

APPROVED 1540 COMMITTEE MATRIX

The information in the matrices originates primarily from national reports and is complemented by official government information, including that made available to inter-governmental organizations. The matrices are prepared under the direction of the 1540 Committee.

The 1540 Committee intends to use the matrices as a reference tool for facilitating technical assistance and to enable the Committee to continue to enhance its dialogue with States on their implementation of Security Council Resolution 1540.

The matrices are not a tool for measuring compliance of States in their non-proliferation obligations but for facilitating the implementation of Security Council Resolutions 1540 (2004), 1673 (2006), 1810 (2008), 1977 (2011), 2055 (2012) and 2325 (2016). They do not reflect or prejudice any ongoing discussions outside of the Committee, in the Security Council or any of its organs, of a State's compliance with its non-proliferation or any other obligations. Information on voluntary commitments is for reporting purpose only and does not constitute in any way a legal obligation arising from resolution 1540 or its successive resolutions.

Matrix entries are only indicators of fact and not indicators of the degree of compliance under resolution 1540 (2004) and its successor resolutions. Thus:

An “X” in any data field signifies only that the 1540 Committee considers that a State has taken the steps required, and/or has provided specific references to the applicable legal basis or executive behaviour as evidence of such steps. An “X” against any data field does not necessarily signify that a State has met in full its 1540 obligations for that data field.

A “?” in any data field signifies that the references to legislative or other measures may not be directly relevant or are incomplete.

A “NA” (Not Applicable) in any data field signifies that the data field is not applicable to that State where through legally binding instruments States specified that they do not possess related materials or facilities.

A blank in any data field signifies that there is insufficient information available to enter an “X” or “?” against a particular data field.

State: Republic of Kenya

Date of Report: 26 July 2005

Dates of Additional Reports: 31 March 2010

Date of Approval: 9 December 2020

I. OP 1 and related matters from OP 5, OP 8 (a), (b), (c) and OP10

Adherence to legally binding instruments, membership of organisations, participation in arrangements and statements made.	Relevant information (i.e., signing, deposit of instrument of accession, ratification, etc)	Remarks (information refers to the page of the English version of the national report or an official web site)	
1	Nuclear Non-Proliferation Treaty (NPT)	Deposit 11 June 1970	
2	Nuclear Weapons Free Zone/ Protocol(s)	Treaty of Pelindaba: Deposit 9 January 2001	
3	International Convention for the Suppression of Acts of Nuclear Terrorism	Deposit 13 April 2006	
4	Convention on Physical Protection of Nuclear Material (CPPNM)	Deposit 11 February 2002	
5	2005 Amendment to the CPPNM	Deposit 1 August 2007	
6	Comprehensive Nuclear-Test-Ban Treaty (CTBT) (not in force)	Deposit 30 November 2000	
7	Chemical Weapons Convention (CWC)	Deposit 25 April 1997	
8	Biological Weapons Convention (BWC)	Deposit 7 January 1976	
9	Geneva Protocol of 1925	Deposit 6 July 1970	
10	1997 International Convention for the Suppression of Terrorist Bombings	Deposit 16 November 2001	
11	1999 International Convention for the Suppression of the Financing of Terrorism	Deposit 27 June 2003	

12	2005 Protocol to the Convention for the suppression of unlawful acts against the safety of maritime navigation		
13	2005 Protocol to the Protocol for the suppression of unlawful acts against the safety of fixed platforms located on the continental shelf		
14	2010 Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation		
15	Other relevant regional legally binding instruments	Cartagena Protocol on Biosafety (2003) OAU Convention on the Prevention and Combating of Terrorism (2010)	
16	International Atomic Energy Agency (IAEA)	Since 12 July 1965	
17	Directly relevant Arrangements	State party to the 2005 Revised Cotonou Agreement	
18	Statement on non-provision of WMD and related materials to non-State actors	State reports that it does not own or possess any nuclear, chemical or biological weapons, nor does it have, and has never had, any nuclear, chemical or biological weapons production facility anywhere under its territory, nor transferred either directly or indirectly, any equipment for the production of such weapons. It does not provide any assistance to any non-State actor to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons or their means of delivery.	
19	Membership in relevant international, regional or sub-regional organisations	International Maritime Organization (IMO) World Customs Organization (WCO) and 2005 SAFE Framework World Health Organization (WHO) International Monetary Fund (IMF) World Organisation for Animal Health (OIE) INTERPOL World Bank Group African Union (AU) COMESA Inter-Governmental Action Group against Money Laundering in West Africa (GIABA)	

II. OP 2 - Nuclear Weapons (NW), Chemical Weapons (CW) and Biological Weapons (BW)

National legislation which prohibits persons or entities to engage in one of the following activities and its enforcement		National legal framework					Enforcement and civil/criminal penalties			Remarks
		X / ?			Source document of national implementation law	X / ?			Source document	
		N W	C W	B W		N W	C W	B W		
1	manufacture	X	X	X	NW/CW/BW: Constitution 2010, Article 2.6 In conjunction with Pelindaba Treaty, NPT, CWC and BWC Prevention of Terrorism Act No. 30 of 2012, Article 14	X	X	X	NW/CW/BW: Prevention of Terrorism Act No. 30 of 2012, Article 14 (Any person who provides, facilitates or receives training in the "making or use of a weapon" commits an offence) CW: Firearms Act, Article 9	
2	acquire	X	X	X	NW/CW/BW: Constitution 2010, Article 2.6 Prevention of Terrorism Act No. 30 of 2012, Article 21 CW: Firearms Act, Article 26(1)(b)	X	X	X	NW/CW/BW: Prevention of Terrorism Act No. 30 of 2012, Article 21 (accumulates, stockpiles or keeps a weapon, defined as: "'weapon" includes ... explosive, chemical, biological, nuclear or other lethal device.") CW: Firearms Act, 26(1)(b)	
3	possess	X	X	X	NW/CW/BW: Constitution 2010, Article 2.6 Prevention of Terrorism Act No. 30 of 2012, Article 21 CW: Firearms Act, Article 26(1)(b)	X	X	X	NW/CW/BW: Prevention of Terrorism Act No. 30 of 2012, Article 21 CW: Firearms Act, Article 26(1)(b)	
4	develop	X	X	X	NW/CW/BW: Constitution 2010 Article 2.6 NW: Treaty of Pelindaba					

5	transport	?	X	?	<p>NW/CW/BW: Prevention of Terrorism Act No. 30 of 2012, Article 22</p> <p>CW: Firearms Act, Article 29.(1)</p>	?	X	?	<p>NW/CW/BW: Prevention of Terrorism Act No. 30 of 2012, Article 22 (A person who ... being the owner, charterer, lessee, operator, agent or master or pilot of a vessel or aircraft authorizes the use of that vessel or aircraft, for the purpose of committing an offence or organizing or facilitating the commission of an offence)</p> <p>CW: Firearms Act, Article 29.(2)</p>
6	transfer	X	X	X	<p>NW/CW/BW: Constitution 2010 Article 2.6 Prevention of Terrorism Act No. 30 of 2012, Article 11 on provision of weapons to terrorist groups</p> <p>CW: Firearms Act, Article 12(1)</p>	X	X	X	<p>NW/CW/BW: Prevention of Terrorism Act No. 30 of 2012, Article 11 (providing a weapon is an offence)</p> <p>CW: Firearms Act, Article 12(1)</p>
7	use	X	X	X	<p>NW/CW/BW: Prevention of Terrorism Act No. 30 of 2012, Part I, Article 2</p> <p>NW: Penal Code, Article 235.</p> <p>CW: Constitution 2010, Article 2.6 Penal Code Article 236 on maliciously administering poison</p> <p>BW: Penal Code, Articles 186 on spreading infection and 341 on communicating infectious diseases to animals</p>	X	X	X	<p>NW/CW/BW: Prevention of Terrorism Act No. 30 of 2012, Part I, Article 2 [terrorist act includes those that involve (v) the use of firearms or explosives; or (vi) the release of any dangerous, hazardous, toxic or radioactive substance or microbial or other biological agent or toxin into the environment;]</p> <p>CW: Penal Code, Article 236.</p> <p>BW: Penal Code, Articles 186 and 341 (spreading infection)</p>

8	attempt to engage in abovementioned activities	X	X	X	NW/CW/BW: Penal Code Articles 388 -389 on attempts	X	X	X	NW/CW/BW: Penal Code Articles 388 -389 on attempts
9	participate as an accomplice in abovementioned activities	X	X	X	NW/CW/BW: Penal Code, Articles 20, 21, 22	X	X	X	NW/CW/BW: Penal Code, Articles 20, 21 and 22
10	assist in abovementioned activities	X	X	X	NW/CW/BW: Prevention of Terrorism Act No. 30 of 2012 Articles 5, 9, 13, 21, 25 Penal Code, Articles 20, 21, 22 Penal Code, Article 393	X	X	X	NW/CW/BW: Penal Code, Articles 20, 21, 22 Penal Code, Article 393. Any person who conspires with another to commit any felony, or to do any act in any part of the world which if done in Kenya would be a felony, and which is an offence under the laws in force in the place where it is proposed to be done, is guilty of a felony
11	finance abovementioned activities	X	X	X	NW/CW/BW: Penal Code, Article 393 Prevention of Terrorism Act No. 30 of 2012, Article 5	X	X	X	NW/CW/BW: Penal Code, Article 393 Prevention of Terrorism Act No. 30 of 2012, Article 5
12	abovementioned activities related to means of delivery ¹		X	X	CW/BW: Constitution 2010, Article 2.6 CW: Firearms Act		X		CW: Firearms Act

1. Means of delivery: missiles, rockets and other unmanned systems capable of delivering nuclear, chemical, or biological weapons that are specially designed for such use.

III. OP 3 (a) and (b) - Account for/Secure/Physically protect NW, CW and BW, including Related Materials ²

Measures to establish domestic controls to prevent the proliferation of NW, CW, BW, and their means of delivery; controls over related materials		National legal and/or regulatory framework				Enforcement and civil/criminal penalties				Remarks
		X /?			Source document	X /?			Source document	
		N W	C W	B W *		N W	C W	B W		
1	Measures to account for production	X			NW: INFCIRC/778 (2009) Small Quantities Protocol (2009) Additional Protocol (2009) Radiation Protection Act of 1982 revised in 2012, Article 8	X			NW: INFCIRC/778 (2009) Small Quantities Protocol (2009) Additional Protocol (2009) Radiation Protection Act of 1982 revised in 2012 Radiation Protection Board	
2	Measures to account for use	X	?	?	NW: INFCIRC/778 (2009) Small Quantities Protocol (2009) Additional Protocol (2009) Environmental Management and Coordination Act of 1999, Article 86 Radiation Protection Act of 1982 revised in 2012, Article 8 CW: Environmental Management and Coordination Act of 1999 revised in 2012, Article 86 BW: Biosafety Act of 2009 revised in 2012 (Part II.5 The Authority shall ensure that all appropriate measures are taken to avoid adverse effects on human health and the environment, which might arise from the contained use of a genetically modified organism)	?	?	?	NW: Environmental Management and Coordination Act of 1999 Radiation Protection Act of 1982 revised in 2012, Radiation Protection Board BW: Biosafety Act of 2009 revised in 2012, Article 52 (Any person who ... (g) contravenes any of the provisions of this Act, commits an offence and is liable on conviction to a fine not exceeding twenty million shillings, or to imprisonment for a term not exceeding ten years, or both)	
3	Measures to account for storage	X	?	?	NW: INFCIRC/778 (2009) Small Quantities Protocol (2009) Additional Protocol (2009)			?	?	

				<p>Environmental Management and Coordination Act of 1999 revised in 2012, Article 11</p> <p>CW: Environmental Management and Coordination Act of 1999 revised in 2012, Article 86</p> <p>BW: Biosafety Act of 2009</p>			<p>CW: Environmental Management and Coordination Act of 1999 revised in 2012</p> <p>BW: Biosafety Act of 2009 revised in 2012, Article 52</p>			
4	Measures to account for transport	?	?	<p>NW/CW: Environmental Management and Coordination Act of 1999 revised in 2012</p>	?	?	<p>NW/CW: Environmental Management and Coordination Act of 1999 revised in 2012</p>			
5	Measures to secure production	N A	?	?	<p>NW: Radiation Protection Act of 1982 revised in 2012</p> <p>CW: Environmental Management and Coordination Act 1999 revised in 2012, Articles 92</p> <p>BW: Biosafety Act of 2009 in 2012</p>	N A	?	?	<p>NW: INFCIRC/778 and SQP 2009 Environmental Management and Co-ordination Act 1999, Article 141 Chief Radiation Protection Officer Radiation Protection Inspectorate</p> <p>CW: Penal Code, Article 245 (negligence with poisonous substances) Environmental Management and Co-ordination Act 1999 revised in 2012, Article 141 Standards and Enforcement Review Committee</p> <p>BW: Biosafety Act of 2009, Article 52</p>	
6	Measures to secure use	N A	?	?	<p>NW: INFCIRC/778 and SQP 2009 Radiation Protection Act of 1982 revised in 2012</p> <p>CW: Environmental Management and Coordination Act 1999 revised in 2012, Articles 92-93 and 97-98</p>	N A	?	?	<p>NW: INFCIRC/778 and SQP 2009 Environmental Management and Co-ordination Act 1999 revised in 2012 Chief Radiation Protection Officer Radiation Protection Inspectorate</p> <p>CW: Penal Code, Article 245 (negligence with poisonous substances) Environmental Management and Co-ordination Act 1999, Article 141</p>	

IV. OP 3 (a) and (b) - Account for/Secure/Physically protect NW including Related Materials (NW specific)

Measures to establish domestic controls to prevent the proliferation of NW, and their means of delivery; controls over related materials		Source document	Remarks
1	National regulatory authority	Radiation Protection Act Radiation Protection Board	
2	Licensing of nuclear installations/entities/ use of materials	Radiation Protection Act of 1982 revised in 2012, Article 11 Chief Radiation Protection Officer Radiation Protection Inspectorate Radiation Protection Board	
3	IAEA Safeguards Agreements	INFCIRC/778 (2009) IAEA Small Quantities Protocol (2009) IAEA Additional Protocol (2009)	
4	IAEA Code of Conduct on Safety and Security of Radioactive Sources		
5	Supplementary Guidance on the Import and Export of Radioactive Sources of the Code of Conduct on the Safety and Security of Radioactive Sources		
6	IAEA Incident and Trafficking Database		
7	Integrated Nuclear Security Support Plan (INSSP) / International Physical Protection Advisory Service (IPPAS)		
8	Applying the physical protection		

	recommendations in INFCIRC/225/Rev.5		
9	Other Agreements related to IAEA	Revised Supplementary Agreement Concerning the Provision of Technical Assistance by the IAEA (RSA) (1989) African Regional Co-operative Agreement for Research, Development and Training Related to Nuclear Science and Technology (AFRA) - Fifth Extension (2016)	
10	National legislation and regulations related to nuclear material including CPPNM		

V. OP 3 (a) and (b) - Account for/Secure/Physically protect CW including Related Materials (CW specific)

Measures to establish domestic controls to prevent the proliferation of CW, and their means of delivery; controls over related materials		Source document	Remarks
1	National CWC authority	Government Chemists Department, Ministry of Public Health and Sanitation	
2	Licensing/registration of installations/facilities/ persons/entities/use/ handling of related materials	Firearms Act revised in 2009 The Commissioner of Police shall, by notice in the Gazette, appoint a chief licensing officer to perform the duties and exercise the powers imposed and conferred by this Act	
3	Old or abandoned chemical weapons		

VI. OP 3 (a) and (b) - Account for/Secure/Physically protect BW including Related Materials (BW specific)

Measures to establish domestic controls to prevent the proliferation of BW, their means of delivery; controls over related materials		Source document	Remarks
1	Licensing/registration of installations/facilities/persons/entities/use/handling of materials	Biosafety Act of 2009	

VII. OP 3 (c) and (d) and related matters from OP 6 - Controls of NW, CW and BW, including Related Materials

Border controls and export and trans-shipment controls to prevent the proliferation of nuclear, chemical and biological weapons and their means of delivery including related materials		National legal framework					Enforcement and civil/criminal penalties					Remarks
		X /?			Source document	X /?			Source document			
		N W	C W	B W		N W	C W	B W				
1	Border control to detect, deter, prevent and combat illicit trafficking	X	X	X	NW/CW/BW: Customs and Excise Act 1978 revised in 2010, Articles 3-5 and 12	X	X	X	NW/CW/BW: Joint Frontier Security and Intelligence Committees Customs and Excise Act 1978 revised in 2010, Articles 167-178 (powers) and 179-194 (penalties)			
2	Law enforcement to detect, deter, prevent and combat illicit trafficking	X	X	X	NW/CW/BW: Customs and Excise Act 1978 revised in 2010, Articles 3-5	X	X	X	NW/CW/BW: Kenya Revenue Authority Joint Frontier Security and Intelligence Committees			
3	Border control detection measures		X		CW: The Customs and Excise Department has established a chemical reference lab where suspicious chemical samples are tested (as reported in 2007)		X		CW: The Customs and Excise Department has established a chemical reference lab where suspicious chemical samples are tested (as reported in 2007)			
4	Control of brokering											
5	Export control legislation in place	X	X	?	NW: Radiation Protection Act 1982 revised in 2012, Article 8 Customs and Excise Act 1978 revised in 2010, Articles 59-60 CW: Customs and Excise Act 1978 revised in 2010, Articles 59-60 Firearms Act, Articles 27-28	X	X	?	NW: Customs and Excise Act 1978 revised in 2010, Articles 167-178 (powers) and 179-191 (penalties) CW: Customs and Excise Act 1978 revised in 2010, Articles 167-178 (powers) and 179-191 (penalties)			

					<p>BW: Customs and Excise Act 1978 revised in 2010, Articles 59-60 Biosafety Act 2009, Article 23 (A person intending to export a genetically modified organism from Kenya shall provide the Authority with an advance written consent granted by a relevant authority of the country to which the genetically modified organism is destined, to the effect that such relevant authority has no objection to the intended exportation)</p>				<p>Firearms Act, Articles 27-28</p> <p>BW: Customs and Excise Act 1978 revised in 2010, Articles 167-178 (powers) and 179-191 (penalties) Biosafety Act 2009, Article 52 (Any person who: (a) ... imports or exports a genetically modified organism without the approval of the Authority ... commits an offence)</p>	
6	Licensing provisions and Authority	X	?	<p>NW: Radiation Protection Act revised in 2012</p> <p>BW: Biosafety Act 2009, Article 23 (A person intending to export a genetically modified organism from Kenya shall provide the Authority with an advance written consent granted by a relevant authority of the country to which the genetically modified organism is destined, to the effect that such relevant authority has no objection to the intended exportation) National Biosafety Authority</p>	X	?	<p>NW: Radiation Protection Board Radiation Protection Act</p> <p>BW: Biosafety Act 2009, Article 52 (Any person who: (a) ... imports or exports a genetically modified organism without the approval of the Authority ... commits an offence) National Biosafety Authority</p>			
7	Control lists of materials, equipment and technology									
8	Intangible technology transfers									
9	Inclusion of means of delivery									
10	End-user controls									
11	Catch all clause									

12	Transit control								
13	Trans-shipment control								
14	Re-export control								
15	Control over financing of exports/transshipments that would contribute to proliferation								
16	Control over services related to exports/transshipments that would contribute to proliferation including transportation								

VIII. OP 7 and 8 (d) - Assistance, Work with and inform Industry and Public, and other Information

1	Assistance offered	
2	Assistance Point of Contact (for assistance providers only)	
3	Assistance requested	
4	Action taken to work with and inform industry	University of Nairobi: professional experts are trained in radiation safety and security of radioactive materials. RPB conducts awareness programmes on the need for radiation safety and security of radiation sources.
5	Action taken to work with and inform the public	
6	Point of Contact	
7	Voluntary National Implementation Action Plan (NAP)	
8	1540 Committee visits to States	