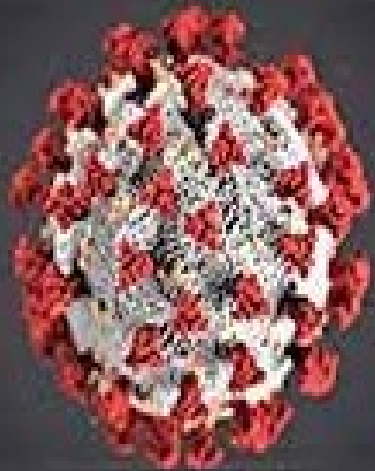


BIOLOGICAL WEAPONS

Coronavirus: Weapon of Mass
Destruction?



U.C. JHA
K. RATNABALI

Advantages of NACOSTI as a National Contact/Focal point

Dr. Mary Onsarigo- Senior
Analyst NACOSTI



Presentation outline

- Background information- Kenya acceding to the convention
- Kenya's Participation in BWC related Activities
- National Commission for Science Technology and Innovation (NACOSTI) as a focal Point
- Enabling environment for Implementation of CBMs and any other measure under BWC
- Experiences, Observations, Challenges and Way forward.



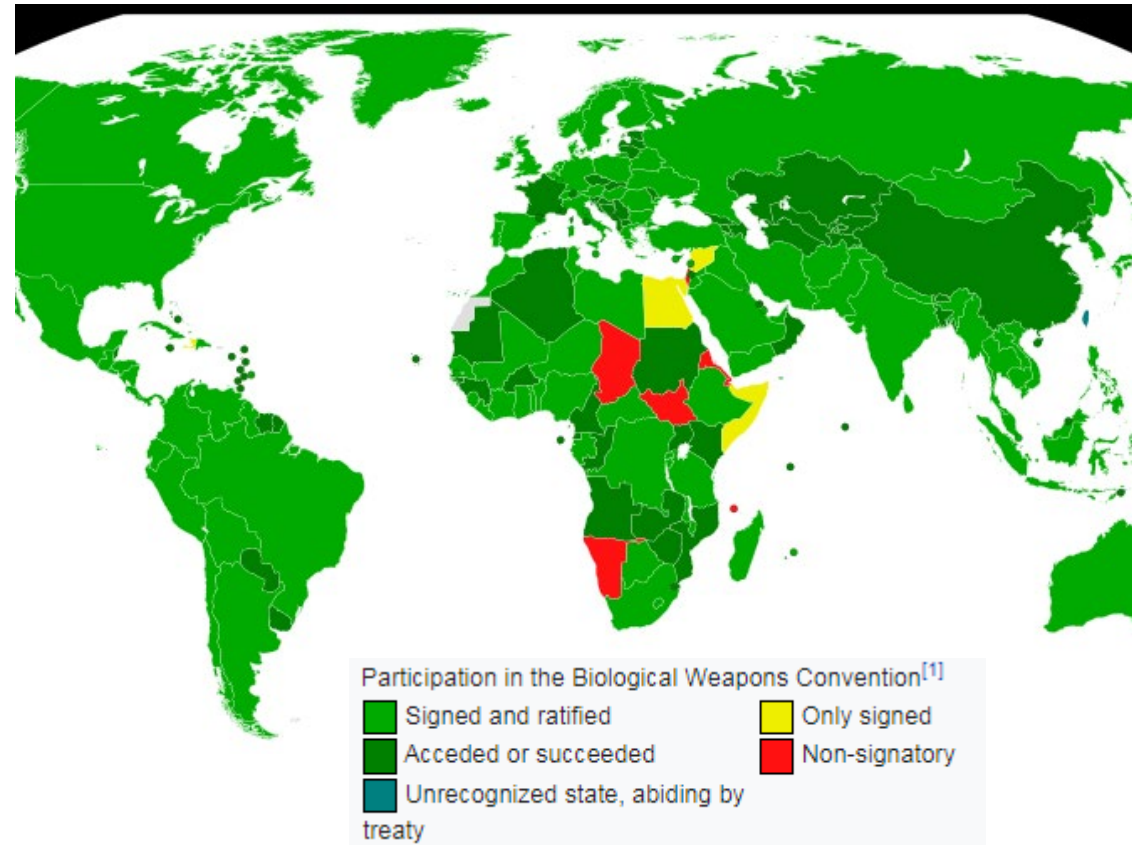
REPUBLIC OF KENYA

Kenya acceding to Biological Weapon Convention (BWC)

Kenya acceded to BWC on 7th January 1976

The Science & Technology Act followed in 1977

Ministry of Foreign Affairs remained to be the National Focal Point until 2008



• **Kenya's participation in activities related to the convention**

- Kenya organized with other development partners-
 - the **UN 1540 African Regional Workshop** on Biosafety and Biosecurity, held in Nairobi February 2010
 - universalization webinar for African states (March 2020)
- BWC has Sponsored in 2016, 2018 and 2019 3 experts to attend 7 meetings
- UNODA and Kenya organized joint Webinar on processing Confidence Building measures (CBM) targeting National stakeholders on 1st April 2021

Kenyan Laws-relevant to BWC

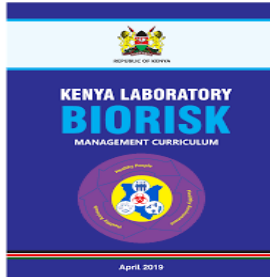
The 2010 constitution- Article 2(5) and (6) provides that the general rules of international law form part of the laws of Kenya, and that any treaty or convention ratified or acceded to by Kenya shall form part of the law of Kenya

Legislation:

- Biosafety Act 2009
- The Health Act 2017
- Animal Diseases Act (cap.364)
- Plant Protection Act (Cap. 324)
- Pest Control Products Act (Cap. 346)
- Occupational, Safety and Health Act 2007 - OSH
- **Science Technology & Innovation Act (STI Act 2013)**

Subsidiary Legislation:

- National Regulations and Guidelines for Safety and Biotechnology
- Public Health (Introduction of Persons and Things By Aircraft) Order
- Public Health (Port, Airport and Frontier Health) Rules
- Plant Protection (Importation of Plants, Plant Products and Regulated Articles) Rules
- Pest Control Products (Registration) (Amendment) Regulations 2006
- Pest Control Products (Registration)
- Animal diseases (amendment) Rules-2007 (L.N.No. 127 of 2007)
- Regulations (Cap. 346)
- Biosafety (Labelling) Regulations, 2012 (L.N. No. 40 of 2012)
- Biosafety (Contained Use) Regulations, 2011 (L.N. No. 96 of 2011)



Science Technology and Innovation Act, No. 28 of 2013 (STI Act, Rev.2014)

- Established National Commission for Science Technology and Innovation (NACOSTI) as a State Corporation
- STI Act 2013- relevant sections to BWC
 - Section 6(1)- Functions of the commission
 - Section 9 (1)- establish advisory committee
 - Section 12 (1), (3)-Research licensing and clearance
 - Section 16(1) –establishment of research institutions
- To effectively undertake this mandate, the STI Act under section 6(1) assigns NACOSTI seventeen (17) functions which can broadly be summarized as:
 - advisory,
 - regulation,
 - coordination, and
 - promotion of STI.
- Section 6(1)(a)-Develop, in consultation with stakeholders, the priorities in scientific, technological and innovation activities in Kenya in relation to the economic and social policies of the Government, and **the country's international commitments**

Advantages of NACOSTI as a focal point for BWC

- STI Act 2013- relevant sections to BWC
 - Section 6(1)- Functions of the commission- Includes International Commitments related to STI by the government
 - Section 9 (1)- establish advisory committee- Specialist National Committees to advise on matters of science
 - Section 12 (1), (3)-Research licensing and clearance- regulates research
 - Section 16(1) –establishment of research institutions also oversights and monitors them
- The above provision gives NACOSTI the powers to competently coordinate, advise and request information regarding BWC

NACOSTI Focal Point/National Contact Office

- NACOSTI is the **National Focal Point/Liaison Office/Coordinator** of several of Kenya's international obligations that include;
- Comprehensive Test Ban Treaty (CTBT),
- African Regional Cooperative Agreement for Research, Development and Training related to Nuclear Science and Technology (AFRA),
- The International Centre for Genetic Engineering Biotechnology (ICGEB),
- East Africa Science and Technology Commission (EASTECO), among others.

Focal Point/National Contact Office

- **The Biological Weapons Convention (BWC)**
- 1976-2008 -The Ministry of Foreign Affairs
- 2009 -This function was transferred to National Council for Science and Technology (NCST).
- NCST is **predecessor** of NACOSTI after the review of S&T Act Cap 250 of 1977 to ST&I Act 2013
- 2009 - NCST established a National Biological and Toxin Weapons Committee (NBTWC)
- ToRs
 - To draft a biosecurity policy and Bill
 - Represent Kenya at the Meeting of Experts
 - Prepare Statements for Meeting of States Parties
 - Coordinate the submission of confidence-building Measure (CBM) forms
 - Organize any activity related to BWC
- NBTWC-drafted Biosecurity Policy and Bill in 2010 -The drafts have been subjected different stakeholders since 2011 to 2020 – **not concluded yet**

Roles of NACOSTI as BWC Focal Point

The Director General of NACOSTI is the National Focal Point for BWC

- i. leading national implementation of Kenya's obligations and commitments under the Convention
- ii. He coordinates the national implementation of the Convention
- iii. Communicates with other States Parties and relevant international organizations on behalf of the government
- iv. Prepares and submits the confidence-building measures forms.
- V . Facilitates information exchange of universalization efforts

NACOSTI mapped-National Agencies-with roles relevant to BWC

Regulatory Agencies

- National Biosafety Authority
- Pests Control and Products Board
- Kenya Plants Health Inspection service
- National Environment Management Authority
- Kenya Bureau of Standards

Research Institutions and Universities

- All Research Institutions
 - Kenya Medical Research Institute
 - Kenya Agricultural and Livestock Research Organization
 - Institute of Primate Research
- All public and Private universities
 - Kenya University
 - Moi University
 - University of Nairobi

National Agencies –with roles relevant to BWC

Departments of Ministries

- Kenya wildlife Services
- Directorate of Veterinary Services
- Customs and Boarder Control Department
- Government Chemist
- National Public Health Laboratories
- KEVEVAPI- Vaccine production

Ministries & Security Agencies

- Ministry of Education
- Ministry of Foreign Affairs
- Office of the Attorney General
- National Intelligence Service (NIS)
- Directorate of Criminal Investigation (DCI)

Implementing-CBMs

- Kenya submitted the first CBM form in **2010 & in total 9 CBMs have been submitted including 2021**
 - Missed out in 2013, 2017 and 2018 due to institutional transitions
- NACOSTI has mapped & identified institutions and linked them to specific responsibilities relevant to BWC
- NACOSTI- already has a database of all universities and research institutions and for some agencies
- **It is very easy to collect information and monitors any research activities**
- Formal letters are sent to heads of all research institutions & Universities with attached CBM form requesting information in sections of CBM Forms- Via emails and hard copies- with directions on which form to fill
- Confirmations of receipt of the forms is made by phone calls to the agencies
- In some cases NACOSTI collects this information by having face to face visits

How institutions fill the CBM forms

Relevant Agency	CBM Form	Information requested
All Universities, Research Institutions & National Public Laboratories	CBM A part 1	Exchange of data on research centres and laboratories
	CBM B	Exchange of information on outbreaks of infectious diseases and similar occurrences caused by toxins
	CBM C	Encouragement of publication of results and promotion of use of knowledge
	CBM G	Declaration of vaccine production facilities
Regulatory Agencies and Ministry departments	CBM E	Declaration of legislation, regulations and other measures
Security Agencies	CBM A part 1	Exchange of data on research centres and laboratories
	CBM A Part 2	Exchange of information on national biological defence research and development programmes
	CBM F	Exchange of information on national biological defence research and development programmes



H.E. Dr Cleopa Mailu
Chair of Meetings of
Expert 2021-



Mr. D. Feakes- Chief-
ISU- UNODA



Prof. W. Oyawa- DG
NACOSTI

Creating Awareness



NACOSTI in partnership with commission for University Education, and the Danish Government's Centre for Biosecurity Bio-preparedness(CBB)-2018

Experience

- In 2021 submission of CBM, Kenya has reported the **highest number of BSL2 and 3**
- **This is after the National Sensitization workshop held on 1st April 2021 to stakeholders**
- NACOSTI was able to sensitize over 100 officers from over 36 institutions
- After the sensitization, most institution are requesting for more information on BWC

Challenges

- For **34 years**, no CBM forms were submitted –the focal point was at the ministry of foreign affairs- information required is **highly technical**, required the capabilities in science and technology /scientific community
- **Awareness** of the convention was and is still very low among the handlers of these biological agents
- Research institutions and Universities **fear loss of business** in the process of sharing research information
- Scientist fear that the convention is geared towards **limiting the extend to which they can conduct research – Article I**
- **Very few or almost nil participation by private institutions**

Challenges

- NACOSTI has not adequately been able to reach out /link roles and responsibilities to some specific relevant National stakeholders
- These include:
 - Policy makers-parliamentarians, office of the Attorney-general, ministries
 - **Some** Researchers in-Universities, research institutions and laboratories(especially those under hospitals)
 - Border control authorities-customs, port authorities
 - Biotechnology industries & professional bodies .e.g Biosafety associations
 - **Some** National Regulatory agencies-
 - **Some** Enforcement Agencies

Way forward

- Strengthen the Networking Among National Agencies
 - Enhance mutual understanding and build confidence with National stakeholders in their CBM participation
 - Enhance a list of all relevant government agencies and include private entities
 - Foster and maintain the necessary close linkages with institutions and ministries having direct roles relevant to BWC
- Carry out targeted sensitization of relevant institution- this will increase understanding of the requirements & how to fill the CBMs
- Purpose to have national workshops at least once a year
- Involvement of other States Parties could enhance awareness of National stakeholders in CBM implementation- **example is the 1st April UNODA-NACOSTI Workshop**



Thank You

