irrigation and households (for families and smallholder farmers). Protection of the water eco-systems, including water towers, should be pursued at the highest political levels to ensure progress is not impeded by narrow political interests.



The National Water Management Strategy's objective is to promote equal access to water for all Kenyans.





## ENSURE ACCESS TO AFFORDABLE, RELIABLE, SUSTAINABLE AND MODERN ENERGY FOR ALL

### Goal 7. Ensure access to affordable, reliable, sustainable and modern energy for all

Energy is central to nearly every major challenge and opportunity the world faces today. Whether it for jobs, security, climate change, food production or increasing incomes, access to energy for all is essential<sup>67</sup>.

Ensuring universal access to affordable electricity by 2030 means investing in clean energy sources such as solar, wind and geothermal. Expanding infrastructure and upgrading technology to provide clean energy in all developing countries is a crucial goal that can both encourage growth and protect and sustain the environment<sup>68</sup>.

**Target 7.1** By 2030, ensure universal access to affordable, reliable and modern energy services

**Indicator 7.1.1** Proportion of population with access to electricity

**Indicator 7.1.2** Proportion of population with primary reliance on clean fuels and technology

The Second MTP period experienced significant increase in electricity connections. The proportion of households connected to electricity increased from 27 percent in 2013 to 69.7 percent. The number of customers increased from 2.3 million in 2013 to 6.04 million in 2017. Also connected were 17,000 public facilities, including over 15,300 primary schools.

On Street lighting, 783 streets were installed with 73,400 lights, including 104 high masts in 6 informal settlements in 35 towns in 27 counties. Connection charges reduced from Ksh35,000 to Ksh15,000 and access to easy financing options provided to encourage citizens to connect to electricity.

On clean energy for cooking, the proportion of the population using clean energy for cooking was 14.6 percent in 2016<sup>69</sup>. To promote use of clean energy for cooking, the government removed the 16 percent VAT to encourage use of LPG for cooking by poor families. This resulted in the price of 13kg gas cylinders reducing to below Ksh2,000.

#### Relevant policies

Kenyan legal framework and policies to support this target includes the Constitution 2010, Kenya Vision 2030 / Third MTP, and Sessional Paper No 4 of 2004.

**The Constitution 2010** provides, under Article 42, that “Every person has the right to a clean and healthy environment”. This also means access to clean energy.

**Kenya Vision 2030 / Third MTP:** This Generally targets to increase electricity generation to meet demands of the Vision while increasing efficiency. Under the Third MTP the government aims to provide universal access to electricity by 2022 while reducing the cost of electricity to households and industry. It also aims to increase power generation from the current capacity of 2,333 MW to 5,221 MW by 2022; enhance security, reliability and affordability of electricity supply by upgrading electricity transmission and

67 - <https://www.un.org/sustainabledevelopment/energy/>

68 - <http://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-7-affordable-and-clean-energy.html>

69 - KIHBS 2015/16

distribution infrastructure; and enhance regional interconnections and trade as a means to access renewable energy sources from neighboring countries.

The government has set aside Ksh2 billion to subsidize 1 million 6kg gas cylinders resulting in a price reduction from Ksh4,000 to Ksh2,000 per cylinder for poor families who depend on charcoal, paraffin and firewood for cooking. The government plans to increase duty on Kerosene to reduce the use of this fuel in households<sup>70</sup>.

**Sessional Paper No 4 of 2004 on Energy:** the overall objective is “To ensure affordable, competitive, sustainable and reliable energy supply to meet development needs at least cost while protecting the environment.” This policy has been under review with a draft National Petroleum and Energy Policy since 2015.

### Indicator and targets

Data on the two indicators for this target are available according to KNBS.

Targets under Kenya Vision 2030/ Third MTP include: universal access to electricity by 2020; increase power generation from 2333MW to 5221MW; and increase access to 1 million subsidized 6kg LPG gas cylinders

### Related goals and targets

This target is related to Goal 1, on ending poverty – access to electricity is key to improved livelihoods at the household level but also enables economic productivity and growth of enterprises. It supports the achievement of outcomes envisaged under Goal 3, on ensuring healthy – access to electricity that supports the achievement of healthy lives at household level and the provision of health services. It supports inclusion and sustainable industrialization under Target 9.2 and Goal 11 – making cities and

human settlements inclusive, safe, resilient and sustainable<sup>71</sup>.

It further supports Goal 4, on education as it improves education, outcomes for the learner (they can study longer with clean lighting) and enables the provision of education services.

### Comment on adequacy

The significant progress in connectivity has already been achieved with the target of universal connectivity by 2020 being very ambitious with the country planning to achieve this SDG target much earlier.

However, the cost of electricity is still high which undermines the element of affordability. This is partly as a result of the market structure with only one distributor, KPLC which exercises monopoly with limited market driven incentives for cost and operational efficiency. This will undermine the country's efforts in sustaining this target and achieving the desired industrialization goals.

Both the policy and the law on energy are not up to date, which make the policy framework inadequate.

**Target 7.2** By 2030, increase substantially the share of renewable energy in the global energy mix

**Indicator 7.2.1** Renewable energy share in the total final energy consumption

During the Second MTP period, geothermal contribution to the electricity generation energy mix increased from 14 percent in 2013 to 28 percent in 2017. According to the draft Energy Policy, geothermal potential is 10,000 MW; large hydros potential is 6,000 MW with 807 MW already exploited by 2014; Small hydros'

<sup>70</sup> - <https://www.nation.co.ke/business/Rotich-gives-Sh2bn-for-subsidised-cooking-gas/996-4550614-1561acv/index.html> and <https://www.businessdailyafrica.com/economy/State-set-to-give-poor-homes-gas-cylinders-in-May/3946234-4295792-b0peh7/index.html>

<sup>71</sup> - SDSN - <http://indicators.report/targets/>



potential is 3,000 MW with only 25 MW exploited by 2014; Installed wind electricity generation capacity was 25 MW with 300MW is expected from Turkana wind project.

Solar water heating expected to grow by 20 percent after the new energy regulations (requiring households to install solar water heating for hot water consumption of over 100 liters per day) came into force in 2017.

### Relevant policies

Kenyan legal framework and policies relevant to this target include the Constitution 2010, the Kenya Vision 2030, Sessional Paper No 4 of 2004 on Energy; Energy Act of 2006, and the Energy (Solar Water Heating) Regulations, 2012.

**The Constitution 2010** provides under article 42 that “Every person has the right to a clean and healthy environment”. This also means generating electricity from clean energy sources.

**Sessional Paper No 4 of 2004 on Energy** states, “To encourage the wider adoption and use of renewable energy technologies and thereby enhance their role in the country’s energy supply matrix, Government will design incentive packages to promote private sector investments in renewable energy and other off-grid generation. Government will also provide requisite support for research and development in emerging technologies like cogeneration and wind energy generation. Co-generation in the country’s sugar belt will be promoted through an attractive bulk tariff regime that recognises the need to reduce oil based thermal generation.”

**Energy Act of 2006.** Article 103 of the Act provide that, “the Minister shall promote the development and use of renewable energy technologies, including but not limited to, biomass, biodiesel, bioethanol, charcoal, fuelwood, solar, wind, tidal waves, hydropower, biogas and municipal waste.”

**Scaling up of Renewable Energy Program (SREP) – Investment Plan for Kenya (draft 2011):** Kenya is one of the six countries selected to benefit from SREP which supports the country’s initiatives towards achieving a low GHG emission development pathway by harnessing abundant renewable resources in the country. SREP, which is a funding window of the CIF channeled through five multilateral development banks, is empowering developing countries by demonstrating the economic, social and environmental viability of renewable energy. SREP financing supports scaled up deployment of renewable energy solutions to increase energy access and economic opportunities.

**The Energy (Solar Water Heating) Regulations, 2012:** came into effect in 2017. All dwellings with water heating requirements of over 100 liters are required to install solar water heating facilities. This will contribute to the renewable energy use.

### Indicators and targets

Data on indicators for this target is available according to KNBS.

Vision 2030/ Third MTP target is to increase in power generation from renewable sources from 72 percent in 2018 to 83 percent in 2022 (including imports but excluding off grid sources)

### Related goals and targets

This target is related to Target 7.b, on expanding infrastructure and upgrading technology for supplying modern and sustainable energy services; and Target 8.4, on resource efficiency in consumption – both promote efficiency in the use of generated power resulting in less need for the use of non-renewable energy sources. The target is also related to Goal 11, on inclusive cities and Goal 13 on climate action – increasing the use of renewable energy contributes to resilient cities and is a key mitigation measure for the management of climate change.

### Comment on adequacy

The country has huge potential and the national initiatives to harness renewable energy sources such as geothermal wind places the country in a position to achieve this target. However, the inclusion of coal and nuclear energy, if realized, will reduce the share of renewable energy in the energy mix. While there could be good arguments to introduce the latter, there is need for balancing between the economic benefits and the likely impact on climate change and the environment.

The policies supporting the achievement of this target are not up to date and therefore inadequate to support the achievement of this target.

**Target 7.3** By 2030, double the global rate of improvement in energy efficiency

**Indicator 7.3.1** Energy intensity measured in terms of primary energy and GDP

### Relevant policies

Kenyan legal framework policies that support the achievement of this target includes the Constitution 2010, Kenya Vision 2030 / Third MTP, Sessional Paper No 4 of 2004, on Energy; Energy Act of 2006, Energy Management Regulations 2012 on Energy Audits.

**Vision 2030** recognizes weak transmission and distribution infrastructure as a challenge. Key initiatives have focused on improving the transmission and distribution of infrastructure to reduce system losses, improve quality and reliability of supply and increase access to electricity services.

**Sessional Paper No 4 of 2004 on Energy.** Included in this policy paper as a cross-cutting

issue is the. energy efficiency and conservation. The government recognizes the need to remove barriers and constraints to adoption of energy efficiency and conservation technologies and will therefore put appropriate measures in place address this. The measures include: i. encouraging private sector participation in providing technical and financial support for energy conservation and efficiency; ii. enhancing the provision of energy audits and advisory services by the Ministry of Energy to institutions and companies including sensitization of industries and financial institutions on benefits of energy efficiency; iii. Establishment of energy and equipment-testing laboratories for efficiency and accelerated equipment ageing testing; iv. Promotion of cost-effective industrial energy efficiency and conservation measures within economic sectors through exposure to competition; v. dissemination of energy efficiency and conservation information to consumers; vi. Encouraging demand side management by industrial and commercial sectors, and, where necessary, provision of the necessary technical support by the Ministry of Energy and electric power utilities; and, vii. Development of standards and codes of practice on cost effective energy use.

**MTPIII Sector Plan / National Energy and Petroleum Policy (June 2015).** Much greater emphasis is given to energy efficiency and conservation under the Third MTP and the draft Policy.

According to **Third MTP Energy Sector Plan** to increase energy access, evacuate power, reduce energy losses, and ensure system stability and reliability, the country will expand the transmission and distribution infrastructure during the MTP III period. Kenya is also implementing the Sustainable Energy for All (SE4All) initiative that was launched by the United Nations in September 2011 to achieve

three inter-related goals by 2030, namely: mobilize all stakeholders to take concrete actions toward ensuring universal access to modern energy services; double the global rate of improvement in energy efficiency and; double the share of renewable energy in the global energy mix.

**The National Energy and Petroleum Policy (draft)**, which is fully reproduced in the Third MTP Energy Sector Plan, emphasizes in Chapter 5, on energy efficiency and conservation, whose purpose is to implement measures aimed at reducing energy consumption without sacrificing productivity or increasing costs. Energy efficiency and conservation measures have the potential to scale down capital investments needed to provide additional supplies and reduce overall resource use. It also has the potential of reducing cost of production at the end user level. Energy efficiency and conservation reduces energy demand, improves energy security, improves competitiveness and helps to mitigate climate change by lowering GHG emissions. From the consumer's point of view, energy efficiency and conservation measures yield direct savings on the energy bill. From the national stand point, adoption of such measures would significantly reduce the foreign exchange costs of oil imports. It would also serve to defer additional investment in power generation capacity. Ultimately, improved energy efficiency would boost the competitiveness of Kenyan products owing to reduced input costs.

The UNDP-GEF-KAM Industrial Energy Efficiency Project report of 2005 revealed that wastage of primary energy input ranged from 10% to 30%. The Project ended in 2005. Thereafter, the Ministry of Energy and the KAM signed a memorandum of agreement to establish a Centre for Energy Efficiency and Conservation (CEEC). The CEEC undertakes, on behalf of the ministry, energy audits in mainstream industries,

small and medium enterprises (SMEs) and public institutions, capacity building in energy efficiency and conservation, public education and awareness activities as well as administer the Energy Management Awards (EMA) annual events. Total energy audits undertaken on behalf of the Ministry up to 2014 were 400 indicating a savings potential of KSh15.5 billion in KSh and 45MW equivalent. It is expected that with continued efforts through the CEEC and the private sector, it is possible to avoid cumulative emissions of CO<sub>2</sub> to the tune of 7.0 million tons by the end of 2016, equivalent to more than 20,000GWh in energy savings. The draft policy prescribes short, medium and long term (2030) strategies aimed at energy efficiency and conservation.

**The Energy Act of 2006** consolidates the law on energy and provides for the establishment, powers and functions of the Energy Regulatory Commission and the Rural Electrification Authority. Part IV is on energy efficiency and conservation. Article 104 provides that "The Minister shall develop and manage a prudent national energy efficiency and conservation programme." Article 105 provides that "The Commission shall designate factories or buildings and electrical appliances by types, quantities of energy use, or methods of energy utilization for purposes of energy efficiency and conservation." Article 106 provides that "The owner of a building designated under section 105, shall conserve energy, audit and analyze energy consumption in his building in accordance with the standards, criteria, and procedures as prescribed by regulations."

Under the **Energy Management Regulations 2012**, energy audits are a legal requirement and stipulate that companies consuming more than 180,000 units of energy per year should carry out an energy audit every three years and implement at least 50% of the recommendations. The Centre

for Energy Efficiency and Conservation (CEEC), established as a collaborative initiative between the Ministry of Energy and Kenya Association of Manufacturers (KAM), offers subsidized energy audits. According to CEEC, the energy audits offered by CEEC and the recommendations save companies an average of 20% of their energy budget. CEEC has carried out more than 850 energy audits, and through the various initiatives saved the industry more than Ksh 12 billion in the last 12 years (since its establishment in 2006). CEEC has also trained 400 energy managers; and supported the formation of the Association of Energy Professionals of East Africa (AEPEA) in 2014 to self-regulate the profession.

### Related goals and targets

This target is related to Target 9.2 as energy efficiency reduces the cost of energy for promotion of the growth of industries; Goal 12 on responsible production and consumption; Goal 13, on climate action as increased energy efficiency, will lead to reduced reliance on non-renewable energy sources while protecting life below water (Goal 14) and life on land (Goal 15).

### Comment on adequacy

The energy policy and law is not up to date and may deny the country clear guidance to support the achievement of this target. The policy framework is therefore considered inadequate.

**Target 7.a.** By 2030, enhance international cooperation to facilitate access to clean energy research and technology, including renewable energy, energy efficiency and advanced and cleaner fossil-fuel technology, and promote investment in energy infrastructure and clean energy technology.

**Indicator 7.a.1** Mobilized amount of United States dollars per year starting in 2020 accountable towards the \$100 billion commitment

**Target 7.b** By 2030, expand infrastructure and upgrade technology for supplying modern and sustainable energy services for all in developing countries, in particular LDCs, small island developing States and landlocked developing countries, in accordance with their respective programmes of support

**Indicator 7.b.1.** Investments in energy efficiency as a percentage of GDP and the amount of foreign direct investment in financial transfer for infrastructure and technology to sustainable development services

**Targets 7.a and 7.b.** seems more relevant for global agencies and development partners.



## PROMOTE SUSTAINED, INCLUSIVE AND SUSTAINABLE ECONOMIC GROWTH, FULL AND PRODUCTIVE EMPLOYMENT AND DECENT WORK FOR ALL

### Goal 8. Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all

The creation of quality jobs will remain a major challenge for almost all economies. Sustainable economic growth will require societies to create the conditions that allow people to have quality jobs that stimulate the economy while not harming the environment<sup>72</sup>.

The SDGs promote sustained economic growth, higher levels of productivity and technological innovation. Encouraging entrepreneurship and job creation are key to this as are effective measures that eradicate forced labour, slavery and human trafficking. With these targets in mind, Goal 8 aims to achieve full and productive employment, and decent work, for all women and men by 2030<sup>73</sup>.

Decent work has four pillars namely: Employment creation, social protection, fundamental principles and rights at work and social dialogue for adequate workers' representation. It involves opportunities for work that is productive and delivers fair income, security in the work place and social protection for families, better prospects for personal development and social integration. It further involves freedom for people to express their concerns, organize and participate in decisions that affect their lives and equal opportunity and treatment for all women and men.

Kenya achieved significant policy, legal and institutional reforms during the Second MTP period related to this goal. These include the enactment of: Sessional Paper No 4 of 2013

on National Employment Policy and Strategy; Sessional Paper No 2 of 2013 on National Industrial Training and Attachment Policy; Sessional Paper No 3 of 2013 on National Productivity Policy; National Policy on Child Labour; Sector Workplace Policy on HIV and Aids; National Employment Authority Act 2016 and the establishment and operationalization of the National Employment Authority (NEA); NSSF Act 2013, transforming NSSF from a Provident Fund to a Pension Scheme (with provident and pension schemes).

The main focus of the Third MTP is to accelerate the creation of jobs, especially for the youth, women and vulnerable groups; improvement of working conditions; streamlining the management of foreign employment; deepening the culture and increasing awareness on occupational and safety; improving the management of labour market information; improving the country's productivity and competitiveness; streamlining the regulation of trade unions; and expanding social security coverage; and establishing alternative dispute resolution mechanism for efficient resolution of labour and employment disputes.

**Target 8.1** Sustain per capita economic growth in accordance with national circumstances and, in particular, at least 7 per cent gross domestic product growth per annum in the least developed countries

**Indicator 8.1.1** Annual growth rate of real GDP per capita

<sup>72</sup> - <https://www.un.org/sustainabledevelopment/economic-growth/>

<sup>73</sup> - <http://www.unpd.org/content/undp/en/home/sustainable-development-goals/goal-8-decent-work-and-economic-growth.html>



**Target 8.2** Achieve higher levels of economic productivity through diversification, technological upgrading and innovation, including through a focus on high-value added and labour-intensive sectors

**Indicator 8.2.1** Annual growth rate of real GDP per employed person

Real GDP growth rate was 4.9 percent in 2017 against the Kenya Vision 2030 target of 10 percent per annum. Target for 2018 is 5.5 percent against sub-Saharan 3.4 percent and the East Africa Community (EAC) of 6-8 percent. The GDP per capita was Ksh166,314 (at current prices). The World Bank Ease of Doing Business Index improved significantly from 129 in 2015 to 80 in 2017 with a target of 50 by 2022. Kenya was the third most improved country in the World in 2016 and 2017. Foreign direct investment (FDI) flows rose from USD514 million in 2013 to USD2 billion in 2016, making Kenya one of the most preferred investment destinations in Africa.

### Relevant policies

Kenyan policies in support of this target include Kenya Vision 2030, the Third MTP and Budget Policy Statements and Budget Review and Outlook Papers.

**Vision 2030:** The target for the Vision is 10 percent economic growth rate per annum over the next period to 2030. The seven sectors identified to deliver this growth include: tourism, agriculture, manufacturing, wholesale and retail trade; BPO and financial services; and oil and mineral resources sectors.

**The Third MTP macro-economic framework:** Real GDP growth rate is projected to grow from 4.9 percent per annum in 2017 to 7 percent in 2022

supported by agriculture, manufacturing and service sector. Agriculture expected to grow at an average of 7.7 percent, benefiting from improved extension services, subsidized inputs for small holders, and expansion of irrigated land. The contribution of the manufacturing sector to the GDP is expected to grow from 9 percent in 2017 to 15 percent in 2022 while investment in the sector is expected to grow from USD350 million in 2017 to USD 4 billion in 2022. The service sector is expected to grow from 6.2 percent in 2018 to 10.9 percent in 2022. The World Bank Ease of Doing Business index is expected to improve from the current rank of 80 to 50 thereby providing the environment for increased investment in the country.

### Indicators and targets

The data on the indicators for the two targets are available according to KNBS.

Kenya policy targets include GDP growth rate of 7 percent by 2022; share of manufacturing sector to GDP from 9 percent to 15 percent in 2022; FDI flows from USD 350 to USD4 billion.

### Related goals and targets

This targets reinforces Targets 1.1 and 1.2 on ending poverty; and most targets in Goal 3 on ensuring healthy lives – economic growth and incomes provide resources to provide and access health services. Economic growth and incomes will also provide the resources necessary to provide and access education (Goal 4), water and sanitation (Goal 6), clean energy (Goal 7). It also reinforces Goal 11 on sustainable cities – economic growth can provide the resources needed to make cities sustainable.

It is reinforced by Target 17.13 – enhance global macroeconomic stability including through policy coordination and policy coherence.

### Comment on adequacy

Adequate policy and institutional infrastructure is in place to support the growth of the economy. Vision 2030 has an ambitious target of economic growth rate of 10 percent per annum. However, this rate of growth has been missed since 2008 when Vision 2030 was launched. For example, during the Second MTP period, the growth rate was between 4.9 percent and 5.9 percent. The performance of the seven sectors that were to deliver the 10 percent growth rate have consistently missed their targets. The tourism sector was severely affected by terrorism and the threat of Ebola epidemic during the Second MTP period. Agricultural sector growth was projected to be at 7 percent in both First MTP and the Second MTP periods, but grew at a much slower rate with the lowest growth rates being experienced during electioneering periods (with 2017 growth rate being 1.6 percent against a target of 7 percent). BPO has never picked as a key pillar of the economy as projected under Vision 2030. The ICT and financial services sector have done well and provide major opportunities for economic growth and increased employment.

The focus on manufacturing and food and nutrition security as two of the government's Big 4 Agenda will provide the resources and impetus for significant growth of the manufacturing and agricultural sectors. The substantial resources and initiatives to increase the area under irrigation, reduce cost of inputs, introduce agricultural technologies such as greenhouses may provide the sector with the necessary impetus for growth.

**Target 8.3** Promote development-oriented policies that support productive activities, decent job creation, entrepreneurship, creativity and innovation, and

encourage the formalization and growth of micro-, small- and medium-sized enterprises, including through access to financial services.

**Indicator 8.3.1** Proportion of informal employment in nonagriculture employment, by sex

The potential of the micro, small and medium enterprises (MSMEs) sector has not been fully realised due to challenges such as limited access to appropriate finance and access to markets; poor infrastructure, limited technology uptake, weak management structures, weak linkages with research institutions, poor product quality, and lack of access to skilled labour. Access to affordable and appropriate financial services are critical to the acceleration of industrial development. However, there is limited access to long-term financing, which inhibits the growth and competitiveness of the industrial sector<sup>74</sup>.

Medium and large industries constitute less than 5 percent of the total number but contribute 60 percent of the manufacturing GDP. MSMEs constitute 95 Energy Sector Plan of the number but contribute 28.8 percent of GDP with 5.1 percent from manufacturing<sup>75</sup>.

### Relevant policies

Kenyan policies contributing to this target include the Kenya Vision 2030, Sessional Paper No. 9 of 2012 on the National Industrialization Policy Framework for Kenya 2012 – 2030; Micro and Small Enterprises (MSE) Act No 5 of 2012; The East African Community Industrialisation Strategy 2012-2032; and the affirmative action funds for women, youth and persons living with disability.

**Vision 2030 / Third MTP / Big 4 Agenda:** The goal of the Vision is for a more efficient and

74 - Sessional Paper No. 9 of 2012 on the National Industrialization Policy Framework for Kenya 2012 – 2030

75 - Third MTP Sector Plan

competitive financial system; and to increase access to financial services and products to a wider section of Kenyans, particularly the poor, low income households and micro and small scale enterprises. Some of the policy objectives of the sector include: “improve access and deepening of financial services and products for a much larger number of Kenyan households and small businesses; greater efficiency in the delivery of financial services to ensure that the cost of mobilizing resources and allocating them becomes increasingly affordable; and that the range and quality of the services better caters for the needs of both savers and investors”.

Goals for the Third MTP include eliminating barriers to lending and investment and establishment of a framework to exploit leasing for SMEs. Other strategies include: creating 1000 SMEs focused on manufacturing with access to affordable capital, skills and markets; strictly enforcing the 40 percent local content on all government projects; establishing 290 SMEs support programs in all constituencies; enhancing SME development funds by USD500 million in addition to guarantee schemes and the establishment of a Biashara Bank; Ksh200m SME equipment in 20 constituencies; and building capacity of 10,000 SMEs on export rules.

**Micro and Small Enterprises (MSE) Act No 5 of 2012:** provides for the promotion, development and regulation of micro and small enterprises; and the establishment of the Micro and Small Enterprises Authority. The objective is to provide a legal and institutional framework for the promotion, development and regulation of micro and small enterprises by— (a) providing an enabling business environment; (b) facilitating access to business development services by micro and small enterprises; (c) facilitating formalization and upgrading of informal micro and small enterprises; (d) promoting an entrepreneurial culture; and (e) promoting

representative associations

**Sessional Paper No. 9 of 2012 on the National Industrialization Policy Framework for Kenya 2012–2030:** Micro, Small and Medium Industries (MSMIs) sector is recognised as the foundation of Kenya’s industrial development. Although the other policy objectives are relevant, the following are specific to the MSME sector: developing at least two SEZs and five SME industrial parks; increasing by 20 per cent the share of manufacturing in total MSMI output.

In order to continue unlocking the potential of MSMIs so that they play their role in contributing to Kenya’s industrial development, a number of policy measures will be pursued including: establishing an Industrial Development Fund (IDF); implementing a ‘One-Stop-Shop’ for business registration for MSMEs; and mainstreaming Business Development Services (BDS). To increase the access to financial services, the government will: 1) Provide incentives for establishment of venture capital supportive of industrial investment; 2) Establish an Industrial Development Fund (IDF) to provide appropriate funding mechanisms for strategic industries and joint ventures; 3) Review and restructure the existing IDFs with a view to re-capitalization and strengthening their financing capacity for industrialization; 4) Encourage cooperatives and pension funds to invest in industrial development; and 5) Provide incentives to encourage Kenyans in the diaspora to invest in industrial development.

**The East African Community (EAC) Industrialisation Strategy 2012-2032:** The EAC has made a commitment to transform the regional economy through industrialisation. The region’s overriding objective is to create a modern, competitive and dynamic industrial sector, fully integrated into the global economy. Specific targets include:

a) Diversifying the manufacturing base and

raising local value added content of resource based exports from the currently estimated value of 8.62 percent to 40 percent by 2032;

- b) Strengthening national and regional institutional frameworks and capabilities for industrial policy design and implementation; and delivery of support services to ensure sustainable industrialisation in the region;
- c) Strengthening research and development, and technology and innovation capabilities to facilitate structural transformation of the manufacturing sector and upgrading of production systems;
- d) Increasing the contribution of intra-regional manufacturing exports relative to total manufactured imports in to the region from the current 5 percent to about 25 percent by 2032, and increasing the share of manufactured exports relative to total merchandise exports from an average of 20 percent to 60 percent;
- e) Transforming MSMEs into viable and sustainable business entities capable of contributing up to 50 percent of manufacturing GDP from 20 percent base rate.

Long term outcomes / impacts expected are to progressively contribute to an increase in:

- a) The manufacturing industry's contribution to the regional GDP, from an average of 9.7 percent, to an average of 25 percent in 2032;
- b) Increase manufacturing-based employment from the current 456,000 to about 2.3 million in 2032. (This growth will have multiplier effects on the agricultural and services sectors).
- c) Increase regional GDP, from USD74.5 billion to about USD238.9 billion in 2032 (based on a projected annual GDP growth rate of 6

percent);

- d) Increase GDP per capita currently from USD558 to USD1,300 in 2032 (based on a population growth rate of 2.8 percent annually);
- e) Increase manufactured value added per capita, currently at USD50 to USD258 in 2032;
- f) Improve the average score on the World Economic Forum Competitiveness Index, currently at 3.4 to 4.5 in 2032.

**Affirmative action funds:** These are funds that target to provide access to women, youth and persons living with disability owned enterprises. They have increased access to credit for these enterprises resulting in their growth and employment creation. These include: Women Enterprise Fund (targets financial access for women enterprises); Uwezo Fund (targets financial access for women, youth and PWD); Youth Enterprise Development Fund (YEDF) – access to finance, training and external job placements for youth enterprises. These are discussed in detail under Goal 1.

### Indicators and targets

Data on the indicator for this target are available according to KNBS.

Kenya policy indicators under the Third MTP / Big 4 Agenda include: 1000 SMEs focused on manufacturing created; 40 percent local content on all government projects strictly enforced; 290 SMEs support programmes in constituencies established; SMEs development funds enhanced by USD500 million; SME equipment worth Ksh200 million provided in 20 constituencies; and 10,000 SMEs trained on export rules. A number of targets are provided under the East African Community (EAC) Industrialisation Strategy 2012-2032 discussed above.

## Related goals and targets

This target is related to the following:

Goal 1 – End poverty in all its forms – meeting this target is fundamental in ending poverty in Kenya. Over 83 percent of jobs are created by the informal sector.

Goal 2 – Ending hunger – the job creation and the development of SMEs have a major role to play in producing, processing and making food available to populations. It also plays a major role in providing the incomes necessary to buy food and make families food secure.

Goal 4 – reinforces this target by providing incomes to support education.

Goal 5 – SMEs are a major source of income for women, and therefore reinforces gender equality.

Target 8.9 – SMEs are a major contributor and beneficiary of the tourism sector

Targets 8.1 and 8.2 – these targets reinforce Target 8.3 and each other. SMEs are a major contributor to the GDP and a key play in the economic productivity of the country. Growth of the GDP and high economic productivity also creates jobs.

Targets 9.1 and 9.2 – development of infrastructure and industries directly supports the creation of decent jobs and encourages the growth of SMEs.

## Comment on adequacy

Adequate policy framework exists for the achievement of this target. The Government recognises the importance of SMEs in creating jobs, economic productivity and in the growth of the key economic sectors. Policy framework on industrialization, legal and institutional framework and some institutional capacity exist to achieve this target.

**Target 8.4** Improve progressively, through 2030, global resource efficiency in consumption and production and endeavour to decouple economic growth from environmental degradation, in accordance with the 10-Year Framework of Programmes on Sustainable Consumption and Production, with developed countries taking the lead

**Indicator 8.4.1** Material footprint, material footprint per capita, and material footprint per GDP

**Indicator 8.4.2.** Domestic material consumption, domestic material consumption per capita, and domestic material consumption per GDP

Kenya's Vision 2030 envisages the transformation of the country into a newly industrializing middle income economy by 2030. Industrial development is identified as key driving force that puts pressure on the environment. This calls for an environmentally friendly industrial development strategy that integrates and promotes cohesion of development and environmental policies and enhances transfer of environmentally sound technologies.

The Small and Medium Enterprises (SMEs) have been recognised as the engine to drive industrialization. SMEs are the fastest growing part of the Kenyan economy. The manufacturing SMEs consume substantial resources and also produce a significant share of industrial waste. Besides contributing to economic growth and job opportunities, SMEs and industries also contribute significantly to environmental degradation and pollution due to factors such as the type and age of the technologies in use, shop-floor practices and other specific industry characteristics<sup>76</sup>.

<sup>76</sup> - Sessional Paper No. 10 of 2014 on the National Environment Policy



## Relevant policies

The Kenyan policies that address this target include the Constitution 2010, Kenya Vision 2030, and the Sessional Paper No. 10 of 2014 on the National Environment Policy. Others include Climate Change Act, National Climate Change Response Strategy, National Climate Change Action Plan, and EMCA 1999 revised to 2015.

**Sessional Paper No. 10 of 2014 on the National Environment Policy** addresses both production and consumption patterns and industrialization and environment.

On consumption and production patterns: To achieve a clean and healthy environment, unsustainable patterns of production and consumption should be discouraged and intensified awareness instituted. The government will: provide economic incentives for investment in more efficient, clean and environment-friendly production technologies and associated capacity building; promote sound environmental management tools; promote public procurement policies that encourage development and diffusion of environmentally-sound goods and services.

Industrialization and environment: The government will develop and implement environmentally-friendly industrialization policy; promote and support SMEs and other industries to adopt appropriate environmentally sound technologies through provision of appropriate incentives and disincentives; develop and promote use of strategic environmental assessment in the industrial development plans, policies and programmes; develop capacity and promote environmental education and awareness among SMEs; and promote resource efficient and cleaner production (RECP) technologies, including best available techniques and applications.

**Other policies and laws** that support the

development of industries in an environmentally friendly manner include: Climate Change Act, National Climate Change Action Plan, National Climate Change Response Strategy, and EMCA 1999 revised in 2015.

## Related goals and targets

Goals related to this target include Goal 7 – on energy, Goal 13 on climate action; Goal 14 on life below water and Goal 15 on life on land.

## Indicators and targets

Data on the indicators for this target are not available according to KNBS.

There are no Kenyan policy targets on this SDG target.

## Comment on the adequacy

As Kenya industrializes, there are policy and legal safeguards, which if implemented and enforced, the country will move towards meeting this target. However, the lack of policy targets may hinder this from happening.

This target is highly relevant for developing countries (e.g. China and India) and developed countries) with a large carbon footprint and significant environmental impact of their industrialization. While this may not appear to be a priority for Kenya in the immediate period, there is need to exploit opportunities to ensure industrial development follows a low carbon development pathway – and minimizes the environmental degradation as far as possible while exploiting available opportunities.

The fact that there are no data being collected on this targets may undermine its achievement.

**Target 8.5** By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value

**Indicator 8.5.1.** Average hourly earnings of female and male employees, by occupation, age and persons with disabilities

**Indicator 8.5.2** Unemployment rate, by sex, age and persons with disabilities

**Target 8.6** By 2020, substantially reduce the proportion of youth not in employment, education or training

**Indicator 8.6.1** Proportion of youth (aged 15-24 years) not in education, employment or training

**Target 8.b.** By 2020, develop and operationalize a global strategy for youth employment and implement the Global Jobs Pact of the ILO

**Indicator 8.b.1** Total government spending in social protection and employment programmes as a proportion of the national budgets and GDP

The three targets are closely related with similar policy prescriptions.

During the Second MTP period, the Government adopted strategies to create employment opportunities which include implementation of programmes for the youth, women and persons with disabilities. These programmes include reservation of 30 per cent of all government procurement opportunities for women, youth and persons with disabilities, devolution of some

services and functions to counties coupled with increased resource allocation to the devolved units. In total, employment increased from a total of 13.5 million jobs in 2013 to 16.9 million in 2017 with the formal sector jobs being 17 percent of the total and the informal sector 83 percent.

### Relevant policies

Kenyan legal framework and policies that address these targets include the Constitution 2010, Vision 2030 / Third MTP / Big 4 Agenda, Sessional Paper No 4 of 2013 on National Employment Policy and Strategy, Sessional Paper No 2 of 2013 on National Industrial Training and Attachment Policy, Sessional Paper No 3 of 2013 on National Productivity Policy, Employment Act No 11 of 2007, NSSF Act 2013 and Affirmative Action programmes.

**Constitution 2010** confirms elaborate rights on fair labour practices. Article 41 provides that “(1) Every person has the right to fair labour practices; (2) Every worker has the right—(a) to fair remuneration; (b) to reasonable working conditions; (c) to form, join or participate in the activities and programmes of a trade union; and (d) to go on strike.” It further provides that “(4) Every trade union ... has the right—(a) to determine its own administration, programmes and activities; (b) to organise; and (c) to form and join a federation. (5) Every trade union, employers’ organisation and an employer has the right to engage in collective bargaining.” Article 55 on the youth obligates the State to take measures, including affirmative action programmes, to ensure that the youth access relevant education and training; and access employment.

**Vision 2030 / Third MTP / Big 4 Agenda:** According to the Vision “Kenya’s main potential lies in its people – their creativity, work ethic, education and entrepreneurship and other skills. Kenya aims to create a globally-competitive and adaptive human resource base to meet the requirements

of Vision 2030.” The Vision’s priorities include: improved human resources data to track supply and demand; increase productivity; strategic management and coordination to deal with the mismatch between skills supply and demand; social security to meet the needs of the retired, retrenched or self-employed; and re-orientation of human resources to retrain and redirect human resources from areas of excess supply to areas of shortages.”

Under the Big 4 Agenda on manufacturing - a total of 940,000 jobs are expected to be created in cotton, new apparel and leather production, agro-processing, construction materials, ICT, and fish processing. The government will provide support to SMEs in the manufacturing sector, establish 290 SME support programmes in constituencies; enhance SME development funds by USD500 million; equipment worth Ksh200 million to 20 constituencies; and establish a Biashara Bank. To achieve food and nutrition security under the Big 4 Agenda, the government aims to increase small holder productivity in particular establish 1000 targeted production level SMEs; improve access to credit / input for farmers; establish commercialized feed systems for livestock, fish, poultry and piggery; promote fishing

**Sessional Paper No 4 of 2013 on National Employment Policy and Strategy.** Its goal is to promote full employment as a priority in national, economic and social policy and to enable the economically active population to attain and secure sustainable livelihood through productive and freely chosen employment. It proposes several strategies aimed at accelerating employment creation within the country and enhance sustainability; promote productivity, national competitiveness and economic growth; create decent employment opportunities; and build a pool of skilled, adaptive, self-reliant and enterprising labour force.

**Sessional Paper No 2 of 2013 on National Industrial Training and Attachment Policy** provides a framework for the establishment of institutions and programmes for planning and implementation of industrial training and attachment. The framework guides and harmonizes industrial training and attachment to ensure adequate supply of properly trained human resources at all levels in industry for sustainable growth.

**Sessional Paper No 3 of 2013 on National Productivity Policy.** Their goal is to provide a framework for productivity management to improve productivity growth from the current less than 1 percent to 5 percent annually and increase productivity awareness from the current 1 percent to 60 percent by 2030. This includes the establishment of the National Productivity Centre.

**Employment Act No 11 of 2007** declares and defines the fundamental rights of employees and provides basic conditions of employment for employees; promotes equality and equal opportunity and prohibits discrimination on any grounds including sex (under Article 5) and specifically provides that “an employer shall pay his employees equal remuneration for work of equal value”

**National Employment Authority Act 2016:** The goal of the Act is to establish the National Employment Authority; and to provide for a comprehensive institutional framework for employment management; enhance employment promotion interventions; and enhance access to employment for the youth, minorities and marginalized groups.

**National Social Security Fund (NSSF) Act of 2013:** This Act transformed NSSF from a Provident Fund to a Pension Scheme with both provident and pension schemes. This had the effect of increasing social security coverage for employed and self-employed persons.

**Affirmative action programs** focused on providing financial access and capacity building to women, youth and PWD-owned enterprise and includes Women Enterprise Fund, Youth Enterprise Development Fund and the Uwezo Fund. Access to Government Procurement Opportunity (AGPO) of 30 percent for women, youth and PWD provides opportunity for growth of small enterprises.

**Other programs:** This include the implementation of a Labour Management Information System (LMIS) to improve access to labour management information and the establishment of an Industrial Training Attachment Portal (ITAP) to facilitate the industrial attachments. The World Bank funded Kenya Youth Employment and Opportunities Program (KYEOP) current being implemented targets 280,000 youth between 18 and 29 years with training, work experience, jobs and labour market info.

### Indicators and targets

Data on the indicators for the two targets discussed here are available according to KNBS.

Policy targets include those from Sessional Paper No 3 of 2013 on National Productivity Policy: improve productivity growth from the current less than 1 percent to 5 percent annually and increase productivity awareness from current 1 percent to 60 percent by 2030. No targets on employment were identified.

### Related goals and targets

The three targets are related to the following goals:

- a) Goal 1 on ending poverty in all its forms (mine) – employment reduces poverty
- b) Goal 2 on ending hunger - employed people have the incomes to buy food
- c) Goal 3 on ensuring healthy lives – employed people more likely to afford

health services

- d) Goal 4 on education – employed people more likely to affordable education for their children
- e) Goal 5 – the target is for the employment of all men and women, and equal pay for equal work – which implies gender equality in employment
- f) Goal 6 – the employed have the incomes that make them more likely to access safe water
- g) Goal 7 – the employed have incomes that make them more likely to access clean energy sources for lighting and cooking
- h) Goal 11 on making cities and human settlements inclusive, safe, resilient and sustainable

### Comment on adequacy

The policy framework exists for the achievement of these two targets. However, the lack of up to date youth and gender policies, and the lack of targets for employment including for youth employment are weaknesses. This leads to the conclusion of an inadequate policy framework. The achievement of the target depends on the performance of all the sectors of the economy.

**Target 8.7** Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the **worst forms of child labour**, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms

**Indicator 8.7.1** Proportion and number of children aged 5-17 years engaged in child labour, by sex and age

## Definitions

**Child labour** refers to work that is mentally, physically, socially or morally dangerous and harmful to children; and interferes with their schooling; by depriving them of the opportunity to attend school; by obliging them to leave school prematurely; or by requiring them to attempt to combine school attendance with excessively long and heavy work. In its most extreme forms, it involves children being enslaved, separated from their families, exposed to serious hazards and illnesses and/or left to fend for themselves on the streets of large cities - all of this often at a very early age.

Child labour is work that deprives children of their childhood, their potential and their dignity, and that is harmful to their physical and mental development.<sup>77</sup>

**Worst Forms of Child Labour** is defined as child labour comprising of: all forms of slavery or practices similar to slavery, such as the sale and trafficking of children; debt bondage and serfdom and forced or compulsory labour; including forced or compulsory recruitment of children for use in armed conflict; the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.<sup>78</sup>

Out of 15.8 million of the population aged 5-17 years, 2.1 million or 13.1 percent are employed with 85.6 percent and 14.4 percent in the rural and urban areas respectively<sup>79</sup>. The proportion of those employed that constitute child labour, or worst forms of child labour (in line with the definitions above) is not indicated.

In Kenya there is no data to determine the status and trends on child labour and the worst forms of child labour and the extent of the problem.

## Relevant policies

Kenyan legal framework and policies that address this target includes the Constitution 2010, the Kenya Vision 2030, Sessional Paper number 1 of 2015 on the National Policy on Elimination of Child Labour, ILO Convention No 138 on minimum age of entry into employment; Convention 182 on the Worst Forms of Child labour, UN Convention on the Rights of the Child (UNCRC) and Counter Trafficking in Persons Act No 8 of 2010.

**Constitution 2010:** Chapter 4 Part 2 on Rights and Fundamental Freedoms, article 30 on Freedom and security of the person - slavery, servitude and forced labour provides that a person shall not be held in slavery or servitude or required to perform forced labour. Part 3— Specific Application of Rights, Article 53 provides that (1) Every child has the right— (d) to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment, and hazardous or exploitative labour; (2) A child's best interests are of paramount importance in every matter concerning the child. Chapter 17 - General Provisions, article 260 - Interpretation states that "In this Constitution, unless the context requires otherwise—"child" means an individual who has not attained the age of eighteen years."

**Kenya Vision 2030:** The strategy spelt out in the Vision is "to enforce the Children's Act to eliminate child labour as well as other retrogressive practices causing vulnerabilities among children".

**Sessional Paper number 1 of 2015 on the National Policy on Elimination of Child Labour** was debated and passed by Kenya's parliament on October 6, 2016. The policy aims at building synergy and mainstreaming child labour interventions in national, county and sectoral policies. It focuses

77 - ([http://www.ilo.org/moscow/areas-of-work/child-labour/WCMS\\_249004/lang--en/index.htm](http://www.ilo.org/moscow/areas-of-work/child-labour/WCMS_249004/lang--en/index.htm); <http://libguides.ilo.org/child-labour-en>)

78 - ([http://www.ilo.org/dyn/normlex/en/F?p=NORMLEXPUB:12100:0:NO:P12100\\_ILO\\_CODE:C182](http://www.ilo.org/dyn/normlex/en/F?p=NORMLEXPUB:12100:0:NO:P12100_ILO_CODE:C182))

79 - KIHBS 2015/16



on strategies that are aimed at prevention, identification, withdrawal, rehabilitation and reintegration of children involved in all forms of child labour. The ultimate vision is to have a child-labour free society<sup>80</sup>.

**ILO Minimum Age Convention No. 138, 1973:** The Convention on minimum age was adopted in 1973 in Geneva and entered into force in 1976, with Kenya ratifying it in 1979. It specifies minimum age of 16 years. It states, “Each Member for which this Convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.” The minimum age specified by member states “shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.” However, “a Member whose economy and educational facilities are insufficiently developed may, after consultation with the organizations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years.” “The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of young persons shall not be less than 18 years.”

**Convention 182 on the Worst Forms of Child labour:** This Convention came into force in 2000, with Kenya ratifying it in 2001. It obligates each Member ratifying the Convention “shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency”. For the purpose of the Convention, the minimum age is 18 years.

**UN Convention on the Rights of the Child (UNCRC):** This Convention was adopted 1989 and entered into force on September 2, 1990

with Kenya ratifying it on July 30, 1990. Article 32 states, “State Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.” Article 34 requires State Parties to undertake to protect the child from all forms of sexual exploitation and sexual abuse. Article 36 obligates State Parties to protect the child against all other forms of exploitation prejudicial to any aspects of the child’s welfare.

**Sessional Paper No 4 on Employment Policy and Strategy for Kenya** on strengthening the framework for elimination of child labour. To effectively address child labour, the government will undertake measures to strengthen the framework for the elimination of child labour. This will involve development of a child labour policy, and establishment of a National Council for the Elimination of Child Labour. The Council will be expected to coordinate all stakeholder efforts and interventions on child labour. To enhance these measures, the government through the KNBS, Ministry of Labour and Social Protection and in partnership with the ILO, social partners and other stakeholders will undertake periodic child labour surveys. Mechanisms will also be put in place to ensure periodic collection, analysis and dissemination of information on all the facets of child labour.

**Employment Act No 11 of 2007** regulates employment of children (protection of children including prohibition of worst forms of child labour, and provides penalties for the unlawful employment of children). It also prohibits forced labour under Article 4 of the Act.

**Counter Trafficking in Persons Act No 8 of 2010** implements Kenya’s obligations under the UN Convention Against Transnational Organized Crime, particularly its Protocol to Prevent,

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80 - [http://www.ilo.org/addisababa/countries-covered/kenya/WCMS\\_532340/lang-en/index.htm](http://www.ilo.org/addisababa/countries-covered/kenya/WCMS_532340/lang-en/index.htm)

Suppress and Punish Trafficking in Persons, Especially Women and Children; to provide for the offences relating to trafficking in persons. The Act comprehensively covers the offence of trafficking in persons and other related offences, including the prevention, suppression and punishing trafficking in persons especially women and children. It provides modalities of trial of offenders and an elaborate system on victim assistance including establishing a fund for victims of trafficking. The Counter Trafficking in Persons Advisory Committee formed under the Act developed and has been supporting the implementation of the National Plan of Action for Combating Human Trafficking Strategic Framework 2013-2017 that aim to combat human trafficking through prevention, protection and prosecution (it is hoped that the Commission will develop the framework for 2018 – 2022 and onwards to 2030).

### Related goals and targets

This target is related to Goal 1 on ending poverty as the exploitation of people, including children, is reinforced by poverty. Achieving the target reinforces Goal 4 on education as child labour denies children education opportunities. Other goals include: Goal 5 on ensuring gender equality and empower all women and girls; Goal 10 on ensuring equality; Goal 11 on making cities and human settlements inclusive, safe, resilient and sustainable; and Target 16.2 on ending abuse, exploitation, trafficking and all forms of violence and torture against children. Generally applies to Goal 16 on peace, justice and strong institutions – the greatest abuses on children are most likely to happen when there are conflicts, where populations are displaced and in distress, and where governance institutions are weak.

### Indicators and targets

While there are data on children under 18 years engaged in labour, there are no data on those engaged in what may be categorized as child

labour or worst forms of child labour.

The policy inclination is zero tolerance to child exploitation, including child labour.

### Comment on adequacy

Child labour, particularly its worst forms, remains a challenge for effective development and utilization of the labour force. Efforts towards elimination of child labour have been hampered by lack of updated and comprehensive child labour information, absence of child labour policy and lack of an effective coordination mechanism<sup>81</sup>.

Kenya has the legal instruments and draft policy framework to eradicate forced labour; end modern slavery and human trafficking; secure the prohibition and elimination of the worst forms of child labour. However, the issue may be complex and intertwined with poverty and community circumstances that are challenging. The country's ability to achieve this target is dependent on its ability to meet socio-economic targets under Goals 1, 2, 5 and 10.

The lack of data and baselines of child labour undermines the ability to determine the magnitude of the problem and planning on the level of effort necessary to manage it and monitoring our effectiveness.

The above leads to the conclusion that the policy framework is inadequate.

**Target 8.8** Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment

**Indicator 8.8.1** Frequency rates of fatal and non-fatal occupational injuries, by sex and migrant status

81 - Sessional Paper No 4 on Employment Policy and Strategy for Kenya

**Indicator 8.8.2** Increase in national compliance of labour rights (freedom of association and collective bargaining) based on ILO textual sources and national legislation, by sex and migrant status

### Relevant policies

Kenyan legal framework and policies addressing this target include the Constitution 2010, the Kenya Vision 2030, Labour Relations Act, Labour Institutions Act, Employment Act, the Occupational Safety and Health Act; Work Injury Benefits Act No 13 of 2007, and the Occupational Safety and Health Policy 2013

**Constitution 2010 / the Kenya Vision 2030 and the Third MTP** see section on Targets 8.5 and 8.6.

**Occupational Safety and Health Act.** In line with this Act, the Department of Occupational Safety and Health carries out examination and testing of hazardous plants and equipment and medically examines workers in hazardous occupations to ensure that their health is not affected by the working environment.

**Work Injury Benefits Act No 13 of 2007** provides for compensation of employees for work related injuries and diseases contracted in the course of their employment.

**Employment Act No 11 of 2007:** The Act declares and defines the fundamental rights of employees; to provide basic conditions of employment for employees; and to regulate employment of children (protection of children including prohibition of worst forms of child labour, and penalties for the unlawful employment of children). Also prohibits against forced labour; promotes equality and equal opportunity and prohibits discrimination on any grounds including sex; and specifically provides that “an employer

shall pay his employees equal remuneration for work of equal value”

**Labour Relations Act 2007** consolidates the law relating to trade unions and trade disputes; provides for the registration, regulation, management and democratization of trade unions and employers organizations or federations; and to promote sound labour relations through the protection and promotion of freedom of association, the encouragement of effective collective bargaining and promotion of orderly and expeditious dispute settlement, conducive social justice and economic development.

**Labour Institutions Act 2007:** establishes labour institutions, their functions, powers and duties including the National Labour Board, and the Industrial Court.

**Occupational Safety and Health Policy 2013** seeks to inculcate a safety and health culture, reduce number of work-related accidents and diseases and equitably provide compensation and rehabilitation to persons who are injured at work or contract occupational diseases.

**National Employment Authority Act 2016:** The National Employment Authority aims to provide for a comprehensive institutional framework for employment management. The government has posted labour attachés in three Middle Eastern countries and is negotiating bilateral agreements to ensure protection of Kenyan workers. The Ministry also attests foreign contracts of Kenyan workers migrating abroad to ensure that the terms and conditions of work are in tandem with national and international labour standards.

### Indicators and targets

The data for the first indicator for the target are not available while that for the second indicator are according to KNBS.

There are no Kenyan policy targets identified for this SDG target.

## Comment on adequacy

The enabling policy framework is inadequate.

**Target 8.9** By 2030, devise and implement policies to promote sustainable tourism that creates jobs and promotes local culture and products

**Indicator 8.9.2** Number of jobs in tourism industries as a proportion of total jobs and growth rate of jobs, by sex

By 2008 when the Kenya Vision 2030 was launched, tourism accounted for close to 10% of GDP, 9 percent of total formal employment, and a leading earner of foreign exchange. It had “many linkages with other sectors...and great potential to generate employment and wealth”. By 2006, tourism arrivals had reached 1.6 million and the sector earned the country USD800 million. The country had high hopes on tourism setting the targets high for 2012 which included tripling the number of tourist arrivals and earnings. However, by 2012 tourism arrivals were at almost the same level (1.7 million) and earnings had just slightly improved to Ksh96 billion (about USD 960 million). By 2017, international tourist arrivals stood at 1.45 million below the level of more than 10 years earlier. Tourism earnings had just improved slightly at Ksh110 billion (or approximately USD1.1 billion). This poor performance was due to many factors including the increased terrorism threats and most recently the Ebola epidemic in West Africa. However, domestic tourism had started showing promise reaching 3.5 million by 2016.

Nevertheless, the sector scooped a number of awards during the Second MTP period. These include: the World’s Leading Safari Destination, and Africa’s Leading Beach Destination in 2013 and 2015. Mombasa was voted Africa’s Leading

Cruise Ship Port in 2015; Maasai Mara was ranked Africa’s Leading National Park in 2015; and KTB was voted Africa’s Leading Tourism Board in 2012 and 2015.

This background indicates that the sector has great promise but it is susceptible to risks factors both local and international with some having adverse consequences.

## Relevant policies

Kenyan policies that address this target include the Kenya Vision 2030 / Third MTP / Big 4 Agenda, Sessional Paper No 1 of 2010 on Enhancing Sustainable Tourism in Kenya; and the Tourism Act of 2011.

**Vision 2030 / Third MTP / Big 4 Agenda:** The vision of the sector was for Kenya “to become a top 10 long haul destination in the world that offers a high value, diverse and distinctive visitor experience”. Specific strategies to enhance tourism sector performance include: coast tourism – expansion and improvement of facilities at the coast, including the development of two (2) resort cities at the North and South Coast; increasing the quality of services and charges at Kenya’s premium parks and improving facilities in underutilized parks; creating new high value niche products (cultural, eco, sports, and water-based tourism); attracting high end hotel chains; and investing in conference and business tourism.

The targets for the period 2018 to 2022 are: increase tourism earnings from Ksh119.9bn in 2017 to Ksh175bn in 2022; international tourist arrivals from 1.45m to 2.5m; and domestic tourism to 6.5m in 2022.

In the Budget Policy Statement of February 2018 identifies tourism as an enabler to “the Big Four Plan.” the sector will be providing the Kenya shilling foreign exchange rate required for importation of machinery to facilitate manufacturing and any other imports besides

stabilizing the foreign exchange. Consequently, the government has put in place various incentives to boost the sector, among them; giving visa on arrival for all Africans visiting Kenya and the introduction of Charter Incentive Programme and air passengers subsidy (USD 30 rebates per passenger). Waiving of visa fees for children under the age of 16 years is also meant to encourage family travel to Kenya. In addition, VAT exemption on Park Fees and the reduction in Park entry fees from USD 90 to USD 60 are affected to encourage both local and international tourists to visit National Parks.

Going forward, in order to ensure sustainability in the tourism sector, the government in partnership with key stakeholders will continue implementing the following strategies: revamping and refreshing beach and safari products; developing world class national parks and reserves; mainstreaming conservancies into the tourism value chain; developing heritage tourism product (refurbishment of Railway Museum, Fort Jesus and Mama Ngina Water Front); sports tourism, business and conference tourism; adventure tourism; city tours, wellness and yoga; medical and health tourism among others. Development of infrastructure especially in tourism areas; marketing of Kenya as a viable tourism destination and strengthening presence in the new and emerging markets (China & India) as well as regionally (Nigeria & South Africa).

**Sessional Paper No 1 of 2010 on Enhancing Sustainable Tourism in Kenya** goal is “to achieve sustainable tourism that contributes to a better quality of life for all people” Policy objectives include: provide a framework for integration of tourism sector considerations into the various sectoral policies and national development planning as well as decision making processes; strengthen the legal and institutional framework for effective coordination and management of the tourism sector; ensure adoption of sustainable tourism that enhances economic development,

environmental sustainability and social justice; promote and support the provision of incentives and other economic instruments that enhance investment in the sector; and promote and enhance collaboration, cooperation, synergy, partnerships and participation in the tourism sector by all the stakeholders. It provides for enhancing tourism through: diversifying tourism products and services; promoting tourism ethics and standards; consumer sensitive pricing and online payments; tourism research and information management; providing enabling infrastructure transport (roads, air, rail); safety and security; telecoms (BB and internet); water and electricity; investment, promotion and marketing; and human resources capacity building.

**The Tourism Act, 2011** provides for the development, management, marketing and regulation of sustainable tourism and tourism-related activities and service and for the formulation of a national tourism strategy every five years for the development, management, marketing and regulation of a sustainable tourism sector. It also prescribes relevant principles, objectives, standards, indicators, procedures and incentives; and institutional framework for the sector.

**The Institutional framework** for the sector includes the Kenya Tourism Board and the Kenya Tourism Development Corporation.

### **Indicators and targets**

Data for the indicators for the target are available according to KNBS.

The Third MTP Sector Plan targets for tourism sector includes: increase tourism earnings from Ksh119.96 billion in 2017 to Ksh175 billion in 2022; increase international visitor arrivals from 1.45 million in 2017 to 2.5 million in 2022, domestic tourism from 3.5 million in 2016 to 6.5 million in 2022



## Comment on adequacy

The enabling policy framework exists for the development of the tourism sector. However, while the sector has great potential for increasing wealth, employment, and forex exchange earnings and with the potential to boost other sectors of the economy including being an enabler for the Big 4 Agenda, it has had a history of missed performance targets due to local and international factors with adverse consequences.

**Target 8.10** Strengthen the capacity of domestic financial institutions to encourage and expand access to banking, insurance and financial services for all

**Indicator 8.10.1** Number of commercial bank branches and automated teller machines (ATMs) per 100,000 adults

**Indicator 8.10.2** Proportion of adults (15 years and older) with an account at a bank or other financial institution or with a mobile- money-service provider

By 2018 Kenya had over 40 banks, over 1,400 branches and 2,848 ATMs spread across the country<sup>82</sup>. The number of mobile money subscriptions as at December 2017 had reached 30 million from 19.5 million in June 2012. Value of mobile money transactions for the quarter October to December 2017 had increased by over 900 percent to Ksh1.763 trillion from Ksh193 billion in the quarter of April to June 2012. The number of mobile money agents had multiplied four times from 49,079 in June 2012 to 198,234 in December 2017.<sup>83</sup> Agency and online banking had taken root by 2018 allowing banks to provide financial services online and through agents spread throughout the country.

## Relevant policies

The Kenyan policies that address this target include the Central Bank of Kenya Act Chapter 491 (revised up to October 2015), Banking Act Cap 488 (revised 2015), Microfinance Act No 19 of 2006 (revised up to January 2014), The National Payment System Act No 39 of 2011, The Deposit Insurance Act No 10 of 2012, and the Insurance Act Cap 487 (Revised 2015).

**Central Bank of Kenya Act Chapter 491 (revised up to October 2015)** establishes the Central Bank of Kenya, its operations and the Kenya currency. The primary function of the Central Bank is to foster the liquidity, solvency and proper functioning of a stable market-based financial system.

**Banking Act Cap 488 (revised up to Sep 2015)** consolidates the law regulating the business of banking in Kenya.

**Microfinance Act No. 19 of 2006 (revised up to January 2014)** makes provisions for the licensing, regulation and supervision of microfinance business.

**The National Payment System Act No 39 of 2011** make provisions for the regulation and supervision of payment systems and payment service providers

**The Deposit Insurance Act No 10 of 2012** provides for the establishment of a deposit insurance system and for the receivership and liquidation of deposit-taking institutions. It also provides for the establishment of the Kenya Deposit Insurance Corporation, whose objective is to provide a deposit insurance scheme for customers of member institutions and to receive, liquidate and wind up any institution in respect of which the Corporation is appointed receiver or liquidator. It levies contributions for the Fund from institutions. It also provides incentives for sound risk management and generally promotes the stability of the financial system.

82 - Central Bank of Kenya

83 - Communications Authority of Kenya

**Insurance Act Cap 487 (Revised 2015)** amends and consolidates the laws relating to insurance and to regulate the business of insurance. It establishes the Insurance Regulatory Authority as a statutory government agency to regulate, supervise and develop the insurance industry. The objects of the supervision of insurers and reinsurers by the Authority under this Act shall be (a) to promote the maintenance of a fair, safe and stable insurance sector; (b) to protect the interest of the insurance policyholders and beneficiaries, and (c) generally to promote the development of the insurance sector.

### **Related goals and targets**

The capacity of domestic financial institutions to encourage and expand access to banking, insurance and financial services is a critical ingredient in the economic development of the country and therefore the related SDGs including Goals 1, 2, 8, 9 and 11. It is critical for the access to financial services for small enterprises, farming, industrial development, trade, development of infrastructure and the realization of inclusive cities.

### **Comment on adequacy**

Kenya has the legal and regulatory framework for a stable financial/banking and insurance

system. These includes above laws and a number of regulations aimed at reducing risks to the financial and insurance system and the country including cyber security risks; terrorism financing; money laundering; and managing liquidations and the risks to the customer.

However, there are no specific policies providing clear guidance on this sector particularly in regard to enhancing financial access to MSMEs sector.

**Target 8.a** Increase Aid for Trade support for developing countries, in particular LDCs, including through the Enhanced Integrated Framework for Trade-related Technical Assistance to LDCs

**Indicator 8.a.1** Aid for Trade commitments and disbursements

**N/A – this target relates to developed countries support to developing countries and LDCs**



## BUILD RESILIENT INFRASTRUCTURE, PROMOTE INCLUSIVE AND SUSTAINABLE INDUSTRIALIZATION AND FOSTER INNOVATION

### Goal 9. Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation

Investments in infrastructure – transport, irrigation, energy and information and communication technology (ICT) are crucial to achieving sustainable development and empowering communities. Inclusive and sustainable industrial development is the primary source of income generation, allows for rapid and sustained increases in living standards for all people<sup>84</sup>.

Technological progress is also key to finding lasting solutions to both economic and environmental challenges, such as providing new jobs and promoting energy efficiency. Promoting sustainable industries, and investing in scientific research and innovation, are all important ways to facilitate sustainable development<sup>85</sup>.

**Target 9.1** Develop quality, reliable, sustainable and resilient infrastructure, including regional and trans-border infrastructure, to support economic development and human well-being, with a focus on affordable and equitable access for all

**Indicator 9.1.1** Passenger and freight volumes, by mode of transport

**Indicator 9.1.2** Proportion of the rural population who live within 2 km of an all-season road

### Relevant policies

Kenyan policies that contribute to this target the Kenya Vision 2030 / Third MTP Infrastructure Sector Plan.

Vision 2030: The vision of the infrastructure sector is “to provide cost effective, world class infrastructure facilities and services in support of Vision 2030”. Some of the strategies include: development and maintenance of an integrated, safe and efficient transport system; implementing infrastructure projects that will stimulate demand in hitherto neglected areas targeting increased connectivity and reduced transport and other infrastructure costs; and modernizing and expanding sea ports. Under the Third MTP Sector Plan the government targets to construct/rehabilitate 10,000km of roads comprising of 2,500kms of conventional roads and 7,500kms low-volume sealed roads; and increase passenger handling capacity at JKIA increased from 7.1 million in 2018 to 9 million by 2022. On cargo handling capacity, the Phase 2 and 3 of the second container terminal at Mombasa Port, two berths in Dongo Kundu and the first three berths of Lamu port will be constructed. Kisumu Port on Lake Victoria have been rehabilitated and modernized. On rail transport, the Standard Gauge Railway will be extended to Naivasha, then to Kisumu and Malaba on the border with Uganda through the construction of Phase 2A, B, and C. At least 50 percent of cargo from Mombasa to Nairobi will be transported by rail. Also included in the plan is construction / implementation of a Bus Rapid Transit System in Nairobi, and the modernization and expansion of underutilized railway transport infrastructure facilities to provide efficient and affordable mass rapid transit transport system for Nairobi.

84- <https://www.un.org/sustainabledevelopment/infrastructure-industrialization/>

85- <http://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-9-industry-innovation-and-infrastructure.html>

### Indicators and targets

Data on the two indicators for this target are available according to KNBS.

Policy targets for the next five years include: Construction / rehabilitation of 10,000km of roads; increase in passenger handling capacity of JKIA from 7.1 million in 2018 to 9 million by 2022; and transporting at least 50 percent of cargo from Mombasa Port by rail.

### Related goals and targets

The target is indivisible with Target 1.4 –ensuring rights to economic resources and access to basic services. Better transport infrastructure reinforces access to food (Target 2.1) and farmers' access to markets (Target 2.3). It also reinforces education (Target 4.1) through reducing travel time to schools, establishment of schools, possibility to study at night and Goal 3 - reinforces access to health care services by reducing cost and time of travel.<sup>86</sup>

### Comment on adequacy

Vision 2030 is elaborate on the need for the development of infrastructure and the Third MTP is building on the significant progress achieved under the First and Second MTPs. Legal and institutional framework and capacity exist. It includes the Ministry of Transport, KURA, KERRA, KENHA, Roads Board, Roads Levy, KAA, KPA, KCAA and county governments.

Significant progress is being made in the development of infrastructure for airports, sea ports, and rail and road transport systems and the momentum continues. The development of the Mombasa and Lamu ports will enhance substantially the country's cargo handling capacity. The devolved system will impact significantly on transport systems especially roads with counties taking initiatives to improve connectivity using cheaper and more innovative

approaches particularly linking farmers in villages to main road arteries. Significant milestones achieved in regional connectivity with Ethiopia, Tanzania, and South Sudan is on the way. The one stop border posts are a significant contribution to the efficiency of cross border movements.

However, there is no policy framework to support these initiatives. The National Integrated Transport Infrastructure has been in draft form since 2009. Without a national policy, it denies the country the policy guidance it needs to develop infrastructure in a coherent manner particularly when many agencies and actors are involved including the county governments.

For lack of a sector policy and policy framework support for this target is considered inadequate.

**Target 9.2.** Promote inclusive and sustainable industrialization and, by 2030, significantly raise industry's share of employment and gross domestic product, in line with national circumstances, and double its share in LDCs.

**Indicator 9.2.1** Manufacturing value added as a proportion of GDP and per capita

**Indicator 9.2.2** Manufacturing employment as a proportion of total employment

Medium and large industries constitute less than five percent of the total number but contribute 60 percent of the manufacturing GDP, while MSMEs constitute 95 percent of the number but contribute 20 percent of the manufacturing GDP. During the Second MTP period, manufacturing contribution was 9.8 percent of GDP, with an annual average growth of 3.8 percent. Formal employment in the sector grew 4.8 percent from

<sup>86</sup> - Nilsson

287,000 in 2013 to 300,900 in 2016. The sector performed below target and contribution to GDP declined from 10.7 percent in 2013 to 9.2 percent in 2016 with only 21,500 jobs created during the period.

Some of the achievements during the Second MTP period include the enactment of the Special Economic Zones (SEZ Act) 2015 and regulations 2016, and the appointment of the SEZ Authority Board.

### Relevant policies

Relevant policies contributing to this target include the Kenya Vision 2030 /Third MTP/ Big 4 Agenda and the Sessional Paper No 9 of 2012 on the National Industrialization Policy Framework 2012-2030.

**Vision 2030:** Vision for the manufacturing sector is “Development of a robust, diversified and competitive manufacturing sector. “The Vision 2030 focuses on three strategic thrusts: local production (reduce imports in key local industries by 25 percent); regional market expansion (increase share from 7 percent to 15 percent); and increasing the share of the global market niche (attract at least 10 large strategic investors in key agro-processing industries). The expected outcome is to increase contribution of the manufacturing sector to the GDP by USD25 billion. Manufacturing is one of the four components of the government’s Big 4 Agenda under the Third MTP. The plan is to create 1000 SMEs focused on manufacturing with access to affordable capital, skills and markets; strictly enforce 40% local content on all government projects; establish 290 SMEs support programmes in constituencies; enhance SMEs development funds by USD500 million in addition to guarantee schemes and establishment of the Biashara Bank; and provide equipment worth Ksh200 million to SMEs in 20 constituencies

in the next five years. To encourage export, the government plans to support 10,000 SMEs in capacity building on export rules.

**Sessional Paper No 9 of 2012 on the National Industrialization Policy Framework 2012-2030** vision is “To be the leading industrialized nation in Africa with a robust, diversified and globally competitive manufacturing sector.” The mission is “To promote and sustain a vibrant, globally competitive and diversified industrial sector for generation of wealth and employment through the creation of an enabling environment.” Policy objectives include: improving the sector’s productivity and value addition by 20 per cent; raising the share of Kenyan products in the regional market from 7 to 15 per cent; developing niche products through which Kenya can achieve a global competitive advantage; increasing the share of FDI in the sector by 10 percent; increasing by 25 per cent, the share of locally-produced industrial components, spare parts and machine tools; developing at least two special economic zones (SEZs) and five SME Industrial Parks; establishing an Industrial Development Fund with a minimum of Ksh10 billion for long term financing of manufacturing enterprises; increasing by 20 per cent the share of manufacturing in total MSME Output; increase the local content of locally manufactured goods for export to at least 60 per cent; and increasing the share of industries located outside major urban centres (Nairobi, Mombasa, Kisumu, Nakuru, Eldoret) to at least 50 per cent.

### Indicators and targets

Data on indicators for this target are available according to KNBS.

The Kenya Vision 2030 targets for 2030 include: increasing share of regional markets from 7 percent to 15 percent; adding USD25 billion to the GDP from manufacturing; reducing imports by key local industries by 25 percent; and attracting



at least 10 large strategic investors into key agro-processing industries.

The Third MTP / Big 4 Agenda targets for 2022 include: increasing manufacturing sector share of GDP from 9 percent to 15 percent by 2022; growing exports by 20 percent; additional 940,000 jobs in the manufacturing sector by 2022; increasing investment in the sector from USD350 million to USD4 billion; and increasing MSMEs contribution to 28.8 percent of GDP with 5.1 percent from manufacturing sector. The government will reduce off-peak power to heavy industry by 50 percent; create 1000 SMEs focused on manufacturing; strictly enforce 40 percent local content on for all government projects; and improve WB ease of doing business ranking from 80 in 2018 to 50 by 2022.

Sessional Paper No 9 targets include: improve sector productivity and value addition by 20 percent; raise share of Kenyan products in the regional markets from 7-15 percent; increase the share of FDI in the sector by 10 percent; increase by 25 percent the share of locally produced industrial components, spare parts and machine tools; develop at least two SEZs and five SME industrial parks; increase by 20 percent the share of manufacturing in total MSME output; increase the local content of locally manufactured goods for export to at least 60 percent; and increase share of industries located outside the major towns of Nairobi, Kisumu, Mombasa and Nakuru to at least 50 percent.

### Related goals and targets

Reinforces economic growth (Target 8.1) through improving productivity in the economy and reduction of poverty (Target 1.2) through higher productivity and incomes. It can counteract climate action measures (Target 13.2) and sustainability of terrestrial ecosystems (Target 15.1) – depending on technologies used and environmental regulations and enforcement

regimes. It can also counteract ocean and fisheries management (Targets 14.4 and 14.6) by “technologization” of fisheries, which has historically led to overfishing particularly when strong institutions to regulate the industry are missing.<sup>87</sup>

### Comment on adequacy

The Vision and all the MTPs recognize industrialization as key in achieving the economic and social goals and the Vision. The policy, legal and institutional frameworks are in place. However, the sector has missed its targets since the vision was launched in 2008. The government’s Big 4 Agenda has the potential to provide the resources and facilitation necessary for growth in this very vital sector.

The policy framework contributing to this target is therefore considered adequate.

**Target 9.3** Increase the access of small-scale industrial and other enterprises, in particular in developing countries, to financial services, including affordable credit, and their integration into value chains and markets

**Indicator 9.3.1** Proportion of small-scale industries in total industry value added

**Indicator 9.3.2** Proportion of small-scale industries with a loan or line of credit

Policies that contribute to this target are similar to those of Target 8.3 – please see the policy discussion under the section.

<sup>87</sup> - Nilsson

**Target 9.4** By 2030, upgrade infrastructure and retrofit industries to make them sustainable, with increased resource-use efficiency and greater adoption of clean and environmentally sound technologies and industrial processes, with all countries taking action in accordance with their respective capabilities

**Indicator 9.4.1** CO<sub>2</sub> emission per unit of value added

Policies that contribute to this target similar to those of Target 8.4 – please see the policy discussion under the section.

**Target 9.5** Enhance scientific research, upgrade the technological capabilities of industrial sectors in all countries, in particular developing countries, including, by 2030, encouraging innovation and substantially increasing the number of research and development workers per 1 million people and public and private research and development spending

**Indicator 9.5.1** Research and development expenditure as a proportion of GDP

**Indicator 9.5.2** Researchers (in full-time equivalent) per million inhabitants

**Target 9.b** Support domestic technology development, research and innovation in developing countries, including by ensuring a conducive policy environment for, inter alia, industrial diversification and value addition to commodities

**Indicator 9.b.1** Proportion of medium and high- tech industry value added in total value added

Kenya has done well in this area. World Economic Forum's Global Competitiveness Index on Innovation ranking for Kenya improved from 52 in 2012 to 38 in 2014 – placing Kenya ahead of all African and BRICS (Brazil, Russia, India, China and SA) except China which was in position 32 in innovative readiness and capacity. This is attributed to the increased spending on research and development and the existence of good scientific research institutions. In the Global Business Competitiveness Index on Innovation and Sophistication, Kenya ranked 40 ahead of Brazil and Russia at 72 and 66 respectively in 2017.

Kenya National Innovation Agency (KENIA) was established and operationalized in 2016. Jomo Kenyatta University of Agricultural and Technology (JKUAT) and Moi University commenced assembly of computing devices for digital learning programme for the Ministry of Education. Key technologies were developed during the period in medical, agriculture and industry. The National Research Fund commenced activities in 2016/17 with an allocation of Ksh3 billion from government and a further Ksh384 million from development partners. Ksh2 billion was allocated to various research endeavours during the period.

Relevant policy, legal, institutional reforms achieved includes the STI Act 2013 to provide legal and institutional framework for the Sector; University Education Act 2012; Kenya Agricultural and Livestock Research Act No 17 of 2013; Technical and Vocational Education and Training (TVET) Act 2013. Relevant institutions established include the NACOSTI, KENIA, KALRO, NRF, Universities Funding Board (UFB), TVET Authority (TVETA), Curriculum Development, Assessment and Certification Council (CDACC), Kenya Universities and Colleges Central Placement Service (KUCCPS), EAKI and Pan African University at JKUAT.

## Relevant policies

Legal framework and policies that contribute to the target include the Constitution 2010, the Kenya Vision 2030 / Third MTP and Science Technology and Innovation (STI) Act No 28 of 2013.

**Constitution 2010** calls for the recognition of the role of science in the development of the nation. Under article 11 the State is obligated to promote all forms of national and cultural expression through literature, the arts, traditional celebrations, science, communication, information, mass media, publications, libraries and other cultural heritage; and to recognise the role of science and indigenous technologies in the development of the nation; and to promote the intellectual property rights of the people of Kenya.

**Kenya Vision 2030:** STI is one of the Foundations of the Vision. The Vision recognizes the role of STI in a modern economy in which new knowledge plays a central role in boosting wealth creation, social welfare and international competitiveness. Kenya intends to become a knowledge led economy wherein the creation, adaptation and use of knowledge will be among the most critical factors for rapid economic growth. STI will be mainstreamed in all the sectors of the economy through carefully targeted investments. Strategies include strengthening technical capabilities (including institutional capacity, infrastructure and equipment); highly skilled human resources; intensification of innovation through increased funding; and STI awareness creation. Objective of the Third MTP is to integrate STI in the national production processes and create technology platforms essential for the development of products, processes and services. Aims at intensifying the application of STI to raise productivity and efficiency levels across all sectors. Focus on

the generation, protection, management and application of STI for the transformation of the economy. Flagship projects under the Third MTP include: establishment of the National Physical Science Research Lab, Kenya Advanced Institute of Science and Technology, the Square Kilometre Array, Manufacture of Pharmaceuticals through PPPs; and the Science, Technology, Engineering and Mathematics (STEM) Project; and the establishment of National STI Parks.

The sector specifically targets to encourage innovation and increase the number of R&D workers from the current level of 231 to 400 researchers (in FTE) per 1 million inhabitants as well as increase the public and private expenditure on R&D.

**STI Act No 28 of 2013:** The Act aims to facilitate the promotion, coordination and regulation of the progress of STI of the country; assign priority to the development of STI; and entrench STI into the national production system. National Commission of STI (NACOSTI) established under the Act. Its objective is to regulate and ensure quality in the STI sector and advice the government on matters related thereto. Functions include: to develop priorities in consultation with stakeholders; lead inter-agency efforts to implement policies and budgets; liaise with National Innovation Agency and National Research Fund to ensure funding and implementation of priority programmes; coordination; accredit institutions and research; and assure relevance and quality of STI. Other functions include licensing of research and registration of research institutes. Kenya National Innovation Agency (KENIA) established to develop and manage the Kenya National Innovation System. National Research Fund (NRF) established under the Act has the objective to facilitate research for the advancement of STI. It provides funds for research awards, financial support for research, and sharing of research

information. Article 32 of the Act provides that the Fund shall consist of 2 percent of GDP provided by the Treasury every financial year.

### Indicators and targets

STI Act 2013 target is 2 percent of GDP to the National Research Fund annually. Third MTP Sector Plan target is to increase the number of R&D workers per one million people from the current level of 231 to 400 researchers (in FTE).

### Related goals and targets

The target is indivisible from Target 8.2 which aim to increase economic productivity through innovation. Innovation is enabled by quality technical, vocational and tertiary education (Target 4.3) and is instrumental in enabling agricultural productivity and incomes of small-scale food producers (Target 2.3) and the development of scientific management plans for oceans and marine resources (Target 14.4)<sup>88</sup>.

### Comment on adequacy

Appropriate legal and institutional framework and to some extent institutional capacity exist. Availability of funds under the National Research Fund is a major boost for the STI sector. The country should build on its exceptionally good performance in global rankings in innovation. However, lack of a policy framework denies the sector the policy guidance necessary for the strategic growth of the sector. The country also needs to deal with other challenges identified in the Third MTP Sector Plan, which include inadequate funding, poor infrastructure and equipment; low uptake of STI outputs, a weak STI culture and absence of a skills inventory.

The policy framework is considered inadequate.

**Target 9.a** Facilitate sustainable and resilient infrastructure development in developing countries through enhanced financial, technological and technical support to African countries, LDCs, landlocked developing countries and small island developing States

**Indicator 9.a.1** Total official international support (official development assistance plus other official flows) to infrastructure

**N/A – this applies to development partners and global agencies**

**Indicator 9.c.** Significantly increase access to information and communications technology and strive to provide universal and affordable access to the Internet in least developed countries by 2020

**Indicator 9.c.1** Proportion of population covered by a mobile network, by technology

By the end of 2017, mobile phone penetration was at 94.3 percent. Internet subscriptions had reached 33 million by September 2017 (mainly through mobile phones). Broadband penetration was at 39.7 percent in September 2017 while the proportion of the population covered by 3G network was at 78 percent<sup>89</sup>.

### Relevant policies

Kenyan policies relevant to this target include the Kenya Vision 2030 / Third MTP, the Kenya Information and Communications Act (KICA); and Information and Communications Technology Policy 2006.

**Vision 2030 / Third MTP.** ICT is one of the foundations of the Vision and considered a key enabler for all the other sectors. The theme

<sup>88</sup> - Nilsson

<sup>89</sup> - Universal Service Fund

of the Third MTP for ICT is “leveraging ICTs for competitiveness”. The MTP III aims to ensure that all Kenyans have access to ICT services by 2022.

**Information and Communications Technology Policy 2006:** The vision of the policy is “a prosperous ICT-driven Kenyan society” and the mission is “to improve the livelihoods of Kenyans by ensuring the availability of accessible, efficient, reliable and affordable ICT services.” Strategies focus on ICT infrastructure, e-commerce; e-government e-learning, e-health, local content, fiscal measures Information Technology (IT) standards Human Resource (HR) development and dealing with environmental issues. The policy is currently under review.

**Kenya Information and Communications Act (KICA)** has established Universal Service Fund (USF), which receives levies from industry at 0.5% of their turnover. Also established under the Act is the Universal Service Fund (USC) which advises on the implementation of appropriate initiatives to achieve universal access to ICT services. The USC has developed a five-year implementation strategy. The expectation is to cover the remaining access gaps for mobile voice service coverage by 2022, among other targets.

### Indicators and targets

Data on the indicator for this target is available according to KNBS.

The Third MTP targets include: percentage of population accessing ICT services – 80 percent by 2020 and 100 percent by 2022.

Universal Service Fund five-Year Strategic Plan targets universal mobile network coverage (percentage of the population covered by at least 2G network) from 94.4 percent in 2017.

### Related goals and targets

The target reinforces Goals 1, 2, 3, 4, 5 and 10. It is reinforced by Target 9.1 on resilient infrastructure including the road network and electricity and by Goal 16 – existence of adequate security.

### Comment on adequacy

Kenya has performed very well in providing its population with access to ICT services. The legal, regulatory and institutional framework and capacity are generally in place. The industry is vibrant with key industry players. There is potential to achieve universal access (mobile phone network) by 2022.





## REDUCE INEQUALITY WITHIN AND AMONG COUNTRIES

### Goal 10. Reduce inequality within and among countries

There is growing consensus that economic growth is not sufficient to reduce poverty if it is not inclusive and if it does not involve the three dimensions of sustainable development – economic, social and environmental. To reduce inequality, policies should be universal in principle, paying attention to the needs of disadvantaged and marginalized populations<sup>90</sup>.

These widening (income) disparities require the adoption of sound policies to empower the bottom percentile of income earners, and promote economic inclusion of all regardless of sex, race or ethnicity<sup>91</sup>.

The Constitution 2010 and the Kenya Vision 2030 contain elaborate provisions for ensuring equity and equality in Kenya. These two documents are discussed here as they apply to the majority of the targets under this goal.

**Constitution 2010**, on equality and non-discrimination under Article 10, national values and principles of governance include “equity, social justice, inclusiveness, equality, human rights and non-discrimination”

Article 27, on equality and freedom from discrimination, provides that “(1) Every person is equal before the law and has the right to equal protection and equal benefit of the law. (2) Equality includes the full and equal enjoyment of all rights and fundamental freedoms. (3) Women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres. (4) The State shall not discriminate directly or

indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth. (5) A person shall not discriminate directly or indirectly against another person on any of the grounds specified or contemplated in clause (4).” The article further obligates the State that in order “to give full effect to the realisation of the rights guaranteed under this Article” to take legislative and other measures”

Article 41, on labour relations, provides that “every person has the right to fair labour practices including to fair remuneration; and to reasonable working conditions.”

Article 43, on economic and social rights, provides that every person has the right to: the highest attainable standard of health; accessible and adequate housing, and to reasonable standards of sanitation; be free from hunger, and to have adequate food of acceptable quality; clean and safe water in adequate quantities; social security; and to education. The article further obligates that State to provide appropriate social security to persons who are unable to support themselves and their dependents.

Article 21 provides for the progressive realization of social and economic rights and obligates the State to “observe, respect, protect, promote, and fulfil the rights and fundamental freedoms in the Bill of Rights.”

Chapter 4, Part 3 provides for specific application of rights for persons with disabilities, the youth, minorities and marginalized groups and older members of society.

90 - <https://www.un.org/sustainabledevelopment/inequality/>

91 - <http://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-10-reduced-inequalities.html>

Article 54. (1) **Persons with Disabilities.** A person with any disability is entitled (b) to access educational institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interests of the person; (2) The State shall ensure the progressive implementation of the principle that at least 5% of members of the public in elective and appointive bodies are PWDs.

Article 55, on **Youth:** The State shall take measures, including affirmative action programmes, to ensure that the youth—(a) access relevant education and training; (b) have opportunities to associate, be represented and participate in political, social, economic and other spheres of life; (c) access employment.

Article 56. **Minorities and marginalised groups:** The State shall put in place affirmative action programmes designed to ensure that minorities and marginalised groups (a) participate and are represented in governance and other spheres of life; (b) are provided special opportunities in educational and economic fields; (c) are provided special opportunities for access to employment; (e) have reasonable access to water, health services and infrastructure.

Article 57. **Older members of society:** The State shall take measures to ensure the rights of older persons (a) to fully participate in the affairs of society; (b) to pursue their personal development; (d) to receive reasonable care and assistance from their family and the State.

Chapter 12 - Public Finance, Article 201 on Principles and Framework of Public Finance provides that “The public finance system shall promote an equitable society, and in particular expenditure shall promote the equitable development of the country, including by making special provision for marginalised groups and areas”. Article 203 provides that the criteria in determining the equitable shares in “economic

disparities within and among counties and the need to remedy them and the need for affirmative action in respect of disadvantaged areas and groups.”

Article 204 established an Equalisation Fund into which shall be paid 0.5% of all the revenue collected by the national government each year calculated on the basis of the most recent audited accounts of revenue received, as approved by the National Assembly. The national government shall use the Equalisation Fund only to provide basic services, including water, roads, health facilities and electricity to marginalised areas to the extent necessary to bring the quality of those services in those areas to the level generally enjoyed by the rest of the nation, so far as possible. The term of the Fund is 20 years extendable to another fixed term approved by Parliament.

Article 59 establishes the Kenya National Human Rights and Equality Commission to investigate and take action on any cases of discrimination.

**Kenya Vision 2030 on equality:** The Kenya Vision 2030 aims to “create a socially just and equitable society without extreme poverty”. The ultimate objective is to improve the livelihoods of the poor. It also aims to reduce gender and regional parity in income opportunities access to social services (including paying special attention to the most disadvantaged communities in the ASAL regions, urban slums and pockets of extreme poverty in high potential agricultural areas) including health, education, and access to basic needs.

The Vision states under the Political Pillar that “Kenya will be a state in which equality is entrenched, irrespective of one’s race, ethnicity, religion, gender or socio-economic status; a nation that not only respects but also harnesses the diversity of its people’s values, traditions and aspirations for the benefit of all.” Guiding

principles include "Gender equality: Kenya shall be a nation that treats its women and men equally."

For targets 10.1 to 10.4 – see the initiatives targeting women, youth and PWD discussed under SDG 1.

**Target 10.1** By 2030, progressively achieve and sustain income growth of the bottom 40 per cent of the population at a rate higher than the national average

**Indicator 10.1.1** Growth rates of household expenditure or income per capita among the bottom 40 per cent of the population and the total population

**Target 10.2** By 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status

**Indicator 10.2.1** Proportion of people living below 50 per cent of median income, by age, sex and persons with disabilities

### Relevant policies

See above for the provisions under the Constitution 2010 and the Kenya Vision 2030 / Third MTP. Also relevant is the Equalization Fund under PFM Act of 2012, Persons with Disabilities Act No 14 of 2003, Affirmative Action Funds (Uwezo, Youth and Women funds discussed under Goal 1); Access to Government Procurement Opportunity (discussed under Goal 1) and the National Government Constituencies Development Fund (Amendment) Act of 2016.

Persons with Disabilities Act No 14 of 2003 provides for the rights and rehabilitation of PWDs; achieve equalization of opportunities for PWDs; establish the National Council for

PWDs (NCPWD). It provides extensive rights for PWDs in employment (including tax deductible 25 percent of PWD salary for employers), education, health, facilities, environment, public service vehicles, and non-discrimination of any kind. NCPWD was Set up in November 2014 with the vision "A barrier free society for Persons with Disabilities" and mission "To promote and protect equalization of opportunities and realization of human rights for PWDs to live decent livelihoods."

**Public Finance Management Act of 2012.** Article 18 provides for the The National Treasury to administer the Equalisation Fund in accordance with Article 204 of the Constitution.

**National Government Constituencies Development Fund (Amendment) Act of 2016.** The main purpose of the Fund is to enhance infrastructural and socio-economic development at the grass root level in order to reduce poverty by dedicating a minimum of two and half per cent (2.5%) of all national government's share of annual revenue towards community projects identified at constituency level by the communities

### Indicators and targets

The data on indicators for the two targets are available.

### Related goals and targets

These targets are related to Goal 1 on ending poverty and Goal 5 on gender equality.

### Comment on adequacy

The Constitution 2010 and the Kenya Vision 2030 provides a firm foundation for the development of specific policy guidance on these two targets.

**Target 10.3** Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard

**Indicator 10.3.1** Proportion of the population reporting having personally felt discriminated against or harassed within the previous 12 months on the basis of a ground of discrimination prohibited under international human rights law

### Relevant policies

The Constitution 2010 and the Kenya Vision 2030 provide a solid policy foundation for this target. All policy and legal frameworks are expected to adhere to the Constitution. Various laws support the achievement of this target. Those discussed below include Sessional Paper No 4 of 2013 on National Employment Policy and Strategy, National Youth Policy 2006, National Youth Council Act 2010, Education and Training Sector Gender Policy (2015) and Employment Act, 2007.

**Sessional Paper No 4 of 2013 on National Employment Policy and Strategy:** on mainstreaming and promoting gender equality: To mainstream and promote gender equality, the government will ensure effective implementation of the Constitution and specific provisions of the labour laws that seek to promote gender balance in employment. In addition, the government in collaboration with the CSOs, CBOs, FBOs, NGOs and other partners will undertake empowerment programmes to address gender based violence and the retrogressive social and cultural practices that prohibit equal participation and access to productive resources and opportunities by both men and women. Measures will also be put in place to encourage both male and female genders to engage in all areas of skill acquisition

and occupations without any gender prejudice. The government, through the KNBS and relevant government ministries and departments, and the private sector will promote collection, analysis and dissemination of gender disaggregated data.

**National Youth Policy 2006, National Youth Council Act 2010, and the National Youth Council (NYC).** In 2006, the National Youth Policy was formulated to ensure that youth issues, particularly inclusion through meaningful participation and effective representation would become a reality. The NYC Act was enacted on 31<sup>st</sup> December 2009, and accented to in 2010. The Act establishes two organs, namely NYC, which is a body corporate and Youth Advisory Board that has a purely advisory mandate. The policy and the Act need to be reviewed to align them with the Constitution 2010.

**Education and Training Sector Gender Policy (edited 2015):** The policy's goal is to promote gender equality in regard to access, equity and equality in the education sector and to enhance empowerment for effective participation and contribution in national development by all.

**Employment Act, 2007:** The Act prohibits discrimination and harassment of employees on the basis of sex, guaranteeing equal remuneration for work of equal value.

### Indicators and targets

There is no data available on the indicator for this target.

There are no Kenyan policy targets identified.

### Comment on adequacy

Kenyan legal framework and policy framework starting with the Constitution 2010 and the Kenyan Vision 2030 are well positioned to support the achievement of this target.

**Target 10.4** Adopt policies, especially fiscal, wage and social protection policies, and progressively achieve greater equality

**Indicator 10.4.1** Labour share of GDP, comprising wages and social protection transfers

### Relevant policies

Constitution 2010 - See provisions discussions under Target 1.4

Kenya Vision 2030 – see discussion in the beginning of this section on goal 10.

Sessional Paper No. 2 of 2014 on the National Social Protection Policy (see more detailed discussion of this policy under Goal 1) - The overarching goal of social protection is to “ensure that all Kenyans live in dignity and exploit their human capabilities for their own social and economic development”. Policy measures include social assistance, social security and health insurance.

Third MTP / Big 4 Agenda initiatives (discussed in detail under Goal 1). Social protection transfers are under the National Safety Net Programme (NSNP) which under the Third MTP will see the beneficiaries increase from the current 810,000 to 1.8 million. These includes Inua Jamii (OP-CP) – a non-contributory social pension scheme covering all older persons over 70 years. It was launched in May 2017 and became effective in January 2018. Benefits include bi-monthly payments of Ksh4,000 and free NHIF medical insurance cover. Hunger Safety Net Programme (HSNP) targets the four poorest ASAL counties (Turkana, Wajir, Mandera, and Marsabit) which includes 374,806 households in case of extreme weather events. Other transfers include cash transfers to orphaned and

vulnerable children (CT – OVC) and to persons with severe disabilities (CT – PWSD). There are also social protection programmes under Ending Drought Emergencies and extensive program under disability mainstreaming.

The government under the Big 4 Agenda targets to implement a universal health coverage by 2022.

To uplift the vulnerable and disadvantaged populations, the government will continue implementing affirmative programs which include access to credit and Access to Government Procurement opportunity (AGPO) for women, youth and persons living with disability.

### Indicator and targets

The data on the indicator for this target is available according to KNBS.

The policy targets aim to provide social protection for all Kenyans. There are also specific targets for the next five years. The Big 4 Agenda aims to provide 100 percent universal healthcare by 2022; while the Third MTP targets to increase the number of beneficiaries reached under the NSNP from 810,000 to 1.8 million.

### Related goals and targets

This target is reinforced by Targets 1.4 and 1.b on equal access to economic resources and creating sound pro-poor policies; Targets 8.5 and 8.6 on productive employment and the employment of the youth; and Target 9.2 on inclusive and sustainable industrialization. It is related to Targets 10.1 and 10.2 on achieving higher income growth for the bottom 40 percent of the population and social economic and political inclusion of all.

### Comment on adequacy

The Constitution 2010 and Vision 2030 are very articulate on equality and non-discrimination.



Kenyan policies and laws are expected to adhere to the Constitutional provisions and Vision 2030. The Kenyan legal and policy framework is adequate on social protection. However, while affirmative action initiatives exist to lift disadvantaged groups including women, youth and persons living with disability, there are no relevant targets identified driving greater equality.

Policy support for this target is therefore considered inadequate.

**Target 10.5** Improve the regulation and monitoring of global financial markets and institutions and strengthen the implementation of such regulations

**Indicator 10.5.1** Financial Soundness Indicators (should these be monitored globally?)

**Target 10.6** Ensure enhanced representation and voice for developing countries in decision-making in global international economic and financial institutions in order to deliver more effective, credible, accountable and legitimate institutions

**Indicator 10.6.1** Proportion of members and voting rights of developing countries in international organizations

These two targets are within the arena of global institutions.

### Relevant policies

Two laws related to the two targets on immigration and remittances exist. Immigration is regulated under the Kenya Citizenship and Immigration Act No 12 of 2011 which provides for matters relating to citizenship, issuance of travel documents, and immigration, and the Refugees Act No 13 of 2006 that provides for the recognition, protection and management of

refugees and their families, including their rights and obligations and the necessary institutional framework.

### Comment on adequacy

Other than the law, there are no policies identified to support the achievement of these two related targets. However, regional integration initiatives have the desire for free movement of people. Citizens of the East African Community (EAC) can move freely using their ID cards. The President of Kenya decreed that EAC citizens can work and live in Kenya freely.

The intention for the ACFTA is for free movement of people if this is fully adopted and implemented.

However, for other countries, the immigration law allows for non-citizens to obtain work permits – which may be conditional on the skill sets the applicant is bringing into the country. Refugees are treated according to the Refugee Act of 2006.

One reason for the weak or non-existent policies may be the fact that Kenya is not a migrant worker country hence not experiencing issues that need to be addressed as required by these targets. The targets may relate to countries that are attracting migrant workers like the Middle East, Europe, and the Americas.

Therefore, policy support for these targets is considered very inadequate.

**Target 10.a** Implement the principle of special and differential treatment for developing countries, in particular LDCs, in accordance with WTO agreements

**Indicator 10.a.1.** Proportion of tariff lines applied to imports from least developed countries and developing countries with zero-tariff

## TARGET 10-B

10 REDUCED INEQUALITIES



### ENCOURAGE DEVELOPMENT ASSISTANCE AND INVESTMENT IN LEAST DEVELOPED COUNTRIES

**Target 10.b** Encourage ODA and financial flows, including FDI, to States where the need is greatest, in particular least developed countries, African countries, small island developing States and landlocked developing countries, in accordance with their national plans and programmes

**Indicator 10.b.1** Total resource flows for development, by recipient and donor countries and type of flow (e.g. ODA, FDI and other flows) b

The two targets above relate to developed countries and global development agencies.

## TARGET 11-B

**11** SUSTAINABLE CITIES  
AND COMMUNITIES



**IMPLEMENT POLICIES FOR INCLUSION, RESOURCE  
EFFICIENCY AND DISASTER RISK REDUCTION**



## MAKE CITIES AND HUMAN SETTLEMENTS INCLUSIVE, SAFE, RESILIENT AND SUSTAINABLE

### Goal 11. Make cities and human settlements inclusive, safe, resilient and sustainable.

Resettling half of humanity – 3.5 billion people – lives in cities. By 2030, almost 60 per cent of the world's population will live in urban areas while 95 per cent of urban expansion in the next decades will be taking place in developing world<sup>92</sup>. Sustainable development cannot be achieved without significantly transforming the way we build and manage our urban spaces<sup>93</sup>.

Africa is the least urbanized region of the world, with an urban population of only 38 percent. However, it has the fastest urban growth rate of 4.5 percent<sup>94</sup>. The United Nations' projections indicate that Africa will become 50 percent urban by 2035.

In Kenya, the population is projected to increase from 45.9 million in 2017 and to reach 50.8 million by 2022. It is currently predominantly rural but this is changing due the high rate of rural to urban migration. The rate of urbanization is increasing at an annual rate of 8.3 percent, resulting into high demand for housing, infrastructure and related amenities. The proportion of urbanites living in informal settlements with little access to basic utilities, is 55 percent<sup>95</sup>. While an estimated 20.4 percent of the population resided in urban areas in 2005, by 2030 the proportion of Kenyan population living in urban areas is estimated to reach 60 percent<sup>96</sup>.

Rapid urbanization has brought enormous challenges, which include growth of unplanned urban sprawls that challenge more sustainable

patterns of urban development, inadequate safe removal and management of solid waste, and air pollution – which are major environmental health risks. In 2014, nine out of 10 people who lived in cities were breathing air that did not comply with the safety standards set by WHO<sup>97</sup>.

The challenges cities face can be overcome in ways that allow them to continue to thrive and grow, while improving resource use and reducing pollution and poverty. The future we want includes cities of opportunities for all, with access to basic services, energy, housing, transportation and more<sup>98</sup>.

#### The National Spatial Plan 2015 – 2045 (NSP):

One of the institutions that contributes to majority of the targets under Goal 11 is NSP, which is an integrated spatial plan for balanced and sustainable national development. It is a national spatial vision that guides the long-term spatial development of the country. The Plan is a flagship project identified under Kenya Vision 2030 as one of the foundations for socioeconomic transformation. It aims at achieving an organized, integrated, sustainable and balanced development of the country. NSP will inform the future use and distribution of activities by providing a framework for better national organization and linkages between different activities within the national space.

The goal of NSP is to develop a national spatial framework for efficient, effective and rational use of the national space to promote global competitiveness, optimal use of the land resource, balanced regional and rural development, environmental sustainability, and create functional and livable human settlements.

92 - <https://www.un.org/sustainabledevelopment/cities/>

93 - <http://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-11-sustainable-cities-and-communities.html>

94 - The United Nations Population Division reports the official urbanization rates for most countries by decade from 1950 to 2010 - <http://esa.un.org/unpd/wup/index.htm>

95 - Sector Plan for Population, Urbanization And Housing 2018 - 2022

96 - Kenya Vision 2030 – Housing and Urbanization

97 - Progress towards the Sustainable Development Goals Report of the Secretary-General E/2016/75

98 - <https://www.un.org/sustainabledevelopment/cities/>

**County Spatial Planning Guidelines 2018** with the theme “Towards Sustainable Development and County Effectiveness” are intended to provide a common and harmonized approach of undertaking spatial planning at counties. Among other things, the guidelines will standardize and harmonize the process of preparing spatial plans by the counties, clarify the process and procedure for development control, clarify the roles and responsibilities of various actors/agencies involved in their preparation and implementation and provide guidance on implementation.

**Target 11.1** By 2030, ensure access for all, to adequate, safe and affordable housing and basic services and upgrade slums

**Indicator 11.1.1** Proportion of urban population living in slums, informal settlements or inadequate housing

**Adequate housing** means provision of sufficient number of housing units with adequate space, as well as protection against the cold, damp, heat, rain, wind, and other threats to health and structural hazards. It includes ensuring physical safety, safety from pollution and security of tenure which guarantees legal protection against forced evictions, harassment and other threats. Adequate housing should respect and take into account the expression of cultural identity and ways of life.<sup>99</sup>

**Affordable housing** relates to the cost of accessing housing. The personal or household financial costs associated with housing should not threaten or compromise the attainment and satisfaction of other basic needs.<sup>100</sup>

**Access to Basic Services.** The right to adequate

housing includes ensuring sustainable and non-discriminatory access to adequate services including health, security, and safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of storing food, refuse disposal, site drainage and emergency services.

**State of housing in Kenya.** Kenya housing sector is characterized by inadequacy of affordable and decent housing, low level of urban home ownership, extensive and inappropriate dwelling units, including slums and squatter settlements. This is attributed to under-investment in low cost housing by both the public and private sectors<sup>101</sup>.

Information on **tenure** indicate that 59.5 percent of Kenyans have owner-occupier status. Of this 85.2 percent of the rural populations own their houses compared to a 26.1 percent owner occupier status in the urban areas. The distribution of households residing in their own dwellings by mode of acquisition is as follows: 88.6 percent constructed their own houses, financing them as follows – cash (83.5 percent), loans 2.6 percent and 2.3 percent used both cash and loan. Only 5 percent of Kenyan house owners purchased their houses. Of these, only 1 percent did so through a loan whilst 3.1 percent used cash and 0.9 used both cash and loan. Therefore, the mortgage uptake in the country is very low.

Furthermore, 40 percent of Kenyans live in one-room dwellings. Of these, 56 percent of urban population live in one room dwellings compared to 27.6 percent in the rural areas.

Demand for new housing units in urban areas currently stands at 150,000 units annually. Only 23 per cent of this demand is being met. Demand is highest for low income housing (48 percent) where the supply is lowest (2 percent)<sup>102</sup>. Over 80 percent of the supply for housing is for the upper middle and high income brackets.

**Table 6: Housing supply and demand**

Type of household	Demand (in percentage)	Supply(in percentage)
High Income	2	35
Upper middle income	15	48
Lower middle income	35	15
Low income	48	2

99 - source: UN-HABITAT: The Right to Adequate Housing, Fact sheet No. 21/Rev.1

100 - <http://www.worldbank.org/en/country/kenya/publication/kenya-needs-2-million-more-low-income-homes-building-them-would-boost-its-economic-growth>

101 - Kenya Vision 2030 – Housing and Urbanization

102 - Basic Report Based on 2015/16 Kenya Integrated Household Budget Survey



The sector faces a number of challenges from poor urban and regional planning resulting in mushrooming of large slums and informal settlements that lack basic services; lack of physical, strategic and investment plans, inadequate financing to buyers and developers and poor governance; inadequate enforcement and adherence to the quality development controls; concentration of property development in the high-income category; lack of supply of affordable finance for mortgages and property development; lack of adequate construction capacity; lack of information on market trends, best practices, optimal areas and risk assessment on real estate investment; insufficient serviced land; slow processes in land registries hampering transactions in housing and lack of legal and administrative reforms.

### Relevant policies

Legal framework and policies that support the achievement of this target include the Constitution 2010, Kenya Vision 2030 and specifically the Third MTP under the government's Big 4 Agenda; New Urban Agenda (Kenya's Popular Version), Sessional Paper No 1 of 2017 on National Land Use Policy (NLUP), Urban Areas and Cities Act No 13 of 2011, Sessional Paper No 3 of 2004 on National Housing Policy for Kenya; Housing Act Chapter 117 (1953 revised 2015) and the Land Act No 6 of 2012.

The Constitution 2010 provides for adequate housing as a basic right. Article 43 provides that every person has the right to accessible and adequate housing, and to reasonable standards of sanitation.

**Kenya Vision 2030 / Third MTP / Big 4 Agenda** plan is to build 500,000 affordable housing units over the next five years starting off with 30,000 low cost housing in Nairobi's Eastlands area; develop a home ownership programme; lower cost of construction; improve accessibility to affordable mortgages; and establish a National Social Housing Development Fund.

The State Department of Housing and Urban Development will support the Agenda by undertaking the following initiatives: identification of land; survey and profile 7,000 acres of serviced public land in six major towns and cities - Nairobi, Mombasa, Kisumu, Nakuru, Eldoret and Nyeri; identify, profile, plan and survey all existing government housing estates in the six major towns and cities for redevelopment; survey and profile public land for conversion from existing designated users; identify, profile, plan and survey informal settlements within the six major towns and cities; valuation of land to determine the extent of subsidy; facilitate transfer and registration of property. The latter will entail reforming land registration process to facilitate transparent and quick registration of properties.

A Physical Planning Handbook will also be prepared as a comprehensive document containing Physical Planning Guidelines and Standards. This is an important instrument for planning and will ensure that the planning practice and process is harmonized and standardized across the forty-seven counties. It will cut across all the sectors and will require participation of the counties and sectoral players.

The development of the National Cadastre allows the country to realize national land register for the efficient and effective land management and governance; geo-referencing all land parcels in the nation is critical. As envisaged in the Land Registration Act 2012, cadastral plan and cadastral maps are the registerable document for conferring of land rights. Geo-referencing will eliminate overlap of land parcel and ensure the sanctity of the Title Deed.

Legal Reforms to be undertaken will include the preparation of subsidiary legislation and review of the existing legislation which include the Physical Planning Act 1996 (Revised 2009). The ministry will also review Sectional Properties

Act and develop relevant regulations to facilitate registration of properties owned on apartments.

**Kenya's Popular Version of the New Urban Agenda (NUA)** towards Inclusive, Safe, Resilient and Sustainable Cities and Human Settlements. The Agenda was adopted at the Third United Nations Conference on Housing and Sustainable Urban Development held in October, 2016 in Quito, Ecuador. The Agenda provides a global framework for guiding development of sustainable urbanization, housing and human settlements over a period of 20 years. It seeks to pursue a paradigm shift in the way cities and other human settlements are planned, managed and governed. This popular version is a simplified edition of the NUA contextualized to Kenya's realities and priorities, and seeks to create seamless understanding and awareness across a wide spectrum of local actors to enable them take up their respective responsibilities, contextualize and unpack the global agenda to reflect Kenya's realities and priorities, and provide a manuscript for use in sensitization of stakeholders and the public on the NUA.

**Sessional Paper No 1 of 2017 on National Land Use Policy (NLUP).** The principle objective of the NLUP is to provide legal, administrative, institutional and technological framework for optimal utilization and productivity of land and land-related resources in a sustainable and desirable manner at national, county and sub-county and other local levels. On urban development and management, the policy states that to ensure sustainable urbanization and promote the development of adequate and appropriate shelter for all, the government shall: Undertake an audit and map out the number and location of informal settlements and provide legal security of tenure; design a comprehensive national plan for low income and high density housing with well-defined targets and financing mechanism as a strategy for minimizing

informal settlements in the long run; provide funding and mobilize resources for upgrading of informal settlements; create an enabling environment for urban development through the establishment of transparent, accountable, sustainable, comprehensive and participatory governance structures and decision making processes; harmonize urban plans with the long term national development plans so as to ensure synchrony between the urban centers and rural areas; undertake the development of secondary towns, including provision of infrastructure and utilities as a means of stimulating agro-industrial development, thus easing pressure on demand for urban services; protect agricultural land from indiscriminate extension of urban boundaries and other encroachments and the re-planning of peri-urban areas for agricultural or pastoral communities; manage spatial growth of areas in order to generate an economic and social environment for urban development; consider the re-conceptualization of zoning and sub-division control, not as exclusionary mechanisms within and across residential areas, but as tools for creation of integrated viable urban communities sharing common services; Provide efficient amenities for urban settlements; create and protect green and recreational areas within urban centres; review building and planning standards with a view to making them user friendly as opposed to being a deterrent to development; enhance awareness on the availability of affordable proto-type plans for low-income housing; promote research in appropriate technology in the construction industry with a view of reducing the costs of building materials; create an enabling environment for public-private partnerships in the housing sector; and establish land banks and make land available for investment, development redistribution, restitution and resettlement.

**Urban Areas and Cities Act No 13 of 2011:** The Act aims to give effect to Article 184 of the

Constitution, to provide for the classification, governance and management of urban areas and cities; to provide for the criteria of establishing urban areas, to provide for the principle of governance and participation of residents. Article 36 on objectives of integrated urban areas and city development planning provides that every city and municipality shall operate within the framework of integrated development planning which shall: contribute to the protection and promotion of the fundamental rights and freedoms contained in Chapter 4 of the Constitution (which includes the right to adequate housing and access to basic services) and the progressive realization of the socio-economic rights; provision of physical and social infrastructure and transportation; disaster preparedness and response; overall delivery of service including provision of water, electricity, health, telecommunications and solid waste management.

**Sessional Paper No 3 of 2004 on National Housing Policy for Kenya** aims to address the deteriorating housing conditions countrywide and to bridge the shortfall in housing stock arising from demand that far surpasses supply, particularly in urban areas. The overall goal is to facilitate the provision of adequate shelter and a healthy living environment at an affordable cost to all socio-economic groups in Kenya in order to foster sustainable human settlements. The policy aims at: Enabling the poor to access housing and basic services and infrastructure necessary for a healthy living environment especially in urban areas; encouraging integrated, participatory approaches to slum upgrading, including income-generating activities that effectively combat poverty; promoting and funding of research on the development of low cost building materials and construction techniques; harmonizing existing laws governing urban development and electric power to facilitate more cost-effective housing development; facilitating increased

investment by the formal and informal private sector, in the production of housing for low and middle-income urban dwellers; creating a Housing Development Fund to be financed through budgetary allocations and financial support from development partners and other sources.

The main objectives include: to facilitate progressive realization of the right to adequate housing by all; to promote the development of housing that is functional, healthy, aesthetically pleasant and environmentally friendly; to earmark and set aside land for public housing development in urban areas; to facilitate access to land and security of tenure for all socio-economic groups; to eliminate legal and customary barriers, where they exist, to women's equal access and control of land and finance; to increase the proportion of the exchequer allocation for housing delivery and human settlements facilitation; to facilitate greater access to funds from the domestic markets by housing developers and to promote innovative ways of mobilizing finances by the vulnerable groups; to assist low-income earners and economically vulnerable groups in housing improvement and production; to improve the quality of existing stock of houses; to encourage research and popularize the use of appropriate building materials that are locally available and low cost building technologies to reduce the cost of housing; to contribute in the alleviation of poverty by creating employment among the poor through building material production and construction processes as well as promote income-generating activities within the built environment; to provide and improve infrastructural facilities in both the rural and urban areas so as to improve human settlements and living environments; to protect the environment of human settlements and of ecosystems from pollution, degradation, and destruction in order to attain sustainable

development; to mobilise resources and strengthen capacity building in order to facilitate increased investment in the housing sector; to streamline the legal and institutional framework to promote housing development; and to promote inclusive participation of the private sector, public sector, community based organizations, Non-Governmental Organisations, cooperatives, communities and other development partners in planning, development and management of housing programmes.

**Housing Act Chapter 117 (1953 revised 2015)** aims to provide for loans and grants of public monies for the construction of dwellings; to establish a housing fund and a housing board for these purposes. The Act established the National Housing Corporation.

**The Land Act No 6 of 2012** aims to give effect to Article 68 of the Constitution, to revise, consolidate and rationalize land laws; and to provide for the sustainable administration and management of land and land based resources. It addresses security of tenure, which is one of the factors on adequate housing. Principles articulated in this Act include: equitable access to land, security of land rights, transparent and cost effective administration of land; elimination of gender discrimination in law, customs and practices related to land and property in land; democracy, inclusiveness and participation of the people.

### Related goals and targets

The target is related to Goal 1 on ending poverty, Goal 3 on health, Goal 5 on gender equality, Goal 6 (in particular Targets 6.1 and 6.2 on access to water and sanitation), Goal 7 (especially Target 7.1 on access to clean energy sources), Goal 10 on equality, and Goals 14 and 15 on life below water and on land respectively.

### Indicators and targets

Data on the indicator for this target are available according to KNBS.

Current policy target is 500,000 affordable houses by 2022.

### Comment on adequacy

The target is addressed in the Constitution 2010, Vision 2030 and the Third MTP. Kenya's Popular Version of the New Urban Agenda provides a useful contribution to the policy framework. However, the specific policy (Sessional Paper No 3 of 2004 on National Housing Policy for Kenya) although it addresses housing in a way that appears consistent with the Kenya Vision 2030 and the Constitution 2010 is dated before the two documents and needs review to ensure full alignment. The Housing Act is a very old law (1953 although revised in 2015) and may need comprehensive review in line with the requirements of the Third MTP and the government's Big 4 Agenda.

**Target 11.2** by 2030, provide access to safe, affordable, accessible and sustainable transport systems for all, improving road safety, notably by expanding public transport, with special attention to the needs of those in vulnerable situations, women, children, persons with disabilities and older persons

**Indicator 11.2.1** Proportion of population that has convenient access to public transport, by sex, age and persons with disabilities

Road traffic injuries are a major health and development challenge: they are the eighth overall cause of death globally, and the leading cause of death for youth aged 15-29. On current trends road traffic fatalities may become the fifth leading cause of death by 2030<sup>103</sup>.

<sup>103</sup> - <http://indicators.report/indicators/i-25/>

An estimated 3,000 deaths from road crashes occur annually in Kenya and about 40 percent are pedestrians. The economic cost of road crashes is 5.6 percent of the GDP or approximately Ksh300 billion annually<sup>104</sup>.

Access to roads that are reliably passable year-round is critical for many rural development processes, including access to inputs, markets, education, and health services. This indicator tracks the share of the population next to roads that are reliably passable all-year round. Preferably such roads should be paved to ensure all-season access for heavy vehicles.

### Relevant policies

Legal framework and policies that support the achievement of this target include the Kenya Vision 2030, Third MTP Infrastructure, Kenya Roads Board Act 1999, establishment of Nairobi Metropolitan Area Transport Authority (NAMATA), Kenya Roads Act 2007, Traffic Act, Transport Licensing Act, and the National Transport and Safety Authority Act 2012. Key policies with potential to address this target include the National Urban Development Policy, the Integrated National Transport Policy, 50 Year Transport Master Plan and 20 Year Roads Master Plan whose development is still in progress.

**Kenya Vision 2030:** Transport comes under infrastructure whose vision is “to provide cost-effective, world class infrastructure facilities and services in support of Vision 2030”. According to the Vision 2030 the cost of poor urban transport system in Nairobi is estimated to be 2 percent of the GDP. Key flagship projects include: the development of a 50-year Integrated National Transport Master Plan within two-years integrated with the National Spatial Plan to ensure investment and location of transport infrastructure are consistent with other public policies; ensure optimal transport infrastructure investment to position Kenya as the most efficient and effective transport hub

in East and Central Africa; reduce the cost of transport and open new frontiers for economic development. Other flagship projects include the Nairobi Metropolitan Region Bus Rapid Transit System; development of light rail for Nairobi and its suburbs; and the National Road Safety Programme.

**Third MTP Sector Plan –Expansion of Roads Programme** aims to enhance domestic and regional connectivity, boost rural productivity and reduce urban congestion hence improving GDP and standard of living. This eventually will lower the cost of doing business as well as increase the country's global competitiveness. During the plan period, the government targets to construct/rehabilitate 10,000km of roads comprising of 2,500km of conventional roads and 7,500kms low-volume sealed roads. These are being implemented under various programmes throughout the country.

**Nairobi Metropolitan Area Transport Authority (NAMATA).** The executive order establishing the NAMATA under the enabling provisions of the State Corporations Act was signed by the President on February 9, 2017. NAMATA will cover the counties of Nairobi City, Kiambu, Kajiado, Machakos and Murang'a. Its mandate includes the orderly and structured development of the proposed metropolitan area mass-transit system that incorporates both bus rapid-transit and commuter rail. It is based on a Memorandum of Understanding (MoU) signed in August 2013 between the national government, through the Ministry of Transport, on one part; and the county governments of Nairobi, Kiambu, Murang'a, Machakos and Kajiado.

**Decongestion of Cities, Urban Areas and Municipalities** aims at easing congestion, reduce travel time and costs and enhance connectivity in cities, urban areas and municipalities. The following projects will be implemented. This involves construction of bypasses, missing links (53.3km), improvement

<sup>104</sup> - NTSA



of roads in cities and municipalities, construction of non-motorized transport facilities, mass rapid transit improvement programme in Nairobi and Mombasa; construction of bus rapid transit infrastructure and facilities; Nairobi commuter rail master plan, commuter rail improvement in Nairobi and Mombasa; construction of Nairobi Viaduct Project, development of integrated detailed urban transport system and loop line, construction of Mombasa Gate Bridge, development of mass transport transit systems in Mombasa Gate City.

Other programmes include Road 10,000 programme (low volume seal roads, maintenance of roads, and the Road Safety Programme.

**Kenya Roads Board Act No 7 of 1999** provides for the establishment, powers and functions of the Kenya Roads Board, whose objective is to co-ordinate the optimal utilisation of the Fund in implementation of programmes relating to the maintenance, rehabilitation and development of the road network. Article 31 establishes the Kenya Roads Board Fund, whose funds are mainly from the proceeds from the Road Maintenance Levy Fund. Article 17 also establishes Constituency Roads Committees to advise the Kenya Rural Roads Authority on the formulation of the annual roads programme and the roads to be included.

**Kenya Roads Act 2007** establishes the institutional framework for the construction and maintenance of the road network. Institutions established include the Kenya Highways Authority (KENHA), Kenya Urban Roads Authority (KURA) and Kenya Rural Roads Authority (KERRA).

### Related goals and targets

Related goals include Goal 1 on ending poverty, Goal 3 on health, Goal 8 on economic growth and employment, Goal 9 on resilient infrastructure and industrialization, and Goal 13 on climate change.

### Indicators and targets

Data on the indicator for this target are available according to KNBS.

### Comment on adequacy

The legal, institutional and infrastructure framework is in place for the achievement of this target. However, the policy framework and national master plans have been in development for a long time. This is denying the country critical guidance particularly with the involvement of the county government.

Transport safety, an important component of this target, has the legal and institutional framework in place but has not been doing well. Therefore, there is need rethink the strategies available.

**Target 11.3** by 2030 enhance inclusive and sustainable urbanization and capacities for participatory, integrated and sustainable human settlement planning and management in all countries

**Indicator 11.3.1** Ratio of land consumption rate to population growth rate

**Ratio of land consumption rate to population growth rate:**<sup>105</sup> More than half of the area expected to be urban in 2030 has yet to be built. Therein lies an extraordinary opportunity to make the future city more productive and sustainable. However, most cities are forfeiting these advantages, becoming more expansive; growing spatially faster than their population and haphazardly absorbing land needed for agriculture and ecosystem services. With impending resource limits and twin climate change and food crisis, we have little time to reverse this trend.

This indicator benchmarks and monitors the

<sup>105</sup> - <http://indicators.report/indicators/i-68/>

relationship between land consumption and population growth, as a measure of land-use efficiency. It informs and enables decision-makers to track and manage urban growth at multiple scales and enhances their ability to promote land use efficiency. The land use efficiency indicator not only highlights the form of urban development but also illuminates human settlement patterns. It can be employed to capture the three dimensions of land use efficiency: economic (e.g. proximity of factors of production), environmental (e.g. lower per capita rates of resource use and GHG emissions), and social (e.g. avoidance of settlement on vulnerable land, promotion of reduced travel times/distances).

Finally, urban configuration largely predetermines the technologies and behavioral patterns within a city. Once built, cities are expensive and difficult to reconfigure. Fast growing cities in the developing world must “get it right” before they are beset by infrastructural constraints.

### Relevant policies

Policies that support the achievement of this target include the Vision 2030, the Third MTP, The Physical Planning Act of 1996, and Urban and Cities Act 2011. The National Urban Development Policy is still in draft.

**Third MTP** projects and programmes 2018 – 2022 include:

- Facilitation of a 24-hour economy through installation of street lighting, high mast security lights and closed-circuit TV (CCTV) cameras in urban areas and metropolitan regions.
- Integrated Urban Development Planning for designated urban areas as defined in the Urban Areas and Cities Act 2011. The programme will be implemented through detailed planning of 2km square around six SGR railway termini; slum and informal settlement upgrading; planning of three border towns
- National Urban Development Policy (finalization and implementation) – a draft policy is in place awaiting to be adopted by National Assembly before implementation and dissemination to counties
- Creation of an Urban Observatory Centre - developing standards for urban land management and development control
- Metropolitan and Markets Development Policy (finalization and implementation) - draft policy in place
- Metropolitan branding and promotion; metropolitan safety and emergency; metropolitan social Infrastructure and quality of life; metropolitan planning and environment management
- Establishment of the Nairobi Metropolitan Area Transport Authority (NAMATA )
- National Built Environment Policy (Finalization and implementation)
- Urban Mass Transport Infrastructure: This includes terminal facilities (bus/lorry park); access roads; missing links; high mast lighting and street lighting; improvement of railway stations; and non-motorized transport.
- Solid Waste Management Infrastructure. The main component of this programme is solid waste separation at source; solid waste treatment plant; collection network infrastructure improvement; collection capacity improvement; transfer stations development; intermediate treatment; final disposal; and security lighting along the collection network.
- Expansion Water and Sewerage Infrastructure: The programme entails urban waste water (sewerage) collection,

treatment and reuse; generation of by-products; and disposal of solid waste from sewerage.

- **Urban Storm Water Infrastructure:** The programme will be implemented through trunk and secondary storm-water drainage collection lines; vehicular bridges and footbridges crossing the storm water drainage; security lighting at the crossing points for vehicular and pedestrian; and preliminary treatment of storm-water in case of discharge of sensitivity water masses.
- **Urban Disaster and Safety Management:** The programme will be implemented through establishment of fire and rescue training centre; fire and rescue simulators; fire and rescue equipment; and establishment of six model equipped fire stations across the country.
- **Urban Social Infrastructure:** The programme will involve development of markets, modern recreation and water front facilities.
- **Urban Renewal Programmes:** The programme will be implemented through economic opportunities development; water supply; sewerage collection and treatment; recreational, security and leisure facilities development; roads connectivity development; solid waste collection and disposal; Market trade areas / cold storage/ standardization and quality control; weigh bridges and planning, disaster management and social infrastructure.

**The Physical Planning Act of 1996** provides for the preparation and implementation of physical development plans. It deals with physical development plans (regional, special planning areas, local); control of development; environmental impact assessments; subdivision of land, disposal of land

**Urban and Cities Act 2011** Part 5: Integrated Development Planning: The Act's objectives are: Every city and municipality established under the Act shall operate within the framework of integrated development planning; this includes environmental management plans; valuation rolls for property taxation; provision of physical and social infrastructure and transportation; annual strategic plans for a city or municipality; disaster preparedness and response; provision of water, electricity, health, telecommunications and solid waste management; and geographic information system for a city or municipality.

### Related goals and targets

Related goals include Goal 1 on ending poverty, Goal 3 on health, Goal 4 on education, Goal 6 on access to water and sanitation services, Goal 8 on economic growth and employment, Goal 9 on resilient infrastructure, and Goals 13, 14 and 15 on climate action, life below water and life on land respectively.

### Indicators and targets

Data on the indicator for this target are available with reasonable effort within two years according to KNBS.

No policy indicators identified.

### Comment on adequacy

Some key policy instruments, including the National Urban Development Policy and the National Integrated Transport Policy; National Transport Master Plan for 50 years and 20 years are not in place. This is denying the country critical guidance in the planning and development of cities. Anecdotal evidence suggests a very haphazard and uncontrolled growth of urban areas devoid of policy coherence or guidance. The policy framework for this target is inadequate.

**Target 11.4** Strengthen efforts to protect and safeguard the world's cultural and natural heritage

**Indicator 11.4.1** (public and private) per capita spent on the preservation, protection and conservation of all cultural and natural heritage Total expenditure, by type of heritage (cultural, natural, mixed and World Heritage Centre designation), level of government (national, regional and local/municipal), type of expenditure (operating expenditure/investment) and type of private funding (donations in kind, private non-profit sector and sponsorship)

#### Types of heritages and their conservation<sup>106</sup>

“Cultural Heritage” means: monuments; architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of universal value from the point of view of history, art or science; groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding value from the point of view of history, art or science; works of humanity or the combined works of nature and humanity, and areas including archaeological sites which are of outstanding value from the historical, aesthetic, ethnological or anthropological point of view; and includes objects of archaeological or palaeontological interest, objects of historical interest and protected objects.

“Natural Heritage” refers to natural features, geological and physiographical formations and delineated areas that constitute the habitat of threatened species of animals and plants and natural sites of value from the point of view of science, conservation or natural beauty. It includes nature parks and reserves, zoos, aquaria and botanical gardens

Conservation of cultural heritage refers to the measures taken to extend the life of cultural heritage while strengthening transmission of its significant heritage messages and values. In the domain of cultural property, the aim of conservation is to maintain the physical and cultural characteristics of the object to ensure that its value is not diminished and that it will outlive our limited time span. Conservation of natural heritage refers to the protection, care, management and maintenance of ecosystems, habitats, wildlife species and populations, within or outside of their natural environments, in order to safeguard the natural conditions for their long-term permanence.

#### Relevant policies

This target is well supported by the following policies, laws and regulations.

**The National Museums and Heritage Act 2006 (Revised in 2009)** consolidates the law relating to national museums and heritage and provides for the establishment control, management and development of national museums and the identification, protection, conservation and transmission of the cultural and natural heritage of Kenya

**The National Museums and Heritage (Private Museums)(Licensing) Regulations, 2008** provide for private museums which refer to privately owned museum other than a national museum, which is open to the public.

**The National Museums and Heritage (Open Spaces and Areas of National Heritage) (Protection and Management) Rules, 2009** apply to all open spaces, protected areas, national monuments, protected buildings and areas of cultural, natural or national heritage declared as such by the Minister for the purposes of the Act.

<sup>106</sup> - National Museum and HERITAGE ACT 2006

**The Wildlife (Conservation and Management) Act, Cap 376** strongly provides for the protection of endangered flora and Fauna in line with CITES. The process of gazettelement and de-gazettelement of protected areas under KWS jurisdiction requires parliamentary approval.

Other policies, Acts and regulations include: the National Policy on Culture and Heritage 2009; National Policy on Traditional Knowledge, Genetic Resources and Traditional Cultural Expressions, 2009; National Museums and Heritage (Antiquities Dealers) (Licensing) Rules, 2009; National Museums and Heritage (Exploration Licences and Export Permits) Rules, 2009; National Museums and Heritage (Admission Fees) Regulations 2009; Uhuru Gardens Historical Site (Car Entry) Fees Rules, 2008 - L. N. 116/2008; Loyangalani Desert Museum (Admission Fees) Rules, 2008 - L. N. 116/2008; Copyright Act, 2001 (Chapter 130) (Revised Edition 2014); Industrial Property Act No 11 of 2017, Industrial Property Regulations, 2002 (Revised Edition 2016); Environmental Management and Coordination Act (1999); Integrated Coastal Zone Management Policy (ICZM); Merchant Shipping Act, Cap 4 of 2009; Kenya Maritime Authority Act, Cap 5 of 2006; and the Kenya National Commission for UNESCO Act, 2013 No. 5 of 2013.

Regional and international treaties Kenya has ratified include: UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage 1972; UNESCO Recommendation on the Safeguarding of Traditional Culture and Folklore of 1989; UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage 2003; UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005; The UNESCO Universal Declaration on Cultural Diversity of 2001; The Istanbul Declaration of 2002 adopted by the Third Round Table of Ministers of Culture; Charter for

African Cultural Renaissance 2006; Convention on International Trade in Endangered Species of Wild Fauna and Flora 1978; and Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region Nairobi, 21 June 1985.

In particular, **UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005** recognized that the importance of traditional knowledge as a source of intangible and material wealth, and in particular the knowledge systems of indigenous peoples, and its positive contribution to sustainable development, as well as the need for its adequate protection and promotion

### Related goals and targets

This target reinforces Target 8.9 on sustainable tourism.

### Indicators and targets

Data on the indicator are available according to KNBS.

No policy targets identified.

### Comment on adequacy

This target is adequately supported under Kenyan policy framework and international commitments.

**Target 11.5** By 2030, significantly reduce the number of deaths and the number of people affected and substantially decrease the direct economic losses relative to global gross domestic product caused by disasters, including water-related disasters, with a focus on protecting the poor and people in vulnerable situations

**Indicator 11.5.1** Number of deaths, missing persons and persons affected by disaster per 100,000 people



**Indicator 11.5.2** Direct disaster economic loss in relation to global GDP, including disaster damage to critical infrastructure and disruption of basic services

**Target 11.b** By 2020, substantially increase the number of cities and human settlements adopting and implementing integrated policies and plans towards inclusion, resource efficiency, mitigation and adaptation to climate change, resilience to disasters, and develop and implement, in line with the Sendai Framework for DRR 2015-2030, holistic DRM at all levels

**Indicator 11.b.1** Proportion of local governments that adopt and implement local DRR strategies in line with the Sendai Framework for DRR 2015-2030a

**Indicator 11.b.2** Number of countries with national and local disaster risk reduction strategies

Cities around the world, as well as rural populations, are at growing risk from natural hazards, including extreme climate-related events that are projected to increase in frequency and severity as a result of climate change. Population growth and urbanization will also affect vulnerability and exposure. This indicator measures losses, both lives lost and economic costs, in urban and rural areas due to natural disasters, disaggregated by climate and non-climate-related events. Extreme climate-related natural disasters include the following: hydro-meteorological events (storms, floods, wet mass movements) and climatological events (extreme temperature, drought, and wildfire). Non-climate-related natural disasters consist primarily of geophysical events (earthquakes, volcano eruptions, tsunamis, dry mass movements). Other disasters that may be

climate or non-climate related include biological events (epidemics, insect infestations, animal stampedes).

Human losses would be measured by the number of persons deceased or missing as a direct result of the natural disaster, confirmed using official figures. The scale and duration of displacement would also be an important aspect of the human cost.

Kenya has experienced serious climate-related disasters that have resulted in loss of lives and property and critical infrastructure. This includes the floods in 2018 that affected most parts of the country and resulted in loss of life (for example, the Solai Dam tragedy).

**Disaster Risk Reduction (DRR)** is the concept and practice of reducing disaster risks through systematic efforts to analyse and reduce the causal factors of disasters. Reducing exposure to hazards, lessening vulnerability of people and property, wise management of land and the environment, and improving preparedness and early warning for adverse events are all examples of disaster risk reduction. Disaster risk reduction includes disciplines like disaster management, disaster mitigation and disaster preparedness, but DRR is also part of sustainable development

**Disaster Risk Management (DRM)** aims at strengthening the capacity of all countries for early warning, risk reduction and management of national and global health risks; disaster-risk management efforts aim to reduce the effects of hazards, through activities and measures related to prevention, mitigation and preparedness<sup>107</sup>.

### Relevant policies

Policies addressing this target include: The Kenya National Disaster Response Plan 2009; Kenya National Adaptation Plan 2015-2030 (2016); National Police Service Act (2011); Kenya Red Cross Society Act (1965); Environmental

<sup>107</sup> - <https://www.unisdr.org/who-we-are/what-is-drr>

Management and Conservation Act (1999); Health Act; Occupational Safety and Health Act 2007; and the Health Sector Disaster Risk Management Strategic Plan (2014 – 2018). The water related disaster-risk management Programmes (2018 – 2022) and the National Action Plan for Disaster Risk Reduction (2015-2018) was developed to implement the Sendai Framework in Kenya.

Kenya is also signatory to international and regional protocols including: Hyogo Framework for Action HFA 2005 -2015: Building the Resilience of Nations and Communities to Disasters; Sendai Framework for Disaster Risk Reduction 2015-2030 (SFDRR); and the Africa Risk Capacity (ARC).

**Health Sector Disaster Risk Management Strategic Plan (2014 – 2018)** is aligned to the Hyogo Framework of Action (2005-2015), the Sendai Framework of Action (2015-2030), the SDG (2015-2030), Kenya Vision 2030, Kenya Health Policy (KHP), Kenya Health Sector Strategic Plan (KHSSP) 2013-2018, Kenya National Disaster Response Plan (2014), Kenya Health Sector Disaster Risk Management (DRM) Capacity Assessment Report of 2013; and the Kenya Health Sector referral strategy and guidelines.

However, there is lack of health-sector specific Disaster Risk Management (DRM) policies, guidelines, standards, annual work plans and SOPs.

**Kenya National Adaptation Plan 2015-2030 July 2016** aims to consolidate the country's vision on adaptation supported by macro-level adaptation actions that relate with the economic sectors and county-level vulnerabilities to enhance long term resilience and adaptive capacity. This NAP presents adaptation actions that cover the time frame 2015-2030. Related legal framework: National Climate Change Response Strategy

(NCCRS); National Climate Change Action Plan; National Climate Change Framework Policy and Act; Climate Change Act 2016. The interventions involved are geared towards disaster risk reduction, humanitarian action, preparedness and response actions. The adaptation actions will be at National and county level and in different sectors.

**Sendai Framework for Disaster Risk Reduction** is a 15-year, voluntary, non-binding agreement which recognizes that the State has the primary role to reduce disaster risk but that responsibility should be shared with other stakeholders, including local government and the private sector and other stakeholders. It is the successor instrument to the [Hyogo Framework for Action \(HFA\) 2005-2015: Building the Resilience of Nations and Communities to Disasters](#). The framework applies to the risk of small-scale and large-scale, frequent and infrequent, sudden and slow-onset disasters, caused by natural or manmade hazards as well as related environmental, technological and biological hazards and risks. It aims to guide the multi-hazard management of disaster risk in development at all levels as well as within and across all sectors. The goal is to prevent new and reduce existing disaster risk through the implementation of integrated and inclusive economic, structural, legal, social, health, cultural, educational, environmental, technological, political and institutional measures that prevent and reduce hazard exposure and vulnerability to disaster, increase preparedness for response and recovery, and thus strengthen resilience. Targets include substantially reducing global disaster mortality by 2030, aiming to lower average per 100,000 global mortality between 2020-2030 compared to 2005-2015; substantially reduce the number of affected people globally by 2030, aiming to lower average global figure per 100,000 in the decade 2020 -2030 compared to the period 2005-2015; reduce direct disaster economic loss in relation

to global gross domestic product (GDP) by 2030; substantially reduce disaster damage to critical infrastructure and disruption of basic services, among them health and educational facilities, including through developing their resilience by 2030; substantially increase the number of countries with national and local disaster risk reduction strategies by 2020; substantially enhance international cooperation to developing countries through adequate and sustainable support to complement their national actions for implementation of this Framework by 2030; Substantially increase the availability of and access to multi-hazard early-warning systems and disaster risk information and assessments to the people by 2030. Priority areas include: understanding disaster risk, strengthening disaster risk, governance to manage disaster risk; investing in disaster-risk reduction for resilience; enhancing disaster preparedness for effective response, and to “Build Back Better” in recovery, rehabilitation, and reconstruction.

#### Agencies Involved in Disaster Preparedness in Kenya include:

- **National Drought Management Authority (NDMA)** under the NDMA ACT 2016 coordination drought response and management.
- **Water Resource Management Authority (WARMA)** maps out flood-prone areas, assists communities to develop flood management infrastructures and disseminate early warning information,
- **Ministry of Water and Sanitation** is responsible for policy issues and flooding response.
- **Ministry of Health:** Division of Disease Surveillance & Epidemic Response Unit provides leadership; Division of Health Emergencies & Disaster Risk Management is responsible for response. Functions are

devolved to county levels. The national government is responsible for budget allocation and providing guidelines to the counties.

- **Ministry of Agriculture and Livestock:** Directorate of Veterinary Services is responsible for disasters related to animal disease epidemics. It helps counties to develop Standard Operating Procedures (SOPs).
- **National Disaster Operations Centre (NDOC)** in the Ministry of Interior & Coordination of National Government coordinates all disaster response operations in the country.
- **Kenya Meteorological Department** provides early warning information.
- **Kenya Red Cross**, an auxiliary of the government’s humanitarian services and is usually the first responder to emergencies.
- **National Disaster Management Unit** established by a Presidential executive order in 2013 communicated through letter Ref. No. CAB/NSC/14/2/32 dated 8th August, 2013. It is the national government’s response unit for DRM

#### Related goals and targets

This target is related to Target 1.3 on implementing social protection measures, Target 1.5 on building the resilience of the poor and those in vulnerable situations; Target 2.4 on resilient agricultural systems, Goal 3 on health, Target 6.1 on access to safe water and Target 13.1 on strengthen resilience and adaptive capacity to climate-related hazards and natural disasters in all countries.

#### Indicators and targets

Data on the indicators for this target are available according to KNBS.

No policy targets was identified.

### Comment on adequacy

The policy's legal and institutional framework and infrastructure is adequate for drought-related disasters. It is however inadequate for other disasters such as floods, epidemics and fires.

The policy framework is therefore inadequate.

**Target 11.6** By 2030, reduce the adverse per capita environmental impact of cities, including by paying special attention to air quality and municipal and other waste management

**Indicator 11.6.1** Proportion of urban solid waste regularly collected and with adequate final discharge out of total urban solid waste generated, by cities

**Indicator 11.6.2** Annual mean levels of fine particulate matter (e.g. PM<sub>2.5</sub> and PM<sub>10</sub>) in cities (population weighted)

**Percentage of urban solid waste regularly collected and well managed.** Urban households and businesses produce substantial amounts of solid waste (not including industrial, construction, and hazardous waste) that must be collected regularly and disposed of properly in order to maintain healthy and sanitary living conditions. Such collection can be through formal or informal means. Uncollected and improperly managed solid waste can end up in drains and dumps, and may result in blocked drains and other unsanitary conditions. Mosquitoes that spread disease can breed in blocked drains and dumps. In addition, some constituents of solid waste, such as organic matter, can attract flies and rodents that spread gastrointestinal and parasitic diseases. Sustainable solid waste management is essential. This implies waste

reduction, reuse, recycling and composting, incineration, and disposal in landfills. Waste reduction, recycling, reuse and composting are preferred methods and should be promoted, as they reduce demand on scarce environmental resources, decrease energy use, and minimize the quantity of waste that must eventually be incinerated or disposed of in landfills.

**Urban air pollution of particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>)**<sup>108</sup>. This indicator focuses on the quality of air in urban areas. Clean air is considered to be a basic requirement of human health and well-being. However, air pollution continues to pose a significant threat to health worldwide. Rapid urbanization has resulted in increasing urban air pollution in major cities, especially in developing countries. This has severe economic and health impacts, particularly for small children. According to a WHO assessment of the burden of disease due to air pollution, more than 2 million premature deaths each year can be attributed to the effects of urban outdoor (ambient) air pollution and indoor air pollution (caused by the burning of solid fuels). The major outdoor pollution sources include vehicles, power generation, building heating systems, agriculture/waste incineration and industry<sup>109</sup>. Air pollution can be significantly reduced by expanding access to clean household fuels and technologies, as well as prioritizing rapid urban transit, walking and cycling networks; energy-efficient buildings and urban design; improved waste management; and electricity production from renewable power sources.

The main air pollutant is referred to as particulate matter (PM). WHO has classified PM into two – PM<sub>10</sub> and PM<sub>2.5</sub>. The PM<sub>10</sub> is the concentration of particles with a diameter equal to or greater than 10 microns (μ), which are usually produced from construction and mechanical activities, while PM<sub>2.5</sub> is the concentration of particles with a diameter equal to or greater than 2.5

<sup>108</sup> - <http://www.who.int/airpollution/ambient/about/en/>

<sup>109</sup> - World health report 2002: Reducing risks, promoting healthy life. Geneva, World Health Organization, 200

microns, usually produced from combustion. The smaller particles are more damaging as they permeate the lung more deeply<sup>110</sup>. The WHO designed guidelines to help countries monitor the air quality. They are referred to as the air quality guidelines (AQGs).

Some of the key milestones achieved include the developing of a National Solid Waste Management Strategy in 2015 by NEMA, which guides county governments on solid waste management; establishing status and developing action plans on waste management and pollution levels in Mombasa, Thika, Nakuru, Eldoret and Kisumu; implementing the Plastic Bags Initiative vide Gazette notice No. 2334; harmonizing municipal and industrial effluent standards within the Lake Victoria Basin; constructing sewerage treatment plants in Kisumu, Homa Bay, and Bomet towns; and developing a system to monitor nutrient and sediment losses from land use and covers in the Nyando Basin.

However, solid waste management remains a major challenge in all the major cities and towns in Kenya.

### Relevant policies

Legal framework and policies that support the achievement of this target include the Constitution 2010, Kenya Vision 2030 and the Third MTP; Environmental Management and Coordination Act (EMCA) 1999; Occupational Safety and Health Act 2007; Public Health Act, 2012 (Revised 2012); County Governments Act, 2012; National Environment Policy 2013, National Land Use Policy 2017; and the National Solid Waste Management Strategy 2015. The target is also supported by numerous regulations under the EMCA.

**The Constitution of Kenya:** Article 42 on the Environment provides that every person has the right to a clean and healthy environment, which includes the right to have the environment

protected for the benefit of present and future generations through legislative and other measures, particularly those contemplated in Article 69; and to have obligations relating to the environment fulfilled under Article 70. Part 2 of the Fourth Schedule of the Constitution of Kenya also explicitly provides that the county governments shall be responsible for: refuse removal, refuse dumps and solid waste disposal.

**Kenya Vision 2030** – the vision for the environment is a “nation living in a clean, secure and sustainable environment”. One of the key strategic thrusts to achieve this vision is pollution and waste management. The Vision recognized that the extent of pollution and waste is correlated to GDP and that countries with high GDP levels tend to generate more pollution and waste. It also recognised that in many highly developed countries this trend is being reversed through environmentally friendly policies and practices. Despite the high rates of growth envisaged by Vision 2030, Kenya will progressively apply measures to guard against the adverse effects of increased pollution and waste experienced elsewhere.

One of the flagship projects is the solid waste management initiative of relocating the Dandora dumpsite and the development of solid waste management systems in five leading municipalities and in the economic zones planned under Vision 2030.

**Third MTP:** The Waste Management and Pollution Control programme will promote appropriate integrated waste management technologies both in urban and rural areas. The Solid Waste Management Infrastructure programme main component is: solid waste separation at source, solid waste treatment plant, collection network infrastructure improvement, collection capacity improvement, transfer stations development, intermediate treatment, final disposal, and security lighting along the collection network.

<sup>110</sup> - <http://indicators.report/indicators/i-69/>



**Environmental Management and Coordination Act (EMCA), 1999:** Article 3 provides that every person is entitled to a clean and healthy environment and has a duty to safeguard and enhance the environment. Article 86 provides that the Standards and Enforcement Review Committee shall, in consultation with the relevant lead agencies, recommend to the Authority measures necessary to: prescribe standards for waste, their classification and analysis, and formulate and advise on standards of disposal methods and means for such wastes; or issue regulations for the handling, storage, transportation, segregation and destruction of any waste. Article 87 provides that no person shall discharge or dispose of any waste, whether generated within or outside Kenya, in such manner as to cause pollution to the environment or ill health to any person; and that no person shall transport any waste other than in accordance with a valid license to transport waste issued by the Authority; and to a waste disposal site established in accordance with a license issued by the Authority. Further no person shall operate a wastes disposal site or plant without a license issued by the Authority; and every person whose activities generate wastes shall employ measures essential to minimize wastes through treatment, reclamation and recycling.

On air pollution, Article 78 provides that the Standards and Enforcement Review Committee shall, in consultation with the relevant lead agencies: advise the Authority on how to establish criteria and procedures for the measurement of air quality; recommend to the Authority ambient air quality standards; occupational air quality standards; emission standards for various sources; criteria and guidelines for air pollution control for both mobile and stationary sources; any other air quality standards; advise the Authority on measures necessary to reduce existing sources of air pollution by requiring the redesign of plants or the installation of new

technology or both, to meet the requirements of standards established under this section; recommend to the Authority guidelines to minimize emissions of greenhouse gases and identify suitable technologies to minimize air pollution; advise the Authority on emissions concentration and nature of pollutants emitted; recommend to the Authority the best practicable technology available in controlling pollutants during the emission process; determine for consideration by the Authority the analytical methods for monitoring air contaminants and recommend to the Director-General the establishment of such number of laboratories for analytical services as may be needed; request the Authority to carry out investigations of actual or suspected air pollution, including pollution, produced by aircraft, self-propelled vehicles and by factories and power generating stations; request the Authority to order any industry or other source of air pollution to file such returns and provide such information as it may require; and do all such things as appear necessary for the monitoring and controlling of air pollution.

It further provides for fine and jail term for any person who emits any substances that cause air pollution in contravention of established emission standards. A person found guilty shall, in addition to any sentence or fine imposed on him or her, pay the cost of the removal of the pollution, including any costs which may be incurred by any government agency or organ in the restoration of the environment damaged or destroyed as a result of the emission; and the cost of third parties in the forms of reparation, restoration, restitution or compensation as may be determined by a competent court upon application by such third parties. Article 81 provides that before issuing a license in respect of emissions, the Authority shall: consider the possible effects of the emissions on the quality of ambient air; existing licenses affecting the same air resource; give due regard to the requirements

for the residents, human settlements and other industrial and commercial activities; and solicit the comments of relevant Local Authorities and concerned organisations.

**Regulations under the EMCA 1999** include Waste Management Regulations 2006, Water Quality Regulations 2006, Noise regulations 2009, Wetlands Regulations 2009, Environmental Impact Assessment (EIA) Regulations 2003, Biodiversity and Benefit Sharing Regulations 2006, Air Quality Regulations 2014, and Controlled Substance Regulations 2007.

**The Occupational Safety and Health Act, 2007:** Part 9, Chemical Safety, Article 83 provides that at every workplace where chemicals or other toxic substances are manipulated, the employer shall develop a suitable system for the safe collection, recycling and disposal of chemical wastes, obsolete chemicals and empty containers of chemicals to avoid the risks to safety, health of employees and to the environment.

**The Public Health Act, 2012 Revised Edition 2012,** Article 126 provides that the Minister, on the advice of the board, may make rules and may confer powers and impose duties in connection with the carrying out and enforcement thereof on local authorities, magistrates, owners and others as to—(d) the drainage of land, streets or premises, the disposal of offensive liquids and the removal and disposal of rubbish, refuse, manure and waste matters. Article 134 provides that the Minister, on the advice of the board, may make rules regarding all or any of the following matter: the establishment, locality, supervision, equipment, maintenance and management of slaughterhouses and the disposal of the waste.

**The County Governments Act, 2012** Article 120 provides that a tariff policy adopted shall reflect following promotion of the economic, efficient, effective and sustainable use of resources,

the recycling of waste, and other appropriate environmental objectives.

**National Environment Policy 2013** addresses the challenge of urbanisation, waste management and pollution and chemicals Management. The policy goal is “better quality of life for present and future generations through sustainable management and use of the environment and natural resources”. Focus areas include industrialization and environment, management of chemicals, human settlements, environmental quality and health (including air quality, water and sanitation, waste management, radiation, toxic and hazardous substances).

**National Land Use Policy 2017** on Urban Environment Management states that to mitigate on the problems of urban environment the Government shall promote appropriate waste management technologies (reduce, recycle, reuse) including toxic, hazardous, e-waste and adopt measures to provide incentives and disincentives on recycling and reclamation of reusable packaging materials

**The National Solid Waste Management Strategy 2015** purpose is to guide sustainable solid waste management in Kenya to ensure a healthy, safe and secure environment for all. The overall aim is protection of human health and the environment in a manner that is affordable, environmentally friendly and socially acceptable. Overall goal is the protection of public health, reduction of poverty, reduction of waste management costs, and protection of environment. Guiding principles include zero waste principle (Waste is a resource that can be harnessed to create wealth, employment and reduce pollution of the environment). Key objectives include: to formulate policies, legislations and economic instruments to reduce waste quantities; inculcate responsible public behaviour on waste management; promote waste segregation at source; to promote resource recovery for

materials and energy generation; to establish environmentally sound infrastructure and systems for waste management. The approach is integrated solid waste management – waste reduction, reuse, recycling, resource recovery, incineration, and landfilling. The targets include: achieve approximately 80 percent waste recovery (recycling, composting and waste to energy) and 20 percent landfilling in a sanitary landfill (inert material) by 2030. Medium-term targets include achieving 50 percent waste recovery (recycling, composting and waste to energy) and 50 percent semi-landfilling by 2025. Short-term include achieving 30 percent waste recovery (recycling, composting) and 70 percent controlled dumping (tipping, compacting and covering) in key urban areas by 2020.

### Related goals and targets

This target is related to Goal 3, on health; Goal 6 on water and sanitation; and Goals 13, 14 and 15 on climate action, life below water and life on land respectively. It is also related to Target 9.2 on industrialization.

### Indicators and targets

Data are available on both indicators for this target according to KNBS.

Targets under the **National Solid Waste Management Strategy 2015** include: By 2030 achieve approximately 80 percent waste recovery (recycling, composting and waste to energy) and 20 percent landfilling in a sanitary landfill (inert material). In the medium-term, achieve 50 percent waste recovery (recycling, composting and waste to energy) and 50 percent semi-landfilling by 2025 and in the short-term achieve 30 percent waste recovery (recycling, composting and waste to energy).

### Comment on adequacy

The target is particularly well supported legal and regulatory framework. However, specific

sector policies at national and county levels on the disposal of solid waste and air pollution control is lacking.

The policy support for this target is therefore inadequate.

**Target 11.7** By 2030, provide universal access to safe, inclusive and accessible, green and public spaces, in particular for women and children, older persons and persons with disabilities

**Indicator 11.7.1** Average share of the built-up area of cities that is open space for public use for all, by sex, age and persons with disabilities

**Indicator 11.7.2** Proportion of persons victim of physical or sexual harassment, by sex, age, disability status and place of occurrence, in the previous 12 months

Area of public and green space as a proportion of total city space<sup>111</sup>. Having sufficient public space allows cities and regions to function efficiently and equitably. It provides the rights of way required for streets and infrastructure (and their connectivity) as well as the green space necessary for recreation and the provision of ecosystem services leading to better quality of life.

By contrast, a reduced amount of public space impacts negatively on life in a city. The private sector generally has little incentive to provide public space and wider urban connectivity, so the role of local governments is critical. However, many local governments are relinquishing this role. As a result, much rapid urbanization is proceeding in an uncontrolled manner, yielding settlement patterns with dangerously low proportions of public space. Such areas are totally unable to accommodate safe pedestrian

111 - <http://indicators.report/indicators/i-70/>

and vehicular rights of way; land for critical infrastructure such as water, sewerage, and waste collection; and green spaces that can facilitate social cohesion and critical ecological functioning.

The generally accepted minimum standard for public space in urban areas (defined by those achieving a minimum density of 150 inhabitants per hectare, the minimum threshold for a viable public transport system) is 45 percent. This is broken down into 30 percent for streets and sidewalks and 15 percent for green space.

### Relevant policies

Policies that support this target include the National Land Use Policy 2017, County Governments Act No 17 of 2012, Land Act No 6 of 2012 and Physical Planning Act. On security of the individual, refer to the policy discussion under goal 1 – peace and strong institutions.

**National Land Use Policy 2017:** Section 3.7 Urban Development and Management aims to: consider the re-conceptualization of zoning and subdivision control, not as exclusionary mechanisms within and across residential areas, but as tools for creation of integrated viable urban communities sharing common services; provide efficient amenities for urban settlements; create and protect green and recreational areas within urban centres. Section 3.16 – Urban Environment Management aims to mitigate on the problems of urban environment the government shall: (i) Zone riparian areas, wetlands, escarpments, forests, open spaces and parks in the urban areas for the protection of key natural resource and environmental features and amenities including, establishing green areas and recreational facilities in residential areas; (ii) Restore and reclaim riparian areas, wetlands, escarpments, forests, open spaces and parks that may have been allocated, back to public ownership to ensure that they revert to the original state.

**County Governments ACT No. 17 Of 2012:** Article 103 (c) Objectives of county planning shall be to maintain a viable system of green and open spaces for a functioning eco-system. Article 110 (j) county spatial plans shall indicate the areas designated to conservation and recreation. Article 111 (1) city or municipal plans for each city and municipality there shall be the following plans (a) city or municipal land use plans; (b) city or municipal building and zoning plans; (c) city or urban area building and zoning plans; and (d) location of recreational areas and public facilities

**Land Act No 6 of 2012** defines “public purposes” means the purposes of— (a) transportation including roads, canals, highways, railways, bridges, wharves and airports; (b) public buildings, including schools, libraries, hospitals, factories, religious institutions and public housing; (c) public utilities for water, sewage, electricity, gas, communication, irrigation and drainage, dams and reservoirs; (d) public parks, playgrounds, gardens, sports facilities and cemeteries; (e) security and defense installations; (f) settlement of squatters, the poor and landless, and the internally-displaced persons; and (g) any other analogous public purpose; Article 110. Notice of acquisition and effect of acquisition on plant and machinery (1) Land may be acquired compulsorily under this Part if the Commission certifies, in writing, that the land is required for public purposes or in the public interest as related to and necessary for fulfilment of the stated public purpose;

**Physical Planning Act :** Part IV – Physical Development Plans (16 A) - purpose of regional physical development plan (1). A regional physical development plan may be prepared by the Director with reference to any Government land, trust land or private land within the area of authority of a county for the purpose of improving the land and providing for the proper

physical development of such land, and securing suitable provision for transportation, public purposes, utilities and services, commercial, industrial, residential and recreational areas, including parks, open spaces and reserves and also the making of suitable provision for the use of land for building or other purposes.

### Related goals and targets

This target is related to Goal 3, on health; Goal 4, on education; Goal 10, on equality; and Goals 13, 14 and 15 on climate action, life below water and life on land respectively. It is strongly reinforced by strong institutions under Goal 16.

### Indicators and targets

Data on the first indicator for this target are available while the second is for reporting by global agencies according to KNBS.

No policy targets identified.

### Comment on adequacy

Policy support exists to some extent for the achievement of this target. However, lack of an urban development policy and a transport policy may hinder its achievement.

The current trend has been not only lack of planning for public spaces in urban areas but to even reverse the level that previously existed. The uncontrolled development and subdivision of land into small plots without providing for public and green spaces is a trend that needs to be reversed.

Policy support for this target is therefore inadequate.

**Target 11.a** Support positive economic, social and environmental links between urban, peri-urban and rural areas by strengthening national and regional development planning

**Indicator 11.a.1** Proportion of population living in cities that implement urban and regional development plans integrating population projections and resource needs, by size of city

No policies identified to support this target.

**Target 11.c** Support least developed countries, including through financial and technical assistance, in building sustainable and resilient buildings utilizing local materials

**Indicator 11.c.1** Proportion of financial support to the least developed countries that is allocated to the construction and retrofitting of sustainable, resilient and resource-efficient buildings utilizing local materials

**N/A – this is relevant to development partners / global development agencies**

## Goal 11 – Overall recommendation

Goal 11 on inclusive and sustainable cities is one of the most significant and relevant for Kenya. According to Kenya Vision 2030, 60 percent of the population will be living in urban areas by year 2030. We see continued unregulated and uncontrolled development of urban areas that are now extending into the surrounding rural areas. This will result in urban areas with inadequate housing, full of poor and unhealthy population without adequate infrastructure, poor access to basic services (including water, sanitation, clean energy, health and education), where solid and other hazardous waste is inadequately managed, and without green spaces. Unless managed, Kenyans are facing a monumental environmental



and social catastrophe in the uncontrolled and haphazard growth of urban areas. The legal and regulatory frameworks are in place but not being enforced. The lack of policies to guide national conversations on this critical issue is unhelpful and denies the country, and especially the counties, the necessary guidance for managing the growth of urban areas under their jurisdiction.

This being the goal with the greatest impact on the largest proportion of the population by 2030 must be given high priority. Urban settlements

must start being properly planned, controlled and regulated in a way that maximizes the human benefits of urban settlements and minimizes the significant negative impact and chaos of uncontrolled developments. Appropriate policies must be put in place based on informed and wide national conversations and the law enforced. The governments at national and county levels must put resources into urban settlements towards the desired vision of 2030.

## TARGET 11-C

## 11 SUSTAINABLE CITIES AND COMMUNITIES



**SUPPORT LEAST DEVELOPED COUNTRIES  
IN SUSTAINABLE AND RESILIENT BUILDING**

# TARGET 12-8

12 RESPONSIBLE  
CONSUMPTION  
AND PRODUCTION



**PROMOTE UNIVERSAL UNDERSTANDING  
OF SUSTAINABLE LIFESTYLES**



## ENSURE SUSTAINABLE CONSUMPTION AND PRODUCTION PATTERNS

### Goal 12. Ensure sustainable consumption and production patterns

Achieving economic growth and sustainable development requires that we urgently reduce our ecological footprint by changing the way we produce and consume goods and resources. The efficient management of our shared natural resources, and the way we dispose of toxic waste and pollutants, are important targets to achieve this goal. Encouraging industries, businesses and consumers to recycle and reduce waste is equally important. Halving the per capita of global food waste at the retailer and consumer levels is also important for creating more efficient production and supply chains which can help with food security<sup>112</sup>.

Sustainable consumption and production aims at “doing more and better with less,” increasing net welfare gains from economic activities by reducing resource use, degradation and pollution along the whole lifecycle, while increasing quality of life. It also requires a systemic approach and cooperation among actors operating in the supply chain, from producer to final consumer<sup>113</sup>.

The Constitution 2010 provides for sustainable development under Article 10, the principles on land are articulated under Article 60 and obligations in respect of the environment in Article 69 which requires sustainable exploitation, utilization, management and conservation of the environment and natural resources. The policy framework adequately supports the protection of the environment from the provisions of the Constitution 2010, the Kenya Vision 2030 and other policies and legal instruments. However, the majority of the targets

under this goal are not supported. This may be explained by the fact that Kenya’s priority at the moment is to increase economic growth and productivity including through industrialization and less attention to responsible production and consumption.

**Target 12.1** Implement the 10-Year Framework of Programmes on Sustainable Consumption and Production Patterns, all countries taking action, with developed countries taking the lead, taking into account the development and capabilities of developing countries

**Indicator 12.1.1** Number of countries with sustainable consumption and production (SCP) national action plans or SCP mainstreamed as a priority or a target into national policies

The 10-Year Framework of Programmes on Sustainable Consumption and Production Patterns (10YFP) was adopted by the UN Conference on Sustainable Development (Rio+20), which reaffirmed that promoting sustainable patterns of consumption and production is one of the three overarching objectives of, and essential requirements for, sustainable development. The programme appears in paragraph 226 of the Outcome Document “The Future We Want”<sup>114</sup> of which Kenya is a State Party.

However, no policies were identified specifically addressing this target. No data are available on this target.

<sup>112</sup> - [www.undp.org/content/undp/en/home/sustainable-development-goals/goal-12-responsible-consumption-and-production.html](http://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-12-responsible-consumption-and-production.html)

<sup>113</sup> - <https://www.un.org/sustainabledevelopment/sustainable-consumption-production/>

<sup>114</sup> - <https://sustainabledevelopment.un.org/content/documents/944brochure10yfp.pdf>

### Indicators and targets

No data on the indicators for this target are available according to KNBS.

### Comment on adequacy

Sustainable and efficient use of natural resources is implied under the Constitution 2010 no other policies articulate this target. Policy framework for this very inadequate.

**Target 12.2** By 2030, achieve the sustainable management and efficient use of natural resources

**Indicator 12.2.1** Material footprint, material footprint per capita, and material footprint per GDP

**Indicator 12.2.2** Domestic material consumption, domestic material consumption per capita, and domestic material consumption per GDP

### Relevant policies

This target is addressed in the Constitution 2010, Green Economy Strategy and Implementation Plan (GESIP) 2016-2030, National Wildlife Conservation & Management Policy 2017, Forest Management & Conservation Act 2016, and the Mining Act 2016. The first two are discussed below.

**Constitution 2010** addresses this target under Article 10 – national values and principles of governance. One of the principles is sustainable development, while Article 60 provides for the sustainable and productive management of land resources. Article 69 obligates the State to ensure sustainable exploitation, utilisation, management and conservation of the environment and natural resources.

**Green Economy Strategy and Implementation**

**Plan (GESIP) 2016 – 2030** was launched on 27th July 2017. GESIP is a blueprint for enhancing low-carbon, resource efficient, equitable and inclusive socio-economic transformation. It is aligned with the outcomes of the United Nations Conference on Sustainable Development (Rio+20). GESIP will aid Kenya's transition to a sustainable path through five thematic areas and strategies, including: promoting sustainable infrastructure; building resilience; sustainable natural resource management; promoting resource efficiency and social inclusion and sustainable livelihoods.

### Indicators and targets

Data are available for one of the two indicators for this target.

No Kenyan policy targets are available.

### Comment on adequacy

Sustainable and efficient use of natural resources is implied under the Constitution 2010 but no other policies articulate this target. The policy framework for this is inadequate.

**Target 12.3** By 2030, halve per capita global food waste at the retail and consumer levels and reduce food losses along production and supply chains, including post-harvest losses

**Indicator 12.3.1** Global food loss index

Up to 40 percent of post-harvest losses have been experienced due to lack of appropriate storage structures and poor handling. Some post-harvest disease pathogens like aflatoxins have been reported with catastrophic effects – in some cases deaths – among consumers in some parts of the country. Post-harvest losses is identified as one of the key challenges of the agricultural sector “There have been high levels of waste due to pre-harvest and post-harvest

losses occasioned by pests and diseases and lack of proper handling and storage facilities. Smallholder farmers are unable to cope with pests and diseases mainly due to lack of information.”<sup>115</sup> Reducing post-harvest losses for crop, livestock and fisheries is seen as a major boost to agricultural production.

### Relevant policies

Kenyan policies related to this target include the Agricultural Sector Development Strategy 2009 – 2020 and the Third MTP/Big 4 Agenda which as part of food and nutrition security aims to reduce post-harvest losses from 20 percent to 15 percent.

### Indicators and targets

The data on the indicator for this target is not available according to KNBS.

Policy target under the Third MTP/Big 4 Agenda is to reduce post-harvest losses from 20 percent in 2017 to 15 percent in 2022.

### Related goals and targets

This target reinforces increasing agricultural production (Target 2.3) and increased food and nutrition security (Targets 2.1 and 2.2).

### Comment on adequacy

The inclusion of a specific target and initiatives to reduce post-harvest losses have boosted policy contribution to the achievement of this target.

**Target 12.4** By 2020, achieve the environmentally sound management of chemicals and all wastes throughout their life cycle, in accordance with agreed international frameworks, and significantly reduce their release to air, water and soil in order to minimize their adverse impacts on human health and the environment

**Indicator 12.4.1** Number of parties to international multilateral environmental agreements on hazardous waste, and other chemicals that meet their commitments and obligations in transmitting information as required by each relevant agreement

**Indicator 12.4.2** Hazardous waste generated per capita and proportion of hazardous waste treated, by type of treatment

**Target 12.5** By 2030, substantially reduce waste generation through prevention, reduction, recycling and reuse

Indicator 12.5.1 National recycling rate, tons of material recycled

The two targets are related and addressed by similar policies.

### Relevant policies

The two targets are well covered under the Constitution 2010, Kenya Vision 2030, Environmental Management and Coordination Act (EMCA) 1999, Gazette Notice No 2334 on Plastic Bags Ban, The National Solid Waste Management Strategy (NEMA 2015), The Occupational Safety and Health Act, 2007.

**Constitution 2030:** Chapter 4 Bills of Rights, under Fundamental Rights and Freedoms; Article 42 provides that “Every person has the right to a clean and healthy environment; the right to have the environment protected for the benefit of present and future generations; right to have all obligations pertaining to the environment fulfilled.” Chapter 5 Land and Environment, Article 69 obligates the State to establish systems of environmental impact assessment, environmental audit and monitoring of the environment; eliminate processes and activities

<sup>115</sup> - Agricultural Sector Development Strategy 2009 to 2020



that are likely to endanger the environment. It further provides that “Every person has a duty to cooperate with State organs and other persons to protect and conserve the environment. Enforcement of environmental rights”. Article 70 provides for the enforcement of the rights in respect to the environment.

**Kenya Vision 2030 and Third MTP:** The vision for the environment is “a nation living in a clean, secure and sustainable environment”. The vision is inspired by the principle of sustainable development and by the need for equity in access to the benefits of a clean environment. Overall goal is to promote and safeguard the state of the environment for economic growth. One of the four strategic thrusts is “Pollution and waste management” with specific objectives: to establish fully functional solid waste management systems in 5 municipalities and special economic zones by 2012 this included the relocation of Dandora dumpsite in Nairobi by 2012 (none of these have been achieved); and sustain enforcement of regulations on plastic bags (achieved in 2017). Strategies include: development and enforcement of pollution and waste management and hazardous waste regulations; design and application of incentives / disincentives; PPP for municipal waste management; and reducing importation of oil with high sulphur content.

**The National Solid Waste Management Strategy (NEMA 2015):** The purpose of the strategy is to guide sustainable solid waste management in Kenya to ensure a healthy, safe and secure environment for all. The Strategy covers a period of fifteen (15) years within the Vision 2030 framework and is to be reviewed every five (5) years in line with MTPs. It provides minimum requirements for solid waste management for counties which cover: waste collection, transportation, disposal site, and licensing. Under Integrated Solid Waste Management – it

prescribes a solid waste management hierarchy as an integrated approach to protecting and conserving the environment through implementation of various approaches of sustainable waste management. It establishes the preferred order of solid waste management alternatives as follows: waste reduction, reuse, recycling, resource recovery, incineration, and landfilling. With the full implementation of the Strategy, it is expected that the Country will have embraced environmentally sound waste management technologies and best practices.

**Environmental Management and Coordination Act (EMCA 1999)** Article 86 provides for measures necessary to: prescribe standards for waste, their classification and analysis, and formulate and advise on standards of disposal methods and means for such wastes; or issue regulations for the handling, storage, transportation, segregation and destruction of any waste. Article 87 prohibits any person from discharging or disposing of any wastes, whether generated within or outside Kenya, in such manner as to cause pollution to the environment or ill health to any person. It obligates every person whose activities generate wastes to employ measures essential to minimize wastes through treatment, reclamation and recycling.

**The Occupational Safety and Health Act 2007** Part 9 Chemical Safety, Article 83 provides that at every workplace where chemicals or other toxic substances are manipulated, the employer shall develop a suitable system for the safe collection, recycling and disposal of chemical wastes, obsolete chemicals and empty containers of chemicals to avoid the risks to safety, health of employees and to the environment.

### **Kenyan indicators and targets**

Data on indicators for Target 12.4 is available but not for Target 12.5 according to KNBS.

Specific policy targets under Vision 2030

was to establish fully functional solid waste management systems in 5 municipalities and special economic zones by 2012. No other policies exist with specific targets on these two targets.

### Related goals and targets

This target reinforces Target 13.1 on reducing marine pollution in particular from land based activities.

### Indicators and targets

Data exists for the two indicators for Target 12.4 and not for Target 12.5.

No Kenyan policy targets identified for the two SDG targets.

### Comment on adequacy

Management of waste is well covered under the provisions of the constitution on environment and also Vision 2030. NEMA's solid waste management strategy provides guidance on this issue. The EMCA also deals well with issue and the Occupational and Health Act 2007 is specific on the management of work place chemicals and toxic substances. The much applauded banning of plastic bags by the Cabinet Secretary, Ministry of Environment was a major step in taking care of the environment and dealing with a major solid waste management menace.

However, the key targets spelt out in the Kenya Vision 2030 which include establishing fully functional solid waste management systems in 5 municipalities and special economic zones by 2012 (including the relocation of Dandora dumpsite in Nairobi by 2012) have not been achieved 10 years down the line. The problem of solid waste continues to grow and is becoming unmanageable especially in key towns including Nairobi, Kisumu and Mombasa. With most of the solid waste finding its way into our rivers, they have become terribly polluted with industries and settlements discharges, the worst affected

being Nairobi River.

The lack of a policy denies the country policy guidance on this issue particularly with the advent of the devolved governments.

Policy framework for the achievement of this target is therefore considered inadequate.

**Target 12.6** Encourage companies, especially large and transnational companies, to adopt sustainable practices and to integrate sustainability information into their reporting cycle

**Indicator 12.6.1** Number of companies publishing sustainability reports

Though implied under the Constitution 2010 and the Vision 2030 there are no specific Kenyan policies identified supporting this target.

### Indicators and targets

The data on the target does not exist according to KNBS.

There are no related Kenyan policy targets.

### Comment on adequacy

Policy support for this target is very inadequate.

**Target 12.7** Promote public procurement practices that are sustainable, in accordance with national policies and priorities

**Indicator 12.7.1** Number of countries implementing sustainable public procurement policies and action plans

### Relevant policies

Policy support for this target is implied under the Constitution 2010 and Kenya Vision 2030

and specifically addressed under the Public Procurement and Asset Disposal Act No 33 of 2015.

**Public Procurement and Asset Disposal Act (PPDA) No 33 of 2015:** Article 3 provides that public procurement and asset disposal by State organs and public entities shall be guided by values and principles of the Constitution and relevant legislation and include: promotion of local industry, sustainable development and protection of the environment.

### Comment on adequacy

Although specifically by the PPDA of 2015 it needs to be supported by appropriate policies and enforceable regulations and properly monitored through government's performance management frameworks.

Policy support for this target is therefore considered very inadequate.

**Target 12.8** By 2030, ensure that people everywhere have the relevant information and awareness for sustainable development and lifestyles in harmony with nature

**Indicator 12.8.1** Extent to which (i) global citizenship education and (ii) education for sustainable development (including climate change education) are mainstreamed in (a) national education policies; (b) curricula; (c) teacher education; and (d) student assessment

**Global citizenship education (GCED)** refers to the enhancement of a sense of belonging and respect for diversity to promote a sense of citizenship at community, national and global level. The main components of GCED include human rights, citizenship, international relations, peace initiatives, conflict resolution, democracy, and environmental education.

**Peace Education** refers to the process of promoting the knowledge, skills, attitudes and values needed to bring about behavior changes that will enable children, youth and adults to prevent conflict and violence, both overt and structural and to resolve conflict peacefully; and create the conditions conducive to peace, whether at an intrapersonal, interpersonal, intergroup, national or international level<sup>116</sup>.

**Sustainable Lifestyles and Education (SLE)** promotes sustainable resource use and education for sustainable lifestyles. It is globally guided by the 10 Year Framework (10YFP) Programme on Sustainable Lifestyles and Education which was launched at the UNESCO World Conference on Education for Sustainable Development in Nagoya, Japan on 11 November 2014.

### Relevant policies

Support for this target is implied in the Constitution 2010 and the Kenya Vision 2030 and specifically addressed in the Education for Sustainable Development Policy for the Education Sector, 2017.

**Constitution 2010:** has a number of provisions which support sustainable development. Article 10 of the Constitution describes sustainable development as a national value. Article 42 states the right of every Kenyan to a clean and healthy environment; makes it an obligation for the government and the citizens to protect the Environment. Article 69 of the constitution emphasizes the need for sustainable exploitation, utilization, management and conservation of the environment and natural resources.

**The Vision 2030** provides a convergence point between education and sustainable development. It has, as a key goal, the attainment of status of a 'nation living in a clean, secure and sustainable environment' driven by the principles of SD; Its focus is on four strategic thrusts,

<sup>116</sup> - UNICEF 1999

namely; conservation of natural resources, pollution and waste management; ASALs and high-risk disaster zones and environmental planning and governance.

**Education for Sustainable Development (ESD) Policy for the Education Sector, 2017:** Kenya recognises ESD as an integral element of quality education and a key enabler for sustainable development. The Policy vision is “A globally competitive transformative education, training, research and innovation for Kenya’s sustainable development.” The mission is “To provide, promote and co-ordinate quality lifelong education, training, research and innovation for Kenya’s sustainable development.” Policy goal is “A transformed society where education and learning accelerates progress towards sustainable development.”

Policy objective include “to re-orient education and learning towards sustainable development. Specific objectives include: Strengthen policy development and integration of ESD at all levels of education and government; Transform learning and training environments in formal, non-formal and informal education and learning settings for SD; Strengthen the capacity of educators, trainers and other change agents to become learning facilitators for ESD; Recognize the role and capacity of youth as change agents towards a better society; Integrate ESD programmes and perspectives into the planning and decision-making processes of the local community; To monitor and evaluate progress in implementing ESD within the education sector and beyond.

The ESD policy shall be applicable to all levels of education and training. It shall include all programmes and activities in teaching, learning, training, research and innovation at all levels of education.

The Ministry of Education (MoE) established a national ESD coordination desk in 2012 and collaborates with the Ministry of Environment

and Natural Resources and the National Environment Management Authority (NEMA) to promote ESD activities. A national steering committee comprising of representatives from government, civil society organizations and the private sector has been spearheading the process of ESD implementation. ESD has also been entrenched in the 2013-2018 National Education Sector Plan (NESP).

### **Related goals and targets**

This target reinforces targets under Goals 13, 14 and 15.

### **Indicators and targets**

There is no data on the indicator for this target according to KNBS. However, it is not difficult for the Ministry in charge of education to determine progress.

The ESD policy is to incorporate ESD at all levels of education in the country.

### **Comment on adequacy**

This target is very well articulated in the ESD Policy of 2017. The policy was put in place at the time the curriculum was changing which provided a very good opportunity to integrated ESD into the new curriculum.

**12.a** Support developing countries to strengthen their scientific and technological capacity to move towards more sustainable patterns of consumption and production

**12.a.1** Amount of support to developing countries on research and development for sustainable consumption and production and environmentally sound technologies

This target is relevant for development partners including global development agencies

**12.b** Develop and implement tools to monitor sustainable development impacts for sustainable tourism that creates jobs and promotes local culture and products

**12.b.1** Number of sustainable tourism strategies or policies and implemented action plans with agreed monitoring and evaluation tools

### Relevant policies

Support for this target is implied in the Constitution 2010 and Kenya Vision 2030. It is also addressed under the Sessional Paper No. 1 of 2010 on Enhancing Sustainable Tourism in Kenya and the Tourism Act, 2011.

**Sessional Paper No. 1 of 2010 on Enhancing Sustainable Tourism in Kenya** goal is “to achieve sustainable tourism that contributes to a better quality of life for all people”. Policy objectives include: provide a framework for integration of tourism sector considerations into the various sectoral policies and national development planning as well as decision making processes; strengthen the legal and institutional framework for effective coordination and management of the tourism sector; ensure adoption of sustainable tourism that enhances economic development, environmental sustainability and social justice; promote and support the provision of incentives and other economic instruments that enhance investment in the sector; and promote and enhance collaboration, cooperation, synergy, partnerships and participation in the tourism sector by all the stakeholders.

**Tourism Act, 2011** provides for the development, management, marketing and regulation of sustainable tourism and tourism-related activities and services. In particular, it provides for: the formulation of a national tourism

strategy every 5 years for the development, management, marketing and regulation of a sustainable tourism sector; and prescribe the relevant principles, objectives, standards, indicators, procedures and incentives; and institutional framework for the sector.

### Related goals and targets

This target is related to Target 8.9 on the development of sustainable tourism.

### Indicators and targets

There is no data on indicators for this target.

Though the policy exists, there are no policy target specifically addressing this target.

### Comment on adequacy

The Sessional Paper No 1 of 2010 on Enhancing Sustainable Tourism in Kenya Policy and the Tourism Act, 2011 addresses this target. The Constitution 2010, Vision 2030 and other environmental policies and laws addresses the issue of a clean and sustainable environment and sustainable use of natural resources.

However, both the Tourism Policy nor Act provides specifically addresses developing and implementing tools for monitoring, and no data exists for this purpose. The policy support is therefore considered inadequate.

**12.c** Rationalize inefficient fossil-fuel subsidies that encourage wasteful consumption by removing market distortions, in accordance with national circumstances, including by restructuring taxation and phasing out those harmful subsidies, where they exist, to reflect their environmental impacts, taking fully into account the specific needs and conditions of developing countries and minimizing the possible adverse impacts on their development in a manner that protects the poor and the affected communities



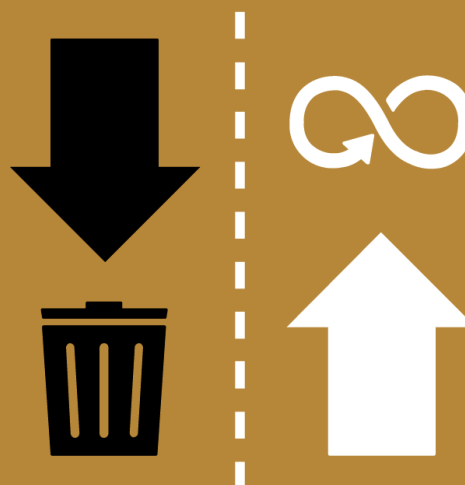
– N/A?

**12.c.1** Amount of fossil-fuel subsidies per unit of GDP (production and consumption) and as a proportion of total national expenditure on fossil fuels –

This target does not seem applicable to Kenya.

## TARGET 12-C

**12** RESPONSIBLE  
CONSUMPTION  
AND PRODUCTION



**REMOVE MARKET DISTORTIONS  
THAT ENCOURAGE WASTEFUL CONSUMPTION**



The Kenya National Forest Programme aims to increase forest cover in the country.



## TAKE URGENT ACTION TO COMBAT CLIMATE CHANGE AND ITS IMPACTS

### Goal 13. Take urgent action to combat climate change and its impacts

There is no country in the world that is not experiencing first-hand the drastic effects of climate change. Greenhouse gas emissions continue to rise, and are now more than 50 percent higher than their 1990 level. Further, global warming is causing long-lasting changes to our climate system, which threatens irreversible consequences if we do not take action now. People are experiencing the significant impacts of climate change, which include changing weather patterns, rising sea level, and more extreme weather events. The poorest and most vulnerable people are being affected the most<sup>117</sup>.

But climate change is a global challenge that does not respect national borders. Emissions anywhere affect people everywhere. It is an issue that requires solutions that need to be coordinated at the international level and it requires international cooperation to help developing countries move toward a low-carbon economy. To address climate change, countries adopted the Paris Agreement at the COP21 Paris on December 12, 2015. The Agreement entered into force shortly thereafter, on November 4, 2016. In the agreement, all countries agreed to work to limit global temperature rise to well below 2 degrees Celsius, and given the grave risks, to strive for 1.5 degrees Celsius<sup>118</sup>.

Kenya's policy framework is elaborate on this issue. Vision 2030 recognizes that the Kenyan economy is based on sectors that are highly susceptible to the impact of climate change

while the Constitution 2010 provides a good foundation for addressing the issue. Climate change is recognized as a major challenge in the Third MTP. The proportion of Kenya's agriculture that is rain fed is 98 percent making it highly susceptible to climate change and variability. Considering the impact of the sector on the national economy, this presents a risk to of the sector's contribution to the attainment of Kenya Vision 2030 targets<sup>119</sup>.

**Target 13.1** Strengthen resilience and adaptive capacity to climate-related hazards and natural disasters in all countries

**Indicator 13.1.1** Number of countries with national and local disaster risk reduction strategies

**Indicator 13.1.2** Number of deaths, missing persons and persons affected by disaster per 100,000 people

**Target 13.2** Integrate climate change measures into national policies, strategies and planning

**Indicator 13.2.1** Number of countries that have communicated the establishment or operationalization of an integrated policy/strategy/plan which increases their ability to adapt to the adverse impacts of climate change, and foster climate resilience and low greenhouse gas emissions development in a manner that does not threaten

<sup>117</sup> - <http://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-13-climate-action.html>

<sup>118</sup> - <https://www.un.org/sustainabledevelopment/climate-change-2/>

<sup>119</sup> - National Climate Smart Agriculture 2017 - 2026

food production (including a national adaptation plan, nationally determined contribution, national communication, biennial update report or other) (may be possible to know for Kenya but the indicator needs global reporting?)

## Relevant policies

The legal and policy framework that addresses the two targets include the Constitution 2010, Kenya Vision 2030 / Third MTP (including Ending Drought Emergencies), National climate change response strategy of April 2010, Kenya National Adaptation Plan 2015-2030 of July 2016, Climate Change No 11 of 2016, the five year National Climate Change Action Plans, Kenya's Intended Nationally Determined Contribution of July 2015, Kenya Climate –Smart Agriculture Strategy 2017 – 2026, the UN Framework Convention on Climate Change, adopted on June 5, 1992 and the Paris Agreement of December of 2015; NDMA Act No 4 of 2016, and the National Disaster Management Unit (NDMU). These are discussed below.

**Constitution 2010** provisions with a direct bearing on climate change include Chapter 4 – Bills of Rights. Article 42 provides that “Every person has the right to a clean and healthy environment; (a) the right to have the environment protected for the benefit of present and future generations; right to have all obligations pertaining to the environment fulfilled”. Chapter 5 - Land and Environment Article 69 obligates the state to ensure sustainable exploitation, utilization, management and conservation of the environment and natural resources, and ensure the equitable sharing of the accruing benefits; work to achieve and maintain a tree cover of at least 10 percent of the land area of Kenya; and eliminate processes and activities that are

likely to endanger the environment. It obligates every person to cooperate with State organs and other persons to protect and conserve the environment and ensure ecologically sustainable development and use of natural resources. Article 70 provides for the enforcement of environmental rights under the constitution.

**Kenya Vision 2030** aims to create “a globally-competitive and prosperous country with a high quality of life by 2030”. It aims to transform Kenya into “a newly industrializing, middle income country providing a high quality of life to all its citizens in a clean and secure environment”. Under the Social Pillar on Environment, “Kenya aims to be a nation with a clean, secure and sustainable environment by 2030. This will be achieved through: promoting environmental conservation; improving the management of pollution and waste; improved efficiency in water and sanitation delivery; enhancing disaster preparedness in all disaster-prone areas and improving the capacity for adaptation to global climate change.

**The Third MTP sector plan** on environment water and sanitation focuses on environment and natural resources conservation and management, including forests, wildlife resources, water catchments, water and trans-boundary water resources, wetlands, green economy, waste management, sanitation, pollution control and irrigation. Flagships projects include waste management and pollution control; strengthening of environmental governance; modernization of met services; advertent weather modification programme; rehabilitation of urban rivers; forest conservation and management (increasing forest cover); rehabilitation and protection of water towers; forestry research and development; and wildlife conservation and management. Other programmes and projects under green energy are total ban on plastic bags, trans-boundary waters, land reclamation, conservation, and rehabilitation of wetlands.



**Ending Drought Emergencies (EDE)** is now one of the foundations of Vision 2030 since the Second MTP. Under this policy, the Government of Kenya has made a commitment to end the worst of the suffering caused by drought by 2022. The EDE is a new approach that recognises that droughts cause emergencies because the foundations needed to support sustainable livelihoods in drought-prone areas are principally security, infrastructure and human capital (education, health and nutrition) and are often weak. This weakness is due to historical imbalances in investment, which are recognised by the Constitution and one of the drivers of devolution. The EDE initiative will accelerate investment in these development foundations as well as strengthen the institutions responsible for managing drought risks. It is being implemented through a Common Program Framework (CPF) that will ensure stronger alignment and coordination of investment and activity between the national government, county governments and development partners.

**Climate Change No 11 of 2016** provides for a regulatory framework for enhanced response to climate change and mechanisms and measures to achieve low carbon climate development. Article 3 provides for the development, management, implementation and regulation of mechanisms to enhance climate change resilience and low carbon development in all sectors of the economy. It obligates the national and county governments to mainstream climate change responses into development planning, decision making and implementation; build resilience and enhance adaptive capacity to the impacts of climate change; formulate programmes and plans to enhance the resilience and adaptive capacity of human and ecological systems to the impacts of climate change; mainstream and reinforce climate change disaster risk reduction into strategies and actions of public and private entities; mainstream intergenerational and

gender equality in all aspects of climate change responses; provide incentives and obligations for private sector contribution in achieving low carbon climate resilient development; promote low carbon technologies, improve efficiency and reduce emissions intensity by facilitating approaches and uptake of technologies that support low carbon, and climate resilient development; facilitate capacity development for public participation in climate change responses through awareness creation, consultation, representation and access to information; mobilize and transparently manage public and other financial resources for climate change response; provide mechanisms for, and facilitate climate change research and development, training and capacity building; mainstream the principle of sustainable development into the planning for and decision making on climate change response; and integrate climate change into the functions of all levels of governance, and to enhance cooperative climate change governance between the national government and county governments.

Article 23 provides for the enforcement of environmental rights with the same provisions as in the Constitution 2010.

**National Climate Change Response Strategy (NCCRS) April 2010:** The purpose of the strategy is to put in place robust measures needed to address most, if not all, of the challenges posed by climate variability and change. It is the first document addressing climate change and is a key climate change agenda guide for Kenya. It provides guidance to inform climate change programmes, activities and policies. Its strategic focus is to ensure that adaptation and mitigation measures are integrated in all government planning and development objectives. Its vision is for a “prosperous and climate change resilient Kenya”. Its mission is “to strengthen and focus country wide efforts towards climate change



adaptation and GHG emission mitigation". Its objectives include: enhancing understanding of the global climate change regime; assessing the evidence and impact of climate change in Kenya; recommending robust adaptation and mitigation measures to minimize risks while maximizing opportunities; enhancing understanding of climate change and its impacts; recommending vulnerability assessment, impact monitoring and capacity building framework needs as a response to climate change; recommending research and technological needs to respond to climate change impacts; recommending policy, legal and institutional framework; and formulating action plans with resource mobilization plan and monitoring and evaluation plans to combat climate change.

**Kenya National Adaptation Plan (NAP) 2015-2030 July 2016:** The theme of the Plan is "Enhanced climate resilience towards the attainment of Vision 2030 and beyond". The Plan recognises that "Kenya's economy is highly dependent on natural resources and that recurring droughts, erratic rainfall patterns and floods will continue to negatively impact livelihoods and community assets". Objectives include to: highlight the importance of adaptation and resilience building actions in development; integrate climate change adaptation into national and county development planning and budgeting processes; enhance the resilience of Vision 2030 to climate shocks; enhance synergies between adaptation and mitigation actions in order to attain a low carbon climate resilient economy; and enhance resilience of vulnerable populations to climate shocks through adaptation and DRR strategies. It spells out adaptation actions, costs and other information by sector.

**National Climate Change Action Plans.** The first one covers the period 2013-2017. The next one for the period 2018 to 2022 is in the process of formulation. It is a legal requirement

under the Climate Change Act for the relevant Cabinet Secretary to formulate five-year action plans for climate change. It provides a low carbon, climate resilient development pathway; recommendations for an enabling policy and regulatory framework; adaptation analysis and priority actions; mitigation options; considerations for technology requirements; a national performance and benefit measurement (NPBM) system; recommendations for knowledge management and capacity development; and a climate change financial mechanism.

**Kenya's Intended Nationally Determined Contribution (INDC) July 2015:** In response to decisions adopted at the 19<sup>th</sup> and 20<sup>th</sup> sessions of the UN Framework Convention on Climate change (UNFCCC) that invited parties to communicate to the secretariat their INDCs towards achieving objective set out in the Article 2 of the framework. Kenya GHG emissions are relatively low with 75 percent from land use, land use change and forestry. Kenya's INDC submission in July 2015 includes both mitigation and adaptation measures and GHG emissions targets for the period up to 2030.

**Kenya Climate -Smart Agriculture Strategy (CSAS) 2017 - 2026)** is an approach that helps guide actions needed to transform and reorient agricultural systems to effectively support development and ensure food security in a changing climate. Its broad objective is to adapt to climate change, build resilience of agricultural systems while minimizing GHG emissions for enhanced food security and improved livelihoods. Specific objectives include: sustainably increase agricultural productivity and incomes; adapting and building resilience to climate change; and reducing and / or removing GHG emissions where possible. Broad strategic areas include: adaptation and building resilience by addressing vulnerability; mitigation of GHG emissions;

enabling policy, legal and institutional framework for effective implementation of CSA; and minimizing effects of underlying cross cutting issues of human resources and finance. CSAS is to be implemented mainly by the county governments. The Strategy is a tool to implement Kenya's INDC requiring domestic and international support.

**National Drought Management Authority (NDMA) Act No 4 of 2016** established the NDMA which is a public body with the mandate to exercise overall coordination over all matters relating to drought management including implementation of policies and programmes relating to drought management. The NDMA provides a platform for long-term planning and action, as well as a mechanism for solid coordination across Government and with all other stakeholders. The Authority has established offices in 23 ASAL counties considered vulnerable to drought. Before establishment of the NDMA, there were short-term, (mainly donor supported) project-based interventions being carried out at a time when drought periods were becoming increasingly frequent and intense, directly affecting the household food security and livelihoods of more than 10m people. The government therefore recognised the need to strengthen the sustainability and quality of drought management in Kenya by establishing the NDMA. The Act also establishes the institutional framework at national and county levels; and the National Drought Emergency Fund (NDEF) managed by NDMA to provide a common basket emergency fund to facilitate timely response and capacity building.

**National Disaster Management Unit (NDMU):** Whenever Kenya experienced hazardous and emergency events with loss of lives, displacement of people and property destruction; there lacked proper leadership, coordination, command and control and it was unable to respond appropriately to minimize their impacts. The President directed the establishment of NDMU

as an inter-agency unit disaster management unit led by the National Police Service in August 2013. Its mission was to effectively prepare for and respond to disasters and emergencies, manage recovery and mitigation efforts in Kenya in collaboration with other stakeholders in order to save lives, minimize loss of property and to protect the environment. Its mandate was to provide leadership, coordination, command, and control, before, during, and after emergencies and disasters in the country while collaborating with stakeholders. The main objective: To administer a comprehensive Emergency/Disaster programs in collaboration with stakeholders in order to save lives, protect property and safeguard developmental gains.

**International protocols that Kenya is a signatory** include the UN Framework Convention on Climate Change (UNFCCC), adopted on June 5, 1992; and the Paris Agreement in which parties to the UNFCCC reached a landmark agreement on December 12, 2015 to combat climate change and to accelerate and intensify the actions and investments needed for a sustainable low carbon future.

### Indicators and targets

Data on the two indicators for Target 13.1 are available according to KNBS. However, data on the indicator for Target 13.2 are not available.

Kenya policy target under Kenya Vision 2030 / Third MTP / EDE is to end drought emergencies (EDEs) by 2022.

### Related goals and targets

This target is related to Goal 1, on ending poverty, and in particular Target 1.5, on building the resilience of the poor and those in vulnerable situations and reduce their vulnerability to climate related extreme events.<sup>120</sup> It is also related to Goal 2, on ending hunger and in particular Target 2.4, on ensuring sustainable food production systems and implement

resilient agricultural practice that strengthen their capacity for adaptation to climate change; and Goal 11 inclusive, safe and resilient human settlements and in particular Target 11.5, on significantly reducing the impact caused by disasters, including water-related disasters, with a focus on protecting the poor and people in vulnerable situations.

### Comment on adequacy

The two targets are very well covered by Kenyan policy framework.

**Target 13.3** Improve education, awareness-raising and human and institutional capacity on climate change mitigation, adaptation, impact reduction and early warning

**Indicator 13.3.1** Number of countries that have integrated mitigation, adaptation, impact reduction and early warning into primary, secondary and tertiary curricula

**Indicator 13.3.2** Number of countries that have communicated the strengthening of institutional, systemic and individual capacity-building to implement adaptation, mitigation and technology transfer, and development actions

### Relevant policies

This target calls for integration of climate training into curricula at all levels of education (see page 212 under Target 12.8).

The institutional capacity is well articulated in the policies discussed under Targets 13.1 and 13.2 above.

### Related goals and targets

This target is closely related to Target 12.8,

on ensuring that people everywhere have the relevant information and awareness for sustainable development and lifestyles in harmony with nature; and Target 4.7, on ensuring that all learners acquire the knowledge and skills needed to promote sustainable development.

### Indicators and targets

Data on the two indicators are not available according to KNBS.

No Kenyan policy targets identified.

### Comment on adequacy

This target is adequately covered by Kenyan policies. Education for Sustainable Development (ESD) policy covers the integration of sustainable development in the education system and provides a critical opportunity for the government to integrate these as it implements the new curriculum. Awareness creation and institutional capacity is well covered under the policies discussed above.

However, capacity building and awareness creation appears weak, but may be less to do with lack of policy and more to do with government focus and priorities.

**Target 13.a** Implement the commitment undertaken by developed-country parties to the United Nations Framework Convention on Climate Change to a goal of mobilizing jointly \$100 billion annually by 2020 from all sources to address the needs of developing countries in the context of meaningful mitigation actions and transparency on implementation and fully operationalize the Green Climate Fund through its capitalization as soon as possible. N/A

**Indicator 13.a.1** Mobilized amount of United States dollars per year starting in 2020 accountable towards the \$100 billion commitment

**Target 13.b** Promote mechanisms for raising capacity for effective climate change-related planning and management in least developed countries and Small Island developing States, including focusing on women, youth and local and marginalized communities N/A

**Indicator 13.b.1** Number of least developed countries and small island developing States that are receiving specialized support, and amount of support, including finance, technology and capacity-building, for mechanisms for raising capacities for effective climate change-related planning and management, including focusing on women, youth and local and marginalized communities N/A

The two indicators are relevant to development partners including global development agencies

Disaster Risk Reduction: Overall recommendations

appropriate measures in this area. However, the area that is being properly addressed is drought emergencies (under the Ending Drought Emergencies programme) that is part of an IGAD initiative. It has the policy, legal and institutional framework; infrastructure and coordinated programs that are bearing fruit. Although 2017 had serious drought, no significant drought related emergencies were reported. The improved early warning and coordinated response including the involvement of county governments made all the difference. However, the country does not have strong mechanisms to deal with other types of emergencies (e.g. floods), the response is reactive and inadequate and so is the policy, legal and institutional infrastructure.

It is recommended that policy, legal and institutional framework and infrastructure should be put in place to deal with other disasters caused by floods, fires and other causes other than droughts. The focus on drought is a good example that should be emulated in strengthening the capacity of the country to cope with other types of disasters. The framework and infrastructure should be at national and county levels.

### Disaster Risk Reduction: Overall recommendations

Disaster Risk Reduction (DRR) and Disaster Risk Management (DRM) (targets 1.5, 11.b, and 13.1): The country is a signatory to the Sendai Framework and is well placed to implement





The National Oceans and Fisheries Policy 2008 provides for research in all aspects of fisheries.





## CONSERVE AND SUSTAINABLY USE THE OCEANS, SEAS AND MARINE RESOURCES FOR SUSTAINABLE DEVELOPMENT

### Goal 14. Conserve and sustainably use the oceans, seas and marine resources for sustainable development

Oceans cover 71% of the earth's surface, contain 97 per cent of the Earth's water, and represent 99 per cent of the living space on the planet by volume. The world's oceans – their temperature, chemistry, currents and life – drive global systems that make the Earth habitable for humankind. Our rainwater, drinking water, weather, climate, coastlines, much of our food, and even the oxygen in the air we breathe, are all ultimately provided and regulated by the sea. Globally, over 3 billion people depend on marine and coastal biodiversity for their livelihoods and the market value of marine and coastal resources and industries is estimated at \$3 trillion per year or about 5 percent of global GDP. Oceans serve as the world's largest source of protein, with more than 3 billion people depending on the oceans as their primary source of protein.

However, by 2015, 30 percent of the world's fish stocks had been overexploited, reaching below the level at which they can produce sustainable yields. As much as 40 per cent of the world oceans are heavily affected by human activities, including pollution, depleted fisheries, and loss of coastal habitats.

How we manage this vital resource is essential for humanity as a whole, and to counter balance the effects of climate change<sup>121</sup>.

The SDGs aim to sustainably manage and protect marine and coastal ecosystems from pollution, as well as address the impacts of ocean acidification. Enhancing conservation and the sustainable use of ocean-based resources

through international law will also help mitigate some of the challenges facing our oceans<sup>122</sup>.

#### Relevant policies

The legal framework and policies that support the achievement of the targets under this goal include the Constitution 2010, Kenya Vision 2030 / Third MTP / Blue Economy Sector, Integrated Coastal Zone Management policy 2015, National Oceans and Fisheries Policy 2008; Environment Management and Coordination Act, 1999, Treaty for the Establishment of the East African Community Act, Regional Development Authorities Policy, Physical Planning Act 1996, The Inter-Governmental Relations Act 2012, and the Land Act 2012.

The Constitution of Kenya 2010 guarantees the right to a clean and healthy environment and obliges the state to ensure sustainable exploitation, utilization, management and conservation of the environment and its natural resources. The principle of sustainable development has been entrenched in the Constitution under Article 10 as one of the national values and principles of governance. The Constitution prescribes the achievement of sustainable development, balancing between economic development objectives and environmental objectives is required so as to meet the needs of the present without compromising the ability of future generations to meet their own needs. Article 42 provides that every person has the right to a clean and healthy environment, which includes the right to have the environment protected for the benefit of present and future generations and to have obligations relating to the environment

<sup>121</sup> - <https://www.un.org/sustainabledevelopment/oceans/>

<sup>122</sup> - <http://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-14-life-below-water.html>

fulfilled under Article 70. In order to have the environment protected for the benefit of present and future generations, the constitution has called for development of appropriate legislative frameworks and imposes obligations on the state and the public as outlined in Article 69.

**Kenya Vision 2030 / Third MTP / Blue Economy Sector Plan:** Blue economy is now part of Kenya Vision 2030 through its introduction in the Third MTP. Priority will be given to the implementation of the Fisheries Management and Development Act 2016. This includes the establishment and operationalization of: the Kenya Fisheries Service, Kenya Fish Marketing Authority; Kenya Fisheries Advisory Council, Fish Levy Trust Fund, Kenya Fisheries Research and Development Fund; Monitoring, Control and Surveillance Unit; and the Inter-Agency MCS Unit.

**Fisheries Management and Development Act No 35 of 2016** provides for the conservation, management and development of fisheries and other aquatic resources to enhance the livelihood of communities dependent on fishing. The objective is to protect, manage, use and develop the aquatic resources in a manner which is consistent with ecologically sustainable development, to uplift the living standards of the fishing communities and to introduce fishing to traditionally non-fishing communities and to enhance food security. The first guiding principle is "long-term sustainable use, conservation and management of fisheries resources and habitat, and adoption and implementation of management measures in such a manner as to ensure that the fisheries resources and habitat are not overexploited, threatened or endangered" and conservation and protection of fisheries habitats; and ensuring that biodiversity and genetic diversity in the marine environment is maintained and enhanced. The Act provides for the institutional infrastructure including the establishment of the Kenya Fisheries Service.

**Integrated Coastal Zone Management (ICZM) policy 2015** aims to promote conservation and integrated management of coastal and marine environment. The policy was adopted by Parliament on 3rd December 2015 and is now operational. It is a culmination of a highly consultative and participatory process that was led by the National Environment Management Authority (NEMA) over the last five years. It provides a framework for sound management of the coastal zone and associated resources through inter-sectoral coordination and integration of environmental consideration into socio-economic planning and implementation at all levels<sup>123</sup>. Its vision is "A coastal zone with healthy ecosystems and resources that sustain the socio-economic development and well-being of the current and future generations." The mission is "To conserve the coastal and marine environment and ensure that its resources are utilized in a sustainable manner for the benefit of coastal communities, the national economy and as a common heritage. The overall policy objective is "to guide the management and utilization of coastal and marine environment and its resources to ensure sustainable livelihoods and development. The policy specifically seeks to: i) Promote integrated planning and coordination of coastal developments across the various sectors; ii) Promote sustainable economic development to secure livelihoods of coastal communities; iii) Conserve the coastal and marine resources and environment for sustainable development; iv) Manage environmental risks associated with changes in shoreline and climate; v) Develop capacity in research and education and enhance stakeholder awareness and participation in sustainable resource management; and vi) Establish effective institutional and legal frameworks for implementation of the policy.

**The Environment Management and Coordination Act, 1999** is an Act of Parliament establishing a legal and institutional framework for the management of the environment. Specific

<sup>123</sup> - <http://web.unep.org/naibconvention/kenya-adopts-iczm-policy>

provisions contributing to the achievement of this goal include: Article 42 (2) which empowers the Cabinet Secretary responsible for environment to declare a lake shore, wetland, coastal zone or river bank to be a protected area and to impose such restrictions as he considers necessary to protect the same. Article 42(3) further empowers the Cabinet Secretary to issue general and specific orders, regulations or standards for the management of river banks, lake shores, wetlands or coastal zones. Article 54(1): The Cabinet Secretary may, in consultation with the relevant lead agencies, by notice in The Gazette, declare any area of land, sea, lake or river to be a protected natural environment for the purpose of promoting and preserving specific ecological processes, natural environment systems, natural beauty or species of indigenous wildlife or the preservation of biological diversity in general. (2) Without prejudice to subsection (1), the Authority may, in consultation with the relevant lead agencies, issue guidelines and prescribe measures for the management and protection of any area of environmental significance declared to be a protected natural environment area under this section.

Article 55 has extensive provisions for the protection of coastal and marine ecosystems. These include: (1) empowers the Cabinet Secretary to declare an area to be a protected Coastal Zone; (2) and (3) mandates NEMA to prepare a survey of the coastal zone and thereafter develop an integrated national coastal zone management plan every two years based on the survey report. (4) requires that the management plan shall, amongst other things, include an inventory of the state of the coral reefs, mangroves and marshes found within the coastal zone, an inventory of all areas within the coastal zone of scenic value or of value for recreational and cultural purposes, an estimate of the extent, nature, cause and sources of coastal pollution and degradation, an estimate of fresh water resources available in the coastal

zone and inventory of all structures, roads, excavations, harbours, outfalls, dumping sites and other works located in the coastal zone.

(5) Any person who releases or causes to be released into the coastal zone any polluting or hazardous substances contrary to the provisions of this Act shall be guilty of an offence and liable upon conviction to a fine of not less than one million shillings or to imprisonment for a period not exceeding two years or to both such fine and imprisonment. (6) The Cabinet Secretary shall, in consultation with the relevant lead agencies, issue appropriate regulations to prevent, reduce and control pollution or other form of environmental damage in the coastal zone. (7) Notwithstanding the generality of subsection (6) of this section, the regulations made thereunder shall provide for the control and prevention of pollution – (a) of the marine environment from land based sources including rivers, estuaries, pipelines and outfall structures; (b) from vessels, aircrafts and other engines used in the coastal zone; (c) from installations and devices used in the exploration or exploitation of the natural resources of the seabed and subsoil of the exclusive economic zone; and (d) of the marine environment arising from or in connection with seabed activities and from artificial islands installations and other structures in the exclusive economic zone.

[National Oceans and Fisheries Policy 2008](#). The overall objective is “to enhance the fisheries sector’s contribution to wealth creation, increased employment for youth and women, food security, and revenue generation through effective private, public and community partnerships”. The primary goal of the fisheries sector is to ensure increased and sustainable fish production and utilization by properly managing the ocean and other Kenya fishery waters. This policy focuses on the promotion, implementation and monitoring of sustainable management and responsible fishing practices. Guiding

principles of the policy include Sustainability and environmental integrity.

The policy seeks to address, among other issues, unsustainable utilization of fisheries resources, resource use conflicts, inadequate infrastructure, and lack of a comprehensive legal and institutional framework for effective fisheries management. The policy further recognizes the inter-jurisdictional aspects of marine fisheries and has called for collaboration and cooperation in the management of migratory/shared stocks. A coordinating role of the Integrated Coastal Zone management (ICZM) policy vis á vis the Oceans and Fisheries policy will create synergy in coastal resource management.

**National Land Policy 2018** recognizes the coastal zone as fragile, where guidelines for its use and management need to be formulated. It has also recognized that existing legal organization of the agrarian sector does not provide a rational framework for environmentally sound decisions. Considering the impact of land use on the coastal and marine environment, there is need to mainstream ICZM principles in the implementation of the Land Policy.

**The Physical Planning Act of 1996** provides for the preparation and implementation of physical development plans and for connected purposes. Articles 4 and 5 of this Act provides that development should be in harmony with environmental considerations, and the Director of Physical Planning has powers to declare special planning areas that could conceivably apply, inter alia, to the unique coastal ecosystems on land areas owned by government, held in trust by County Governments or private within the area of the authority of a city, municipal, town, or urban council or with reference to any trading or market centre.

**Treaty for the Establishment of the East African Community Act:** Article 8 of this Act provides

that the Acts of Parliament of the East African Legislative Assembly (EALA) shall be part of Kenyan law upon gazettment. EALA passed the East African Community Trans-Boundary Ecosystems Management Bill 2010, in January 2012; and the East African Community Tourism and Wildlife Management Bill, 2008 in February 2010 which guide the partner states in developing laws, policies, standards and guidelines for management of the region's Coastal Zone.

**Regional Development Authorities (RDA) Policy:** The overall goal of the policy is to achieve equitable and balanced national socio-economic development through the promotion of sustainable economic utilization of natural resources and the promotion of resource based investments in the regions. The Policy has a direct bearing on streamlining and strengthening the roles and functions of Coast Development Authority (CDA) and Tana River Development Authority (TARDA) in coastal zone development and management. Noting, that the goals and principles of the ICZM and RDA policies have a lot in common, the CDA and TARDA are in an enviable position where they can play a significant role in the implementation of the ICZM Policy.

**Target 14.1** By 2025, prevent and significantly reduce marine pollution of all kinds, in particular from land-based activities, including marine debris and nutrient pollution

**Indicator 14.1.1** Index of coastal eutrophication and floating plastic debris density

### Relevant policies

Kenya has the policy and institutional framework to support the achievement of the above target. Particular provisions are discussed under the various policies and legal instruments below.

[Integrated Coastal Zone Management \(ICZM\) policy 2015](#). Objective iii) of this Policy is to conserve the coastal and marine resources and environment for sustainable development. Specifically, Section 4.3.5 Pollution control and waste management practices states that policy interventions are necessary to empower County governments adopt innovative ways to effectively manage both municipal wastewater and solid waste to mitigate environmental pollution. The Policy Statement: To improve the management of municipal wastewater and solid waste, the Government shall; i) Empower County governments to effectively manage urban waste; ii) Promote public-private sector-partnership in waste management; iii) Promote public awareness on good waste management practices to ensure a clean and healthy environment; iv) Enforce the EMCA (Waste Management and Water Quality) Regulations 2006; v) Develop and implement pollution prevention and control guidelines for the coastal zone; vi) Strengthen County governments to enforce by-laws regulating municipal waste management; vii) Implement the oil spill contingency plan; ix) Enforce of the Merchant Shipping Act, 2009 (Pollution Control Regulations).

[The Environment Management and Coordination Act, 1999 \(EMCA\) Revised 2015](#): (See Article 55 on the protection of coastal zone discussed above).

[Merchant Shipping Act of 2009](#) provides for the prevention of collisions and pollution. It empowers the Cabinet Secretary to make regulations for the protection and preservation of the marine environment from pollution by matter from ships, taking cognizance of international maritime conventions and agreements of which Kenya is party to. These include, United Nations Convention on the Law of the sea (UNCLOS), 1982; International Convention for the Prevention of Pollution

from Ships (MARPOL), 1973 as modified by the Protocol of 1978 relating (as amended), the Intervention Convention (as amended), London Convention on the Prevention of Maritime Pollution by Dumping (LDC), 1972; Hazardous and Noxious Substance (HNS) Protocol (2000) and the International Convention on the Control of Harmful Anti-fouling System on Ships (AFS), 2001. Other relevant international conventions or agreements are: the Protocol Relating to Intervention on the High Seas in Cases of Marine Pollution by Substances Other than Oil, 1973; The International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990; The International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004. In respect of vessels operating in inland waters including near coastal voyages, make regulations to preserve the aquatic environment. The Director-General is empowered to, among other functions, take measures to protect the environment from pollution following a maritime casualty or acts relating to such casualty which may reasonably be expected to result in harmful consequences.

[Plastic bags ban – Gazette Notice No 2356 of 14/3/2017 \(under EMCA Cap 387\)](#). The use, manufacture and importation of all plastic bags used for commercial and household packaging was banned in Kenya in 2017. This has potential impact of significantly reducing plastic debris floating into rivers and oceans.

[KMA Act Cap 370](#). Article 5(f) of the KMA Act mandates KMA to, among other things, develop, co-ordinate and manage a national oil spill contingency plan for both coastal and inland waters and to discharge this obligation, KMA has been designated as the 'competent oil spill authority'.

Other statutes that prohibit marine pollution include: The Territorial Waters Act (Cap 371) - prohibits discharge of oil from ships; Public



Health Act (Cap 242) - has provisions for controlling air and water pollution; Factories Act (Cap 514) - prohibits discharges of dust, fumes or impurities to the environment without treatment; Mining Act (Cap 306) - prohibits release of poisonous substances into waterways; NEMA / EMCA - Environmental (Prevention of Pollution in Coastal Zone and other Segments of the Environment) Regulations, 2003.

Various regional and international protocols and conventions of which Kenya is a signatory – includes: The International Convention on Civil Liability for Oil Pollution Damage, adopted in Brussels in 1969 with Kenya ratifying in 1992; Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships (London 1978), with Kenya ratifying it in 1992; Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal, which Kenya ratified in 1989.

### Related goals and targets

This target is related to Goal 1 on ending poverty, Goal 8 on employment – the oceans are a source of livelihood to millions of people and has potential to contribute to the economy and employment. It is a major contributor to Goal 2 especially Targets 2.1 and 2.2 on food and nutrition security. It is also related to Goals 13 on climate action and 15 on life on land.

### Indicators and targets

Data on the SDG indicator for this target are not available according to KNBS,

There are no Kenyan policy targets identified.

### Comment on adequacy

The policy framework supporting the achievement of this target is adequate.

<sup>124</sup> - Head of Delegation Report for UN Conference to Support the Implementation of SDG 14, June 5th To 9th 2017, New York, USA

**Target 14.2.** By 2020, sustainably manage and protect marine and coastal ecosystems to avoid significant adverse impacts, including by strengthening their resilience, and take action for their restoration in order to achieve healthy and productive oceans

**Indicator 14.2.1** Proportion of national exclusive economic zones managed using ecosystem-based approaches

**Target 14.5.** By 2020, conserve at least 10 per cent of coastal and marine areas, consistent with national and international law and based on the best available scientific information

**Indicator 14.5.1** Coverage of protected areas in relation to marine areas

Currently Kenya has four marine parks in Malindi, Watamu, Kisite and Mombasa with a total area of 54 square kilometres. It has five marine national reserves in Malindi, Watamu, Mpunguti, Mombasa and Kiunga with a total of 705 square kilometres. The area of marine protection is 6 percent and includes the marine parks and reserves and 6 community / locally managed marine Areas<sup>124</sup>.

### Relevant policies

The Integrated Coastal Zone Management (ICZM) policy 2015, National Oceans and Fisheries Policy 2008, National Land Policy 2018, EMCA 1999 (articles 42, 54 and 55); and the Physical Planning Act of 1996 discussed above are the relevant policies. Discussed below is the National Museums and Heritage Act 2006 and Relevant regional and international protocols and conventions of which is a signatory.

National Museums and Heritage Act 2006 provides for establishment, control, management and development of national

museums. It also provides for the identification, protection, conservation and transmission of the cultural and natural heritage of Kenya. The National Museums of Kenya (NMK) is the legal custodian of natural and cultural heritage, such as, archaeological finds, submerged settlements and shipwrecks within territorial seas of Kenya, as well as, historical monuments.

**Relevant regional and international protocols and conventions** of which Kenya is a signatory include: Convention on Wetlands of International Importance especially as Water Fowl Habitat, Ramsar 1971, Kenya 1990; Convention for the Protection, Management and Development of the Marine and Coastal Environment of the East African Region, Nairobi 1985, Kenya 1990; Protocol concerning the Protected areas and Wild Fauna and Flora in the East African Region, 1985 Kenya 1990.

#### Indicator and targets

Data on SDG indicator for Target 14.5 are available but the ones for Target 14.2 are not according to KNBS.

No specific policy targets except that under the Ramsar Convention of 1971 of protecting 10 percent of marine areas

#### Related goals and indicators

This target is related to Target 8.9 on sustainable tourism, Targets 8.5 and 8.6 on employment and Target 11.4 on strengthening efforts to protect and safeguard the world's cultural and natural heritage.

#### Comment on adequacy

The policy, legal and institutional framework exists for the protection of the coast marine areas in support of the achievement of the two targets. However, the lack of policy targets except for the 1971 Ramsar Convention one, make the policy support for these two targets inadequate.

**Target 14.3** Minimize and address the impacts of ocean acidification, including through enhanced scientific cooperation at all levels

**Indicator 14.3.1** Average marine acidity (pH) measured at agreed suite of representative sampling stations

No policies specifically referring to or addressing ocean acidification (unless this is considered together with the protection of marine ecosystems – in which case the policies related to this apply). No data on the indicator and no related policy targets.

**Target 14.4** By 2020, effectively regulate harvesting and end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices and implement science-based management plans, in order to restore fish stocks in the shortest time feasible, at least to levels that can produce maximum sustainable yield as determined by their biological characteristics

**Indicator 14.4.1** Proportion of fish stocks within biologically sustainable levels

#### Relevant legal framework and policies

The provisions of the Constitution 2010, Kenya Vision 2030 / Third MTP / Blue Economy Sector, Integrated Coastal Zone Management (ICZM) policy 2015, National Oceans and Fisheries Policy 2008 and Fisheries Management and Development Act No. 35 of 2016. Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and various fisheries regulations are discussed below.

### Kenya's report on implementation of SDG 14<sup>125</sup>.

Kenya ratified the Agreement on Port State Measures to prevent, deter and eliminate illegal, unreported and unregulated fishing in 2010. There are institutional reforms to address and strengthen Monitoring, Control and Surveillance (MCS) systems to combat Illegal, Unreported and Unregulated (IUU) fishing; operationalize the Vessel Monitoring System (VMS) and training of personnel in application on VMS and Vessel Automatic Identification System (AIS); and enhance the capability for research in fisheries and aquaculture (e.g acquisition of R.V.Mtafiti).

[Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing](#) was adopted under FAO in 2009 with Kenya ratifying it in 2010. The objective of this Agreement is to prevent, deter and eliminate IUU fishing through the implementation of effective port State measures, and thereby to ensure the long-term conservation and sustainable use of living marine resources and marine ecosystems.

Various fisheries Regulations and licensing regime include: [Foreign fishing regulations, revised 2012](#) provides for the licensing, access to Kenya's waters and conducting of marine research; [Fisheries \(General\) Regulations, revised 2012](#) provides for registration of local fishing vessels, licensing of fishermen, administration of licenses, permits and certificate of registration, notices in the gazette, general management measures (fishing in inland waters, landing of fish, monitoring on fishing methods and gear), regulation on trout, Crustacea fishing, prevention of pollution and protection and conservation of fishery waters; [Fisheries \(Foreign Fishing Craft\) Regulations, 1991](#) provides for licensing of foreign vessels fishing in Kenya's territorial waters; and [Fisheries \(Prohibitions\) Regulations, 2003](#) prohibits specified fishing species and practices.

### Comment on adequacy

The policy and legal framework adequately support the achievement of this target. The inclusion of the Blue Economy as part of the Third MTP and fisheries as part of the Food Security component of the government's Big 4 Agenda will provide the impetus and resources necessary to achieve the target.

**Target 14.6** By 2020, prohibit certain forms of fisheries subsidies which contribute to overcapacity and overfishing, eliminate subsidies that contribute to illegal, unreported and unregulated fishing and refrain from introducing new such subsidies, recognizing that appropriate and effective special and differential treatment for developing and least developed countries should be an integral part of the World Trade Organization fisheries subsidies negotiation

**Indicator 14.6.1** Progress by countries in the degree of implementation of international instruments aiming to combat illegal, unreported and unregulated fishing

This target is not yet applicable to Kenya and therefore unlikely to have a policy.

**Target 14.7** By 2030, increase the economic benefits to small island developing States and least developed countries from the sustainable use of marine resources, including through sustainable management of fisheries, aquaculture and tourism N/A

**Indicator 14.7.1** Sustainable fisheries as a percentage of GDP in small island developing States, least developed countries and all countries

This target is not applicable to Kenya

<sup>125</sup> - Head of Delegation Report for UN Conference to Support the Implementation of SDG 14, June 5th To 9th 2017, New York, USA

**Target 14.a** Increase scientific knowledge, develop research capacity and transfer marine technology, taking into account the Intergovernmental Oceanographic Commission Criteria and Guidelines on the Transfer of Marine Technology, in order to improve ocean health and to enhance the contribution of marine biodiversity to the development of developing countries, in particular small island developing States and least developed countries

**Indicator 14.a.1** Proportion of total research budget allocated to research in the field of marine technology

In the financial year 2016/7 the budget for the Kenya Marine and Fisheries Research Institute (KMFRI) was Ksh1.13 billion out of Ksh17.2 billion allocated to research which is 6.6 percent. Research institutes in Kenya include KMFRI, Sagana Fish Farm, Kenya Trout Farm, and Moi University Department of Fisheries

In 2014, the government acquired a 55.6m long the Deep Sea Research Vessel at a value of Ksh3.2 billion to enhance the capacity on marine fisheries research<sup>126</sup>.

### Relevant policies

Policies on marine research include the Kenya Vision 2030 / Third MTP / Blue Economy Sector Plan, Integrated Coastal Zone Management (ICZM) Policy 2016, National Oceans and Fisheries Policy, 2008, Science Technology and Innovation (STI) Act No 28 of 2013, and Fisheries Management and Development Act No. 35 Of 2016. Specific provisions on research as discussed below.

**Third MTP Blue Economy Sector Plan on Research and Development.** Some of the research initiatives planned include: Assessment of stock status of key fisheries species to

enhance capture fisheries management; Biophysical assessment and mapping of major aquatic ecosystems and associated biodiversity; and assessment of the vulnerability of aquatic ecosystems to climate change and related disasters

**Integrated Coastal Zone Management (ICZM) Policy 2016.** States that to ensure research and monitoring that informs coastal zone management, the government shall promote the coordinated generation, dissemination and sharing of data and information, for use in planning and decision making; mainstream the use of traditional knowledge in research and management. The policy objective (v) is to develop capacity in research and education and enhance stakeholder awareness and participation in sustainable resource management. The policy principle (iv) is to apply the best available science and adaptive management. The best available knowledge, scientific information and data should be used to support application of ICZM.

**National Oceans and Fisheries Policy, 2008.** Provisions include policy statement on Research and Development (4.1.1) which states that the government will promote research programmes to address appropriate technology and techniques necessary for sustainable exploitation of fishery resources with KMFRI as the lead agency for the sector's research needs. Strategies on Research and Development (5.1.1) states that in collaboration with local and international partners, the Government will take appropriate measures to ensure that research is conducted in all aspects of fisheries including biological research, ecology, technology, environmental science, socio-economics, Aquaculture and oceanography. Section 5.1.2 states that the government will facilitate the availability of research facilities to provide appropriate training, staffing, institutional building, and financial resources to support

<sup>126</sup> - State Department of Fisheries and Blue Economy - Third MTP Sector Plan

research and development programmes; while section 5.1.5 states that the Research in Fisheries Conservation and Management Resources will be supported by the Government to ensure better understanding of climatic, environmental, social economic and oceanic factors.

**Science Technology and Innovation (STI) Act No 28 of 2013.** Created Kenya Marine and Fisheries Research Institute (KMFRI) as a state corporation under the Act. KMFRI's mandate is to undertake research in "marine and freshwater fisheries, aquaculture, environmental and ecological studies, and marine research including chemical and physical oceanography", in order to provide scientific data and information for sustainable exploitation, management and conservation of Kenya's fisheries and other aquatic resources, and contribute to National strategies of food security, poverty alleviation, clean environment and creation of employment as provided for under Vision 2030. The mission is "To generate and disseminate scientific information for sustainable utilization of marine and fisheries resources, development of strategic enterprises, food security, employment creation, conservation and restoration of the aquatic environment."<sup>127</sup>

Fisheries Management and Development Act No. 35 Of 2016. Specific provisions include article 27 on Fisheries Research and Development Fund with the objective to provide supplementary funding for research intended to further the development of fisheries management, capacity building, scholarships and grants.

### Comment on adequacy

Kenya has adequate policy, legal and institutional framework and infrastructure to achieve this target. With the Blue Economy becoming part of the Third MTP of Kenya Vision 2030, increased resources may become available. It is imperative to emphasize that for Kenya to fully achieve this

target and for the Blue Growth Initiative (BGI) to be successful there is need to prioritize and focus resources towards research in order to increase scientific knowledge, develop research capacity and transfer marine technology.

**Target 14.b** Provide access for small-scale artisanal fishers to marine resources and markets

**Target 14.b.1** Progress by countries in the degree of application of a legal/regulatory/policy/institutional framework which recognizes and protects access rights for small-scale fisheries

### Relevant policies

The Third MTP on Blue Economy, ICZM Policy, the Fisheries Management and Development Act No. 35 of 2016, and the National Oceans and Fisheries Policy, 2008 capture the relevant parts.

Kenya provided the following on its commitment to implement this target in 2017:<sup>128</sup>

- Improvement of fish landing stations by provision of basic fisheries related infrastructure and markets to reduce post-harvest losses and enhance value addition
- Fleet capacity development program requiring 51 percent shareholding by Kenyan nationals for all fishing vessels flying Kenyan flags;
- New Fisheries Management and Development Act 2016 provision that 47 percent of the fishing crew must Kenyan nationals and that 30 percent of all fish harvested in Kenyan waters must be landed Kenya; and
- A Ksh10 billion proposal to World Bank under

<sup>127</sup> - <http://www.kmfri.co.ke/index.php/about-us/mandate-of-the-institute>

<sup>128</sup> - Head of Delegation Report for UN Conference to Support the Implementation of SDG 14, June 5th To 9th 2017, New York, USA



the IDA18 (Kenya Marine Fisheries and Socio-economic Development project) and a 4.5 billion Kenya shillings proposal (Aquaculture Business Development Program) to IFAD are at advanced stages of conclusion. The 2 projects will further enhance small scale fishers/farmer participation and benefit from the value chains.

[National Oceans and Fisheries Policy, 2008](#). (Please refer to the discussion at the beginning of this section). The Policy further provides under section 4.9.3 that investments in the artisanal fishery will however be reserved for local investors only. To this end, the Government will maintain its policy of acting as a facilitator in encouraging investment in the fisheries and oceans sector and related activities. Under section 4.12.1 the Government will encourage training of young people to join the fishing industry and develop means to improve working conditions and the income earning capacity of artisanal fishermen.

### Comment on adequacy

The Constitution 2010, the policies and the legal framework well focused on achieving this target.

**Target 14.b** [PrTarget 14.c Enhance the conservation and sustainable use of oceans and their resources by implementing international law as reflected in the United Nations Convention on the Law of the Sea, which provides the legal framework for the conservation and sustainable use of oceans and their resources, as recalled in paragraph 158 of "The future we want"](#)

**Indicator 14.c.1** Number of countries making progress in ratifying, accepting and implementing through legal, policy and institutional frameworks, ocean-

[related instruments that implement international law, as reflected in the United Nation Convention on the Law of the Sea, for the conservation and sustainable use of the oceans and their resources \(it is not difficult to determine and be able to report the status for Kenya\)](#)

### Relevant policies

[Commitment to achieve this target is well articulated in the Kenyan Head of Delegation Report to the UN Conference in New York on June 5th to 9th 2017, New York, USA](#) which had the following points:

The Constitution of Kenya (2010) provides that both the general rules of international law, and any treaty or convention ratified by Kenya, shall form part of the law of the country:

- a. Monitoring, control and surveillance of the maritime zones is dealt with in the Security Act;
- b. Kenya is a Member of the International Maritime Organisation (IMO) and a party to many of its conventions;
- c. The Merchant Shipping Act 2009 consolidates ship-related legislation and provides for the prevention of pollution, investigations into marine casualties and liability;
- d. Kenya is a signatory to International Maritime Organisation IMO's MARPOL (International Convention for the Prevention of Pollution from Ships), which addresses pollution from Marine Vessels;
- e. Under the Maritime Zones Act (1989), Kenya has proclaimed an Exclusive Economic Zone (EEZ) as per the provisions of UNCLOS; and
- f. Party to UN straddling stock management.

[United Nations Convention on the Law of the Sea](#) was adopted in 1982, entered into force in 1994, with Kenya ratifying it in 1989. It lays down a comprehensive regime of law and order in the world's oceans and seas establishing rules governing all uses of the oceans and their resources. It embodies in one instrument traditional rules for the uses of the oceans and at the same time introduces new legal concepts and regimes and addresses new concerns. The

Convention also provides the framework for further development of specific areas of the law of the sea<sup>129</sup>.

#### **Comment on adequacy**

Kenya has ratified the Convention in addition to having the policy and legal instruments necessary for the conservation and sustainable use of oceans and their resources. Kenya is therefore well placed to achieve this target.

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129 - <http://www.imo.org/en/OurWork/Legal/Pages/UnitedNationsConventionOnTheLawOfTheSea.aspx>



The National Wildlife Conservation and Management Policy's objectives include conservation of wildlife resources in national parks and national reserves.



## PROTECT, RESTORE AND PROMOTE SUSTAINABLE USE OF TERRESTRIAL ECOSYSTEMS, SUSTAINABLY MANAGE FORESTS, COMBAT DESERTIFICATION, AND HALT AND REVERSE LAND DEGRADATION AND HALT BIODIVERSITY LOSS

### **Goal 15. Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss**

In addition to providing food security and shelter, forests are key to combating climate change, protecting biodiversity and the homes of the indigenous population. Globally, 13 million hectares of forests are being lost every year while the persistent degradation of drylands has led to the desertification of 3.6 billion hectares. Deforestation and desertification – caused by human activities and climate change – pose major challenges to sustainable development and have affected the lives and livelihoods of millions of people in the fight against poverty<sup>130</sup>.

Plant life provides 80 percent of our human diet, and we rely on agriculture as an important economic resource and means of development. Forests are vital habitats for millions of species and important sources for clean air and water. Of the 8,300 animal breeds known, 8 percent are extinct and 22 percent are at risk of extinction. The SDGs aim to conserve and restore the use of terrestrial ecosystems such as forests, wetlands, drylands and mountains by 2020. Halting deforestation is also vital to mitigating the impact of climate change. Urgent action must be taken to reduce the loss of natural habitats and biodiversity which are part of our common heritage<sup>131</sup>.

The protection of the environment and sustainable development is embedded in the Constitution 2010 under Article 10 – national

values and principles of governance that calls for sustainable development; Chapter 4 Article 42 that provides clean and healthy environment as a fundamental right; and Chapter 5 Articles 69 and 70 on the protection of the environment and the enforcement of rights thereto. These provisions are elaborated in more detail in other sections of this report.

The aim of Kenya Vision 2030 is to transform Kenya into “a newly industrializing, middle income country providing a high quality of life to all its citizens **in a clean and secure environment**”. Under the Social Pillar – Environment “Kenya aims to be a nation with a clean, secure and sustainable environment by 2030. This will be achieved through promoting environmental conservation.

The Inter-Governmental Relations Act 2012 establishes a framework for consultation and cooperation between the national and county governments and amongst county governments and establishing mechanisms for resolution of intergovernmental disputes. It is expected that the Summit and Council shall harmonise environmental policies, plans, standards and laws of the national and county governments and provide a platform for interaction between the various state organs for better environmental governance.

The Ministry in charge of environment has produced publications providing useful information for the management of the environment. This includes the following:

**Kenya's Wetlands Atlas:** This 2012 publication whose production was supported by UNEP provides decision

<sup>130</sup> - <https://www.un.org/sustainabledevelopment/biodiversity/>

<sup>131</sup> - <http://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-15-life-on-land.html>



makers and other stakeholders who care about the integrity of Kenya's wetlands with invaluable visual information about the state of the country's wetlands resources using satellite images, maps, graphics, ground photographs and scientifically evidence based story lines to provide succinct account of what is happening to the various wetlands in the country.

**Kenya's Natural Capital: A Biodiversity Atlas.** This 2015 publication whose production was supported by DANIDA and Africa Conservation Center, is an attempt to present, in a visual form, the current extent, status, threats, trends, interventions and potential sustainable use opportunities of our biological diversity. Efforts were made to highlight the immense economic potential that the country's natural capital offers through sustainable use activities such as eco-tourism and organic farming.

**Kenya – Atlas of Our Changing Environment:** This 2009 publication whose production was supported by UNEP and the Government of Norway, among others, gives a vivid picture of what is happening to the country's ecosystems. It provides visual and compelling evidence of the rapid changes taking place in the country's critical ecosystems due to pressures from human activities. It provides evidence base for strategic interventions by the government and other stakeholders.

The following sections discuss the policies supporting respective SDG targets.

**Target 15.1** By 2020, ensure the conservation, restoration and sustainable use

of terrestrial and inland freshwater ecosystems and their services, in particular forests, wetlands, mountains and drylands, in line with obligations under international agreements

**Indicator 15.1.1** Forest area as a proportion of total land area

**Indicator 15.1.2** Proportion of important sites for terrestrial and freshwater biodiversity that are covered by protected areas, by ecosystem type

**Target 15.2** By 2020, promote the implementation of sustainable management of all types of forests, halt deforestation, restore degraded forests and substantially increase afforestation and reforestation globally

**Indicator 15.2.1** Progress towards sustainable forest management

**Target 15.4** By 2030, ensure the conservation of mountain ecosystems, including their biodiversity, in order to enhance their capacity to provide benefits that are essential for sustainable development

**Indicator 15.4.1** Coverage by protected areas of important sites for mountain biodiversity

**Indicator 15.4.2** Mountain Green Cover Index

The three targets are discussed under similar policies.

Forest cover of 6.99 percent (at 2018 7.24 percent) is below constitutional requirement of 10 percent. Forests contribute 3.6 percent of the national GDP. Biomass comprises 80 percent of all energy used in the country. Forest services include: local climate regulation, water

regulation, water purification, waste treatment, water pollution sinks, erosion control, natural hazard and disease regulation. Water towers and catchments contribute 75 percent of the renewable surface water for households, irrigation and hydro power. Deforestation estimated at 50,000ha annually, with yearly loss to the economy estimated at over USD19 million<sup>132</sup>.

### Relevant policies

Other policies include the Third MTP of Kenya Vision 2030, Forest Policy 2014, Forest Conservation and Management Act No 34 of 2016, STI Act of 2013, Kenya National Forest Program (NFP) 2016-2030 (2016), Kenya Water Towers Agency (Vide Kenya Gazette of 20<sup>th</sup> April 2012, Legal Notice 7) and the Land Act of 2012.

The Third MTP focuses on environment and natural resources conservation and management – forests, wildlife resources, water catchments, water and trans-boundary water resources, wetlands, and the green economy. Flagship projects include: forest conservation and management; rehabilitation and protection of water towers; and forestry research and development.

Forest Policy 2014 was necessitated by the Constitution 2010 and the Kenya Vision 2030 which require a forest cover of at least 10 percent. Key issues and challenges it addresses include: governance, forest research and education, trade and industry, resource mobilization, soil and water conservation, environmental functions, decreasing water flows; high erosion, siltation and land degradation, and climate change factors. It provides a framework for improved forest governance, resource allocation, partnership and collaboration with state and non-state actors. The goal of the policy is sustainable development, management, utilization and conservation of forest resources

and equitable sharing of accrued benefits for present and future generations. The objectives include to: increase and maintain forest cover of at least 10 percent; establish an enabling legislative and institutional framework; support forestry research and information; promote participation – private, community; promote commercial tree growing, trade and industry; enhance management of forests resources for soil, water and biodiversity conservation and environmental stability.

Forest Conservation and Management Act No 34 of 2016 gives effect to Article 69 of the Constitution 2010 with regard to forest resources; to provide for the development and sustainable management including conservation and rational utilization of all forest resources. It provides for development and review of policy and strategy every five years; establishment of the Kenya Forest Service (KFS); conservation and management of forests; community participation; incentives (community and tax); trade; and enforcement. Also establishes a Forest Conservation and Management Trust Fund to “nurture, promote, and support innovations and best practices in forest conservation and development”. It replaced the Forest Act 2005 implemented since 2007, which provided (for the first time) for management of forests outside public land and for community and private sector participation.

The Environmental Management Act 1999 (amended 2015 to provide for the requirements of Constitution 2010, especially the role of devolved governments) provides for legal and institutional framework for the management of the environment, establishes the National Environment Management Authority (NEMA). NEMA is the national implementing entity (NIE) for the Adaption Fund and the Green Climate Fund (GCF). The Act also establishes National Environment Trust Fund under Article 24

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<sup>132</sup> - Forest Policy 2014



and National Environment Restoration Fund under article 25. Under Part 5 – protection and conservation of the environment Article 44 provides for the protection of hill tops, hill sides, mountain areas and forests, Article 45 provides for the identification of hilly and mountainous areas, Article 46 provides for re-forestation and afforestation of hill tops, hill slopes and mountainous areas, and Article 47 provides for other measures for management for hill tops, hill sides and mountainous areas. Article 48 provides for the protection of forests, article 49 for the conservation of energy and planting of trees or woodlots, Article 50 for conservation of biological diversity, Article 51 for conservation of biological resources in situ, Article 52 conservation of biological resources ex situ, Article 53 access to genetic resources of Kenya and Article 54 protection of environmentally significant areas.

**Kenya National Forest Program (NFP) 2016-2030 of 2016** is a multi-stakeholder, cross sectoral framework to guide forest development in Kenya to increase forest cover, boost forest sector's contribution to the GDP, enhance resilience to climate change, and improve livelihoods and significantly enhance sustainable forest management and improve coordination of various sectors. It is to be updated every five years. The goal is to develop and sustainably manage, conserve, restore, and utilize forests and allied resources for socio-economic growth and climate resilience. The 5 strategic objectives include: increase forest cover and reverse forest degradation; enhance forest based economic, social and environmental benefits; enhance capacity development, research and adoption of technologies; increase investments in forest development; and inculcate good forest governance. Key expected outcome is increase in forest cover to 10 percent in line with Kenya Vision 2030 and the Constitution 2010.

**Kenya Water Towers Agency (KWTa) 2012:** The government established a task force made up of KFS, KWS, WRMA, and key ministries that recommended strengthening of coordination mechanisms for the protection of the water towers which was approved by the Cabinet on 31/07/2009 and by Parliament on September 15, 2009. The Interim Coordinating Secretariat created/repossessed over 21,000ha of forestland; reduced illegal activities; marked boundaries of 6 forest blocks; mobilized resources; built capacity of forest dwelling communities (Ogieks); established Water Towers Conservation Fund; and established KWTa, initially with the mandate of managing over 18 gazetted water towers. The mission of KWTa is to sustainably manage water towers and their ecosystems through coordination and conservation. Strategic objectives include: coordinate water towers ecosystem health and resilience; coordinate and oversee securing of catchment lands, wetlands, and critical biodiversity hotspots within the water towers ecosystems; to acquire appropriate infrastructure to support sustainable management of water towers; to promote sustainable livelihood support programmes within the water towers; establish strategic partnerships and linkages for sustainable management of water towers; and to undertake institutional strengthening for effective service delivery. Under section 5(1) of the Gazette Legal Order, functions of the agency are to: a) Co-ordinate and oversee the rehabilitation, conservation, protection and sustainable management of water towers in consultation with relevant Cabinet Secretaries and institutions; b) co-ordinate and oversee all necessary measures of the recovery and restoration of forest lands, wetlands and biodiversity hotspots in accordance with the relevant laws; c) enter into sustainable agreements with all stakeholders, in consultation with relevant institutions to restore, manage and undertake

research in any forest in line with international conventions, on terms and conditions approved by the government; d) mobilize resources from the government, development partners and other stakeholders as well as through payment for environmental services, including carbon reservoirs and sequestration for conservation of the water towers; e) consult with the relevant departments, agents and other stakeholders to identify and secure critical water sheds and biodiversity hotspots; f ) co-ordinate and oversee the remarking of gazette forest boundaries and ensure that they are secured to avoid encroachment; g) assess and monitor rehabilitation, conservation and management activities in the water towers.

The STI Act of 2013 established the Kenya Marine and Fisheries Research Institute (KMFRI) to conduct research in forestry and allied natural products; disseminate research findings; establish relevant partnerships. The mission of KMFRI is to conduct research and provide information and technologies for sustainable development of forestry and allied natural resources. The institute also manages tree nurseries.

The Land Act 2012 mandates the National Land Commission to take appropriate action to maintain public land that has endangered or endemic species of flora and fauna, critical habitats or protected areas and to identify ecologically sensitive areas that are within public lands. The Act requires the Commission to undertake an inventory of all land based natural resources, and reserve public land for any purposes, including environmental protection and conservation. It empowers the Commission to make rules and regulations for the sustainable conservation of land based natural resources including: Measures to protect critical ecosystems and habitats; incentives for communities and individuals to invest in income generating natural resource conservation

programmes; measures to facilitate the access, use and co-management of forests, water and other resources by communities who have customary rights to these resources; procedures for the registration of natural resources in an appropriate register; Procedures on the involvement of stakeholders in the management and utilization of land based natural resources; and Measures to ensure benefit sharing to the affected communities.

### Related goals and targets

Related targets include Target 6.6, on protecting and restoring water related ecosystems; including mountains, forests, wetlands, rivers, aquifers and lakes; Target 12.2, on achieving the sustainable management and efficient use of natural resources. Goal 13, on climate action – adaptation and mitigation measures include the conservation of forests and reforestation. Goal 1, on ending poverty – forestry / and especially agro-forestry is a source of income and livelihoods. Also related are Targets 11.6 and 11.7, on paying attention to air quality and providing green and public spaces.

### Indicator and targets

Data on the three of the five indicators for the targets discussed here: Targets 15.1, 15.2 and 15.4 are available according to KNBS.

Kenya policy target is a forest cover of at least 10 percent under the Constitution 2010, Kenya Vision 2030, Kenya Forest Policy (revised 2014); Forest Conservation and Management Act No 34 of 2016; National Forest Program 2016-2030; Kenya INDCs. The target under the Third MTP is to increase forest cover from 7.24 percent in 2016 to 8 percent in 2022. The number of water towers being reclaimed is 18.

The ministry in charge of the environment has set a target of planting 50 million trees per year for the next five years.

### Comment on adequacy

The three targets are very well covered by up to date policy, law, strategies and other plans. The institutional framework and infrastructure is adequate.

However, to achieve at least 10 percent cover, and to deal with climate change, there is need for much more resources to be available for tree seedlings and for reforestation but also significant national effort to manage the target of 50 million trees per year. This can be achieved if the highest office in the land leads national tree planting efforts involving all public agencies, learning institutions, and private and non-state actors in massive national exercises on a yearly basis. Destruction of forests needs to stop through enforcement of existing laws. The development and implementation of regulations on sharing of forest benefits with local communities need to happen to allow for communities to see the benefits of forests and have the incentive to conserve them.

**Target 15.3** By 2030, combat desertification, restore degraded land and soil, including land affected by desertification, drought and floods, and strive to achieve a land degradation-neutral world

**Indicator 15.3.1** Proportion of land that is degraded over total land area

No policies were identified that contribute to the achievement of this target. No data on the indicator.

**Target 15.5** Take urgent and significant action to reduce the degradation of natural habitats, halt the loss of biodiversity and, by 2020, protect and prevent the extinction of threatened species

**Indicator 15.5.1** Red List Index

Kenya is internationally recognized as a mega diverse country in terms of richness in biodiversity. Biodiversity contributes to a wide variety of environmental services, such as regulation of the gaseous composition of the atmosphere, protection of coastal zone, regulation of the hydrological cycle and climate, generation and conservation of fertile soils, dispersal and breakdown of wastes, pollination of many crops and absorption of pollutants. Human health and well-being are directly dependent on biodiversity. Biodiversity also provides genetic resources for food and agriculture and therefore constitutes the biological basis for food security and support for human livelihoods. Loss of biodiversity is going on at unprecedented rate. The most important drivers for biodiversity loss are land degradation, climate change, pollution, unsustainable harvesting of natural resources, unsustainable patterns of consumption and production and introduction of invasive and alien species<sup>133</sup>.

### Relevant policies

See earlier references to the provisions on the environment under article 10 on sustainable development, and Article 69 on the protection of the environment; and the sections of Kenya Vision 2030 relevant to the protection of the environment discussed at the beginning of the section on Goal 15.

The Third MTP also addresses the conservation and management of the environment and natural resources, including forests and wildlife resources. This target is also well addressed in the National Wildlife Conservation and Management Policy 2017, Forest Conservation and Management Act 2016, National Environment Policy 2014 and the EMCA 1999 on protection of biological diversity. The latter last policy and law is discussed in detail below.

**National Environment Policy 2014** policy statements include that the Government

<sup>133</sup> - National Environment Policy 2014

will: develop and implement the National Biodiversity Strategy and Action Plan (NBSAP); regulate and encourage sustainable utilisation and bioprospecting of biological resources in accordance with international law; develop mechanisms to ensure that the benefits arising from access to genetic resources, including intellectual property rights, traditional knowledge and technology are shared equitably with communities living in areas where the genetic material originated; and develop and implement a strategy to contain, control and mitigate alien and invasive species.

#### EMCA 1999 on protection of biological diversity:

Article 50 provides that the Authority shall, in consultation with the relevant lead agencies, prescribe measures necessary to ensure the conservation of biological diversity in Kenya and in this respect the Authority shall: (a) identify, prepare and maintain an inventory of biological diversity of Kenya; (b) determine which components of biological diversity are endangered, rare or threatened with extinction; (c) identify potential threats to biological diversity and devise measures to remove or arrest their effects; (d) undertake measures intended to integrate the conservation and sustainable utilisation ethic in relation to biological diversity in existing government activities and activities by private persons; (e) specify national strategies, plans and government programmes for conservation and sustainable use of biological diversity; (f) protect indigenous property rights of local communities in respect of biological diversity; and (g) measure the value of unexploited natural resources in terms of watershed protection, influence on climate, cultural and aesthetic value, as well as actual and potential genetic value thereof.

Article 51 provides that the Authority shall, in consultation with the relevant lead agencies, prescribe measures adequate to ensure the

conservation of biological resources in-situ and in this regard shall issue guidelines for – (a) land use methods that are compatible with conservation of biological diversity; (b) the selection and management of protected areas so as to promote the conservation of the various terrestrial and aquatic ecosystems under the jurisdiction of Kenya; (c) selection and management of buffer zones near protected areas; (d) special arrangement for the protection of species, ecosystems and habitats threatened with extinction; (e) prohibiting and controlling the introduction of alien species into natural habitats; and (f) integrating traditional knowledge for the conservation of biological diversity with mainstream scientific knowledge. Article 52. The Authority shall, in consultation with the relevant lead agencies – (a) prescribe measures for the conservation of biological resources ex-situ especially for those species threatened with extinction; (b) issue guidelines for the management of: (i) germplasm banks; (ii) botanical gardens; (iii) zoos or aquaria; (iv) animal orphanages; and (v) any other facilities recommended to the Authority by any of its Committees or considered necessary by the Authority. (c) Ensure that species threatened with extinction which are conserved ex-situ are re-introduced into their native habitats and ecosystems where: (i) the threat to the species has been terminated; or (ii) a viable population of the threatened species has been achieved.

#### Related goals and targets

This target is related to Goal 2 on ending hunger, Goal 3 on health, and also Goal 1 on ending poverty. It is related to Target 8.9 on sustainable tourism.

#### Indicators and targets

Data on the indicator for this target are classified by KNBS under those to be provided by global agencies.

No policy targets identified.

### Comment on adequacy

Protection of biodiversity well-articulated and covered in the policy, legal and institutional framework. EMCA in particular is very elaborate on the conservation of biological diversity (Articles 50-52).

Lack of policy targets may hinder the effective implementation of this SDG target.

**Target 15.6** Promote fair and equitable sharing of the benefits arising from the utilization of genetic resources and promote appropriate access to such resources, as internationally agreed

**Indicator 15.6.1** Number of countries that have adopted legislative, administrative and policy frameworks to ensure fair and equitable sharing of benefits

### Relevant policies

The legal frameworks and policies relating to this target discussed here include the Constitution 2010, the Forest Policy 2014, Forest Conservation and Management Act No 34 of 2016 and Wildlife Conservation and Management Act No 47 of 2013.

**Constitution 2010:** Article 42 provides that every person has the right to have the environment protected for the benefit of present and future generations. Chapter 5 Article 69 obligates the State to ensure sustainable exploitation, utilisation, management and conservation of the environment and natural resources, and ensure the equitable sharing of the accruing benefits.

**Forest Policy 2014** goal is sustainable development, management, utilization and conservation of forest resources and equitable sharing of accrued benefits for present and future generations.

**Forest Conservation and Management Act No 34 of 2016:** Article 8 on the functions of the Kenya Forest Service obligates it to establish and implement benefit sharing arrangements in accordance with the provisions of this Act. Under Part 6—Incentives for Increasing Forest and Tree Cover Article 53 provides that “Subject to Article 66 of the Constitution, investors in forests shall share the benefits of their investment with local communities by applying various options including but not limited to infrastructure, education, employment and social amenities and in accordance with rules made under this act or other relevant laws.” Under Part 10 Article 71, the Act provides that “The Cabinet Secretary may make regulations ...on incentives and benefit sharing.”

**Wildlife Conservation and Management Act No 47 of 2013:** Article 7 on the functions of the Kenya Wildlife Service obligates the institution to collect revenue and charges due to the national government from wildlife and, as appropriate, develop mechanisms for benefit sharing with communities living in wildlife areas; and develop mechanisms for benefit sharing with communities living in wildlife areas. Article 70 on benefit sharing provides that every person has the right to practice wildlife conservation and management as a form of gainful land use. Article 71 provides that every person has the right to reasonable access to wildlife resources and shall be entitled to enjoy the benefits accruing there-from without undue hindrance. Article 73 provides that the Cabinet Secretary, in consultation with the land owner, the National Land Commission, the Commission on Revenue Allocation and in liaison with the Service shall, formulate regulations and guidelines on access and benefit sharing.

### Relevant goals and targets

This target is related to Goal 1 as it has the potential to improve the livelihoods of communities when they share the benefits



of forest resources thereby improving their livelihoods and reducing poverty.

### Indicators and targets

Data on the indicator for this target is not available according to KNBS.

There are no policy targets identified.

### Comment on adequacy

This target is adequately supported by the policy, legal and institutional framework.

**Target 15.7** Take urgent action to end poaching and trafficking of protected species of flora and fauna and address both demand and supply of illegal wildlife products

Indicator 15.7.1 Proportion of traded wildlife that was poached or illicitly trafficked

Target 15.c Enhance global support for efforts to combat poaching and trafficking of protected species, including by increasing the capacity of local communities to pursue sustainable livelihood opportunities

Indicator 15.c.1 Proportion of traded wildlife that was poached or illicitly trafficked

There is escalating wildlife poaching, smuggling and/or trafficking of trophies like ivory and rhino horn through Kenya. The rise in demand for wildlife products in the international market has led to a resurgence of elephant and rhino poaching. This is due to proliferation of small arms and light weapons into the country that pose a great danger to the country's wildlife<sup>134</sup>.

### Relevant policies

This target is supported by the Constitution 2010, The Vision 2030 / Third MTP, The National Wildlife Conservation and Management Policy

2017, The Wildlife Conservation and Management Act, No. 47 of 2013.

**Constitution 2010:** Article 69 obligates the State to ensure sustainable exploitation, utilisation, management and conservation of the environment and natural resources; and protect genetic resources and biological diversity.

**Kenya Vision 2030 / Third MTP - Wildlife Conservation and Management program** for the period 2018 – 2022 aims to sustainably conserve, manage, and enhance Kenya's wildlife, its habitats, and provide a wide range of public uses in collaboration with stakeholders for posterity. In line with this program the sector will: strengthen governance in wildlife conservation and management; enhance species conservation and habitats through securing of wildlife corridors and dispersal areas; reduce human-wildlife conflicts; eliminate poaching; strengthen partnerships in wildlife conservation and management with stakeholders; enhance resource mobilization; and enhance wildlife research and development.

**The National Wildlife Conservation and Management Policy, 2017** goals include the sustainable management of Kenya's wildlife resources; and contribute to the sustainable development of the country. Objectives include: conserve wildlife resources in national parks, national reserves and national sanctuaries in an effective and equitable manner; ensure maintenance and enhancement of ecological integrity of wildlife and their habitats through the integration of private and community lands into protected area systems; develop a coordinated framework for wildlife management taking into account other sectoral policies and the roles of various agencies; and enhance policy implementation through participatory planning, research, knowledge management and capacity building.

<sup>134</sup> - Environment, water and sanitation sector plan for the Third MTP

The Wildlife Conservation and Management Act, No. 47 of 2013 provides for the protection, conservation, sustainable use and management of wildlife. It includes principles of sustainable wildlife conservation; institutional framework; wildlife conservation, protection and management; and establishment of an endowment fund for compensation for injuries, death or destruction of property.

### Related goals and targets

This target is related to target 8.9 – sustainable tourism as wildlife is a major contributor to tourism sector and income. Poaching is however a threat to this. It is also related to targets 8.1, 8.2, 8.5 and 8.6 on economic development and employment – tourism a major contributor to the GDP and employment. One ending poverty – goal 1, tourism is a major income earner with multiple linkages with many sectors and a major source of employment. Any threat to tourism is a threat to the target of ending poverty.

### Indicators and targets

Data on the indicator for this target are available according to KNBS.

However, no policy targets were identified.

### Comment on adequacy

Poaching is a major menace in Kenya. However, Kenya has adequate policy, legal and institutional framework and capacity to deal with poaching. Kenya is also contributing to regional and international efforts to reduce poaching menace.

**Target 15.8** By 2020, introduce measures to prevent the introduction and significantly reduce the impact of invasive alien species on land and water ecosystems and control or eradicate the priority species

**Indicator 15.8.1** Proportion of countries adopting relevant national legislation and adequately resourcing the prevention or control of invasive alien species

The introduction of invasive alien species (IAS) is a major threat to biodiversity and nature's contributions to people. They threaten indigenous species through the effects of predation, alteration of habitat or disruption of ecosystem processes. There are currently 34 alien invasive species in the country comprising of eleven arthropods, ten microorganisms, nine plants and four vertebrates. Along coastal Kenya, the Indian house crow (*Acridotheres tritis*) is a major menace known to displace indigenous bird species through nest predation hence curtailing breeding success. Major species of concern in key protected areas and in rangelands include *Prosopis juliflora* and the tick-berry *Lantana camara*. Water hyacinth (*Eichhornia crassipes*) and *Salvinia* species have severely affected numerous wetlands. In Lake Victoria, water hyacinth has led to disruption of water transport, resulted in higher cost of water treatment, loss of fisheries and loss of aesthetic value<sup>135</sup>.

Globalisation has resulted in greater trade, transport, travel and tourism, all of which can facilitate the introduction and spread of species that are not indigenous to an area. Such invasive species may be either plants or animals non-natives that successfully out-compete local organisms for food and habitat. They then spread through their new environment, increasing in population harming the indigenous species and disrupting their new found ecosystem. Invasive Alien species have serious impacts on landscapes and are a threat to hydrology of water catchment areas, significantly reducing their water retention capacity and also impact on biodiversity and ecosystem processes and

<sup>135</sup> - National Wildlife Conservation and Management Policy 2017

services. Within the landscape, invasive alien species render large areas unsuitable for crop growing or grazing and therefore slow down economic development and human quality of life. They reduce yields of agricultural crops, forestry and fisheries. In rivers and lakes, they block transport, clog irrigation canals, water pipelines and are an impediment to hydro-electric energy development. The spread of invasive species and their associated problems are likely to be further exacerbated by climate change. Many countries are grappling with complex and costly problems associated with invasive alien species<sup>136</sup>.

### Relevant policies

Relevant policies that contribute to this target include the National Environmental Policy 2014, National Wildlife Conservation and Management Policy 2017 and the Environmental Management and Coordination Act 1999. The target is generally supported by the provisions of the Constitution 2010 and the Kenya Vision 2030.

**National Wildlife Conservation and Management Policy 2017:** On invasive alien species (IAS) section 3.8.3 the policy states: "In order to address challenges of IAS, the government shall: prevent or mitigate against threats posed to indigenous wildlife by Invasive Alien Species (IAS); take all necessary steps to eradicate where possible, invasive alien species in cases where critically endangered, endangered, vulnerable, or near threatened species are at risk of extinction by an IAS; strengthen monitoring and surveillance systems at ports of entry to prevent the introduction of IAS that could cause harm to indigenous wildlife population; and establish a scientifically robust monitoring programme on spread of colonizing IAS, which can provide data to inform management actions directed at such colonising species, where such management is necessary.

**National Environmental Policy 2014:** According to the policy: the government will develop a

national strategy and action plan for mapping and management of invasive alien species; set up a framework for research, information exchange and environmental awareness on invasive alien species; involve and empower communities in instituting measures for prevention, eradication and control of invasive species that have major environmental and economic impacts.

**Environmental Management and Coordination Act 1999.** Article 51 obligates NEMA to, in consultation with the relevant lead agencies, prescribe measures adequate to ensure the conservation of biological resources in-situ and in this regard shall issue guidelines for prohibiting and controlling the introduction of alien species into natural habitats.

### Related goals and targets

This target is related to Target 15.5, on reducing loss of biodiversity; and Target 2.5, on maintaining genetic diversity of plants and animals.

### Indicators and targets

Data on the indicator for this target are not available according to KNBS.

No policy targets were identified for this SDG target.

### Comment on adequacy

The target on the control of invasive alien species is adequately supported by Kenyan policy, legal and institutional framework and infrastructure.

However, the lack of policy targets may impede on the achievement of this SDG target. Furthermore, there seems to be very little being done in terms of initiatives.

**Target 15.9** By 2020, integrate ecosystem and biodiversity values into national and local planning, development processes, poverty reduction strategies and accounts

<sup>136</sup>- National Environmental Policy 2014

**Indicator 15.9.1** Progress towards national targets established in accordance with Aichi Biodiversity Target 2 of the Strategic Plan for Biodiversity 2011-2020

The aim of this target is to place biodiversity into the mainstream decision-making framework so to help give it greater visibility amongst policy-makers when formulating country development strategies and planning progress<sup>137</sup>.

### Relevant legal framework and policies

The target is covered under the Constitution 2010 under Article 69, and the Third MTP environmental sector plan, and relevant environmental policies and laws. There is need to also have this target mainstreamed into the CIDPs.

### Comment on adequacy

It was difficult to assess the adequacy of policy coverage for this target in this study.

**Target 15.a** Mobilize and significantly increase financial resources from all sources to conserve and sustainably use biodiversity and ecosystems

**Indicator 15.a.1** ODA and public expenditure on conservation and sustainable use of biodiversity and ecosystems

**Target 15.b** Mobilize significant resources from all sources and at all levels to finance sustainable forest management and provide adequate incentives to developing countries to advance such management, including for conservation and reforestation

### Relevant policies

The following policies provide for the establishment of funds for conservation.

**Wildlife Conservation and Management Act No 47 of 2013** Article 23 provides for the establishment of an Endowment Fund for, among other things, wildlife conservation initiatives, restoration and management of protected areas and conservancies, protection of endangered species, habitats and ecosystems.

**The Environmental Management Act 1999 (amended 2015)** provides for the establishment of the National Environment Trust Fund under Article 24 and the National Environment Restoration Fund under Article 25.

**Forest Conservation and Management Act No 34 of 2016** establishes a Forest Conservation and Management Trust Fund to “nurture, promote, and support innovations and best practices in forest conservation and development.”

### Comment on adequacy

The policy framework recognizes the need for resources. A number of Funds have been established including the ones listed under specific Acts. However, there are no policy targets on the financial resources necessary to conserve and sustainably use biodiversity and ecosystems.

The policy support for this target is therefore inadequate.

### Climate change and environmental sustainability: Overall recommendation

Kenya has experienced significant adverse events related to climate change that include flooding, droughts and even water scarcity. This points to an urgent need to conserve and reclaim the environment, in particular, the reclamation of water related ecosystems. While there is massive cutting of trees including destruction of forests and wetlands, afforestation and

<sup>137</sup> - <https://www.cbd.int/doc/strategic-plan/targets/T2-quick-guide-en.pdf>

conservation efforts are not at par to make any mid or long-term difference. The country has the capacity to counter these negative actions, but the resources and efforts necessary to get the job done seems consistently insufficient.

There is urgent need to conserve and reclaim the environment, and a critical necessity to provide adequate resources and mobilize national effort towards this goal. For example, there is need to provide enough resources to ensure adequate

tree seedlings, and mobilize public and private agencies at national and county levels for an annual tree planting week every year. This effort should include the armed and security forces, the National Youth Service, prisons, schools, hospitals, urban councils, communities, civil society and faith based organisations and the private sector to plant the intended number of trees on an annual basis. This can get the country achieving the 10 percent forest cover and beyond.





The Constitution provides for public participation by communities in all governance matters.



## PEACE, JUSTICE AND STRONG INSTITUTIONS

### **Goal 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels**

Without peace, stability, human rights and effective governance; based on the rule of law there is no hope for sustainable development. High levels of armed violence and insecurity have a destructive impact on a country's development, affecting economic growth and often resulting in long standing grievances that can last for generations. Sexual violence, crime, exploitation and torture are also prevalent where there is conflict or no rule of law.

The SDGs aim to significantly reduce all forms of violence, and to find lasting solutions to conflict and insecurity. Strengthening the rule of law and promoting human rights is key to this process, as is reducing the flow of illicit arms<sup>138</sup>.

Peace and the security of the person and their property, including the right to life; freedom from discrimination; and adherence to the rule of law and access to justice is anchored in the Constitution 2010 and well-articulated in the Kenya Vision 2030. The need for transparent and accountable leadership and integrity are also provided for in the Constitution and articulated in the Vision.

**Constitution 2010:** Some key provisions of the Constitution 2010 that contribute to the achievement of this target include: Article 10 that binds State organs, State officers, public officers and all persons to "National values and principles of governance". These include: (a) patriotism, national unity, sharing and devolution

of power, the rule of law, democracy and participation of the people; (b) human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised; (c) good governance, integrity, transparency and accountability; and (d) sustainable development. Article 26 provides that "Every person has the right to life...and a person shall not be deprived of life intentionally, except to the extent authorised by this Constitution or other written law." Article 29 on freedom and security of the person provides that "Every person has the right to freedom and security of the person, which includes the right not to be—(a) deprived of freedom arbitrarily or without just cause; (b) detained without trial, except during a state of emergency, in which case the detention is subject to Article 58; (c) subjected to any form of violence from either public or private sources; (d) subjected to torture in any manner, whether physical or psychological; (e) subjected to corporal punishment; or (f) treated or punished in a cruel, inhuman or degrading manner. Article 27 on equality and freedom from discrimination provides that "Every person is equal before the law and has the right to equal protection and equal benefit of the law. Equality includes the full and equal enjoyment of all rights and fundamental freedoms." Article 30 on slavery, servitude and forced labour provides that "A person shall not be held in slavery or servitude" and "A person shall not be required to perform forced labour."

**Under Kenya Vision 2030:** Political Pillar the vision is "transparent, accountable, ethical and results oriented government institutions." "Appropriate mechanisms to ensure accountability of government at all levels shall be provided.

<sup>138</sup> - <http://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-16-peace-justice-and-strong-institutions.html>



Kenyans will reserve the right to individually or jointly petition or address complaints to public institutions and authorities including Parliament and to insist that these be acted on"; On security of the person and their property, the Kenya Vision 2010 has security as one of the foundations and an enabler to socio-economic development. The vision for the security sector is a "society free from danger and fear". One specific goal of the vision is improving police to population ratio to international standards.

**Target 16.1** Significantly reduce all forms of violence and related death rates everywhere

**Indicator 16.1.1** Number of victims of intentional homicide per 100,000 population, by sex and age

**Indicator 16.1.2** Conflict-related deaths per 100,000 population, by sex, age and cause

**Indicator 16.1.3** Proportion of population subjected to physical, psychological or sexual violence in the previous 12 months

**Indicator 16.1.4** Proportion of population that feel safe walking alone around the area they live

### Relevant policies

The provisions of the Constitution 2010 and the Kenya Vision 2030 that contribute to the achievement of this target is discussed above in the introduction to this goal. The National Police Service which operate under the Act of 2011 is mandated to maintain peace.

The Prevention of Terrorism Act 2012, which provides measures for the detection and prevention of terrorist activities and Prevention of Organized Crimes Act No 6 of 2010 discussed under Target 16.4 below.

### Related goals and targets

This target is closely related to Targets 16.4 on reducing illicit financial and arms flows

and combating all forms of organized crime, and Target 16.a, on strengthening national institutions to prevent violence and combat terrorism and crime.

### Indicators and targets

Data on two of the four indicators for this target are available while the other two are to be reported by global agencies.

The target in the Kenya Vision 2030 was to increase police-to-population ratio to the UN standard of 1:450. This target has been achieved.

### Comment on adequacy

Protection of the person and property from harm is well articulated in the constitution and the laws. Institutional framework and capacity exists. However, clear policy guidance seems lacking. This may be the reason why while the more police personnel are recruited, the more end up protecting VIPs leaving the public less protected.

**Target 16.2** End abuse, exploitation, trafficking and all forms of violence against and torture of children

**Indicator 16.2.1** Proportion of children aged 1-17 years who experienced any physical punishment and/or psychological aggression by caregivers in the past month

**Indicator 16.2.2** Number of victims of human trafficking per 100,000 population, by sex, age and form of exploitation

**Indicator 16.2.3** Proportion of young women and men aged 18-29 years who experienced sexual violence by age 18.

### Relevant legal framework and policies

The Constitution 2010 Articles 26, 27, 29 and 31 are discussed at the beginning of this section. Article 53 provides that "Every child has the right to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman

treatment and punishment, and hazardous or exploitative labour". The Counter Trafficking in Persons Act 2010 and Prevention of Organized Crimes Act No 6 of 2010 discussed under Target 16.4 below, and the policies discussed under Target 8.7 on measures to eradicate child labour in all its forms.

Also refer to the discussion of Kenya Vision 2030 on Security as an enabler. The Social Pillar further states that "strategies to address challenges facing children include: enforcing the children's Act to eliminate child labour as well as other retrogressive practices causing vulnerabilities among children; and enhancing support to orphans and vulnerable children."

Other policies that contribute to the achievement of this target include: The Children's Act No 8 of 2001, The National Plan of Action for Combating Human Trafficking - Strategic Framework -2013-2017, The Counter Trafficking in Persons Act 2010, Employment Act No 11 of 2007, and the National Policy on Elimination of Child Labour June 2013.

[The Children's Act No 8 of 2001](#) provides for parental responsibility, fostering, adoption, custody, maintenance, guardianship, care and protection of children; and for the administration of children's institutions; to give effect to the principles of the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. Article 10 provides for the protection from child labour and armed conflict; Article 13, protection from abuse; Article 14, from harmful cultural rites; Article 15, from sexual exploitation; and Article 18 from torture and deprivation of liberty. The Act also provides for the institutional framework for the protection of children.

[The National Plan of Action for Combating Human Trafficking - Strategic Framework -2013-2017](#). Article 9 of the Palermo Protocol obligates states to establish comprehensive policies, programmes and other measures to prevent

and combat trafficking in persons and to protect victims of trafficking in persons, especially women and children from re-victimization. This plan of action to combat human trafficking articulates the 3Ps approach, namely: Prevention, Protection and Prosecution. Prevention through capacity building (of key stakeholders to accurately identify victims and those at risk), awareness creation and reducing fraudulent employment opportunities. Protection through direct assistance to victims; and capacity building of service providers; and Prosecution through ensuring legal and regulatory framework is in place, operationalizing the relevant act through capacity building of prosecutors and judicial officers, and database of case law and research. The Action Plan for the period 2018 to 2022 is at an advanced stage.

[Employment Act No 11 of 2007](#). Article 4 provides that "No person shall use or assist any other person in recruiting, trafficking or using forced labour". Part 4 on protection of children has extensive provisions for the protection of children against child labour including the worst forms of labour.

[National Policy on Elimination of Child Labour 2013](#) vision is "A child labour free society." The mission is to develop and promote comprehensive strategies and interventions for effective elimination of all forms of child labour. Its goal is to protect all children in Kenya from all forms of child labour, and promote holistic development of children. Policy objectives include: Eliminate all forms of child labour; establishing and maintaining an up to date and reliable database on child labour; mainstream elimination of child labour in national, county and sectoral policies and programmes; and harness stakeholder efforts towards elimination of all forms of child labour.

### **Related goals and targets**

This target is related closely to Target 8.7, on measures to end child labour in all its forms.

### Indicators and targets

Data on two of the indicators for this target is available while one is categorized for reporting by global agencies according to KNBS.

One policy target under the National Policy on Elimination of Child Labour June 2013 is elimination of child labour.

### Comment on adequacy

Rights of the children very well-articulated in the Kenyan law and policy including the Constitution 2010 and Kenya Vision 2030 and international protocols of which Kenya is a signatory.

However, the issue of institutional capacity to protect children, lack of data and level of access to justice may be far below what is required to achieve this target.

Therefore policy support for this target is inadequate.

**Target 16.3** Promote the rule of law at the national and international levels and ensure equal access to justice for all

**Indicator 16.3.1** Proportion of victims of violence in the previous 12 months who reported their victimization to competent authorities or other officially recognized conflict resolution mechanisms

**Indicator 16.3.2** Un-sentenced detainees as a proportion of overall prison population

### Relevant policies

Promotion of the rule of law and access to justice is well articulated under the Constitution 2010 and in the Kenya Vision 2030.

**Constitution 2010:** The rule of law, access to justice and fair administrative action is provided for in a number of articles of the Constitution. The preamble includes the statement “recognising the aspirations of all Kenyans for a government based on the essential values of human rights,

equality, freedom, democracy, social justice and the rule of law”. Article 10 provides for the national values and principles of governance that bind all State organs, State officers, public officers and all persons to the rule of law, democracy and participation of the people.

Article 19, on rights and fundamental freedoms, provides that the purpose of recognizing and protecting human rights and fundamental freedoms is to preserve the dignity of individuals and communities and to promote social justice and the realization of the potential of all human beings. Article 22, on the enforcement of Bill of Rights, provides that every person has the right to institute court proceedings claiming that a right or fundamental freedom in the Bill of Rights has been denied, violated or infringed, or is threatened and that “no fee may be charged for commencing the proceedings”. Article 50, on fair hearing, provides that every person has the right to have any dispute that can be resolved by the application of law decided in a fair and public hearing before a court or, if appropriate, another independent and impartial tribunal or body and to have an advocate assigned to the accused person by the State and at State expense, if substantial injustice would otherwise result, and to be informed of this right promptly.

Article 47, on fair administrative action, provides that every person has the right to administrative action that is expeditious, efficient, lawful, reasonable and procedurally fair. If a right or fundamental freedom of a person has been or is likely to be adversely affected by administrative action, the person has the right to be given written reasons for the action. Parliament shall enact legislation to give effect to the rights in clause (1) and that legislation shall (a) provide for the review of administrative action by a court or, if appropriate, an independent and impartial tribunal; and (b) promote efficient administration.

Article 48, on access to justice, obligates the



State to ensure access to justice for all persons and, if any fee is required, it shall be reasonable and shall not impede access to justice.

Article 91, on the basic requirements for political parties, obligates political parties to promote the objects and principles of this Constitution and the rule of law. Article 131 obligates the President to ensure the protection of human rights and fundamental freedoms and the rule of law.

Article 156 obligates the Attorney General to promote, protect and uphold the rule of law and defend the public interest. Article 159 provides that “Judicial authority is derived from the people and vests in, and shall be exercised by, the courts and tribunals established by or under this Constitution.” It also provides that in exercising judicial authority, the courts and tribunals shall be guided by principles including: justice shall be done to all, irrespective of status; justice shall not be delayed; and justice shall be administered without undue regard to procedural technicalities.

Article 238 on principles of national security provides that national security shall be pursued in compliance with the law and with the utmost respect for the rule of law, democracy, human rights and fundamental freedoms. Article 259 provides that “This Constitution shall be interpreted in a manner that advances the rule of law, and the human rights and fundamental freedoms in the Bill of Rights”.

**Kenya Vision 2030 under the Political Pillar – Rule of Law** envisages “adherence to the rule of law applicable to a modern, market-based economy in a human-rights respecting state”. Strategies include: enacting and implementing a legal and institutional framework that is vital to promoting and sustaining fair, affordable and equitable access to justice; increasing service availability and access (or reducing barriers) to justice; streamlining legal and judicial institutions; and

inculcating a culture of compliance with laws and decent human behaviour.

**Institutional framework** for the promotion of the rule of law is spelt out in the Constitution 2010 and includes the Presidency, the Judiciary, Office of the Attorney General, Office of the Director of Public Prosecutions, Office of the Ombudsman, and Political Parties.

### **Comment on adequacy**

The target is well covered under the Constitution and Vision 2030. The institutional framework and infrastructure exists to uphold the rule of law and provide access to justice. However, there is need for further policy articulation to strengthen access to justice.

**Target 16.4** By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime

**Indicator 16.4.1** Total value of inward and outward illicit financial flows (in current United States dollars)

**Indicator 16.4.2** Proportion of seized small arms and light weapons that are recorded and traced, in accordance with international standards and legal instruments

### **Relevant policies**

These include the Counter Trafficking in Persons Act 2010, Prevention of Terrorism Act 2012, Proceeds of Crime and Anti-Money Laundering Act No 9 of 2009; National Payment System Act No 39 of 2011, Anti Money Laundering Guidelines for the Provision of Mobile Payment Services 2013; Prevention of Organized Crimes Act No 6 of 2010, Financial Reporting Centre (FRC); and the Kenya National Focal Point (KNFP) and Small Arms and Light Weapons (SALW).

**The Counter Trafficking in Persons Act 2010.** To implement Kenya’s obligations under the United

Nations Convention Against Transnational Organized Crime particularly the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and to provide for the offences relating to trafficking in persons.

[The Prevention of Terrorism Act 2012](#) provides measures for the detection and prevention of terrorist activities; and amends the Extradition (Commonwealth Countries) Act and the Extradition (Contiguous and Foreign Countries) Act.

[Proceeds of Crime and Anti-Money Laundering Act No 9 of 2009](#) provides for the offence of money laundering and to introduce measures for combating the offence; and for the identification, tracing, freezing, seizure and confiscation of the proceeds of crime; – Institutional infrastructure provided under the Act include Financial Reporting Center; Anti-Money Laundering Board; and Assets Recovery Agency.

[The National Payment System Act No 39 of 2011 and Anti Money Laundering Guidelines for the Provision of Mobile Payment Services, 2013](#): The purpose of these Guidelines is: (a) To define the anti-money laundering guidelines for the delivery of mobile payment services; (b) to implement and enforce sound anti-money laundering legislation for the Mobile payment service providers; (c) to ensure all mobile payment service providers are subject to effective systems for monitoring and ensuring compliance with AML/CFT measures.

[The Kenya National Focal Point \(KNFP\) and Small Arms and Light Weapons \(SALW\)](#) was established in November 2002 pursuant to various protocols and declarations that Kenya signed at international, continental and regional levels so as to ensure stringent control and management of the SALW in the country. Its mandate is to develop the policy on Small Arm and light Weapons, establish a database on all state owned fire arms, provide civic education on the SALW and coordinate the implementation

of National and international conventions on SALW. The policy on SALW is still draft.

[Prevention of Organized Crimes Act No 6 of 2010](#) provides for the prevention and punishment of organised crime; and for the recovery of proceeds of organised criminal group activities.

[The Financial Reporting Centre \(FRC\)](#) is a government institution created in 2012 under the Prevention of Terrorism Act 2012, with the principal objective being to assist in the identification of the proceeds of crime and the combating of money laundering. The Act also mandates the Centre with the fight against financing of terrorism. In pursuit of its mandate, the Centre maintains a register of reporting institutions, receives reports on suspicious activities or transactions from reporting institutions, receives cash transaction reports that meet a given threshold from reporting institutions, and receives reports on cross-border conveyancing of monetary instruments.

### **Related goals and targets**

Related targets include Target 16.1 on reducing all forms of violence, Target 16.2 on ending abuse, exploitation, trafficking and all forms of violence against and torture of children, Target 16.a on strengthening relevant national institutions to prevent violence and combat terrorism and crime, and Target 8.7 on eradicating forced labour, modern slavery, human trafficking child labour.

### **Indicator and targets**

Data are available on one of the two indicators for this target according to KNBS.

No policy targets identified.

### **Comment on adequacy**

This target is well covered under Kenyan law and institutional framework and capacity. No sector policy was identified to support the achievement of this target. Of note, is that the target may be hard to achieve due to the amounts of monies involved and the susceptibility of our institutions to compromise.

**Target 16.5.** Substantially reduce corruption and bribery in all their forms

**Indicator 16.5.1** Proportion of persons who had at least one contact with a public official and who paid a bribe to a public official, or were asked for a bribe by those public officials, during the previous 12 months

**Indicator 16.5.2** Proportion of businesses that had at least one contact with a public official and that paid a bribe to a public official, or were asked for a bribe by those public officials during the previous 12 months

**Target 16.6** Develop effective, accountable and transparent institutions at all levels

**Indicator 16.6.1** Primary government expenditures as a proportion of original approved budget, by sector (or by budget codes or similar)

**Indicator 16.6.2** Proportion of the population satisfied with their last experience of public services

The two twin targets on effective, accountable and transparent institutions at all levels and on substantially reducing corruption and bribery in all their forms is well articulated in the Constitution 2010 and the Kenya Vision 2030. Other documents include the Proceeds of Crime and Anti-Money Laundering Act No 9 of 2009 discussed under 16.4 above, Ethics and Anti-Corruption Commission Act No 22 of 2011, Leadership and Integrity Act No 19 of 2012, Anti-Corruption and Economic Crimes Act 2003 and Public Officer Ethics Act 2003.

**Constitution 2010:** The preamble has the statement “RECOGNISING the aspirations of all Kenyans for a government based on the essential values of human rights, equality, freedom,

democracy, social justice and the rule of law”. Also addressing this target is Article 10 on national values and principles of governance. Chapter Six provides for the leadership and integrity required for the management of state affairs which include responsibilities of leadership under Article 73, conduct of state officers under Article 75, financial probity of state officers under Article 76, and legislation to establish the ethics and anti-corruption commission under Article 79.

**Kenya Vision 2030 - Political pillar:** Its vision is “transparent, accountable, ethical and results oriented government institutions.” This is discussed at the beginning of this section on Goal 16.

**Ethics and Anti-Corruption Commission Act No 22 of 2011** provides for the establishment and operations of Ethics and Anti-Corruption Commission (EACC).

**Leadership and Integrity Act No 19 of 2012** aims to give effect to, and establish procedures and mechanisms for the effective administration of Chapter Six of the Constitution.

**Anti-Corruption and Economic Crimes Act 2003** provides for the prevention, investigation and punishment of corruption, economic crime and related offences

**Public Officer Ethics Act 2003** aim is to advance the ethics of public officers by providing for a Code of Conduct and Ethics for public officers and requiring financial declarations from certain public officers.

### **Related goals and targets**

This target is related to Target 16.4 on reducing illicit financial flows and recovering assets and recovery of stolen assets. It reinforces the achievement of the majority of targets under the SDGs as effective, accountable and transparent institutions at all levels are necessary for the achievement of all the SDGs.

### Indicators and targets

For Target 16.5 data is available for one target while the other is categorized to be provided by global agencies.

There are no policy targets identified.

### Comment on adequacy

This target is well covered under policy framework including the Constitution 2010, Kenya Vision 2030 and various laws. Institutional framework, infrastructure and capacity is also in place. However, this target is focusing on an area that Kenya seems to be finding problematic and has so far been unable to 'get it right'.

**Target 16.7** Ensure responsive, inclusive, participatory and representative decision-making at all levels

**Indicator 16.7.1** Proportions of positions (by sex, age, persons with disabilities and population groups) in public institutions (national and local legislatures, public service, and judiciary) compared to national distributions

**Indicator 16.7.2** Proportion of population who believe decision-making is inclusive and responsive, by sex, age, disability and population group

### Relevant legal framework and policies

Constitution 2010 and Kenya Vision 2030 have extensive provisions that contribute to the achievement of this target. Other laws include the Elections Act No 24 of 2011 and Public Finance Management Act 2012.

The Constitution 2010 provides extensive provisions for an inclusive, participatory and representative decision making at all levels. In Article 10, national values and principles of governance include sharing and devolution of power, democracy and participation of the people and non-discrimination. Article 38 on political rights provides that every citizen is

free to make political choices, which includes the right (a) to form, or participate in forming, a political party; (b) to participate in the activities of, or recruit members for, a political party; or (c) to campaign for a political party or cause. Subsection 2 provides that every citizen has the right to free, fair and regular elections based on universal suffrage and the free expression of the will of the electors for (a) any elective public body or office established under this Constitution; or (b) any office of any political party of which the citizen is a member. Subsection 3 provides that every adult citizen has the right, without unreasonable restrictions (a) to be registered as a voter; (b) to vote by secret ballot in any election or referendum; and (c) to be a candidate for public office, or office within a political party of which the citizen is a member and, if elected, to hold office.

Article 91, on basic requirements, obligates every political party to have a democratically elected governing body; abide by the democratic principles of good governance, promote and practice democracy through regular, fair and free elections within the party; respect the right of all persons to participate in the political process, including minorities and marginalised groups.

Article 118, on public access and participation, provides that Parliament shall (a) conduct its business in an open manner, and its sittings and those of its committees shall be open to the public; and (b) facilitate public participation and involvement in the legislative and other business of Parliament and its committees. Article 138 provides that all persons registered as voters for the purposes of parliamentary elections are entitled to vote in a Presidential election.

Article 174 states that the devolution of government are to give powers of self-governance to the people and enhance the participation of the people in the exercise of the powers of the State and in making decisions affecting them.

Article 184, on urban areas and cities, provides that National legislation shall provide for the governance and management of urban areas and cities and shall, in particular (c) provide for participation by residents in the governance of urban areas and cities.

Article 196 on public participation and county assembly powers, privileges and immunities provides that a county assembly shall (b) facilitate public participation and involvement in the legislative and other business of the assembly and its committees.

Article 201 principles of public finance provides that (a) there shall be openness and accountability, including public participation in financial matters.

In Schedule 4 Part 2 provides functions and powers of the county government include ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

On inclusion and representation refer to the policy discussion under Target 5.5 on women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life. The following articles provides for inclusion and participation of special groups: Article 54 obligates State to ensure the progressive implementation of the principle that at least five percent of the members of the public in elective and appointive bodies are persons with disabilities. Article 55 obligates the State to take measures, including affirmative action programmes, to ensure that the youth (b) have opportunities to associate, be represented and participate in political, social, economic and other spheres of life. Article 56 obligates

the State to put in place affirmative action programmes designed to ensure that minorities and marginalised groups (a) participate and are represented in governance and other spheres of life. Article 57 obligates the State to take measures to ensure the rights of older persons (a) to fully participate in the affairs of society.

Article 97, on Membership of the National Assembly – 47 women, each elected by the registered voters of the counties, each county constituting a single member constituency; 12 members nominated by parliamentary political parties according to their proportion of members of the National Assembly in accordance with Article 90, to represent special interests including the youth, persons with disabilities and workers.

Article 177 on Membership of county assembly provides that a county assembly consists of—(b) the number of special seat members necessary to ensure that no more than two-thirds of the membership of the assembly are of the same gender; and (c) the number of members of marginalised groups, including persons with disabilities and the youth, prescribed by an Act of Parliament.

[Kenya Vision 2030 - Political Pillar](#) on public participation in governance - the vision is “a people centered and politically engaged open society”. “The political system shall provide that wananchi have the right to participate...in all development policies...it shall make it the duty of public authorities to promote individual and community participation in social activities and to influence decision making.”

[Elections Act No 24 of 2011](#) provides for the conduct of elections to the office of the President, the National Assembly, the Senate, county governor and county assembly; to provide for the conduct of referenda; to provide for election dispute resolution. Article 3 provides for the right to vote as provided for in the Constitution 2010.



Public Finance Management Act 2012 provides for public participation in budgeting at national, county and urban areas. Article 10 obligates the Parliamentary Budget Office to observe the principle of public participation in budgetary matters. Article 35 obligates the Cabinet Secretary to ensure public participation in the national budget process. Article 125 obligates the County Executive Committee member for finance to ensure that there is public participation in the budget process. Article 175 provides that in preparing the strategic plan and the annual budget estimates, the accounting officer of an urban area or city (a) shall ensure that the public is given an opportunity to participate in the preparation process as outlined in the second schedule of the Urban Areas and Cities Act, 2011; and Article 207 provides for the publishing of guidelines for structures, mechanisms, processes and procedures for public participation.

### Related goals and targets

This target is related to Target 5.5 on participation and equal opportunities for women, Targets 10.2 and 10.3 on promoting social, political and economic inclusion of all; and ensuring equal opportunity.

### Indicators and targets

Data on the two indicators for this target are not available according to KNBS.

There are clear targets and policy direction in the Constitution 2010 and other Kenyan laws on inclusion, participation and representation.

### Comment on adequacy

This target is well covered by the Constitution, Vision 2030 and laws of Kenya. However, the inability of the country to enact the two thirds gender rule or agree on the way forward limits the achievement of this target.

**Target 16.8** Broaden and strengthen the participation of developing countries in the institutions of global governance

**Indicator 16.8.1** Proportion of members and voting rights of developing countries in international organizations

Exercised at global level

**Target 16.9** By 2030, provide legal identity for all, including birth registration

**Indicator 16.9.1** Proportion of children under 5 years of age whose births have been registered with a civil authority, by age

The proportion of births registered in the country was 65.9 percent in 2015 with wide regional disparities. Central had the highest proportion of registered births at 96.3 percent with North Eastern region registering the least at 39.8 percent. The proportion of deaths registered countrywide was 45.2 percent in 2015 with Nairobi with the highest proportion at 73.6 percent and North Eastern registering the least at only 9 percent<sup>139</sup>.

### Relevant policies

Under Article 53 every child has the right to a name and nationality from birth. Births and Deaths Registration Act Chapter 149 provides for the notification and registration of births and deaths which is now compulsory for all school going children and babies attending Government hospitals. The responsible Agency is Directorate of Immigration and Registration of Persons in the Ministry of Interior and Coordination of National Government.

### Comment on adequacy

The law exists and enforcement is now happening through the school and health systems. While it is desirable to attain universal registration

<sup>139</sup> - Civil Registration Services - Kenya Vital Statistics Report 2015

of all its citizens, Kenya lacks a policy to help in achieving this. However, it is important to put in place the mechanisms necessary to achieve this target as it would directly support the production of identity cards and automatic voter registration at 18 years of age for all Kenyans – exercises that involve parallel effort and a lot of resources. Currently there are inadequate resources for this purpose with most of the resources for promoting registration coming from development partners<sup>140</sup>.

Policy support for this target is therefore inadequate.

**Target 16.10** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements

**Indicator 16.10.1** Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months

**Indicator 16.10.2** Number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information

### Relevant policies

Refer to the discussion on access to justice under Target 16.3. See also the specific provisions of the Kenya Vision 2030 on the rule of law as discussed at the beginning Goal 16. The Access to Information Act No. 31 of 2016 that give effect to the Article 35 of the Constitution 2010 is discussed below.

**Constitution 2010 on protection of fundamental freedoms:** Article 20 provides under that (1) The Bill of Rights applies to all law and binds all State organs and all persons. (2) Every

person shall enjoy the rights and fundamental freedoms in the Bill of Rights to the greatest extent consistent with the nature of the right or fundamental freedom. Article 21 provides that is a fundamental duty of the State and every State organ to observe, respect, protect, promote and fulfil the rights and fundamental freedoms in the Bill of Rights. (2) The State shall take legislative, policy and other measures, including the setting of standards, to achieve the progressive realisation of the rights guaranteed under Article 43. Article 22 on the Enforcement of Bill of Rights provides that (1) every person has the right to institute court proceedings claiming that a right or fundamental freedom in the Bill of Rights has been denied, violated or infringed, or is threatened. (3) The Chief Justice shall make rules (allowing effective, expedient and affordable access to justice). Article 23 on the authority of courts to uphold and enforce the Bill of Rights provides that (1) The High Court has jurisdiction, in accordance with Article 165, to hear and determine applications for redress of a denial, violation or infringement of, or threat to, a right or fundamental freedom in the Bill of Rights.

On access to information Article 35 of the Constitution 2010 provides that (1) Every citizen has the right of access to (a) information held by the State; and (b) information held by another person and required for the exercise or protection of any right or fundamental freedom. (2) Every person has the right to the correction or deletion of untrue or misleading information that affects the person. (3) The State shall publish and publicise any important information affecting the nation.

**Access to Information Act No. 31 of 2016:** The aim of the Act is to give effect to Article 35 of the Constitution (on right of access to information) and to confer on the Commission on Administrative Justice the oversight and enforcement functions and powers. The

<sup>140</sup> - UNFPA Kenya Country Office 8th Programme Evaluation

objectives include to: (a) give effect to the right of access to information by citizens as provided under Article 35 of the Constitution; (b) provide a framework for public entities and private bodies to proactively disclose information that they hold and to provide information on request in line with the constitutional principles; (c) provide a framework to facilitate access to information held by private bodies in compliance with any right protected by the Constitution and any other law; (d) promote routine and systematic information disclosure by public entities and private bodies on constitutional principles relating to accountability, transparency and public participation and access to information; (e) provide for the protection of persons who disclose information of public interest in good faith; and (f) provide a framework to facilitate public education on the right to access information under this Act.

### Relevant goals and targets

This includes Target 16.3 on the rule of law and access to justice.

### Indicators and targets

Data on one of the two indicators are available according to KNBS.

### Comment on adequacy

This target is adequately addressed by the country's policy framework.

**Target 16.a** Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime

**Target 16.a.1** Existence of independent national human rights institutions in compliance with the Paris Principles

### Relevant policies

The obligations placed on the State by the Constitution 2010 and the Kenya Vision 2030 to protect citizens and prevent violence including combating terrorism and crime implies the development of the requisite institutional infrastructure, capacity and capabilities. This includes the National Police Service (including Counter Terrorism Unit and Special Crime Prevention Unit), the Kenya Defense Forces, the Kenya National Focal Point (KNFP) and Small Arms and Light Weapons (SALW), The Financial Reporting Centre (FRC), Central Bank of Kenya, and the Communications Authority of Kenya.

Part 5 Article 29 of the Constitution 2010 provides for the establishment of the Kenya National Human Rights and Equality Commission whose functions are: (a) to promote respect for human rights and develop a culture of human rights in the Republic; (c) to promote the protection, and observance of human rights in public and private institutions. This Commission is in place with requisite capacity.

### Related goals and targets

This target is related to Targets 16.1 and 16.4 on reducing all forms of violence and combating all forms of organized crime.

### Indicators and targets

Data on the indicator for this target are available according to KNBS.

### Comment on adequacy

This target is well covered by Kenyan laws. Institutional framework and capacity exists. International cooperation seems strong.

**Target 16.b** Promote and enforce non-discriminatory laws and policies for sustainable development

**Indicator 16.b.1** Proportion of population reporting having personally felt discriminated against or harassed in the previous 12 months on the basis of a ground of discrimination prohibited under international human rights law

Refer to the policy discussion under Targets 5.1, 10.2, 10.3 and 10.4.

Kenyan indicators and targets

No data are available on the indicator for this target.

### Comment on adequacy

This target is adequately covered by the Constitution 2010, which is very prescriptive on non-discrimination on any basis. However policies and laws are taking long to be updated e.g. Gender and Youth Policy and the Two Thirds Gender Law.

Policy framework is therefore considered inadequate.

## TARGET 16.3



**PROMOTE THE RULE OF LAW  
AND ENSURE EQUAL ACCESS TO JUSTICE**

**16** PEACE, JUSTICE  
AND STRONG  
INSTITUTIONS



# TARGET 17.17



**ENCOURAGE EFFECTIVE PARTNERSHIPS**

**17** PARTNERSHIPS  
FOR THE GOALS



**SYSTEMIC ISSUES**





## STRENGTHEN THE MEANS OF IMPLEMENTATION AND REVITALIZE THE GLOBAL PARTNERSHIP FOR SUSTAINABLE DEVELOPMENT

### Goal 17. Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development

A successful sustainable development agenda requires partnerships between governments, the private sector and civil society. These inclusive partnerships built upon principles and values, a shared vision, and shared goals that place people and the planet at the centre, are needed at the global, regional, national and local level. Urgent action is needed to mobilize, redirect and unlock the transformative power of trillions of dollars of private resources to deliver on sustainable development objectives. Long-term investments, including foreign direct investment, are needed in critical sectors. These include sustainable energy, infrastructure and transport, as well as information and communications technologies<sup>141</sup>.

The goals aim to enhance North-South and South-South cooperation by supporting national plans to achieve all the targets. Promoting international trade, and helping developing countries increase their exports, is all part of achieving a universal rules-based and equitable trading system that is fair and open, and benefits all<sup>142</sup>.

**Target 17.1** Strengthen domestic resource mobilization, including through international support to developing countries, to improve domestic capacity for tax and other revenue collection

**Indicator 17.1.1** Total government revenue as a proportion of GDP, by source

**Indicator 17.1.2** Proportion of domestic budget funded by domestic taxes

The effort on tax reforms to improve tax performance and therefore domestic mobilization of resources to fund government expenditure has been in place for the last 20 years or more. It is expected to continue throughout the Third MTP period and beyond. The recent ones include: the implementation of an Integrated Tax Management System (iTax) to improve tax administration and performance; payment of taxes via mobile money; turnover tax revamped and implemented to make it more efficient and easy for tax payers to comply; initiative to increase payment of taxes from the real estate sector; special focus on high net worth individuals (HNWI); Single Customs Territory (SCT) for east African countries where tax is paid at first port of entry into the partner states; Dynamic Risk Management System implemented as part of the new Integrated Customs Management System (ICMS); implementation of Electronic Cargo Tracking System (ECTS) in progress with plans underway to expand ECTS throughout the EAC region; and international tax office created, tax information exchange agreements and treaties signed with various countries with Kenya joining the Global Forum on Transparency to deal with all aspects of international taxation including transfer pricing. Kenya also enacted VAT Act 2013, Excise Act 2015, and Tax Procedures Act 2015; and Income Tax amended to include a schedule for the taxation of mining and oil exploration. During the MTP II period, KRA expanded its presence to cover 45 counties. The Authority is supporting various counties in revenue collection; and is

<sup>141</sup> - <https://www.un.org/sustainabledevelopment/globalpartnerships/>

<sup>142</sup> - <http://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-17-partnerships-for-the-goals.html>

using enhanced enforcement tools such as scanners at points of entry, detector dogs and boats; enhanced usage and compliance with Excise Goods Management System.

The Kenya Vision 2030 target of total government revenue as a proportion of GDP is 22 percent to be realized by 2015 and sustained up to 2030. However, the projections remain below 22 percent<sup>143</sup>. The country is actually collecting below the baseline figure of 20.7 percent set in 2006/7. As of the Economic Survey of 2018, the figure stands at 19.13 percent<sup>144</sup>.

### Relevant policies

The policies relevant to this target include Kenya Vision 2030, the Third MTP and the Budget Policy Statement 2018.

Kenya Vision 2030 states that the government will ensure that the bulk of expenditures are met from tax revenues. Key elements of the fiscal strategy will include: maintaining a strong revenue effort with revenues targeted to rise from 20.7 percent of GDP in 2006/07 to 22 percent by 2015 and remain at that level to 2030.

**Budget Policy Statement / Third MTP.** Some of the reforms to be undertaken during the Third MTP period include: Roll out of the Integrated Customs Management System (ICMS) to seal loop holes at the Customs to prevent concealment, undervaluation, mis-declarations and falsifications of import documents; Implementation of the Regional Electronic Cargo Tracking (RECTS) to tackle transit diversion; Enhance scanning activities to detect concealment; Scaling-up on-going and routine activities such as Pre-Verification of Conformity (PVOC), benchmarking and auctions; Data matching and use of third party data to enhance compliance through integration of iTax with IFMIS ; Expansion of tax base by targeting informal sector, pursue non-filers and increase focus on taxation of international transactions

and transfer pricing; and enhance investigations, intelligence capacity and KRA capacity to support revenue collection.

### Indicators and targets

Data on the indicator for the target are available according to KNBS.

Policy targets – under Kenya Vision 2030 - revenues increase from 20.7 percent of GDP in 2006/7 to 22 percent by 2015 and sustained to 2030. Under Budget Policy Statement / Third MTP revenues will increase from 19 percent in 2017/8 to 19.4 percent of GDP by 2022. Proportion of domestic budget funded by domestic taxes will increase from 70.7 percent in 2017/8 to 85 percent by 2022.

### Comment on adequacy

The National Treasury provides policy direction on this issue every financial year. Tax reforms have been ongoing and the tax base and amount collected have been increasing. As the tax revenues have increased, so have the recurrent and development expenditures. The tax revenues as a percentage of GDP have not been increasing and the Vision 2030 revenue targets of 22 percent have been met with the country collecting below the baseline of 20.7 percent in 2006/7.

The current ambitious development programmes and revenue leakages through corruption affects the country's ability to increasingly fund its budget from tax revenue.

**Target 17.2** Developed countries to implement fully their ODA commitments, including the commitment by many developed countries to achieve the target of 0.7 per cent of gross national income for ODA (ODA/GNI) to developing countries and 0.15 to 0.20 per cent of ODA/GNI to least developed countries;

<sup>143</sup> - Budget Policy Statement 2018

<sup>144</sup> - Economic Survey 2018

ODA providers are encouraged to consider setting a target to provide at least 0.20 per cent of ODA/GNI to least developed countries

**Indicator 17.2.1** Net ODA, total and to least developed countries, as a proportion of the Organization for Economic Cooperation and Development (OECD) Development Assistance Committee donors' gross national income (GNI).

**N/A – for global agencies / development partners**

**Target 17.3** Mobilize additional financial resources for developing countries from multiple sources

**Indicator 17.3.1** Foreign direct investments (FDI), ODA and South-South Cooperation (SSC) as a proportion of total domestic budget

**Indicator 17.3.2** Volume of remittances (in United States dollars) as a proportion of total GDP

During the Second MTP period Kenya's World Bank Ease-of-Doing-Business ranking improved 56 places from position 136 in 2013 to position 80 in 2017 out of 189 countries. Despite not achieving the targeted rank of 50, Kenya recorded the most marked improvement in starting a business, getting electricity, registering property, and getting credit. This is attributed to digitization of the company and land registries, rolling out of Huduma Centres and the last mile electricity connectivity programme.

In addition, for two consecutive years (2016 and 2017), Kenya emerged as the third most reformed country in the world. FDI levels have risen over 500 percent from USD514 million in 2013 to USD2.6 billion in 2016, making Kenya one

of the most preferred investment destinations in Africa. Further reforms are expected to improve the Ease of Doing Business ranking in line with Kenya's ambition of being among the top 50 nations by 2020.

The government enacted the Public Private Partnership Act 2013; the Business Registration Service Act 2015; and the Special Economic Zone Act 2015 to facilitate private sector investment in infrastructure and other sectors of the economy. In addition, the National Productivity Centre and Competition Authority have been strengthened to enable them to effectively perform their mandates in order to enhance competition and efficiency of the economy.

Also see article on Kenya's FDIs performance in 2016<sup>145</sup>.

### Relevant policies

The main policy documents that articulate what the country is doing to attract funding from multiple sources for development is the Third MTP and the Kenya External Resources Policy 2014. The legal and institutional framework exist with various agencies created for the purpose. These include: EPZA, EPC, Anti-counterfeiting Agency (ACA), Kenya Industrial Property Institute (KIPI) for property rights, and KENINVEST. All these agencies are created under respective acts of Parliament.

During the Third MTP period, Kenya will continue to pursue policies which promote trade and investment through economic partnerships as well as bilateral arrangements. Increased focus will be directed to secure rapid expansion of Kenya's share of intra-African trade as well as in global trade.

Foreign Direct Investments (FDI) are also expected to increase on account of investment in Special Economic Zones (SEZ), investment in the oil and minerals resources sector and under implementation of key infrastructure projects through PPP arrangements.

<sup>145</sup> - <https://www.nation.co.ke/business/Kenya-posts-fastest-rise-in-foreign-direct-investments/996-3194256-6v1vqz/index.html>

The objective of the Kenya External Resources Policy 2014 is to improve sourcing and management of ODA.

### Indicators and targets

The data on the two indicators is available according to KNBS.

Kenya policy targets is to improve World Bank Ease of Doing Business from 80 to 50. Under the governments Big 4 Agenda – increase investment in manufacturing from USD350 million in 2017 to USD4 billion in 2022.

### Comment on adequacy

Kenya has the policy and legal framework and institutional set up and capacity for promoting trade and attracting Foreign Direct Investments (FDI). The extraordinary performance during the Second MTP period is a good pointer of the country's ability to achieve this target. Consistent effort needs to continue to improve ease of doing business to the target of an index of 50, and fully operationalizing SEZs, PPP framework and other initiatives.

The current momentum on regional integration, including CFTA, holds great promise of significantly increased regional trade. The rapidly improving infrastructure (including sea ports and airport and SGR) and connectivity between the regional countries including Ethiopia, South Sudan is likely to contribute significantly to achieving this target.

However, there is no policy on SSC and how to measure related funds flows. What qualifies as SSC has not been defined and resources from the BRICS are classified as ODA in the Kenya Printed Budget Estimates.

**Target 17.4** Assist developing countries in attaining long-term debt sustainability through coordinated policies aimed at fostering debt financing, debt relief and debt restructuring, as appropriate, and address the external debt of highly indebted poor countries to reduce debt distress

**Indicator 17.4.1** Debt service as a proportion of exports of goods and services

**N/A – for development partners and global development agencies**

Kenya develops a three-year Medium-Term Debt Management Strategy (MTDMS) as per the PFM Act requirement. Also Kenya undertakes Debt Sustainability Analysis done by IMF to determine risk to external debt distress. Other publications and sources of data are the monthly debt bulletin, annual debt management reports and external public debt register. This helps the Government to monitor its debt sustainability levels to prevent it from being a highly indebted country.

**Target 17.5** Adopt and implement investment promotion regimes for least developed countries

**Indicator 17.5.1** Number of countries that adopt and implement investment promotion regimes for least developed countries

**N/A – for development partners and global development agencies**

**Target 17.6** Enhance North-South, South-South and triangular regional and international cooperation on and access to STI and enhance knowledge-sharing on mutually agreed terms, including through improved coordination among existing mechanisms, in particular at the United Nations level, and through a global technology facilitation mechanism

**Indicator Target 17.6.1** Number of science and/or technology cooperation agreements and programmes between countries, by type of cooperation

**Indicator 17.6.2** Fixed Internet broadband subscriptions per 100 inhabitants, by speed

Kenya is part of the South-South and Triangular cooperation but inputs were not available by the time of this draft.

**Target 17.7** Promote the development, transfer, dissemination and diffusion of environmentally sound technologies to developing countries on favourable terms, including on concessional and preferential terms, as mutually agreed (global?) N/A

**Indicator 17.7.1** Total amount of approved funding for developing countries to promote the development, transfer, dissemination and diffusion of environmentally sound technologies

**N/A – for development partners / global development agencies**

**Target 17.8** Fully operationalize the technology bank and STI capacity-building mechanism for least developed countries by 2017 and enhance the use of enabling technology, in particular ICT

**Indicator 17.8.1** Proportion of individuals using the Internet

**N/A – for least developed countries**

**Target 17.10** Promote a universal, rules-based, open, non-discriminatory and equitable multilateral trading system under the WTO, including through the conclusion of negotiations under its Doha Development Agenda

**Indicator 17.10.1** Worldwide weighted tariff- average

**N/A - Exercised at global level - WTO**

**Target 17.11** Significantly increase the exports of developing countries, in particular with a view to doubling the least developed countries' share of global exports by 2020

**Indicator 17.11.1** Developing countries' and least developed countries' share of global exports

**Indicator 17.12.1** Average tariffs faced by developing countries, least developed countries and Small Island developing States

**N/A – global - WTO**

**17.13** Enhance global macroeconomic stability, including through policy coordination and policy coherence

**17.13.1** Macroeconomic Dashboard

**N/A – Global agencies**

**Target 17.14** Enhance policy coherence for sustainable development

**Indicator 17.14.1** Number of countries with mechanisms in place to enhance policy coherence of sustainable development

**N/A – Global agencies**

Target 17.15 Respect each country's policy space and leadership to establish and implement policies for poverty eradication and sustainable development.

**Indicator 17.15.1** Extent of use of country-owned results frameworks and planning tools by providers of development cooperation

**N/A Development partners – called upon to respect countries' policy space under the Paris Agreement**

Kenya's policy is to use development funding within its policy and planning framework.

**Target 17.16** Enhance the Global Partnership for Sustainable Development, complemented by multi-stakeholder partnerships that mobilize and share knowledge, expertise, technology and financial resources, to support the achievement of the SDGs in all countries, in particular developing countries



**Indicator 17.16.1** Number of countries reporting progress in multi-stakeholder development effectiveness monitoring frameworks that support the achievement of the SDGs

**Target 17.17** Encourage and promote effective public, public-private and civil society partnerships, building on the experience and resourcing strategies of partnerships

**Indicator 17.17.1** Amount of United States dollars committed to public-private and civil society partnerships

The two targets call for effective partnerships between government at national and county levels, the private sector and non-state actors in sustainable development and in monitoring progress of SDGs. Towards this end an Inter-agency Technical Committee on SDGs formed with the leadership of the State Department of Planning and Statistics. The SDGs Forum is already in place and was instrumental in producing the 2017 SDGs Voluntary National Review (VNR) Report which was presented at the UN High Level Political Forum (HLPF) 10-19 July 2017. The report also include a report from KEPSA representing the private sector.

**SDGs Kenya Forum for Sustainable Development:** The forum provides space for a more structured and coordinated CSO engagement with the government to share concrete suggestions for implementation of the 2030 Agenda for Sustainable Development and strategies for involving the media, academia private sector and citizen mobilization.

**Global Partnership for Effective Development Co-operation (GPEDC).** Kenya is a signatory to the GPEDC which is a multi-stakeholder platform to advance the effectiveness of development efforts by all actors, to deliver results that are long-lasting and contribute to the achievement of the Sustainable Development Goals (SDGs). The GPEDC monitors progress every two years.

In the 2016 GPEDC monitoring round, 81 countries participated and this provided evidence for implementing the internationally-agreed development effectiveness principles. The 2018 Monitoring Round exercise will complement the SDG follow-up and review process by generating data for SDG 5 and SDG 17 targets.

The Development Effectiveness Group (DEG) under the National Treasury is mandated to coordinate and monitor the implementation of this target by bringing all development actors together in a multi-stakeholder platform for stronger partnerships and effective development co-operation. Kenya has developed the Effective Development Co-operation Strategic Plan 2018-2022 which will guide the implementation of the effective development co-operation principles and commitments as well as the Kenya External Resources Policy 2014. Hence, an effective development co-operation coordination mechanism exists. Roll-out to include County Governments is in process.

#### **Comment on adequacy**

There is significant potential and resources that can be harnessed through more effective partnership and coordination mechanisms between the government, the private sector and the CSOs. The CSOs are organized under the SDGs Kenya Forum and the private sector is engaged.

However, going forward, this needs to be strengthened and there may be need for a policy to guide this effort including defining the coordination and partnership mechanisms and institutional arrangements. There is also need for resources to build stakeholder capacities and support coordination activities.

**Target 17.18** By 2020, enhance capacity-building support to developing countries, including for least developed countries and small island developing states, to increase significantly the availability of high-quality, timely and reliable

data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts

**Indicator 17.18.1** Proportion of sustainable development indicators produced at the national level with full disaggregation when relevant to the target, in accordance with the Fundamental Principles of Official Statistics

**Indicator 17.18.2** Number of countries that have national statistical legislation that complies with the Fundamental Principles of Official Statistics

**Indicator 17.18.3** Number of countries with a national statistical plan that is fully funded and under implementation, by source of funding

**Target 17.19** By 2030, build on existing initiatives to develop measurements of progress on sustainable development that complement gross domestic product, and support statistical capacity-building in developing countries

Indicator 17.19.1 Dollar value of all resources made available to strengthen statistical capacity in developing countries

Indicator 17.19.2 Proportion of countries that (a) have conducted at least one population and housing census in the last 10 years; and (b) have achieved 100 per cent birth registration and 80 per cent death registration

By 2017, the Kenya National Bureau of Statistics (KNBS) had identified the indicators whose data were available, which availability was possible with limited resources within two years, and where data was not available or best provided by global agencies. The number of indicators

whose data is available is 128 out of the 230 SDG indicators.

During the Second MTP period, the KNBS produced the Kenya Demographic and Health Survey for 2014, and the Kenya Integrated Housing and Budget Survey for 2015/16, economic survey for each of the 5 years with the latest being for 2018<sup>7</sup>. KNBS is currently preparing for the population census exercise to be undertaken in 2019.

In the area of birth registrations, the government has mainstreamed the exercise in the school systems requiring all children being enrolled into primary school to provide a birth registration certificate. It is hoped that this will allow the country to achieve the 100 percent birth registration. Currently the status as of data available indicates that the proportion of births registered in the country was 65.9 percent in 2015 with wide regional disparities. Central region had the highest proportion of registered births at 96.3 percent with North Eastern region registering the least at 39.8 percent. The proportion of deaths registered countrywide was 45.2 percent in 2015 with Nairobi with the highest proportion at 73.6 percent and North Eastern registering the least at only 9 percent<sup>146</sup>. Throughout the Second MTP period, the KNBS improved on dissemination of products through enhancement of the website, the use of social media and rejuvenation of data dissemination portals. The Bureau developed the advance release calendar and data quality assessment frameworks to ensure that statistics are produced following internationally agreed practices.

To expedite the time take before the release of the various statistical products, KNBS has embraced the use of modern technology in data collection and processing. This has led to a considerable reduction in the time taken to implement surveys and censuses and release the reports to inform policy formulation<sup>147</sup>.

146 - Civil Registration Services - Kenya Vital Statistics Report 2015

147 - Third MTP - Macroeconomic Framework

### **Relevant policies**

Key policies reviewed were the Third MTP and Budget Policy Statement of 2018. The law is the Statistics Act No 4 of 2006.

**Third MTP / BPS 2018.** Statistical reforms and surveys to be undertaken during the next 5 years to improve the quality and availability of data. The Statistical Act 2006 will be reviewed to align it to the 2010 Constitution, and County Statistics Act enacted to govern statistical activities at the county level. Surveys to be undertaken include the compilation of the Gross County Economic activity of counties; Kenya Population and Housing Census in 2019; Census of Industrial production; Survey of Non Profit Institutions; Rebasing of National Accounts; Integrated Survey of Services; and Census of Agriculture

### **Comment on adequacy**

The legal framework exists and the KNBS has the professional capacity and capabilities to conduct surveys and provide data on 128 SDG indicators.

It also efficiently disseminates statistical data efficiently through its website. The law is being reviewed to allow counties to collect, analyse and use own data in line with Constitution 2010. However, even with the law review, we still need a policy to guide our directions on collecting and using evidence.

The legal framework for registration of births and deaths exists but it is not supported by the policy framework to guide effort in this area. Most of the resources to increase registration coverage are currently from development partners.

Of note, is the fact that the statistics law has taken long to be reviewed and there is need for further policy guidance on statistics and registration of births and deaths. KNBS should further review the list of SDG indicators to determine the ones which can be made available through establishing and enhancing county governments and other stakeholders' capacity to collect data.

## Chapter 4. Conclusions and recommendations

### 4.1 Findings and conclusions

The following are the findings and conclusions of this study.

1. The goals and targets of Agenda 2030 are fully covered, directly or indirectly, by the Constitution 2010. They are almost fully covered, again directly or indirectly, by the Kenya Vision 2030 and its Third MTP (which includes the governments Big 4 Agenda). The targets are also covered above average, either fully or partially, by current sector policies (estimated by this Study at nearly 60 percent); and legal and regulatory frameworks (estimated by this study at nearly 70 percent). The targets are also supported by Kenya's international obligations (which are part of Kenya's law as per the Constitution 2010). Goals 3 and 4, on health and education and those related to the environment and climate change – Goals 13, 14 and 15 on climate action, life below water and life on land are the best addressed by the Constitution 2010, Kenya Vision 2010 and its MTPs, and sectoral policies and legal frameworks.
2. The SDG targets related to three of the government's Big 4 Agenda: Food and nutrition security discussed under Goal 2, universal health discussed under Goal 3, and manufacturing discussed under Goal 9 (Target 9.2) are well addressed by the policy framework. Affordable housing addressed under Goal 11 (Targets 11.1 and 11.3) which addresses the issue on inclusive and sustainable urbanization not well supported by the legal and regulatory frameworks and the laws in place are not being effectively enforced.
3. On adequacy, the study estimates that only about 40 percent of the SDG targets are fully addressed by current sector specific policies and legal and regulatory frameworks. An additional 36 percent were found to be partially addressed. This implies there is substantial work required to adequately address all the SDGs. Some of the work relate to reviewing the policies and legal frameworks so they are fully aligned with the Constitution 2010, the Kenya Vision 2030 and the 2030 Agenda. Areas with critical gaps include the following:
  - **Gender** – being one of the main goals focused on “not leaving anyone behind” require up to date policy framework. The current policies – National Policy on Gender and Development and the Sessional Paper No 2 of 2006 on Gender equality and Development came into effect before the Vision 2030 and the Constitution 2010 and have been in the process of review for several years. Furthermore, there are no country policy targets set on key gender issues.
  - **Youth** policy is outdated (2006) and has been in the process of review for several years. No policy targets are available on this very critical area.
  - **Goal 1 on ending poverty.** While recognized as a core area of national focus and a number of initiatives exist to address this Goal, has limited policy support. For example, other than the targets set in the Vision 2030 and the Agricultural Sector Development Policy, no other targets are available even in the MTPs. The country is unable to monitor progress within the 5 year

planning cycle as the KIHBS is not being produced regularly enough. The last one (2015/16) was produced 10 years after the previous one of 2005/6.

- **Transport** – while a lot of effort and resources have gone into this area since the launch of Vision 2030 and significant progress has been achieved, it is one of the areas with significant policy gaps. The National Integrated Transport Policy, the 50 year Transport Master Plan and recently the 20 year Transport Master Plan have been in the process of formulation for the last several years. The first two are flagship projects under Vision 2030 and were time bound (planned to be produced within 2 years) but are yet to be finalized 10 years after. This is denying the country and especially the county governments much needed guidance in the development of transport infrastructure.
- **Security** – while the legal framework exists for supporting the work of security agencies, the lack of sector policy based on systematic and comprehensive national conversation denies the country much needed guidance in this area. This may be the reason why, while the country has achieved the UN ratio of police to population ratio of 1:450, and while the security agencies have more equipment and vehicles, the audience in the stakeholders validation workshop on the Midterm Review of the Second MTP had a problem reconciling this with the security reality in the country. It may also explain why there seems

to be no clear guidance as to the proportion of the policemen who should be guarding VIPs and those who should be taking care of public safety.

- **Energy** – the current policy is 14 years old (dated 2004) while the Energy Act is 12 years old (dated 2006). Both came into force before the Kenya Vision 2030 and the Constitution 2010. There are substantial changes experienced in the sector since then, which means the current policy framework may not be adequate to support this very critical sector.
  - **Goal 11 on sustainable cities** – as discussed below, is inadequately addressed by the policy framework, and needs urgent attention because of the magnitude of the impact of urbanization on society as we approach year 2030.
4. Substantial number of policies (including policy documents, legal and regulatory frameworks, and master plans) are taking too long to be finalized or revised and updated, thereby denying the country the much needed guidance in key areas some of which are discussed above.
  5. **Awareness on policies.** This Study suggests that there is limited awareness of the existing policies. Most of the sector ministries do not have key policy documents and legal instruments published and accessible on their websites. Therefore, there is high probability that these critical documents are not readily available to staff and the public. This may be impeding on the level of policy awareness, and including for internal ministry staff. Efforts to increase public awareness on policies is almost non-existent.



6. **Data availability for monitoring achievement of SDG targets.**

The KNBS provides a solid basis for for generating data monitoring the SDGs. The surveys it conducts are a critical source of data for setting baselines and monitoring progress on SDGs targets. The disaggregation of the data to county level, on gender and other attributes is extremely helpful. The KNBS has identified 128 indicators out of 230 (or 56 percent) where data exists or where data can be obtained with reasonable effort within 2 years. KNBS publishes the surveys on its website making them available to all. However, data collection in the country is limited by the existing law (that is under review) and resources. The current legal framework is yet to recognize the significant capacity and opportunity available for improved data collection from allowing the counties to collect, analyse and use their own data in priority areas.

7. **On national monitoring SDGs,** the lack of a footprint of the ministry in charge of planning in the counties (that was previously the case with District Development Officers) and lack of a policy and legal framework on monitoring and evaluation severely impedes the national monitoring of SDGs. The policy and legal framework has been in the process of formulation for several years.

8. **Country indicators, baselines and targets:**

The existence of country indicators and targets, whether or not they are the same as the SDG indicators, are critical for monitoring progress in the achievement of the SDG targets. The study estimated that about 40 percent of relevant targets had corresponding country indicators and targets. In some cases, the data available provides a good opportunity to set targets, and plan and implement programs, and monitor progress. For example, while the health sector uses data to set outcome

targets and monitor progress, there are no targets set on key gender and youth related issues even when the data exist. In some cases, the complete lack of data denies the country the basis for planning, implementing and monitoring progress on critical national issues such as child labour.

9. **Reinforcing and counteracting interactions between SDGs:**

Some goals and targets have significant impact and interactions with other goals and targets. These means focusing on them has substantial impact on most of the other goals. These include Goal 2, on **ending** hunger and in particular Target 2.3 on doubling food production; Goal 6, on water and sanitation including the focus on water ecosystems; and Goal 11, on inclusive cities. Targets 9.2 on industrialization have direct impact on Goal 8, on economic development and employment, and Goal 11, on settlements. Some of these are discussed individually below.

Some SDGs and targets have significant negative interactions with other SDGs and targets. These include: increasing agricultural production (Target 2.3), increasing economic growth and employment (Goal 8), industrialization (Target 9.2) and inclusive cities (Goal 11) on one hand and the environmental related goals including Goals 13, 14 and 15 on the other. These interactions need to be closely watched and measures taken to maximize opportunities while minimizing the tradeoffs.

10. **Awareness of and coordination mechanisms for SDGs:**

These are still weak across all government agencies at national and county levels; and also, the private sector and other non-state actors. There is great opportunity and significant potential for the achievement of the SDGs if more effort and resources is made available for raising

awareness, building capacity and involving all stakeholders including the CSOs, private sector, and the communities.

## 4.2 Recommendations

From the study, the following recommendations are made.

1. **Leadership in policy, legal and institutional frameworks:** Sector ministries are expected to provide leadership in the review of policy, legal and institutional frameworks within policy gap areas identified in this Study. Effort and resources should be focused on finalizing the draft policies, with National Assembly and other relevant agencies being sensitized to play their rightful roles. Besides, emphasis should be given to monitoring progress on desired policy objectives. This includes ensuring that the resulting policies have appropriate indicators, baselines and targets.

It is also desirable that policies are integrated as far as possible, allowing the interrelationships between within and between goals to be addressed in an integrated and coherent manner, while supporting their ease of reference and use.

2. **Collection, analysis and dissemination of reliable and timely disaggregated data:** There is need to strengthen the policy, legal and institutional framework and infrastructure for collecting and analyzing data on progress on the achievement of SDGs. This includes the review of the Statistics Act, and the enactment of the National Monitoring and Evaluation Policy and Act. There is also need to come up with a statistics policy to provide guidance on data collection, analysis and reporting at national and county levels. In addition, there is need to

build the capacity of KNBS, Monitoring and Evaluation Directorate (MED) and counties on data collection, analysis and reporting on progress on the achievement of SDGs. KNBS should be supported with adequate resources to conduct critical surveys on a regular basis.

3. **Public awareness:** There is need to increase public awareness on existing policies and policy development frameworks. A good starting point is posting draft and operational policies on the sector ministries' websites and undertaking public awareness efforts. Citizen participation enhances the quality of the process of policy development and implementation.

There is need to engage the mass media as one of the strategies to popularize SDGs. Advocacy can only work well if media practitioners and managers are sensitized about SDGs so that they can take the SDGs story as "newsworthy."

4. **Entrench community involvement:** Communities should play a critical role in the achievement of SDGs. For example, communities can play a major role in the achievement of the Big 4 agenda and should be involved in discussions of their challenges and finding solutions to their problems to enhance ownership and sustainability.
5. **Leaving no one behind as a central theme in SDGs implementation:** In order to ensure that nobody is left behind, there is need to mainstream SDGs implementation at the county levels as well as identify champions and ambassadors. Identification of SDG champions and ambassadors will make advocacy and awareness creation a continuous process. This will contribute

to the full realization of the benefits of devolution through county governments.

6. **Integrated planning, programming and action:** SDGs are a network of goals and targets which require an integrated approach to implementation to manage the tradeoffs and maximize synergies across the goals and targets. It is also important to link and coordinate different levels of government at the national, local and sectoral levels through an institutional coordination mechanism.

7. **SDGs awareness, capacity building and coordination:** There is need to enhance awareness and build capacity within both levels of government and other stakeholders including the communities, private sector, media, civil society, research institutions and universities, and development partners.

8. **South-South cooperation and triangular learning:** There are opportunities to enhance

and improve South-South and triangular cooperation and learning to promote win win situation in which all partners learn, contribute and share responsibilities. Development partners should support and compliment specific South South and triangular cooperation and learning initiatives by providing technical, financial and material assistance including learning and scaling up proven innovative initiatives in SDG implementation.

9. **SDGs financing:** Focusing on the means of implementation is critical and there is need, therefore to explore different ways of financing SDGs. These include domestic resource mobilization, reducing waste such as illicit capital outflows and corruption, promoting impact investment and corporate social investments, promoting blended finance, green climate financing, sovereign wealth and innovative financing.

## TARGET 2.4

2 ZERO HUNGER



**SUSTAINABLE FOOD PRODUCTION  
AND RESILIENT AGRICULTURAL PRACTICES**

## Annexes

### Annex 1: Kenya Vision 2030 and SDGs

Kenya Vision 2030	Agenda 2030 Goals
<b>Economic Pillar:</b> Maintain economic growth of 10 percent per annum	G1 – End poverty in all its forms G2 – End hunger, achieve food security G8 – Promote sustained and inclusive economic growth. G9 – Resilient infrastructure, sustainable industrialization and innovation G10 – Reduce inequality within and among nations.
<b>Social Pillar</b> A just and cohesive society that enjoys equitable development in a clean and secure environment	G3 – Enjoy healthy lives G4 – Quality education and lifelong learning G5 – Gender equality G6 – Water and sanitation for all G7 – Affordable and sustainable energy for all G11 – Inclusive, sustainable, resilient cities G12 – Sustainable production and consumption G13 – Combat climate change and all its impacts G14 – Life over land G15 – Life over land
<b>Political Pillar</b> A democratic political system that is issue based, people centered, results oriented and accountable	G16 – Peaceful, inclusive societies, access to justice and strong institutions G17 – Strengthen means of implementation and revitalize global partnership



## Annex 2: People Interviewed / Institutions Consulted

	Name	Sector / Organisation	Email
1	Isaac Kamande	Planning, Director / Projects and Programs	igkamande@gmail.com
2	Sarah Muui	Planning, SDGs Unit	nmuui@yahoo.com
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5	Rolex Kirui	Water	Rkirui2008@yahoo.com
6	Hannah Kiarie	Industry	Muthonikiarie2010@gmail.com
7	Ezekiel Chege	Lands / Housing	Ndushe@yahoo.co.ke
8	Joseph Mwangi	ICT	mwangyi@gmail.com
9	Anthony Mugane	Environment	muganean@gmail.com
10	Timothy Gakuu	Energy	tingakuu@gmail.com
11	John Kimani	Infrastructure / Transport	mukimani@yahoo.com
12	Phyllis Njane	Agriculture	agriculture.secretary@gmail.com
13	Mary Wanyonyi	Statistics	mwanyonyi@knbs.go.ke
14	Dr David Soti	Health	Dosoti2002@yahoo.com
15	Dr Hellen	Health	
16	Polycarp Otieno	Education	Polycarp.otieno@gmail.com
17	William Komu	Gender	komuwn@yahoo.com
18	Joseph Katumo	Fisheries	josephkatumo@yahoo.com
19	Roger Ochieng	Monitoring and Evaluation	Kopiyo72@yahoo.com
20	Nancy Githaiga	Environment / WWF	
21	Nicholas Kitua	Irrigation	
22	Ken Oluoch	Council of Governors	<ken.oluoch@cog.go.ke>
23	Diana Amukoa	Council of Governors	<amukoadiana@gmail.com>

## Annex 3: Documents reviewed

Constitution of Kenya 2010  
Kenya Vision 2030  
First Medium Term Plan of Kenya Vision 2030  
Second Medium Term Plan of Kenya Vision 2030  
Third Medium Term Plan of Kenya Vision 2030  
Agricultural Sector Development Strategy 2009 – 2020  
Budget Policy Statement 2018  
Land Registration Act No 3 of 2012 (revised 2016)  
Land Laws (Amendment) Act No 28 of 2016  
Land Act No 6 of 2012(revised 2016)  
Community Land Act No 27 of 2016  
Kenya environmental sanitation and Hygiene Policy 2016 – 2030  
Matrimonial Property Act No. 49 of 2013  
Sessional Paper No 3 of 2009 on National Land Policy  
The National Drought Management Act 2016  
<http://www.ndma.go.ke/index.php/features/about-ndma>  
Climate Change Act No11 of 2016  
National climate change response strategy (NCCRS) (2010)  
National Climate Change Action Plan 2013-2017 (2012)  
Kenya National Adaptation Plan (NAP) 2015-2030 (2016)  
Kenya's Intended Nationally Determined Contribution (INDC)  
Kenya Climate –Smart Agriculture Strategy (CSAS) 2017 – 2026  
UN Framework Convention on Climate Change (UNFCCC)  
SENDAI Framework  
UN Framework Convention on Climate Change (UNFCCC) 1992  
Kyoto Protocol 1997  
Access to Government Procurement Opportunity (AGPO): <http://agpo.go.ke/>  
Mother Infant Young Child Nutrition (MIYCN) Community High Impact Intervention  
National Food and Nutrition Security Policy 2011  
Roots and Tubers Crops Strategy  
Oil and Nut Crops Strategy  
Livestock Productivity Improvement Programme  
Kenya Health Policy 2014-30  
Linda Mama program: <http://www.nhif.or.ke/healthinsurance/lindamamaServices>  
Scaling up Effective Interventions in MNH (2016 – 2018)  
Kenya Health Sector Strategic and Investment Plan (KHSSP) 2014-2018  
Beyond Zero Campaign: <https://www.beyondzero.or.ke/>  
2nd Kenya National Strategic Plan for the Control of NTDs  
National Adolescent SRH Policy 2015

Population policy for National Development 2011

Sessional Paper No. 2 of 2014 on the National Social Protection Policy.

Kenya Medical Supplies Agency (KEMSA) Act of 2013

Kenya Medical Supplies Agency (KEMSA): <http://www.kemsa.co.ke/>

Kenya Medical Research Institute (KEMRI): <https://www.kemri.org/index.php/features-intro/back-ground>

International Health Regulations (IHR) 2005

Kenya Veterinary Policy

Basic Education Curriculum Framework Jan 2016

Sessional Paper No 4 of 2012 on Reforming Education and Training in Kenya

National Education Sector Plan (NESP) 2013 – 2018

Curriculum Reform Policy 2015

National Curriculum Policy 2015

Education and Training Gender Policy 2015

African Charter on Human and Peoples Rights, African Charter on the Rights and Welfare of the Child

International Covenant on Economic, Social and Cultural Rights

UN Convention on the Rights of the Child (UNCRC)

The National School Health Strategic Implementation Plan

Sessional Paper No 1 of 2005 - A Policy Framework for Education, Training and Research

Sessional Paper No 14 of 2012 on Reforming Education and Training Sectors in Kenya

Education Sector Policy on Peace Education 2014

Education and Training Gender Policy 2015

Education for Sustainable Development Policy for the Education Sector 2017

Education Sector Policy on HIV AIDS 2013

Guidance and Counseling Policy Guidelines for TVET Master Plan and Strategy (2016-2031)

TVET strategy 2016-2020

Industrial Training Act No. 12 of 2012

National Industrial Training Authority: <https://www.nita.go.ke/about-us/mission-vision-and-mandate.html>

TVET Curriculum Development Assessment and Certification Council (TVET CDACC): <http://www.tvetcdacc.go.ke/>

Universities Act, No 42 of 2012

Commission for University Education (CUE): <http://www.cue.or.ke/index.php/about-us/vision-and-mission>

The Sessional Paper No.14 of 2012 on Reforming Education and Training Sectors

National Education Sector Plan(NESP) 2014 – 2018

Education and Training Gender Policy 2015

Education Sector Policy on HIV and AIDS 2013

National Curriculum Policy 2015

The Policy Framework on Nomadic Education in Kenya, 2010

Sector Policy for Learners and Trainees with Disabilities (May 2018)

The Prohibition of Female Genital Mutilation Act, 2011 Article 27

The National Adult and Continuing Education Policy (2010)  
 Education Sector Policy on Peace Education (2014)  
 Education and Training Gender Policy 2015  
 National Education Sector Plan (NESP) 2013-2018  
 Education for Sustainable Development Policy for the Education Sector 2017  
 Education Sector Policy on HIV and AIDS 2013  
 Education and Training Gender Policy 2015  
 Sessional Paper No 4 of 2012  
 Sessional Paper No 11 of 2014 on National Education for Sustainable Development  
 UN Decade of ESD (2005-2014)  
 Education For All (EFA) Framework Dakar Framework of Action  
 Global Action Programme (GAP)  
 United Nations Framework Convention on Climate Change (UNFCCC)  
 Arusha Declaration 2012  
 Agenda 2063 of the African Union  
 Continental Education Strategy for Africa (CESA) 2016 – 2025  
 Kenya Environmental Sanitation and Hygiene Policy 2016-2030  
 Sector Policy for Learners and Trainees with Disabilities May 2018  
 Framework for Nomadic Education (2015) Policy  
 Technical, Vocational Education and Training Policy 2015  
 Institute for Capacity Development of Teachers in Africa (ICADETA) Strategic Plan (2014-2019).  
 Kenya National Action Plan for the implementation of UNSCR 1325 2016  
 UN Convention of the Elimination of All forms of Discrimination against Women (CEDAW)  
 National Policy on Prevention and Response to GBV (2014)  
 County Government Policy on Sexual and Gender Based Violence 2017 (MODEL)  
 National Monitoring and Evaluation Framework towards the Prevention of and Response to Sexual and Gender Based Violence in Kenya 2014  
 The National Plan of Action for Combating Human Trafficking - Strategic Framework - 2013 – 2017\*  
 National Guidelines on the Management of Sexual Violence (2014)  
 The Penal Code (Revised Edition 2012)  
 Multi- sectoral Standard Operating Procedures (SOPs) for Prevention of and Response to Sexual Violence in Kenya (2013)  
 UN Protocol to Suppress and Punish Trafficking Persons  
 Prohibition of Female Genital Mutilation Act, 2011  
 Anti-FGM Board: <http://antifgmboard.go.ke/>  
 Adolescent Sexual and Reproductive Health Policy (2015)  
 Sessional Paper No. 3 of 2012 on Population Policy for National Development  
 Sessional Paper No 1 of 2017 on National Land Use Policy  
 National Land Commission established by the National Land Commission Act 2012  
 The Environment and Land Court Act 2011  
 Water Act of 2016  
 The National Water Master Plan 2030

WASREB Strategic Plan 2018-2022  
 Kenya Environmental Sanitation and Hygiene Policy (KESHP)  
 The Kenya Environmental Sanitation Strategic Framework (KESFF) 2016-2020  
 The National School Health Strategic Implementation  
 National Water Services Strategy (NWSS)  
 National Water Master Plan 2030  
 National ODF Kenya 2020 Campaign Framework 2016/17-2019/20  
 Ngor Declaration on Sanitation and Hygiene - 27th May 2016  
 Sanitation and Water for All (SWA) High-Level Meetings (HLM) Commitments  
 National Water Quality Management Strategy 2012-2016  
 Nairobi County WSC 2014-2019 Strategic Plan.  
 National Water Resources Management Strategy  
 Sustainable Energy for All Kenya Action Agenda 2016  
 Last Mile Connectivity Project: <http://www.kplc.co.ke/content/item/1120/last-mile-connectivity>  
 Scaling up of Renewable Energy Programme (SREP) – Investment Plan for Kenya (draft May 2011)  
 Sessional Paper No. 9 of 2012 on the National Industrialization Policy Framework for Kenya 2012 – 2030  
 The East African Community Industrialization Strategy 2012-2032  
 Sessional Paper No. 10 of 2014 on the National Environment Policy  
 National Climate Change Action Plan  
 National Climate Change Response Strategy  
 Sessional Paper No 4 of 2013 on National Employment Policy and Strategy  
 Sessional Paper No 2 of 2013 on National Industrial Training and Attachment Policy  
 Sessional Paper No 3 of 2013 on National  
 Sessional Paper No 1 of 2005 - A Policy Framework for Education, Training and Research  
 Technical and Vocational Education and Training Policy 2012  
 East Africa Community (EAC) Youth Policy (2013)  
 ILO Convention No 138  
 Convention 182 on the Worst Forms of Child labour  
 Occupational Safety and Health Policy 2013  
 National Employment Authority (NEA): <http://www.nea.go.ke/background/>  
 National Employment Authority Act 2016  
 Sessional Paper No 1 of 2010 on Enhancing Sustainable Tourism  
 Sessional Paper No 9 of 2012 on the National Industrialization Policy Framework 2012-2030  
 The East African Community Industrialization Strategy 2012-2032  
 Sessional Paper No. 10 of 2014 on the National Environment Policy  
 National Climate Change Action Plan 2013 - 2018  
 Kenya Agricultural and Livestock Research (KALRO) Act, 2013  
 Science, Technology & Innovation (STI) Act, 2013  
 Technical and Vocational Education and Training (TVET) Act, 2013  
 Sessional Paper No 2 of 2014 on the National Social Protection Policy  
 Kenya Citizenship and Immigration Act No 12 of 2011



Africa Continent Free Trade Area (ACFTA)  
 Kenya Environmental Sanitation and Hygiene Policy 2016 – 2030  
 National Water Services Strategy (NWSS) 2007 – 2015  
 WASREB Strategic plan 2018 -2022  
 The Kenya Environmental Sanitation Strategic Framework (KESSF) 2016-2020  
 National ODF Kenya 2020 Campaign Framework 2016-2020  
 The Universal Declaration of Human Rights (1948), which recognizes social protection as a fundamental human right for all citizens of the world.  
 The International Covenant on Economic, Social, and Cultural Rights (1967)  
 The UN Convention on the Rights of Persons with Disabilities (2006)  
 The African Charter on the Rights and Welfare of the Child (1990)  
 The African Charter on Human and People’s Rights (1981)  
 National Transport and Safety Authority (NTSA) Act  
 International Union for Conservation of Nature (IUCN) - Green List and Red List Index  
 UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage 1972  
 UNESCO Recommendation on the Safeguarding of Traditional Culture and Folklore of 1989,  
 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage 2003  
 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005  
 The UNESCO Universal Declaration on Cultural Diversity of 2001,  
 The Istanbul Declaration of 2002  
 Charter for African Cultural Renaissance 2006  
 Convention on International Trade in Endangered Species Of Wild Fauna And Flora 1978  
 Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region  
 Kenya National Adaptation Plan (2015-2030) July 2016  
 Health Sector Disaster Risk Management Strategic Plan (2014 – 2018)  
 Water related disaster -risk management Programmes (2018 – 2022)  
 National Action Plan for Disaster Risk Reduction (2015-2018)  
 Sendai Framework for Disaster Risk Reduction 2015-2030  
 National Environment Policy 2013  
 National Land Use Policy 2017  
 The National Solid Waste Management Strategy 2015  
 Education for Sustainable Development Policy for the Education Sector, 2017  
 Sessional Paper No. 4 of 2012 on Reforming Education and Training in Kenya  
 Sessional Paper No. 11 of 2014 on National Education for Sustainable Development Policy  
 United Nations Framework Convention on Climate Change (UNFCCC)  
 National climate change response strategy (NCCRS) April 2010  
 Kenya National Adaptation Plan (NAP) 2015-2030 July 2016  
 National Climate Change Action Plans 2018-2022  
 Kenya’s Intended Nationally Determined Contribution (INDC) July 2015  
 Kenya Climate –Smart Agriculture Strategy (CSAS) 2017 – 2026)  
 UN Framework Convention on Climate Change (UNFCCC), 1992

The Kyoto Protocol: adopted on 11 December 1997

The Paris Agreement -December 2015

Integrated Coastal Zone Management (ICZM) policy 2015

Plastic bags ban – Gazette Notice No 2356 of 14/3/2017 (under EMCA Cap 387)

International Convention on Civil Liability for Oil Pollution Damage, adopted in Brussels in 1969

International Convention for the Prevention of Pollution from Ships, London 1978

Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal

Integrated Coastal Zone Management (ICZM) policy 2015

Member of the regional reference group on Marine Protected Areas

Convention on Wetlands of International Importance especially as Water Fowl Habitat, Ramsar 1971

Convention for the Protection, Management and Development of the Marine and Coastal Environment of the East African Region, Nairobi 1985

Protocol Concerning the Protected areas and Wild Fauna and Flora in the East African Region, 1985

Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing was adopted under FAO in 2009

Fisheries Management and Development Act No. 35 of 2016

United Nations Convention on the Law of the Sea

Maritime Zones Act (1989), Kenya has proclaimed an Exclusive Economic Zone (EEZ)

International Maritime Organisation IMO's MARPOL (International Convention for the Prevention of Pollution from Ships)

## Annex 4: Participants in the validation workshop

The following are the participants in the validation workshop held from 31st July to 3rd of August 2018 at the Sentrim Elmeitaita Lodge in Nakuru County.

	Name	Organisation
1	Monica Asuna	The National Treasury
2	Rose Oluoch	SDGs Forum Kenya
3	Mathilda Onyango	State Department Planning
4	Nelson K Vumyinda	State Department Planning
5	Charity Mutahi	State Department Planning
6	Fridah K Kinoti	State Department Planning
7	Anthony N Mugane	Ministry of Environment and Forestry
8	George W Wanjohi	State Department of Planning
9	Isaac Kamande	State Department Planning
10	Lucy Kibiru	State Department of Labour
11	Stephen Githaiga	UN Women
12	Liz Wanyika	SDGA
13	Prof Gituro Wainaina	University of Nairobi
14	Rogers Dhliwayo	UNDP
15	Julius Chokera	UNDP
16	S A Odhiambo	State Department Planning
17	Kurgat Dominic	State Department Planning
18	Samuel Gicheru	Ministry of Agriculture, Livestock and Fisheries
19	Wamugunda E H	Housing and Urban Development
20	George Ochieng	Ministry of Water
21	Martin Wanjohi	Consultant
22	Stephen Wainaina	Consultant / Economist
23	Ken Oluoch	Council of Governors
24	Dr Joseph Nyanoti	Consultant / Media
25	Nicholas Ribai	UNDP
26	Alfaxad Omwenga	State Department Planning
27	Joseph Gichimu	Ministry of Health
28	Florence Syevuo	SDGs Forum Kenya
29	Timothy Gakuu	Ministry of Energy
30	Sarah Muui	State Department Planning
31	Fanuel Kimote	State Department Planning
32	Musembi Karanja	Judiciary

(Footnotes)

1 Department of Housing







