



#OKOAMOMBASA

✉ okoamombasa@gmail.com
🐦 @OkoaMombasa
📘 OkoaMombasa
🌐 okoamombasa.org

COMMENTS BY OKOA MOMBASA ON PROPOSED KENYA-U.S. TRADE AGREEMENT

U.S Kenya Trade Agreement, Docket # USTR-2020-0011

Okoa Mombasa welcomes the opportunity to comment on the proposed U.S.-Kenya trade agreement.

Okoa Mombasa is a coalition of community groups, workers unions, civil society organizations, the business community, professional associations and others who believe and defend the values of freedom, equality and solidarity, all crucial values for the development of Kenyan society. Among the values that Okoa Mombasa seeks to uphold are freedom from oppressive poverty and insecure living conditions, and transparency, accountability and inclusivity in democratic governance.

1. Okoa Mombasa is of the view that the current context of the Covid-19 pandemic does not present a conducive environment for negotiations, not least because Government resources in many countries including Kenya, are at the moment directed towards addressing the exigencies of the pandemic. In addition, uncertainty prevails about the effects of the pandemic on countries (particularly developing countries) and key sectors of economy, development and international trade.

We call on the USTR to delay the commencement of negotiations until there is a greater understanding and appreciation of the post-Covid world and its impact on the current *status quo*.

2. Nevertheless, should negotiations proceed, Okoa Mombasa considers it important that a successful trade agreement must include language that:
 - i. protects internationally recognized labor rights, including but not limited to:
 - a. the right to freedom of association and collective bargaining;
 - b. prohibition of child labor, forced labor, and human trafficking;
 - c. protection against employment discrimination and gender-based violence;
 - d. acceptable conditions of work including minimum wage, work hours, occupational health and safety;
 - e. effective and robust enforcement and redress mechanisms.
 - ii. promotes transparency and accountability including by making publicly available at various moments progress and outcomes of the negotiation process, making the outcome documents publicly available, and ensuring that implementation processes are amenable to monitoring through the proactive provision of public information.
 - iii. ensures the inclusion and consultation of various sectors of the public, including civil society, during negotiations and implementation after conclusion of the agreement. This would ensure that the concerns of ordinary citizens, small businesses, and informal traders are considered.

- iv. incorporates the provisions of Section 104 of the AGOA (19 USC 3703), which states i.a., that “A country must have established or be making continual progress towards establishing...the rule of law, political pluralism, and the right to due process,” and that “... A country must not engage in gross violation of international recognized human rights...”.
- v. specifies good governance principles and binding human rights obligations that include but are not limited to:
 - (a) democracy, the rule of law and constitutionalism;
 - (b) right to life and human dignity;
 - (c) ensuring food security, and access to adequate and affordable health care.
 - (d) protection against odious debt and other forms of exploitative financing of trade.
 - (e) protection against corrupt practices, illicit financial flows and other finance-related crimes.

We understand that part of the USTR strategic objectives include upholding fundamental labor rights, promoting public participation and in line with the broader US Government objectives, to encourage more open societies in which democratic institutions, the rule of law, and citizens’ rights are protected. We believe the above proposals align with these objectives.



On behalf of Okoa Mombasa

28 April 2020