

**BRIEFING DOCUMENT FOR THE
DEPARTMENTAL COMMITTEE ON
DEFENCE AND FOREIGN
RELATIONS**

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**16TH NOVEMBER 2010
KENYA MISSION TO UNON**



KENYA MISSION TO THE UNITED NATIONS OFFICE NAIROBI

MANDATE


To perform diplomatic and representational and multilateral duties on behalf of the Government of Kenya with the Secretariats of UNON, UNEP, UNHABITAT as well as diplomatic embassies and missions accredited to these secretariats and other international organizations accredited to UNON with the aim of promoting Environmental Governance and Human Settlement.

MISSION

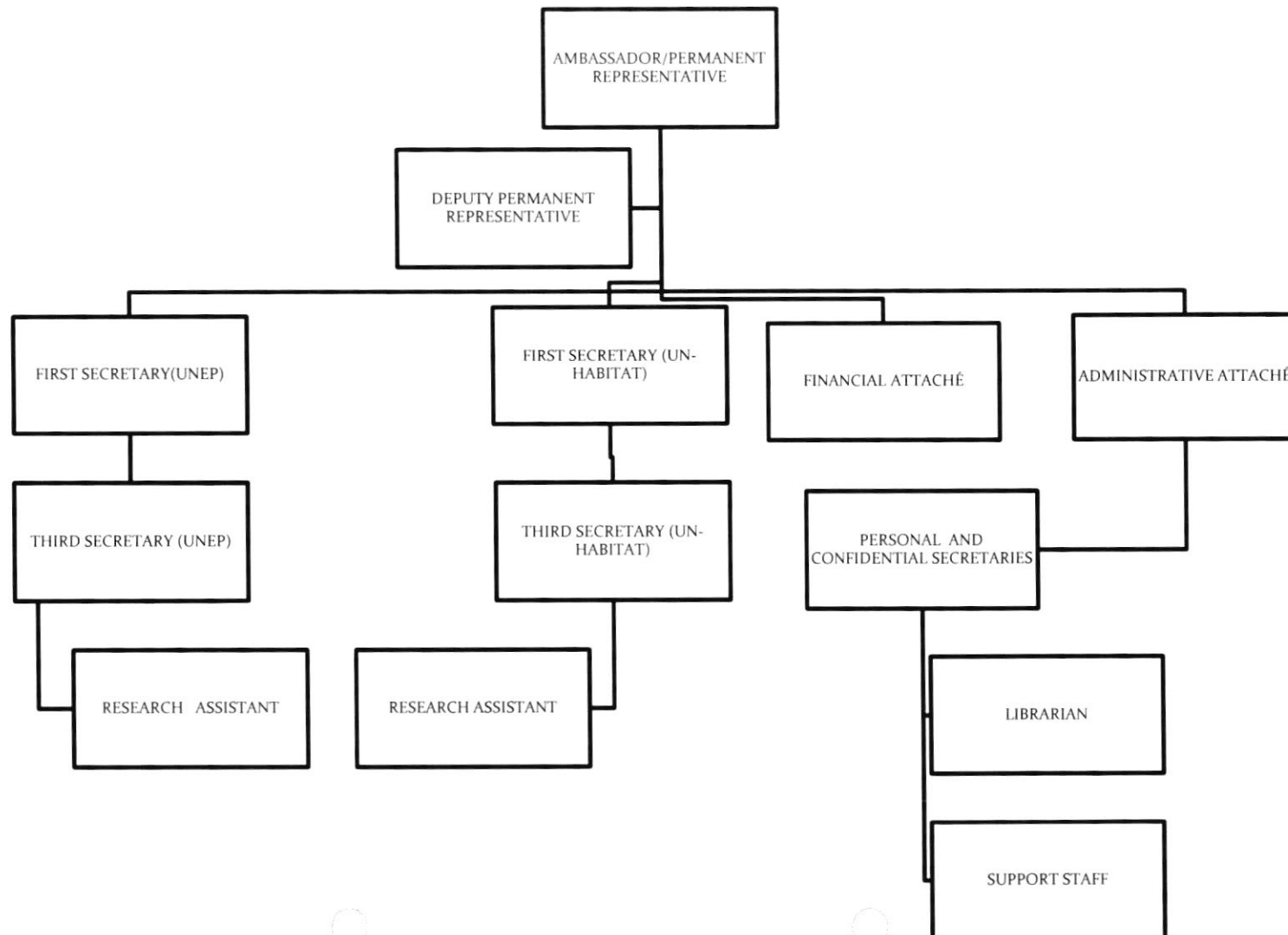
Advance and promote the interest of Kenya on the governance and programmes undertaken by the UNON, UNEP, UNHABITAT

Core values:

The values that guide us in discharging our duties include: Patriotism, Diplomacy, Knowledge, Team spirit, Collective responsibility, Professionalism, Discipline, Dignity, Integrity, and Equity



KENYA MISSION TO UNON ORGANIZATIONAL STRUCTURE





BACKGROUND OF KMUNON


- Established by the Kenya Government in January 2009 with the appointment of an Ambassador and Permanent Representative
- Draws its vision, mandate and mission from the Government of Kenya's Foreign Policy and the Ministry of Foreign Affairs Strategic Plan
- Established a virtuous and productive relationship between the Government of Kenya and UNON, UNEP and UN-HABITAT
- To facilitate Kenya's role as host country recognizing the threats and opportunities to these UN organizations
- Recognizing the location, operational and programmatic threats and opportunities to these UN organizations





KEY DUTIES: UNON DESK

The Mission's key objective and challenge is that UNON is the only United Nations Head quarters in Africa and among the developing countries. and under this it has the following core duties:

- Facilitate the work of UNON in Nairobi
 - To attend to the locational needs of the UNON campus including matters of infrastructure(roads, water, power), security and political backstopping in Nairobi, Geneva, Vienna and New York.
 - In conjunction with IOC and Chief of Protocol work to provide hosting support for UN missions to Kenya and related logistical backstopping
 - Provide a complementary port of call to IOC and Chief of Protocol for all 25+ UN agencies, organizations and offices based in Nairobi
 - Serves as Rapporteur for the Ministry of foreign Affairs within the African Diplomatic Corps (ADC)
 - Serve as liaison for Government of Kenya with UNON
- 

DUTIES OF UNEP DESK


The Mission plays a lead role in facilitating the lead Ministries within the Government of Kenya that work with the environment and UNEP.

- Work directly with UNEP Secretariat through the Committee of Permanent Representatives (CPR), Sub Committee I & II as well as other subsidiary bodies and committees.
- Participate in United Nations General Assembly (UNGA) on matters related to UNEP.
- By virtue of being the host Mission and as co-chair of both global International Environment Governance(IEG) and Forest Financing processes, KMUNON avails dedicative special support to UNEP.
- Liaise with the Ministry of Environment and Mineral Resources to ensure the success of meetings organized.
- Actively participate in the negotiations of Multilateral Environmental Agreements in the areas of International Environmental Governance, Climate Change, Biodiversity, Desertification, Chemicals to mention but a few.
- Preparation of the country position papers, briefs and other information documents that are required from time to time for official government actions
- In cases where the technical Ministry is not able to attend related meetings, the Mission provides a technical backstopping in the negotiations



DUTIES OF UN-HABITAT

The Mission plays a lead role in facilitating the lead Ministries within the Government of Kenya that work with the Human Settlement and UN-HABITAT.

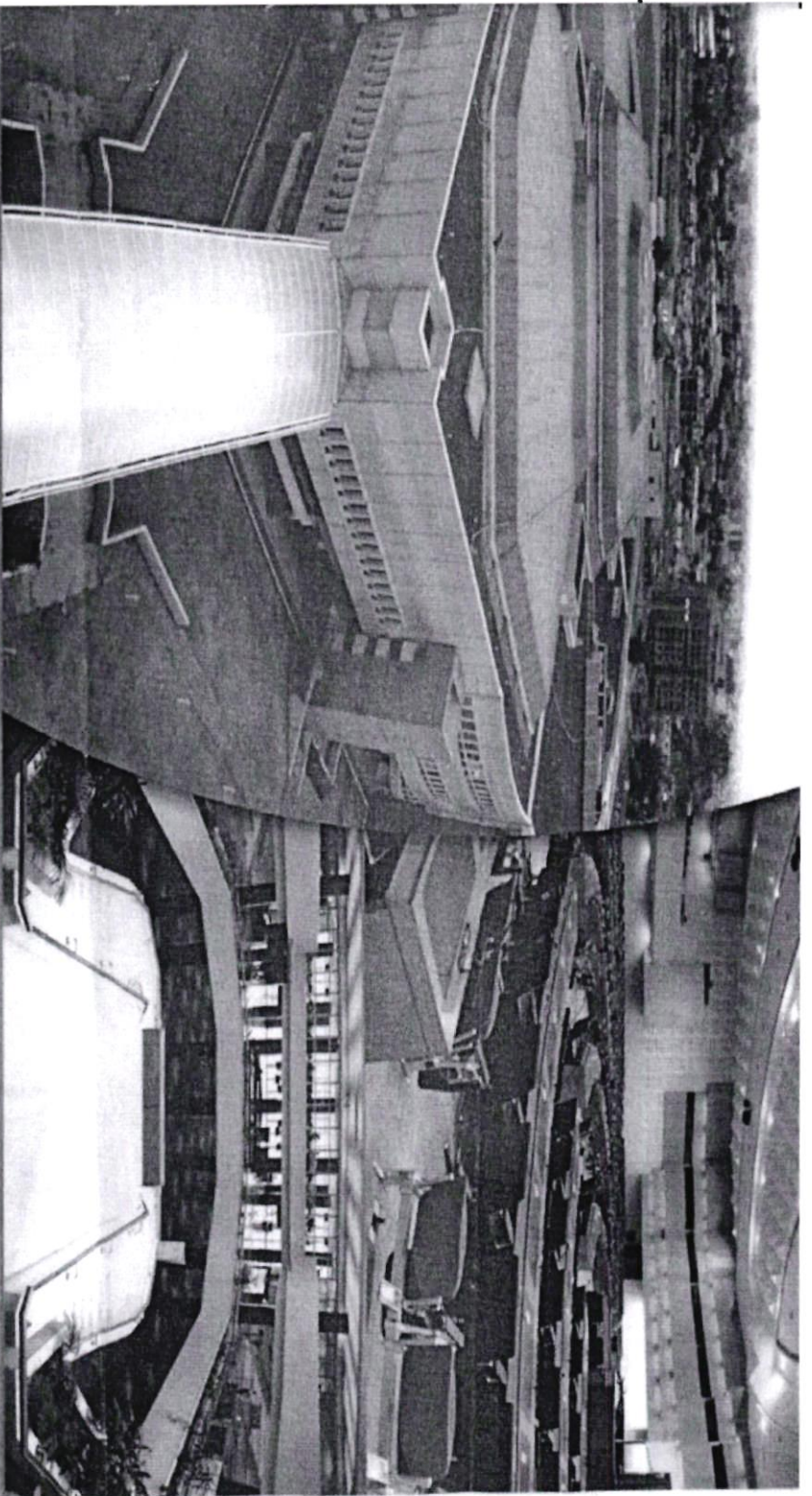
- Analysis, appraisal and reporting of reports, resolutions on Human settlement issues from UN General Assembly, Kenya Missions abroad and other related bodies.
 - Participate in United Nations General Assembly (UNGA) on matters related to UN-HABITAT.
 - Follow up in conjunction with the Ministry of Housing the resolutions of the Governing Council of UN-Habitat.
 - Follow up and liaise with the Ministry of Housing and other Ministries on local UN-HABITAT projects within the country.
 - Preparation of country position papers and briefs on international meetings on housing as well as technical backstopping in negotiations.
 - As the current chair of the UN-Habitat CPR, the mission is supposed to liaise with the Secretariat of UN-Habitat in the preparation and chairing of the CPR and subcommittee meetings and planning and organizing the Habitat Governing Council and World Urban Forum
 - Play a role in the African Ministerial Conference on Housing and Urban Development (AMCHUD)
- 

FINANCIAL SUMMARY OF KMUNON

- Prior to establishment of KMUNON, UNEP and UN-HABITAT, the offices operated using separate budgets and accounts. The financial allocations were: Kshs 55,021 792.00 for Kenya mission to UN-HABITAT and Kshs 62, 348 110.00 for Kenya mission to UNEP for financial year 2008/2009
- During the financial year 2009/2010 the Missions were merged
- After the merger, Treasury allocated Kshs 83, 609 464.00 for financial year 2009/2010 to cater for salaries and operating costs
- The above led to cutting costs of up to Kshs 33, 760 438.00 hence saving for the government due to the reorganization
- Current financial year 2010/2011, Mission was allocated Kshs 85, 451 684.00
- The Mission has no bank account and operates on a standing imprest
- All payments are done at the Ministry of Foreign Affairs(MFA)
- All staff are hired through the MFA except some support or advisory short-term services
- Financial returns are submitted to MFA on onward transmission to Treasury

CHALLENGES AND OPPORTUNITIES

- Strategic contribution to vision 2030 and unrealized opportunities
- Recognizing threats to UNON, UNEP and UNHABITAT – Ethiopia Senegal, Ghana, Gabon, Egypt, Tunisia, South Africa and (Tanzania), France, Switzerland, Canada
- **Strategic policy** : the interface between bilateral and multilateral work. The need to capitalize on the fact UNON, UNEP and UN-HABITAT are the only UN headquarter location in Africa and in the developing world.
- **Preparedness**: having the right personnel with the right competencies is crucial to meeting KMUNON mandate. Having sufficient budget is equally crucial and being represented in the right government functions is also crucial
- **Physical and Institutional** : Infrastructure in Blue zone, Upgrade of JKIA, location of KMUNON, complementary conference facilities, appropriate land availability, information, communication and media



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CHALLENGES FACED CONT.

- **Domestic missions** :status as a mission needs to be examined, KMUNON is a multilateral Mission.
- **Capacity**: Human Resource and Knowledge Base
- **Security** : Diplomatic policing, securing the blue zone, expanding the blue zone





Key Achievements

- Established KMUNON
 - Secured UNON
 - Secured UNEP and UN-HABITAT location in Nairobi
 - Relocate and consolidation of the mission with proper branding in Muthaiga
 - Profiled Kenya in the work of UNON, UNEP and UN-habitat
 - Negotiated budgetary allocations to Kenya Urban Roads Authority for road works in Gigiri area(work still not done).
 - Provided strategic, political and policy support to the Office of the President, Office of the Prime Minister and Ministry of Environment in Global Climate Change negotiations, Global Biodiversity negotiations and in IEG negotiations
 - Campaigned for Inter-governmental Science-Policy Platform on Biodiversity and Ecosystem Services(IPBES) to be located in Nairobi
 - Provides technical advisory support to Kenya Missions, New York, Geneva, Berlin, Japan, Addis Ababa, Madrid.
 - Chair of the UN-Habitat CPR
 - Co-chair of the Open Ended Intergovernmental Ad Hoc Expert Group on Forest Financing and
 - Co-chair of the Consultative Group on International Environmental Governance.
 - Successfully redefined Kenya's role in the ADC
- 



Conclusion

Kenya mission To UNON looks forward to receiving moral, political and strategic support from the Departmental Committee on Defense and Foreign Relations moving forward

Thank you



ANNEX A 1 TO THE FOREIGN SERVICE REGULATIONS

**DOMESTIC MISSIONS
SERVICE REGULATIONS**

DATE
February 2010

The Mission, therefore, has triple accreditation functions to UNON, UNEP, and UN-Habitat and performs distinct functions in these organizations of accreditation as follows:

1. UNON

The Kenya Mission to UNON has core responsibility for political work in the United Nations Office at Nairobi (UNON) as well as liaison with other UN offices based in Nairobi. This includes liaison on matters of host country relations with the Office of the President, Ministry of Foreign Affairs, Diplomatic Police Unit, the traffic department, the Ministry of Roads, Kenya Urban Roads Authority, Nairobi Sewerage Company, Kenya Power and Lighting Company on matters of Security, provision of the necessary amenities and infrastructure so as to ensure that the Nairobi duty station provides a good standard of living for the UN staff and diplomats working in Nairobi and that the work at the UN complex goes on smoothly.

These are important responsibilities given that any dissatisfaction is quickly taken up by the Director General of UNON which in the past has resulted in Nairobi duty station being downgraded. It is therefore the responsibility of the Mission to ensure that any problems that may arise are dealt with expeditiously to ensure that the UN does not get any reason to downgrade the Nairobi duty station or even contemplate relocation from Nairobi. The location of the UN offices in Nairobi contributes greatly to the economy in addition to elevating the status of Nairobi and image of Kenya.

2. UNEP

The Kenya Mission to UNON as a Permanent Mission to the UNEP performs several multilateral responsibilities. It works directly with UNEP secretariat through the Committee of Permanent Representatives (CPR), Sub committee I & II as well as other subsidiary bodies and committees.

This aspect of the KMUNON work requires weekly representation of Kenya in the context of the CPR and sub committee meetings as well as informal consultations that are part and parcel of the normal work of the Mission.

Additionally, the Kenya Mission by virtue of being the host Mission has a special role in the organization of the Governing Council/ Global Ministerial Environment Forum (GC/GMEF) meetings which are held every two years in Gigiri. In this regard, the Kenya Mission to UNON liaises with the Ministry of Environment and Mineral Resources to ensure that the meeting is a success. This entails coordination with the Office of the President, the Ministry of Foreign Affairs, the Kenya Police, Diplomatic Police, on matters of security, protocol and free flow of traffic; Ministry of Immigration and Registrations of Persons, on matters of Entry Visas for the delegates; the Nairobi City Council, to mention but a few.

Rationale for the Regulations

The Government of Kenya has seen it fit and necessary to set up fully fledged Domestic Missions in Kenya with clear diplomatic and multilateral responsibilities and designations. This decision is informed by political, diplomatic and multilateral developments that have taken place since independence.

Kenya like other countries in the world which have a heavy multilateral presence and large diplomatic community with complex regional, political, multilateral and humanitarian work has seen it fit to define special responsibilities for Missions that are based in the country.

For the case of Kenya, the Ministry of Foreign Affairs departments provide the political and bureaucratic backstopping for some of the work done by the Kenya based Missions. These departments include the Directorates of Political Affairs, International Organizations and Conferences, Africa, Administration, among others.

However, despite some of the work being done at the Ministry headquarters, a considerable amount of traditional, political and multilateral work still remains in the Missions. This work, in terms of load and political and technical complexity is not dissimilar to the work done in other Missions abroad.

Need for equity among the Missions

As aforementioned, the work of fully fledged domestic Missions is similar to that of other Kenya Missions abroad, yet the terms of service are not equitable. In order therefore to bring the fully fledged domestic Missions at par and to ensure equity among Kenya Diplomatic Missions, it is imperative that the domestic Mission staff be facilitated in a manner that is commensurate to the load and the responsibility of their portfolio. This should include the provision of a domestic mission allowance, medical allowance, outfit allowance, purchase of duty free motor vehicles, housing for the Ambassador, education supplement for the children of the Ambassador and maintenance of the Chancery, in a manner in keeping with other Missions in and outside Kenya.

The need for equity is borne out of the fact that both the domestic and the Kenya Missions abroad have similar mandates which include, among others, the promotion of Kenya interests and projection of good image of the country. Diplomats based in Kenya should therefore look the part so as to send the right message to other diplomats whom they interact with and wish to influence for the benefit of the country.

Core functions of the Mission

The Kenya Mission to UNON has a fully fledged Chancery with an Ambassador, two Deputy Ambassadors and fully fleshed out organization chart and has responsibilities and workload that is similar to that of all multilateral stations such as Geneva and New York.

At the same time, the Mission participates actively in the negotiations of Multilateral Environment Agreements in the areas of International Environmental Governance, Climate Change, Biodiversity, Desertification, Chemicals to mention but a few. It also plays an active role in the preparation of the country position papers, briefs and other information documents that are required from time to time. In cases where the technical ministry is not able to attend, the Mission provides the technical backstopping in the negotiations.

3. UN Habitat

KMUNON has also similar responsibilities and workload as described for UNEP above, within the context of UN-Habitat. Kenya is the current Chair of the UN-Habitat CPR which is an additional task. The Mission is supposed to liaise with the secretariat of UN-Habitat in the preparation and chairing of the CPR and subcommittee meetings and planning and organizing the Habitat Governing Council and World Urban Forum.

Like the case of UNEP, it has a special role in the preparation the UN-Habitat Governing Council by virtue of being the Host Mission. In conjunction with the Ministry of Housing it performs similar tasks mentioned under UNEP to ensure that the Governing Council is a success.

In addition, KMUNON plays a big role in the preparation of country position papers and briefs on international meetings on housing as well as technical backstopping in negotiations.

4. Liaison for UN International Meetings

KMUNON plays a big coordination role in organizing international meetings which are co-hosted by the UN and the Government. This is an important responsibility as it contributes greatly to conference tourism.

5. African Diplomatic Corps

The KMUNON also performs various functions in the African Diplomatic Corps meetings. As the Rapporteur of the group, the Mission is charged with the responsibility of organizing the monthly meetings, taking minutes and providing the necessary logistics. In addition, the Mission is required to maintain good relations with the African diplomats by engaging with them and participating in all their functions.

Last but not least, being based in Kenya, has added responsibilities. The Mission is required to provide political and diplomatic backstopping to the Office of the President, Office of the prime Minister, the Minister for Foreign Affairs, Minister for Environment and Mineral Resources and Minister for Housing, among others.

Taking into consideration that the foregoing workload and responsibilities were not fully embraced within the previous arrangement where two separate Missions worked for UNEP and UN-Habitat in parallel ways, it's incumbent upon the Ministry of Foreign Affairs to provide heightened support to KMUNON in order to ensure it meets with success and is able to achieve its operational goals.

In view of this, it is imperative that officers based at fully fledged domestic Missions, that are based in Kenya, are extended support including operational and financial backstopping to enable them engage fully as international diplomats and multilateral technocrats with their counter parts in other diplomatic Missions, UN organizations and relevant international entities accredited in Kenya.

It is therefore decided that key aspects of the Foreign Service Regulations be applicable to the fully fledged domestic Missions as detailed in these Fully Fledged Domestic Service Regulations. This will be consistent with international practice for other domestic Missions in Geneva, New York and Washington DC. The regulations will form part of the annex of the Foreign Service Regulations.

- Challenges
- * Security, roads, JKIA, conference facilities
 - * Capacity
 - * Diplomatic Service Act
 - * Foreign Policy
 - * Foreign Service regulations
 - * Domestic mission service regulations

FOREWORD

Attention of all Fully Fledged Domestic Missions officers is drawn to the fact that the regulations appearing hereinafter do not purport to be exhaustive. They shall be read and construed, where appropriate, in conjunction with the Foreign Service Regulations, Code of Regulations and Financial Orders in force in the Public Service, as amended from time to time. Any matter not provided for under these regulations shall be dealt with under the provisions of the Foreign Service Regulations and the Code of Regulations.

SECTION A – DEFINITIONS AND GENERAL PROVISIONS

A.1. Definitions

Unless otherwise stated, the following shall be the meaning of words used in these regulations –

- (a) **“Fully Fledged Domestic Mission”** means service in the Government of Kenya rendered in a Kenya Mission within the country, but outside the direct and daily supervision and hosting of the Ministry of Foreign Affairs headquarters;
- (b) **“Officer”** means any employee of the Government of Kenya who has been posted for service in a Fully Fledged Domestic Mission and includes Ambassador, High Commissioner and Permanent Representative.
- (c) **“Permanent Secretary”** means the Permanent Secretary in the Ministry of Foreign Affairs;
- (d) **“Head of Mission”** means an Ambassador, High Commissioner, Permanent Representative or an officer acting in that capacity;
- (e) **“Ministry”** means the Ministry of Foreign Affairs;
- (f) **“Ambassador”** includes High Commissioner and Permanent Representative;
- (g) **“Wife”** means one wife as declared by the officer irrespective of whether he has more than one wife;
- (h) **“Spouse”** means wife or husband of an Officer;
- (i) **“Child”** means unmarried child, step child, or legally adopted child who is –
 - (i) Aged 22 years and below
 - (ii) Substantially dependent on the officer due to circumstances acceptable to the Permanent Secretary, e.g. ill health;
 - (iii) Not gainfully employed;
 - (iv) Wholly maintained by the officer.
- (j) **“Local Staff”** means Kenyans who are locally employed in a Fully Fledged Domestic Mission in the country;
- (k) **“Mission”** refers to a Permanent Mission or Kenya Embassy, High Commission, Consulate or a duly accredited representational Mission based within the country;
- (l) Unless otherwise expressly provided –

- (i) words importing the masculine gender include the feminine gender; and
- (ii) words importing the singular include the plural and words importing the plural include the singular.

A.2. APPLICATION OF REGULATIONS

- (1) Unless otherwise expressly provided, these regulations apply to officers as defined in paragraph 1 (b) above.
- (2) Apart from the specific regulations relating to their employment, regulations do not apply to local staff serving at Fully Fledged Domestic Missions who will be governed by separate regulations.
- (3) These regulations will cease to apply to officers as defined in sub-paragraph 1 (b) above at the end of their service at Fully Fledged Domestic Missions.

A. 3. Amendment or Waiver of Regulations

These regulations may be amplified or amended by the Permanent Secretary after consultation with the Director of Personnel Management and/or the Treasury as the case may be.

A. 4. Appeals

Any complaints or appeals arising out of the application of these regulations shall be addressed to the Permanent Secretary.

A. 5. Delegation of Powers

The Permanent Secretary may delegate either generally or specifically, any of the powers and functions vested in him or her by these regulations.

A.6. Breach of Regulations

Any breach of these regulations shall be dealt with in terms of the provisions of the Public Service Commission Regulations (Cap. 185), the Code of Regulations and any other regulations which may be in force.

A. 7. Scope of Regulations

These regulations do not purport to contain all aspects of officers' terms and conditions of service and other privileges. These are to be found in the officer's letter of appointment, the Code of Regulations, the Pensions Act (Cap. 189) and other instructions as issued from time to time.

SECTION B – RULES OF CONDUCT

B. 1. Introduction

This section is meant to act only as a guide to Domestic Mission Officers. Regulations governing the conduct of officers in the Government Service and the procedure to be followed in case of breaches of discipline are to be found in the Public Service Commission of Kenya Regulations (Cap. 185) and Section G of the Government of Kenya Code of Regulations. It should be borne in mind that each officer occupies a special position within the Foreign Service and he should be proud of that position and ensure that his conduct and that of his family both in public and private life does not bring the service into disrepute.

B. 2. Private Occupations and Interests in Contracts

An officer is prohibited from –

- (a) accepting any post in the management of any trading, commercial, industrial, financial, or professional firm or company;
- (b) engaging in any occupation which would in any way tend to impair his usefulness as a public servant or conflict with the interests of the service or be inconsistent with his position as a member of the Foreign Service;
- (c) making or attempting to make use of his official position to further his private interests.

B. 3. Official Secrets and Custody of Official Documents

Unless he establishes extremely extenuating circumstances any offence under the Official Secrets Act of the Laws of Kenya by an officer is a serious disciplinary offence exposing the officer to disciplinary penalties, whether or not he is also prosecuted for the criminal offence in the courts of Kenya.

B. 4. Acts or Omissions Under the Regulations

The following acts or omissions shall be regarded as serious breaches of discipline rendering an officer liable for disciplinary action to be taken against him –

- (a) negligence by an officer of the rules governing the custody, disposal or handling of official documents or in communicating classified information;
- (b) improper communication of classified official documents or information whether orally or in writing;

- (c) failure by an officer to return official documents to the Permanent Secretary if their return is demanded.

B. 5. Official Documents and Information

- (1) Official documents shall comprise of all documents or correspondence (and copies thereof) relating to any matter or official concern to any branch of the Kenya Government emanating from or addressed to –
 - (a) any Diplomatic Mission or Consulate of the Kenya Government;
 - (b) any department of the Foreign Government;
 - (c) any Foreign Diplomatic Mission or Consulate;
 - (d) any Department of the Kenya Government or and Commonwealth Government;
 - (e) any person in the service of any of the Diplomatic Missions, Consulate or Government Departments referred to in (a) to (d) above.
- (2) Official information shall comprise all information written or oral relating to any matter of official concern to any branch of the Kenya Government.

B. 6. Obligation of Retired Officers or discontinuation of service

Officers shall continue after retirement or discontinuation of service to remain subject to the Official Secrets Act as regards all classified information obtained by them while members of the Foreign Service.

B. 7. Publications and Interviews by Officers

- (1) Officers must not, without prior permission of the Permanent Secretary publish any book or article, take part in a television programme or give any public lecture or broadcast which is based on whole or in part upon their experience as members of the Foreign Service or upon information obtained by them as members of the Foreign Service.
- (2) Officers shall not give interviews to the Press without express permission of the Permanent Secretary.
- (3) In Publishing any book or article, or in giving any public lecture or broadcast talk (whether such book, lecture or talk is, or is not based upon their experience as members of the Service, or upon information obtained by them

as members of the Service), officers must not, without prior permission of the Permanent Secretary refer to or permit any reference to be made to the positions they hold or have held as members of the Diplomatic Service in the Domestic Mission.

- (4) The reproduction "in extenso" of unpublished documents and this includes memoranda prepared by officers in their official capacity with access to official information is prohibited.

B. 8. Action on ceasing to be a member of Diplomatic Service in the Domestic Mission

Whenever an officer ceases to be a member of the Diplomatic Service in the Domestic Mission, he shall inform the Permanent Secretary of all papers in his possession which come or may reasonably be thought to come under any of the provisions of this regulation. The Permanent Secretary may then give instructions for the disposal of such papers.

B. 9. Security

- (1) The Head of Mission holds overall responsibility for security at his Mission. He will designate an officer not below the rank of Third Secretary as the Security Officer of the Mission. The name and rank of the officer so designated shall be communicated to the Permanent Secretary.
- (2) The Security Officer shall be responsible for ensuring that all members of the staff at the post understand the need for security and comply with the standing Security Instructions issued by the Ministry and the local Security Instructions drawn up by the Security Officer.
- (3) The Security Officer is responsible for ensuring that all codes, ciphers, official seals and classified documents are securely housed.

B. 10. Breaches of Security

- (1) The following are examples of major breaches of security –
 - (a) offences under the Official Secrets Act;
 - (b) breaches of cypher or code security;
 - (c) loss or theft of classified documents;
 - (d) loss or theft of security keys;

- (e) loss or theft of security seal;
- (f) tampered mail.

- (2) All major breaches of security must be reported immediately by the fastest means available to the Permanent Secretary.
- (3) Any breach of security inadvertent or otherwise, which comes to the notice of any officer, must be reported without delay to the Security Officer. It will then be the responsibility of the Head of Mission if necessary, in consultation with the Security Officer, to decide what further corrective or preventive measure to be taken, having regard to the nature or gravity of the breach of security. A written report should always be obtained from the officer most closely concerned with any breach of security. In certain cases of a minor nature, the Head of Mission may take appropriate action without reference to the Permanent Secretary and be prepared to defend his action should he be accused later of having exercised undue clemency.

B. 11. Presents

- (1) Subject to subparagraph (2) below an officer shall not receive gifts or personal presentations whether in the form of money, goods or benefits from any person in recognition of services rendered by virtue of his official position. These regulations shall also apply to the immediate members of his family forming part of his household.
- (2) In exceptional circumstances the Permanent Secretary, at his discretion may waive the provisions of subparagraph (1) above.

B. 12. Bankruptcy and Insolvency

- (1) An officer who is declared bankrupt, or becomes insolvent or seriously indebted shall at once report this to the Permanent Secretary through the Head of Mission. Failure to report such matter shall be regarded as a serious offence rendering an officer liable to disciplinary action being taken against him.
- (2) An officer who has reported his bankruptcy, insolvency or indebtedness shall without delay submit a complete statement of facts of his case to the Permanent Secretary who will decide whether the circumstances would necessitate disciplinary proceedings being instituted against the officer.

- (3) In no circumstances shall a bankrupt, or an insolvent, or seriously indebted officer be permitted to be employed on duties involving the handling of public funds.

B. 13. Political Activities

An officer may not engage in political activity anywhere whether national or local, which would be prejudicial to the interest of the service or be inconsistent with his position as a member of the Diplomatic Service in the Domestic Mission save with the advance knowledge and express permission of the Permanent Secretary after consultation with the Director of Personnel Management.

B. 14. Lobbying by Officers

- (1) An officer must not attempt to solicit political or other outside influence to further his position in the service or his personal claims in any matters affecting the service.
- (2) An officer who wishes to make a complaint on a personal matter affecting his position in the service may make a direct approach to his superior. If he fails to obtain satisfaction, he may ask that the complaint be referred to the Permanent Secretary.
- (3) Nothing in this regulation shall be deemed to affect the right of an officer to make representation to his Member of Parliament provided that the representation made –
 - (a) Is not connected with his official work or matters of which he has special knowledge in his official capacity; and
 - (b) Is not one relative to his position in the service.

B. 15. Transfers

- (1) Any officer whether married or unmarried, is liable to be posted to serve in any Mission within or outside Kenya or any other Ministry where his services may be required.
- (2) Decisions on transfers and deployment of officers below the level of Ambassadors shall be made by the Permanent Secretary, without being bound by claims based on seniority or membership of Diplomatic Service in the Domestic Mission.

(3) Subject to exigencies of the service an officer shall be given adequate time which will normally be at least three months and not more than nine months to prepare himself for transfer.

SECTION C- ALLOWANCES

C.1. Allowances payable to Fully Fledged Domestic Mission Officers

Officers serving at Fully Fledged Domestic Missions will be paid allowances, for the purpose of enabling them to them to fully engage with their counter parts in the diplomatic missions, UNON, UNEP, UN-Habitat and other UN agencies based in the country.

C.2. Revision of Allowances

Allowances granted under this section will be subject to review from time to time in consultation with the Directorate of Personnel Management and the Treasury.

C.3 Fully Fledged Domestic Mission Allowance

An officer posted to serve at a Fully Fledged Domestic Mission within Kenya will be paid, in addition to his basic salary, a monthly Fully Fledged Domestic Mission Allowance. The allowance shall be at the following rates; 75% of the FSA payable to officers serving in category B Missions for Ambassadors and Political Officers, and 50% for other staff.

C.4. Categories for Fully Fledged Domestic Mission Allowance

The following allowances will be applicable to Fully Fledged Domestic Mission Officers as here below:

- a) "*Single Allowance*" is payable to an officer who is not married.
- b) "*Marriage Allowance*" is payable to an officer who is married or has children.
- c) "*Spouse Allowance*" shall be payable only to Ambassadors at the rate of 50% of single basic rate applicable to the Ambassador's Job Group.

C.5 Period when Fully Fledged Domestic Mission Allowance is payable

An officer will draw the Fully Fledged Domestic Mission Allowance from the day he reports to the Mission until the day he is transferred to the Ministry headquarters or posed to a duty station outside Kenya.

C.6. Income Tax

The Fully Fledged Domestic Mission Allowance payable to officers under these Regulations shall not be subject to Kenya Income Tax Cap, 1973 as amended from time to time.

C.7 Subsistence Allowance on Duty

An officer travelling on duty away from his post will be eligible to receive Subsistence Allowance in accordance with the rates laid down by the Head of Public Service and Secretary to the Cabinet. Subsistence Allowance is payable for each night, including travel time spent away from an officer's normal duty up to a maximum of 30 days. The Permanent Secretary's prior permission must be obtained if this period is to be exceeded.

C.8 Miscellaneous Expenses while on Duty

When an officer travels on duty by public services such as by air, sea, rail, bus, etc., he will be entitled to claim a refund of such expenses as taxi charges from the place of disembarkation to a hotel or other residential place, baggage charges, portage, etc. incidental to the journey upon certification by the Head of Mission that the journey was made on public duty and the amount claimed by the way of refund is correct, reasonable and constitutes a proper charge to public funds.

C.9. Family Subsistence Allowance

Full Subsistence Allowance is payable in respect of both the officer and his spouse when authorized to accompany him. Subsistence Allowance at the rate not exceeding one-half of the amount provided in the Directorate of Personnel Management circular will be payable to children accompanying one or both of their parents on official authorized level. For dependent children over twelve (12) years old, full subsistence allowance rate will be applicable.

C.10. Rates of Subsistence Allowance When Accommodation is Free

When Accommodation is provided free by another authority acting as a host or when the cost of accommodation is to be met from public funds, Subsistence Allowance rates will be paid at one-half of the rates shown in the regulations. The Permanent Secretary in consultation with the Director of Personnel Management may vary this proportion appropriately.

C.11 Outfit Allowance

- (1) Outfit allowance will be paid to an officer on first posting at the rates shown below. The allowance will be payable after every three (3) years.

Ambassadors	US\$500
N and above	US\$375
J,K,L & M	US\$300
Others	US\$250

C.12. Responsibility During Head of Mission's absence

When a Head of Mission is away from office, the next senior most Political Officer will normally assume charge as Charge D'Affaires a.i. unless the Head of Mission, in consultation with the Permanent Secretary, decides otherwise. While he continues in this capacity he will have full but limited responsibility for all activities of the Mission.

On return of the Head of Mission to the office, the Charge D'Affaires will automatically relinquish these responsibilities to the Head of Mission.

C.13 Special Duty Allowance

An officer who is required to undertake the duties of a higher post will be eligible for payment of Special Duty Allowance in terms of section J of the Kenya Code of Regulations.

C.14. Motor Vehicle Allowance

When a Head of Mission authorizes an officer to use his own car on duty because an official car is not available, the officer may claim motor vehicle allowance at the rate of 1 US\$ per Kilometre.

C.15. Entertainment Allowance

- (1) Owing to the nature of their duties, officers of the rank of Third Secretary and above are expected to provide entertainment in various forms. For this reason, a General Entertainment Vote is held under the control of each Head of Mission.
- (2) An Officer wishing to claim reimbursement for entertainment expenses should obtain authority from his Head of Mission before incurring such expenses.

C.16. Representational Allowance

In addition to the general entertainment allowance provided for in sub-paragraph (2) above, a substantive Head of Mission is entitled to a non-accountable representational allowance at the rate of US\$150 per month. An officer acting in this capacity shall be eligible for such an allowance provided he/she has acted for a continuous period of thirty (30) days in which case the substantive Head of Mission shall not claim the allowance for the period of absence.

C.17. Education Supplement

The Head of Mission is entitled to education supplement for up to 4 children under the age of 19 years.

SECTION D

TOURS OF DUTY AND LEAVE

D.1. Introduction

Leave is a privilege personal to the officer and is granted for recuperative purposes to enable him to renew his energies and improve his efficiency.

D.2. Categories of Leave

Leave normally falls into one of the following categories:

- (a) Normal leave – This leave is granted once every year.
- (b) Sick leave – This leave is granted on medical recommendations for absence.
- (c) Maternity leave – This leave is granted to female officers who require leave for confinement purposes.
- (d) Paternity Leave- Granted to male officers when the spouse gets a baby

D.3. Maternity Leave

A female officer who is required to be absent from duty on account of confinement will be eligible for maternity leave with full pay (inclusive of Fully Fledged Domestic Mission Allowance) in accordance with the Civil Service Code of Regulations.

D.4. Tours of Duty

- (1) An officer who has been posted to a Mission within Kenya shall be expected to serve in the Mission as follows;
 - (a) 60 months for the Ambassador
 - (b) 48 months for the Deputy Ambassador
 - (c) 36 months for Political Officers
 - (d) 24 months for all other staff.
- (2) An officer who has been posted back to the Ministry Headquarters shall be eligible for immediate posting outside Kenya.

D.5. Purchase of Motor Vehicles

An officer serving at the Mission will be eligible to import one duty free motor vehicle during his stay at the Mission*.

* The privilege to import duty free vehicles in the country is currently applicable to University Lecturers and Provincial Commissioner. This privilege should be extended to officers serving in the Mission owing to the special role they are expected to play as diplomats in the country and to facilitate their movement thereof.

SECTION E – ADVANCES

E.1. Advances for the Purchase and Major Overhaul of Motor Vehicles

(1) Officers serving in the Mission will be eligible for the grant of advances for purchase and major overhaul of motor vehicles on the same basis as applicable to other officers serving in the Public service.

(2) The amount of advance shall not in any case, exceed the price of the vehicle and shall be limited to the approval rates indicated below:

	KSh.
Officers in Job Group L and above	400,000
Officers in Job Group J and K.....	300,000
Officers in Job Group H and below.....	200,000

(3) For ease of reference the conditions governing the grant of Motor Vehicle advance remains as provided in the Kenya Code of Regulations.

SECTION F – HOUSING AND OFFICE ACCOMMODATION

F.1. Housing Accommodation

- (1) The Head of Mission shall be provided for a rent free accommodation either owned or rented by the Government of Kenya at the most economical rent and consistent with his rank.
- (2) Housing accommodation will be suitably furnished to the standard befitting the Ambassador. Official items approved as furnishings are listed in Appendix F.1 to these regulations.
- (3) The Permanent Secretary may vary the list of furnishings at his discretion in order to meet the special needs of the Mission.

F.2. Utility Charges

The Ambassador shall be eligible for utility charges on expenses incurred in respect of electricity, gas water and conservancy.

F.3. Renting of Office Accommodation

- (1) A Head of Mission or his duly authorized representative may rent offices for the Mission.
- (2) For the purpose of this regulation, a Procurement Committee consisting of a minimum of three officers shall be appointed by the Head of Mission to advise him on all matters of leasing offices and the procurement of goods and services.

F.4. Use of Estate Agents

Where appropriate, the Head of Mission may authorize an estate agent to act for him in renting offices or housing premises. When an estate agent is charged with the responsibility of negotiating a lease of any property, applications to the Permanent Secretary will be accompanied by:-

- (a) a detailed description of the property or premises in question drawn up by the accredited estate agents;
- (b) a certified inspection and valuation report drawn up Ministry of Public Works.
- (c) a report of the legal office regarding the appropriateness of the lease.

F.5. Custody and Care of Premises

- (1) A Head of Mission is responsible for ensuring that proper arrangements are made for safe custody and care of the premises, furniture and fittings.
- (2) It shall be responsibility of the Head of Mission to take care of maintenance of the Chancery and Official Residence.

APPENDIX F

F/1 List of Approved Official Furnishings (Regulation F.1.)

(a) *Sitting Room*

- (1) Carpet
- (2) Curtains
- (3) Coffee centre table
- (4) Sofa sets – number should depend on the size of the sitting room
- (5) Lamp stands – number to depend on the size of the sitting room
- (6) Side tables – number to depend on the number of sofa sets
- (7) One drinks cabinet
- (8) One drinks trolley
- (9) One writing desk with chair
- (10) One book case
- (11) One telephone stand

(b) *Dining Room*

- (1) Dining table with dining chairs
- (2) Crockery and cutlery sets of 12
- (3) Sideboard
- (4) Carpet – wall to wall
- (5) Curtains
- (6) Two serving trays
- (7) One set of table clothes and napkins as appropriate to the rank of officer
- (8) One tea trolley

(d) *Bedroom (main)*

- (1) Chest of drawers with mirror
- (2) Wardrobes – if not built in
- (3) Dressing table with stool
- (4) Double bed or two single beds
- (5) Two floor rugs for each bed
- (6) Bedside lamps – two for each double bed
- (7) Beside tables – two for each double bed
- (8) Curtains
- (9) One easy chair
- (10) Carpet as appropriate

(e) *Bedroom (other)*

- (1) Chest of drawers with mirror
- (2) Wardrobes if not built-in
- (3) Two single beds
- (4) Two carpets as appropriate
- (5) One bedside lamp for each single bed
- (6) One bedside table for each single bed
- (7) Curtains
- (8) Easy chair – one in each room
- (9) Two floor rugs for each bed
- (10) One drawing table with stool

Others

1. For each bed – two warm blankets

One mattress

Two pillows, four for double bed

One bed cover

2. *General Household Equipment*

One Hoover

One dustbin

Ashtrays

Washing machine

3. *Bathroom Equipment*

For each bathroom

Bathroom set

One bathroom mirror

Towel

Toilet roll holder

Bathroom stool

Medicine cabinet

3. *Kitchen Ware*

Pots and pans

Kitchen table

Kitchen stool

Refrigerator

Cooker

Iron board and Iron

Kitchen set (knives, forks, meat-board etc)

Bin, etc.
Baking trays
Kitchen trays
Kitchen machines'
Freezer

5. *Ambassador's Residence*

One television set
One short-wave radio

6. *Chancery*

One television set
One refrigerator
One radiogram/tape recorder combination
One video tape recorder (subject to the approval of the Permanent Secretary)

SECTION G – MEDICAL PRIVILEGES

G.2. Medical Insurance

(1) Each Head of Mission will take out medical insurance cover for all officers stationed in the Mission. Where it is found possible to do that at reasonable expense, the Permanent Secretary will authorize the cost of such insurance cover to be met from public funds.

(2) Medical Insurance cover taken out should be on a comprehensive and not a partial basis. The Permanent Secretary will direct the Head of Mission on how to utilize the benefits obtained from such a policy.

(3) In each case, where insurance cover is arranged, the cost and efficiency of the system will be reviewed annually before the cover is renewed. Changes in arrangements for securing medical insurance cover will not be made without prior permission of the Permanent Secretary.

(4) In order to avail themselves of any of the facilities detailed in this regulation, officers will be required to show that they have not incurred more than the minimum necessary expenses.

G.3. Medical Treatment

(1) In cases where an officer below the rank of Ambassador has to be admitted to a hospital, he will not be eligible to claim a refund or any expense incurred for the use of a private ward or room, unless such expense is certified as being necessary by the doctor or specialist in charge of the individual case concerned.

(2) Any claims for payment against public funds should be supported by appropriate documents and an explanation as to the circumstances necessitating such expenditure. Such expenses will be met wholly by the Mission concerned out of public funds.

(3) Out-patient treatment, post-natal treatment, physiotherapy treatment and all dental treatments will be charged to public funds. Replacement of denture and purchase of spectacles or contact lenses shall not be a charge to public funds.

SECTION H – TRANSPORT

H.1. Use of Official Cars

- (1) The Mission shall besides the utility cars, be provided with an official car with a driver for representational purposes for use by the Head of Mission for official purposes only.
- (2) Notwithstanding the provisions of subparagraph (1) above, an Ambassador is entitled to use the representational car for both personal and official purposes.
- (3) All reasonable expenditure in connection with an official car including the cost of driver's wages and allowances will be met from public funds.
- (4) Any person, in the service of the Kenya Government, may, with the permission of the Head of Mission, use the official car for official purposes.
- (5) The Head of Mission is responsible for the proper use, care and maintenance of official cars.
- (6) All cars shall at all times be driven by the established drivers.

H.2. Drivers Responsibility

The driver of an official car, or any officer at whose disposal an official car is placed, will be held responsible for any loss arising from damage or theft occasioned by his failure to take adequate precautions to ensure the safety of the car and its accessories.

H.3. Maintenance of Official Cars

- (1) Every official vehicle should be serviced at regular intervals in accordance with the instructions in the handbook issued with it. Vehicles should be washed and polished regularly and a high standard of appearance maintained.
- (2) Major repairs will only be undertaken when they are clearly an economic proposition in view of the general conditions of the vehicle. If there is any doubt, a technical report on the damage and an estimate of the cost of repair must be submitted, with recommendations to the Permanent Secretary.

H.4. Reporting of Accidents

(1) All accidents which result in damage to an official, or in damage by an official vehicle to the property of a third party, or in injury to a third party, must be reported immediately to the Permanent Secretary giving the following details: -

- (a) registration number of vehicle and name of driver;
- (b) place, time and brief circumstances of accident;
- (c) name of any other person or persons who have or whose property has suffered damage or who have caused damage to official property and the registration number of their vehicle;
- (d) estimated damage suffered by (c) or by official personnel or property or both;
- (e) the date on which the accident was reported and the personal details of the police who took the report and the police station where it was made.

(2) On receipt of this information the Permanent Secretary may call for a more detailed report from the Head of Mission. If the information provided in terms of subparagraph (1) above is considered inadequate, the Permanent Secretary may call for a more detailed report from the Head of Mission.

H.5. Insurance

In all cases comprehensive Insurance cover will be taken for all official vehicles.

H.6. Use of Personal Cars

Subject to the Head of Mission's approval an officer may use his own car when on official duty and may claim motor vehicle allowance in terms of Regulation C.28.

H.7. Submission of Monthly Returns

A return of official cars held on charge at each Mission shall be sent in duplicate to the Ministry at the end of every month. Such returns shall include a statement of the mechanical condition of cars, the state of their tyres and the exact mileage on the date concerned. Reference should also be made to repairs, as carried out to each car since the previous report, their cost and cross reference given to the receipt forwarded with the monthly accounts which relate to them.

H.8. Procedure for write-off

When it appears from the monthly returns submitted in terms of Regulation H.7 above that a car is in such condition as to justify consideration of its being written-off and replaced, whether for purely mechanical or prestige reasons, the Ministry will in

consultation with the Treasury authorize the write-off of the vehicle or its further repair as appropriate.

SECTION I – MISCELLANEOUS

1.2. Insurance Cost against Aviation Risks

(1) An Officer travelling by air on duty will be eligible for travel insurance.

1.3. Death or injury of an officer while flying on duty

In the event of an officer being killed whilst flying on duty the amount received from the Insurers would be paid to the estate of the deceased.

1.4. Insurance Against Accidents

Missions shall take out Insurance Policies for all Officers against death, temporary or permanent disability and hospitalization as a result of sickness or motor vehicle accident while on duty.

SECTION K

SPECIALIZED ATTACHES FROM OTHER GOVERNMENT MINISTRIES/DEPARTMENTS

K.1. Deployment of Specialized Attaches

Where necessary specialist officers will be deployed to the Missions within Kenya to assist the Mission with technical matters. .

SECTION L - REGULATIONS GOVERNING THE RECRUITMENT AND CONDUCT OF LOCAL STAFF

L.1 Recruit of Local Staff

(1) Recruitment of local staff will be in accordance with the approved establishment list of a given Mission.

(2) The Head of Mission may recruit local staff for employment at the Mission to fill either a vacant post in the establishment or to engage a person on temporary terms for a limited period.

L.2. Conditions of Employment

A person who fills a substantive post shall give one month's notice of intention to resign to the Head of Mission and similarly the Head of Mission shall give one month's notice to such person of his intention to terminate his services. The Employment Act shall apply in determining the terminal dues.

L.4 Discipline

(1) All disciplinary matters arising at the Mission shall be settled by the Head of Mission, and in particular all dismissals and any disciplinary action must be approval by him or by an officer authorized by him to do so.

(2) A member of local staff must follow the instructions or orders from the Head of Mission or his duly authorized representative.

(3) The following shall be regarded as serious breaches of discipline:-

- (a) refusal to carry out orders from the Head of Mission or his duly authorized representative;
- (b) passing information to an unauthorized person or persons or writing without permission about Kenya, Kenya citizens, the Mission or any other

matter which comes to a staff member's knowledge as a result of working at the Mission;

- (c) speaking to any other officer in an abusive, threatening derogatory manner, or scandalizing or blackmailing an officer;
- (d) using the property or funds of the state in a negligent manner, or without the knowledge and permission of an officer of the Mission;
- (f) embezzling Mission funds or stealing Mission's property;
- (g) giving false information on the application form for employment which alters substantially the circumstances that led to his being engaged at the Mission;
- (h) issuing Press Statements or being interviewed by the Press concerning matters of State, the Mission or any other matter which may have come to a staff member's knowledge as a result of his employment at the Mission;
- (i) giving presents, favours to a Kenyan or to another member of the staff with the aim of corrupting him or obtaining classified information;
- (j) being charged in a court of law and subsequently being sentenced to a term of imprisonment;
- (k) performing private work during office hours;
- (l) Absence from duty without the permission of the Head of Mission or his duty authorized representative;
- (m) engaging any unhealthy practice, exhibition or tendency.

(4) A local staff member who commits any of the offences set out in subparagraph (3) above or engages in any other unhealthy practice will be liable to disciplinary action (including surcharge, court action, etc.), being taken against him which may include dismissal.

L.5. Appeals

A local staff member who feels aggrieved or has a complaint to make should report to his immediate superior in the first instance and finally to the Head of Mission if the superior officer fails to resolve it. The decision of the Head of Mission shall be final.