

LETTER/EMAIL TO BE SENT TO PARLIAMENT

To: The Chair, Committee on Trade, Investments and Cooperatives

Through: cna@parliament.go.ke

Dear Sir,

Re: Expression of Concern Over the Ratification of the Kenya/UAE Comprehensive Economic Partnership Agreement

Background:

The Kenya-United Arab Emirates (UAE) Comprehensive Economic Partnership Agreement (CEPA) was signed in January 2025. The Kenyan National Assembly, through your committee, is currently undertaking a public participation process to get views on the agreement before making a decision to either ratify or reject the agreement. I, {INCLUDE NAME} wish to add my voice to the ratification debate going on before the National Assembly.

The main areas where Kenya could benefit from a free trade agreement (FTA) like this CEPA are if the UAE removes its tariffs on Kenyan exports or allows Kenyans to work in the UAE under a favourable framework where getting visas and mutual recognition of professional qualifications are included. However, the CEPA does neither of these things (the CEPA still allows the UAE to refuse to give work visas to Kenyans and does not require the UAE to recognise Kenyan qualifications (e.g. as doctors, nurses, lawyers, engineers etc)).

Instead, the CEPA has provisions which:

- will make medicines more expensive for Kenyans (e.g. 36-50 times more expensive) via increased intellectual property monopolies.
- will require Kenya to change its Constitution to allow UAE companies to buy land in Kenya in sectors such as hotels because of the services chapter rules and commitments.
- require Kenya to change other important laws and regulations
- restrict Kenya's ability to regulate including: to deal with future pandemics and in the rapidly developing area of digital technology where it is unclear what regulations will be needed in the future.

Since the costs clearly outweigh the benefits of the Kenya-UAE Comprehensive Economic Partnership Agreement (CEPA), I demand that the committee not to recommend its ratification. Kenyans cannot afford the higher medicine prices that will be caused by this CEPA so Kenyan lives must not be traded away.

The CEPA does not even help find new markets for Kenyan exports in a time when the USA is imposing additional tariffs on products from almost the whole world (including Kenya), because the UAE is not even reducing its tariffs on Kenyan exports in this CEPA. To be accepted, the CEPA should have goods market access as a strategic clause to justify all the concessions being made by the country.

If you are nevertheless determined to ratify this CEPA, it must not be ratified without deleting the intellectual property, digital trade and services chapters because they are so problematic for Kenya.

If these chapters cannot be entirely deleted, they must be amended before ratification to, at a minimum:

- delete any stronger intellectual property (IP) protection than the World Trade Organization (WTO) requires and since the WTO IP rules are currently unenforceable, the CEPA IP chapter should also be unenforceable.
- Delete any services provisions and Kenyan services commitments which go beyond those Kenya has agreed to at the WTO and since the WTO services rules are currently unenforceable, the CEPA services chapter should also be unenforceable.
- Delete the Customs Duties (Article 10.4), Non-Discriminatory Treatment of Digital Products (Article 10.5), Authentication (Article 10.7) and Cross-Border Flow of Information (Article 10.12) provisions because they restrict Kenya's ability to: regulate this rapidly developing and unpredictable area of technology and raise revenue at a time when government revenue is sorely needed.

If you ratify this CEPA without making these changes, you will be acting contrary to national interests and the requirement that public service must be carried out in full compliance with the Constitution.

Yours Sincerely

{INCLUDE NAME}