



ICCSS

**International Centre
for Chemical Safety and Security**

The Kenyan Program on Chemical Safety and Security

Introductory Brochure

Co-financed by a grant from the Government of Norway



Introduction

The overall goal of this program is to develop a sustainable system of chemical safety and security for chemical activities in Kenya. The program will assist Kenya in creating a national system for chemical safety and security and related structural and infrastructural projects. It will also provide assistance to international efforts to counter terrorism threats using chemical weapons or toxic chemicals.

The International Centre for Chemical Safety and Security (ICCSS) and its Kenyan partners initiated this program in 2012 as a public-private partnership. The program has received active support and participation from the Centre for International Trade and Security (CITS), Dow Chemicals (USA), AT Kearney and TNO (Netherlands), and the intention is to expand its reach to other East African countries.

Background

Program development

The concept for the program originated in an international meeting on Chemical Safety and Security in Tarnów, Poland in November 2012, based on the principles of sustainability, continuity, modern management, public-private partnership and multi-stakeholder participation. The concept received overwhelming support when it was presented to States Parties in a side event during the OPCW's Third Review Conference in April 2013, which led to the first full meeting of program stakeholders in Nairobi the following month. An assessment study for the program was then produced, and with a donation from the Government of Norway the implementation phase began with a training in Warsaw in September 2014. The program has subsequently gained significant political support in Kenya, Poland and other countries.

Scope of program concerns

The assessment study identified the following areas of concern for improvement:

- Security of chemicals in transit
- Level of education and awareness
- Trafficking and border control
- Legislation pertaining to safety and security of chemical materials
- Emergency responses to accidents in transit including ownership, responsibility, litigation, equipment, and procedures for first responders for CBRN incidents
- Expired chemicals, waste management and cleanup.

Implementation plan

The implementation plan has three distinct work packages that define stakeholders, facilitate fundraising and aid recruitment of participants. A general committee of senior Kenyan officials and international experts will guide and oversee the work. The packages are:

- Establishment of a training program that can be expanded to the national level
- Training of Trainers (ToT) and effective monitoring and evaluation (M&E)
- Pilot training and program development.

International partners

The international partners working with the general committee are:

- International Centre for Chemical Safety and Security (ICCSS) – overall coordination of the project
- AT Kearney – analysis, benchmarking and planning of the implementation phase
- Dow Chemicals - implementation of the Responsible Care Security Code and promoting chemical trade and industry relations
- TNO – best practices in chemical safety and security, sustainable development, environmental protection, and modern management
- Centre for International Trade & Security (CITS) – legal and administrative regulations, including export controls.

The Polish stakeholders cooperating with ICCSS in the Kenya program are:

- Ministry of Economy
- Border Guard
- Customs Service
- Central Customs Laboratory
- Office of Chief Inspector of Road Transportation.

Kenyan stakeholders

The program accorded primary importance from the outset to defining Kenyan stakeholders from government, industry, academia, NGOs and media and involving them with workshops, trainings, outreach activities and best practices exchanges. The training activities engage Kenyan stakeholders in the preparation of documentation and in capacity building for project implementation. The relevant national institutions for the program are:

- Energy Regulatory Commission
- Kenya Association of Manufacturers
- Laboratories in Kenya at all levels
- National Disaster Operational Center
- National Disaster Management Authority
- National Environment Management Authority
- National Highway Authority
- National Transport and Safety Authority (road safety)
- Road Transport Association
- Urban Roads Authority.

Pending activities

Analysis of required knowledge for the curriculum on road transport safety and security

- Volume of transport, share of hazardous materials in total transport and shares of particular types of transport
- Infrastructure and land planning involving transport of hazardous materials
- Share of particular categories of hazardous materials in the overall volume
- Identify problems in transportation of dangerous goods
- Qualitative list of incidents related to safety and security during transport via road/rail/air

- International regulations that Kenya currently adheres to (IATA, road and rail)
- Law enforcement on roads - institutions, competencies and cooperation
- Stakeholders in the goods transportation process - ownership, requirements and obligations in packaging and shipping,
- Vehicles for dangerous cargo - requirements, equipment, technical conditions, information about transported goods, vehicle markings, vehicle inspection, enforcement, procedures in case of non-compliance, and enforceability
- Drivers – requirements for physical condition, education, skills, training, tests
- Content and frequency of trainings
- First response to road accidents - agencies, procedures, contamination and cleanup
- Activity of sectorial organizations - best practices and voluntary standards.

Analysis of transport security

- General situation on roads, risk factors, data for risk assessment
- Security issues as an element of the national driver's training curriculum
- Awareness among shipment companies/owners about the security of hazardous materials
- Tools for verification of reliability
- National registers containing relevant security data.

Emergency planning

- Selected case studies of disasters in Kenya with regard to transportation of chemicals and neighboring countries
- Agencies and other stakeholders involved in protection, rescue and relief operations
- Preparedness, response, follow up and evaluation of incidents in Kenya.

Legal and administrative acts regulating road transport of hazardous materials

- Outline of key international conventions and legal instruments covering transportation
- National legal instruments
- Responsibility of ministries, agencies and other institutions
- Cooperation and involvement with international organizations
- Activities of industrial organizations and entities involved in the transportation sector
- Efforts in using the Strategic Approach to International Chemical Management (SAICM) and progress made relevant to transportation of chemicals.

Key antecedents of the program

Meeting and training seminar, Warsaw, September 2014

At a meeting held at the Ministry of Economy in Warsaw on 15 September 2014, Mr. Janusz Piechociński, the Deputy Prime Minister and Minister of Economy, confirmed his support and willingness to actively participate in the development of the program of chemical safety and security in Kenya. He highlighted the innovative character of the Kenyan program and noted the prospects for inclusion of Polish companies under the Go Africa program.



The meeting at the ministry was part of an intensive weeklong training seminar for a group of Kenyan officials who form the domestic leadership of the program. The training involved the Polish Ministry of Economy, Ministry of Internal Affairs (Border Guards and State Fire Service), National Defense, and the Ministry of Finance (Customs Service), and international representatives of INTERPOL, Dow Chemicals (USA), TNO (Netherlands) and AT Kearney.



The content of the introductory seminar, agreed with the Kenyan stakeholders, included:

- Joint training in the project management tools to be used in the Kenyan program implementation
- Roles, functions and division of labor among the project participants and development of an implementation plan
- Best practices exchanges and capacity building in the core areas of Working Package 1, which include chemical safety and security in the areas of transportation, customs and border controls.



The introductory seminar enabled all project participants, from Kenya and international partners, to discuss and agree ways to implement the Kenyan program that will adhere to its underlying principles of sustainability, continuity, modern management, public-private partnership, and multi-stakeholder participation.



OPCW Conference of State Parties, The Hague, December 2014

A side event on the Kenyan program at the annual OPCW conference highlighted its innovative approaches to support implementation in Kenya of the Chemical Weapons Convention (CWC), in particular Articles VII (national implementation), X (assistance and cooperation) and XI (international cooperation). The event stimulated a robust discussion with OPCW States Parties and other stakeholders on the OPCW's role as a platform for fostering voluntary cooperation in chemical safety and security.

The African Forum on Chemical Safety and Security (AFCSS)

The AFCSS was organized after a meeting of African CWC National Authorities in May 2014 in which they agreed to support the Kenyan program as an African-wide initiative and to extend it to other East African countries. The AFCSS also responded to proposals from national entities in East Africa and international organizations to share the methodology and best practices of the Kenyan program with other stakeholders in the region.

Inadequate chemical safety and security provisions and practices in East Africa, combined with incomplete implementation of relevant international instruments like the CWC and UNSCR 1540 (2004), have limited the opportunities for industrial and economic development in the region. Other limiting factors are the deficient national, regional and international measures in East Africa to respond to chemical proliferation and emerging terrorism challenges. An outcome of the AFCSS was to establish a network of contacts within East Africa to facilitate communication and cooperation among concerned stakeholders to reduce threats and mitigate risks.

The AFCSS will assist implementation of the Kenyan program by developing links with relevant counterparties elsewhere in East Africa to generate demand for enhancing chemical safety and security in the region as a whole, and by strengthening contacts and cooperation to stem proliferation and terrorism threats.

Rationale behind the AFCSS

The development of the Kenyan program has found that the critical areas for enhancing peaceful chemical activities and preventing misuse of toxic chemicals are a) introducing effective border and customs controls, and b) controlling the transport and transit of toxic chemicals and their use by small and medium-sized enterprises (SMEs). These issues should become priorities for national governments in East Africa and will require intensified international support.

At the same time, research for the Kenyan program has also found that to develop effective border and customs controls in East Africa and to control the transport and transit of toxic chemicals, institutions and officials in the region must establish modalities of cooperation and share their experiences.

AFCSS goals

The AFCSS aims to foster an integrated approach to chemical safety and security in East Africa that covers the entire cycle of development, production, use and disposal of chemicals, as introduced by the Kenyan program. The AFCSS will help develop cooperation between border, customs, industry, and transportation officials in East Africa, and strengthen the effectiveness of the Kenyan program, by creating a regional forum for exchanging expertise and national capacities in these areas.

The AFCSS will translate the modalities and practices of the Kenyan program into effective mechanisms against misuse of toxic chemicals in the East Africa region by identifying the actions required by local and central authorities; describing needed external and internal infrastructures and capabilities; creating a platform for discussion of trans-border cooperation; and establishing contact points to promote sharing of expertise and information.

AFCSS objectives

- To keep participants abreast of developments and risk factors in chemical activities that play a role in proliferation threats.
- To identify best approaches to support the development of national CBRN policies and guidelines, optimize the improvement of CBRN capabilities, and share best practices.
- To explore the benefits of regular training and education for staff of national stakeholders and regional and international organizations in connection with implementation of the CWC and of UNSCR 1540 in the chemical domain;
- To establish contact points throughout East Africa to share experiences in developing the Kenyan program and build synergies for extending it to other countries in the region.
- To bring experts and representatives from international organizations like the OPCW, 1540 Committee, UNODA, WHO, EU, NATO, INTERPOL, WCO, UNICRI and UNODC together with regional organizations, national governments, and industry and academic associations.
- To familiarize participants with the latest equipment available on the market and with training opportunities in the areas of chemical safety and security.

Relevance of the AFCSS

The AFCSS is committed to assisting African countries in building their capacity to counter CBRN proliferation and the possible misuse of toxic chemicals. The AFCSS will provide a platform for developed countries and international organizations to share their knowledge and experience in chemical non-proliferation and chemical security with the participating African countries. It will create opportunities for international organizations to support the Kenyan program and to join an emerging East African network of international cooperation in the safe and secure handling of CBRN agents, including toxic chemicals, which engages all stakeholders.

The AFCSS will also be an avenue for international organizations to join efforts to promote higher national standards and practices for industry in the safe and secure handling of CBRN agents, including preventing unauthorized access and possible misuse. By supporting the development of chemical safety and security in Kenya and in East Africa, international organizations will become partners of national governments and the chemical industry in exchanging experiences and providing adequate responses to ensure safe and secure handling of CBRN agents.

Relevance to the Chemical Weapons Convention

The AFCSS will help develop effective approaches to assist Kenya and other countries in the East African region to achieve the goals of the CWC in relation to national implementation and assistance and protection against chemical weapons. Among its expected outcomes are an increased awareness of the requirements and best practices in CWC implementation, chemical non-proliferation, and chemical security. The AFCSS will be a conveyor belt for disseminating training materials to National Authorities, scientists, laboratory managers and relevant industries on best practices in chemical non-proliferation and security.

The OPCW should be the lead agency in providing assistance for the peaceful use of chemicals but is hampered by limited resources and a weak mandate in this area. The AFCSS will stress the necessity of working together in a multi-stakeholder partnership under an OPCW policy umbrella, and recommend cost-efficient ways to organize international support for the implementation of international legal and administrative obligations, including the CWC and UNSCR 1540.

The AFCSS will also provide guidance on how the outcomes of the Kenyan program should be incorporated into future Kenyan legal and administrative regulations and operational provisions, as well as into international technical assistance programs including those of the OPCW under Articles VII (Support for National Implementation) and X (Assistance and Protection). The results of the AFCSS and of the Kenyan program will be promoted internationally with an emphasis on the OPCW as a platform for cooperation in chemical safety and security between all relevant stakeholders.

Sustainability

Sustainability of the outcomes of the AFCSS will require the creation of permanent networks of cooperation between professional staff responsible for the implementation of policies on non-proliferation and chemical security. Sustainability will be enhanced by maintaining contacts between the AFCSS participants and providers of training and best practices exchanges.

The AFCSS will strengthen the EU regional center of excellence in Nairobi and the national networks of CBRN non-proliferation experts and security officers. It will also support the efforts of international organizations, including the OPCW, in preventing re-emergence of chemical weapons. All relevant AFCSS materials and other resources will be made available to continue training activities in participating institutions.

International Centre for Chemical Safety and Security



ICCSS

Working together to enhance chemical safety and security

Leszno 8/1

01-192 Warsaw

Poland

+ (48) 22 436 20 44

www.iccss.eu ; info@iccss.eu