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Sustainable Development Commitments in the Kenya–EU Economic Partnership Agreement

Zobowiązania na rzecz zrównoważonego rozwoju w Umowie o Partnerstwie Gospodarczym między Kenią a Unią Europejską

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Abstract
The December 2023 EU–Kenya Economic Partnership Agreement (EPA) is hailed as the most ambitious trade deal ever signed by the EU with a developing country in terms of sustainability. This paper examines the EPA's sustainable development commitments, guided by two research questions: why Kenya chose the EU over other global actors, and whether it is equipped to comply with the EPA's obligations. The analysis focuses on Annex V on Trade and Sustainable Development (TSD) and related provisions. The EPA embeds binding obligations on labour standards, climate and environmental protection, and gender equality, requiring implementation of ILO core conventions, the Paris Agreement, and CEDAW. It prohibits lowering standards to attract trade and includes institutional mechanisms for cooperation, aid, and civil society oversight. Enforcement relies on general dispute settlement, with limitations. The paper situates the EPA within EU trade policy and assesses Kenya's legal, institutional, and economic capacity to meet its commitments. While the EPA reflects an ambitious *trade for sustainable development* model, its success will depend on credible implementation and sustained support.

Key words: EPA, sustainable development, Kenya–EU trade relations, labour rights, environmental protection, gender equality

Streszczenie
Umowa o partnerstwie gospodarczym (EPA) zawarta w grudniu 2023 r. między UE a Kenią została uznana za najbardziej ambitne porozumienie handlowe, jakie Unia kiedykolwiek podpisała z krajem rozwijającym się pod względem zobowiązań w zakresie zrównoważonego rozwoju. Artykuł analizuje te zobowiązania, kierując się dwoma pytaniami badawczymi: dlaczego Kenia wybrała współpracę z UE zamiast z innymi globalnymi partnerami oraz czy posiada zdolność do wdrożenia zobowiązań wynikających z umowy. Analiza koncentruje się na Załączniku V dotyczącym handlu i zrównoważonego rozwoju (TSD) oraz powiązanych przepisach. Umowa zawiera wiążące zobowiązania w zakresie standardów pracy, ochrony klimatu i środowiska oraz równości płci, wymagając wdrożenia podstawowych konwencji MOP, Porozumienia Paryskiego i CEDAW. Zabronione jest obniżanie standardów w celu przyciągania handlu, a umowa przewiduje mechanizmy instytucjonalne wsparcia, współpracy i nadzoru ze strony społeczeństwa obywatelskiego. Egzekwowanie opiera się na ogólnym mechanizmie rozstrzygania sporów, choć z pewnymi ograniczeniami. Artykuł osadza EPA w szerszej polityce handlowej UE i ocenia zdolności prawne, instytucjonalne i gospodarcze Kenii do realizacji zobowiązań. Choć EPA stanowi ambitny model *handlu na rzecz zrównoważonego rozwoju*, jego skuteczność zależeć będzie od realnej implementacji i trwałego wsparcia.

Słowa kluczowe: UPG, zrównoważony rozwój, stosunki handlowe Kenia–UE, prawa pracownicze, ochrona środowiska, równość płci

1. Introduction

In December 2023, the European Union (EU) and the Republic of Kenya signed a new bilateral Economic Partnership Agreement (Kenya EPA, 2023), following the conclusion of negotiations earlier that year in June. The agreement entered into force on 1 July 2024, granting Kenya full duty-free, quota-free access to the EU's €13 trillion market for all goods except arms. This EPA is the first trade agreement concluded under the East African Community's (EAC) *variable geometry* principle, which enabled Kenya to proceed independently of its regional counterparts – most of which continue to benefit from unilateral preferences as least-developed countries (EP, 2023a; Rugani, 2024). The EPA marks the culmination of years of negotiations under the broader EU–ACP (Africa, Caribbean and Pacific) framework and is presented as a major strategic deliverable under the EU's evolving Africa trade agenda (EC, 2023a; Onyango, 2024).

In recent years, Africa has become a key arena of global economic competition. EU policymakers recognize that failing to partner with the continent risks ceding ground to global powers such as China and Russia (Yade, 2024). Indeed, after the EU itself, Kenya's largest trading partners are China, India, and the United States. In this environment, Kenyan leaders viewed the EPA as a way to secure stable access to a major export market while diversifying their partnerships (Anami, 2025). By contrast, China's engagement in Kenya has largely taken the form of infrastructure and resource investments (Reinsch et al., 2023). The EPA thus offered Nairobi an opportunity to lock in market access under terms aligned with its development agenda.

The European Commission has described this EPA as *the most ambitious trade deal ever signed by the EU with a developing country when it comes to sustainability provisions such as climate and environmental protection, labour rights and gender equality* (EC, 2024). This reflects the enhanced Trade and Sustainable Development (TSD) chapter contained in Annex V of the agreement, which goes beyond previous commitments made in other EPAs or EU–Africa bilateral deals. It includes enforceable obligations on labour standards, climate action, environmental protection (Kim, 2017) and gender equality, and is aligned with international frameworks such as the ILO core conventions, the Paris Agreement, and the UN Sustainable Development Goals (SDGs) (Harrison et al., 2019).

Kenya's trade relationship with the EU is significant. The EU is Kenya's largest export destination and its second-largest overall trading partner. In 2023, bilateral trade reached €3 billion – an increase of 16% since 2018. Kenyan exports to the EU totalled approximately €1.2 billion, dominated by agricultural commodities such as cut flowers, tea, coffee, fruits, and vegetables – about one-third of Kenya's EU-bound exports are fresh cut flowers (Raga et al., 2021). EU exports to Kenya amounted to roughly €1.7 billion, consisting mainly of machinery, pharmaceuticals, chemicals and other industrial goods. Around 13–21% of Kenya's total exports are destined for the EU annually, with the EU absorbing nearly one-third of Kenya's cut flower exports alone (EC, 2024b). This trade pattern reflects both Kenya's agricultural dependency and the critical importance of secure market access.

Kenyan policymakers see the EPA not only as a way to maintain access to EU markets but also as an opportunity to diversify and add value to exports while safeguarding national development priorities. The agreement allows Kenya a 25-year transition period to liberalise its own tariffs gradually, with protective measures for sensitive products and critical sectors such as agriculture and infant industries. The EPA also includes a dedicated chapter on development cooperation (Annex VI), intended to support Kenya through technical assistance, aid-for-trade, and institutional capacity-building. Kenyan officials have highlighted the EPA's potential to create jobs, attract investment, and enhance competitiveness, particularly in agro-processing, fisheries, textiles, and digital innovation – sectors aligned with Kenya's Vision 2030 development goals.

Accordingly, this paper examines two core research questions: (1) What political, economic, and strategic factors influenced Kenya's decision to conclude a comprehensive trade agreement with the European Union, rather than deepen cooperation with other global actors such as China, Asia, or the United States? (2) To what extent is Kenya equipped – legally, institutionally, and economically – to comply with the Sustainable Development Commitments embedded in the EU–Kenya EPA?

What distinguishes this EPA most clearly is its firm integration of sustainable development into its trade architecture (EP, 2024; EP, 2025). The TSD chapter embeds binding provisions on labour rights, environmental conservation, climate action and gender equality – areas often treated as peripheral in older trade deals. It mandates not only non-regression (i.e. prohibiting weakening of existing standards) but also active implementation of international obligations. The agreement calls for cooperation against deforestation, illegal wildlife trade, and overfishing, while promoting gender mainstreaming and social dialogue. The EPA is thus the first to fully implement the EU's revised approach to sustainability in trade agreements (EC, 2018a; Rudloff, 2025). Kenya, in turn, has positioned itself as a regional leader in climate diplomacy and green development, co-chairing the Coalition of Trade Ministers on Climate and advancing domestic environmental reforms.

Domestically, the EPA aligns with Kenya's long-term development strategy, Vision 2030, which aims to transform the country into a newly-industrialising, middle-income state by 2030. Vision 2030 emphasises inclusive growth, macroeconomic stability, infrastructure, social equity, and environmental sustainability. Kenya's updated Nationally Determined Contribution (NDC) under the Paris Agreement pledges a 32% reduction in greenhouse gas emissions by 2030, with additional commitments in renewable energy, reforestation, and resource efficiency (Climate

Action Tracker, 2023). The EPA supports these objectives by promoting green value chains, clean production, and climate-resilient trade (Onyango, 2024; EP, 2023b).

2. Literature review

The integration of sustainable development into EU trade agreements has evolved significantly since the late 1990s. Early EU–ACP (African, Caribbean and Pacific) agreements referenced development in general terms, often without clear mechanisms or benchmarks (EP, 2022; Leal-Arcas, 2019, Schrijver 2015). These agreements reflected a largely aid-based model of cooperation and left the trade–sustainability nexus underdeveloped (Siles-Brügge, 2014; Zerk, 2021). Over time, and particularly from the mid-2000s, sustainability provisions became more prominent in bilateral trade policy, culminating in the systematic inclusion of dedicated Trade and Sustainable Development (TSD) chapters in all new EU free trade agreements (FTAs) since 2011 (van 't Wout, 2022; EC, 2018a; Peterson, 2021).

These chapters typically require both Parties to uphold international norms, notably the eight core International Labour Organization (ILO) conventions and multilateral environmental agreements (Barbu et al., 2018). They are framed as binding obligations but typically enforced through soft mechanisms such as dialogue, panels of experts, and recommendations rather than sanctions (Harrison et al., 2019). The rationale behind this model is to create a cooperative rather than punitive approach to sustainability enforcement, yet this has drawn criticism for lacking teeth (Velut et al., 2022).

Civil society actors, particularly labour organisations and environmental NGOs, have long advocated for stronger TSD commitments and enforceability, especially within the framework of the Agenda 2030 Sustainable Development Goals. Responding to this pressure, the European Commission undertook internal reviews and published strategic communications, acknowledging implementation shortcomings and proposing more robust monitoring and stakeholder engagement (EC, 2017; EC, 2018a). Moreover, the EU's overarching trade strategies – *Trade for All* and *An Open, Sustainable and Assertive Trade Policy* – explicitly commit to mainstreaming sustainability across all trade instruments (EC, 2021; Rudloff, 2025).

Nonetheless, the academic literature highlights a persistent enforcement gap. Van 't Wout (2022) observes that TSD chapters often lack the same binding legal effect or enforcement follow-through as core trade provisions such as tariff reductions. This is evident in high-profile cases like the EU–South Korea FTA (Korea FTA, 2011), where, despite formal dispute procedures under Article 13.15, it took nearly a decade for the EU to trigger formal consultations and a panel of experts over labour violations (EC, 2019c, EC, 2019d). The outcome of that process, while confirming non-compliance, resulted only in recommendations, with no immediate trade consequences (EC, 2021). Hradilová and Svoboda (2018) note that even in EU agreements with high-capacity countries (e.g. Canada, Japan), the TSD chapters have seen limited enforcement, casting doubt on whether the EU has the political will to apply sustainability pressure effectively (Chowdhry et al., 2018, JEFTA 2018).

In terms of scope, TSD chapters have gradually expanded to include references to gender equality, corporate social responsibility (CSR), responsible investment, and climate change (Barbu et al., 2018; Harrison et al., 2019; Mbengue et al., 2017). Yet critics argue that the breadth of topics may dilute focus and accountability (Chowdhry et al., 2018). Moreover, Business Europe (2017) has cautioned against TSD provisions being used as disguised protectionism, calling instead for cooperative and capacity-building approaches. Academic debate remains vibrant on whether sustainability chapters should evolve into hard law (with sanctions) or continue as soft governance instruments relying on peer pressure, dialogue, and transparency (Harrison et al., 2019).

In the African context, the experience with EPAs shows a mixed picture. The original EU–EAC EPA of 2014, which Kenya partially signed but which failed to be fully ratified across the region, did not contain a standalone TSD chapter (Rugani, 2024). Its focus was mainly on tariff liberalisation and trade facilitation, in line with the Cotonou Agreement's general development objectives. By contrast, more recent interim EPAs and updated FTAs – such as the EU–Eastern and Southern Africa (ESA) arrangement – have begun to incorporate TSD provisions, albeit often in a non-binding or limited form (Velut et al., 2022).

The Kenya–EU EPA marks a significant shift in this pattern. It includes a comprehensive and enforceable TSD chapter (Annex V) covering core labour rights, gender equality, multilateral environmental agreements, biodiversity, deforestation, and marine resources (EC, 2023c; Onyango, 2024). It also uniquely includes a clause-making adherence to the Paris Agreement on climate change an *essential element* of the agreement – a clause usually reserved for human rights and democratic governance (EC, 2023b; Rudloff, 2025). This formal elevation of climate commitments into the trade realm is unprecedented in an EPA context and reflects the growing influence of the European Green Deal in external policy (Hartwell et al., 2022).

Nevertheless, enforcement concerns persist. While the EPA provides for consultation, expert panels, and civil society input, its dispute resolution mechanisms – while more structured than past EPAs – still lack automatic sanctions or financial penalties (van 't Wout, 2022). Scholars such as Hradilová, Svoboda (2018) and Herwig, (2018) stress that without meaningful consequences for non-compliance, the EPA's sustainability provisions may remain largely aspirational. The African experience has shown that capacity constraints, institutional weaknesses, and political economy factors can hinder implementation, even when formal obligations exist (Barbu et al., 2018; Harrison et al., 2019).

In sum, the Kenya–EU EPA enters a policy space marked by both innovation and caution. On one hand, it reflects an ambitious attempt to make sustainability a pillar of trade relations with the Global South. On the other, its effectiveness will depend on Kenya's domestic capabilities, the EU's consistency in enforcement, and the degree of engagement by civil society and social partners. As Rudloff (2025) concludes, the EU's credibility in pursuing a *values-based trade policy* will increasingly be judged not by its rhetoric but by its willingness to act when sustainability standards are breached.

3. Methodology

This study employs a doctrinal legal and policy analysis to assess the sustainable development provisions embedded in the Kenya–EU Economic Partnership Agreement (EPA). The approach is interpretative and qualitative, grounded in a close, structured reading of the treaty text and its annexes, with particular emphasis on Annex V on Trade and Sustainable Development (TSD). The analysis also encompasses other relevant provisions in the main agreement text, including the dispute settlement chapter, the economic and development cooperation annex, and preambular commitments. These sections are examined in relation to their wording, institutional implications, and alignment with international obligations.

The doctrinal method is appropriate for a treaty-based analysis of this kind, as it allows for a detailed examination of legal obligations, principles, and institutional arrangements within the EPA. This includes analysing legal language (e.g. *shall, promote, encourage*) to determine the binding or aspirational nature of specific commitments. Particular attention is paid to the incorporation of external international standards, including ILO core conventions, multilateral environmental agreements (e.g. Paris Agreement, CBD), and references to the UN Sustainable Development Goals (SDGs) (OECD, 2020; UNCTAD, 2023; UNDP, 2021). These are compared against the EPA's internal obligations to assess their legal force, scope, and potential for enforcement.

In order to place the EPA within its broader political and policy context, the treaty analysis is supplemented by a review of official documentation from the European Commission (EP, 2016). This includes press releases (EC, 2023; EC, 2024), explanatory fact sheets (EC, 2023b; EC, 2023c), the EC Non-Papers (EC, 2017; EC, 2018a), and various reports published on the EU's trade policy portal. These materials provide insights into the political framing and institutional expectations surrounding the EPA's sustainability provisions. Further contextualisation is drawn from statements by Kenyan officials, speeches by EU representatives, and public consultations referenced in the lead-up to the signing of the agreement.

Secondary literature, including peer-reviewed journal articles, policy briefs, legal commentaries, and academic monographs, is used to support the interpretative framework and to identify key trends and critiques in the existing body of knowledge. Key sources include works by van 't Wout (2022), Hradilová and Svoboda (2018), Harrison et al. (2019), and Rudloff (2025), among others. These provide essential background on the evolution of Trade and Sustainable Development (TSD) chapters in EU free trade agreements, enforcement challenges (EP, 2017; EP, 2020), and comparative case studies (e.g. the EU–South Korea, CETA, and EU–Japan agreements). This literature is used to benchmark the Kenya–EU EPA against both precedent and emerging EU trade practices.

The analysis also integrates official trade statistics to contextualise the economic relevance of the EPA and the sectors most likely to be affected by its provisions. Data on bilateral trade flows (volume, structure, direction), market shares, and product categories are taken from verified sources, including Eurostat, WTO profiles, and EU Delegation briefings. These figures are used not as the basis for quantitative modelling but as evidence to ground and support the qualitative argumentation about the agreement's implications.

The methodology remains interpretative and policy-oriented. No econometric modelling or field interviews were conducted. Rather, the objective is to provide a coherent and well-sourced reading of the EPA's text, supplemented by institutional, legal and policy literature. The focus lies in mapping the formal commitments in the EPA to Kenya's domestic strategies and international obligations, identifying areas of convergence and divergence, and evaluating the strength and credibility of implementation and enforcement mechanisms. The findings are therefore intended to support both academic reflection and policy discussion on the EPA as a case study in sustainable trade diplomacy.

4. Results & discussion

4.1. Factors Influencing Kenya's Choice of the EU EPA

Kenya's decision to negotiate a full EPA with the EU was driven in large part by economic considerations and market access. The EU is a pivotal market for Kenyan exports – it accounted for 13.6% of Kenya's exports in 2023, compared to 8.7% for the United States. EU–Kenya trade is roughly balanced (about €3 billion in 2023) and offers duty-free, quota-free access to a €13 trillion market. In practical terms, this EPA immediately eliminates tariffs on all Kenyan goods (except arms) into the EU. Kenyan policymakers saw this as vital: their export basket (flowers, tea, coffee, fruits, vegetables) is heavily oriented to Europe, so securing permanent, predictable access reduces the risk of losing market share. The EPA also allows Kenya to liberalize its own tariffs over 25 years with special protections for sensitive items and infant industries. Such asymmetric liberalization – immediate EU opening versus delayed Kenyan opening – is a clear economic incentive. Compared to other partners, the EU deal is unusually liberal: it grants trade and investment flows a boost along with trade-related development cooperation to promote growth and jobs. In short, economically the EU offered Kenya a safe harbour for its key exports and a stable trade regime.

By contrast, cooperation with other actors offered mixed incentives. China has become Kenya's largest supplier and fast-growing partner – China accounts for 17.7% of Kenya's imports, far above the EU's 8.1% share (EC, 2023c). Chinese firms have heavily invested in Kenya's infrastructure (railways, ports) under Belt and Road, and bilateral trade has surged to about $3.5 billion by 2020. However, this has also generated a large trade deficit (roughly one-third of Kenya's ~$9.7B trade gap with China) and dependence on raw exports like minerals (USMAN, 2022). Unlike the EU EPA, China's agreements (tariff reductions on some products, avocados, tea etc. in 2022) have been narrow and commodity-specific. They give Kenya market entry but often lack broader development cooperation or enforceable standards. Similarly, the US and other Asian partners (India, UAE) have offered partial measures: the U.S. launched the Strategic Trade and Investment Partnership (STIP) in 2022 to explore a future free trade deal, and Kenya signed a post-Brexit trade agreement with the UK (its former colonial partner) in 2020 that is duty-free. These are steps in a diversification strategy, but none matches the EU's comprehensive EPA in scope or legal bindingness. In fact, global shocks (e.g. looming US tariffs under the previous administration) prompted Kenya to lock in the EU deal as a counterbalance. In April 2025, amid US–China trade tensions, Kenya simultaneously strengthened its ties with the EU and China to hedge risk: the EU expects Kenya's trade to double under the new EPA, while Kenya elevated its China partnership to *a new level*. This suggests a pragmatic strategy of multi-alignment.

Beyond pure economics, political factors shaped Kenya's choice. The EU and Kenyan leadership explicitly framed the EPA in terms of shared values and regional stability. The EU Commission describes Kenya as *one of the most stable democracies* in Africa with a growing political role (EC, 2023c). In this view, Kenya is a key partner for promoting peace, security, democracy, and multilateralism in East Africa. For Kenya, aligning with the EU's agenda of shared values offered diplomatic and strategic dividends: the EPA was a flagship commitment of the EU–Kenya Strategic Dialogue from 2021 and a cornerstone of Europe's Africa strategy. Through the EPA Kenya could deepen ties with like-minded partners and secure backing on issues like governance and development. In practical terms, this European engagement comes with institutional support (e.g. the EU's strong emphasis on democracy, rule of law and civil society) which Kenya may deem useful for its long-term goals. Domestically, Kenyan leaders have invoked Vision 2030 and environmental reforms to justify the EPA, arguing it advances Kenya's own development strategy (industrialization, green growth).

Geostrategically, countering over-reliance on any single partner was important. While Kenya benefits from Chinese loans and investments, it also values Western investment and legal norms. The unpredictability of US policy – exemplified by fluctuating AGOA eligibility and threats of tariffs – likely nudged Kenya toward a more secure EU arrangement. As President Ruto noted, when U.S. engagement waned (and tariffs were threatened) Kenya quickly courted China; similarly, securing an EU deal locks in a loyal partner against swings in US or even Chinese policy (Gonzalez, 2025). Finally, the *variable-geometry* nature of the agreement (allowing other East African countries to join later) gave Kenya leverage and flexibility. In sum, Kenya's decision reflects a calculation of political support and strategic balancing: the EU EPA offered stable, values-based partnership and trade benefits in a competitive global environment, whereas other actors' offers were either less comprehensive or more volatile.

In context, Kenya's EPA was one piece of a larger diversification drive. Over the last few years Kenya engaged with multiple partners. The U.S. crafted the 2022 *Strategic Trade and Investment Partnership (STIP)* to pave the way for a high-standard FTA (USMAN, 2022). The UAE and India are growing markets (UAE agreed to a comprehensive economic partnership in 2022, India remains a major supplier). Notably, Kenya obtained a full EPA with the UK in 2020, preserving quota-free market access post-Brexit. All of these reflect Kenya's *looking east* and west strategy. Compared to these, the EU EPA is unique: it not only liberalises trade bilaterally but embeds a *comprehensive Trade and Sustainable Development (TSD) chapter* and multi-faceted cooperation. In scholarly terms, the EU-Kenya EPA can be seen as a test of whether Europe's *trade for all* rhetoric yields real obligations in Africa. Importantly, unlike the aborted 2014 East African Community EPA (which Kenya had partially signed) or temporary unilateral preferences, the Kenya–EU EPA is bilateral and fully in force, avoiding the *block-to-block* failures of before. This gave Kenya immediate legal certainty – a luxury not offered by frameworks like the WTO or the then-nascent AfCFTA. In sum, while China, the US, and others offered piecemeal deals or potential future cooperation, the EU EPA presented the broadest, enforceable, and strategically stable package.

4.2. Kenya's Readiness to Comply with Sustainable Development Commitments

The Kenya–EU EPA imposes robust legal obligations on sustainable development. Its dedicated TSD chapter (Annex V) is unusually detailed for an EPA. Both Parties *shall* uphold core labour rights (the eight ILO conventions) and ratify ILO conventions on child labour, forced labour, discrimination and freedom of association. It mandates adherence to key multilateral agreements: the Paris Climate Agreement is treated as an *essential element* (non-compliance permits remedial action). Gender equality is also enshrined (requiring implementation of CEDAW and proactive women's empowerment). In short, Kenya is legally bound to elevate its standards on labour, environment and gender to EU levels.

Kenya's existing commitments provide some alignment. It has acceded to the Paris Agreement and updated its Nationally Determined Contribution (32% GHG reduction by 2030). Its Vision 2030 strategy emphasizes environmental sustainability. These domestic goals dovetail with the EPA's climate and green value chain provisions, suggesting legal consistency. However, on labour Kenya's record is mixed: it has ratified relatively few ILO core conventions, raising doubts about its starting point. Domestically, some Kenyan labour and environment laws may need updating or stronger enforcement to meet the EPA's standards. Legally, the EPA provides no carve-out for Kenya's developing status beyond cooperative assistance: Kenya must incorporate these obligations into national law over time (for example, enacting and enforcing health & safety, anti-discrimination and environmental laws to align with Annex V commitments). The treaty text requires Kenya to keep relevant multilateral obligations *current in domestic law*. This shift from aspirational to binding norms means Kenya now has a clear legal imperative. The challenge is translating it: without timely legislative action, many commitments risk being merely declaratory.

Compliance will depend critically on Kenya's institutions. The EPA establishes a Trade and Sustainable Development (TSD) Committee and mandates a Domestic Advisory Group (DAG) of government and civil society to monitor implementation. These bodies mirror EU practices, promoting regular dialogue and stakeholder input. The agreement also commits the EU to provide *technical assistance and know-how* to help Kenya meet its commitments. In practice, Kenya will need to strengthen its labour inspectorate, environmental protection agencies, gender-policy units, and judicial capacities. To date, enforcement of labour and environmental standards in Kenya has been uneven: for example, compliance gaps persist in factory safety and forest protection. The success of the DAGs and TSD Committee will hinge on funding, political will, and civil society activism – areas where Kenyan institutions have historically faced challenges (for instance, NGO involvement in policymaking is newer).

For enforcement, the EPA relies on its general dispute settlement system. A sustainability dispute may be taken to arbitration, but initial steps emphasize consultation and mediation (Articles 17–18 of Annex V). Unlike core trade remedies, the EPA does *not* allow automatic safeguards for TSD breaches. In other words, Kenya cannot easily be hit with trade sanctions for, say, failing to stop child labour (unlike a tariff violation). This soft enforcement model is by design cooperative, but critics warn it may leave violations *aspirational*. Kenya will therefore need to demonstrate compliance largely through self-reporting and engagement in the TSD Committee. Some academic debate highlights this gap: TSD chapters globally often lack teeth, relying on peer pressure rather than hard penalties. For Kenya, this means that ultimate compliance will depend more on political commitment and donor support than on the threat of retaliation. The agreement's five-year review clause offers some flexibility (allowing renegotiation of sustainable development provisions), suggesting that Kenya can negotiate refinements as capacity grows.

Civil society and governance also matter. The EPA strengthens the role of NGOs and workers' organizations. If Kenya's domestic advisory process is robust, it could compensate for enforcement gaps: NGOs have already been vocal about EPA implementation in past EPAs. Conversely, if civil society is excluded, Kenya might revert to the old pattern of treating TSD as side-issues. The literature on EPAs in Africa notes that political economy factors – elite interests, weak rule of law, corruption – can undermine compliance even with binding rules. For example, agriculture is Kenya's largest employer, and enforcing stricter environmental or labour standards in farming will require deep reforms and policing in rural areas. The EPA's built-in development assistance – aimed at capacity-building in agriculture, environment, and institutions – is intended to help. Yet such reforms take years. In sum, while Kenya has the institutional framework on paper, its actual readiness is middling: reasonably democratic governance provides a platform, but administrative capacity and enforcement remain uneven.

The EPA's sustainability commitments intersect with Kenya's economy in complex ways. On the one hand, they could complement development: for instance, stronger labour standards and gender equality might improve domestic productivity and social welfare over time. Strong, enforceable commitments on workers' rights, climate and environment are core features, and the agreement explicitly seeks to *boost* trade and development simultaneously. Economically, Kenya stands to gain from aligning with global sustainable value chains (e.g. exporting certified tea or flowers), leveraging the EU's technical aid for cleaner production. The EPA's focus on agro-processing, fisheries, and clean technology aligns with Kenya's Vision 2030 and Green Economy Strategy, suggesting potential synergy.

On the other hand, the required reforms impose costs. Kenyan industries in agriculture and manufacturing often rely on lower labour and environmental costs than EU producers. Complying with new norms (e.g. banning certain pesticides, preventing deforestation) may raise production costs. Critics warn that without subsidies or transition aid, Kenyan producers risk losing competitiveness – especially since the EU will continue funding its own farmers. The EPA does allow Kenya to exclude *sensitive* agricultural products from liberalization and to invoke safeguards, but doing so effectively requires legal smarts and political clout. In practice, Kenya will rely on the EPA's development cooperation mechanisms to cushion these impacts: the agreement includes a chapter on economic and development cooperation (Annex VI) and explicitly promises support for Kenya's institutional and rural development. This means access to EU funding for things like training regulators, improving enforcement, and helping farmers upgrade. The literature on trade and development suggests such capacity-building is crucial if sustainability provisions are to have effect.

Finally, Kenya must reconcile the EPA with other commitments. It is a member of the East African Community and AfCFTA, and bound by WTO rules. For example, Kenya's alignment with EU sanitary and phytosanitary standards (a de facto requirement for easier EU trade) must be balanced against Africa-wide standards under AfCFTA. This creates administrative complexity that could slow implementation. However, the EPA's *rendezvous clause* for renegotiation allows Kenya to adjust rules as regional frameworks evolve. Economically, achieving the EPA's sustainable goals will take time: Kenya's domestic budget constraints and competing priorities (debt, infrastructure needs) limit how quickly new standards can be enforced. But Kenya has already signaled some readiness: it has co-chaired climate-trade initiatives and is the first African country to push progressive policies on gender in trade. In sum, Kenya is partially equipped – its legal accession to international instruments and its strategic vision align with the EPA – but its institutional and economic capacity will need sustained EU support and domestic reform before all commitments can be effectively honoured.

In the academic literature, the Kenya–EU EPA is seen as both ambitious and tentative. The inclusion of enforceable TSD obligations is praised as innovative, but analysts caution that, as with other EU deals, *binding* provisions often translate into soft governance in practice. Some scholars argue that without hard sanctions, the real test will be political will and civil society pressure. Business interests in Kenya have already voiced concerns that stringent standards could function as *protectionism* in disguise (preferring cooperative capacity-building instead). Conversely, advocates maintain that aligning with the EU's Green Deal standards positions Kenya advantageously for the global shift to sustainability.

In conclusion, Kenya's decision reflects a strategic choice: the EU EPA offers clear economic rewards and aligns with Kenya's political and development goals, whereas alternative partnerships have been pursued in parallel. On compliance, Kenya's legal and policy frameworks are broadly compatible with the EPA's sustainable agenda (especially on climate and development goals), but significant capacity gaps remain in enforcement and infrastructure. Ultimately, the success of Kenya's EPA – and its credibility as a values-based trade partner – will depend on whether Kenya can translate lofty commitments into concrete actions through strengthened institutions, law-making, and resource allocation, with sustained support from the EU.

5. Conclusions

The EU–Kenya Economic Partnership Agreement represents a milestone for sustainable development commitments in trade with Africa. The EPA embeds a comprehensive set of sustainability obligations – on labour, environment, climate and gender – that are binding and (at least in form) enforceable. It operationalises the EU's policy shift towards integrating sustainable development in trade: the EU itself calls it *the most ambitious trade deal* on sustainability provisions (Rugani, 2024). For Kenya, the EPA creates both opportunities and responsibilities. Improved access to the EU market (especially for agriculture) could spur economic growth, but Kenya must also raise its regulatory standards and ensure effective implementation of complex norms (e.g. ILO conventions, the Paris Agreement).

Furthermore, Kenya's decision to pursue this EPA reflects a strategic calculation: it locks in duty-free access to a major market under terms aligned with its national development plans, while diversifying away from any single external partner. This contrasts with other partnerships: for instance, China's engagement in Kenya has been more focused on infrastructure projects than on comprehensive trade commitments. By choosing the EU deal, Kenya leveraged a development-oriented framework consistent with its Vision 2030 ambitions.

A key conclusion is that the EPA's commitments will only advance sustainability if they are accompanied by genuine implementation and monitoring. The agreement provides mechanisms – committees, advisory groups, cooperation and funding – to aid compliance, but it also requires Kenya to step up its efforts. Kenya's own policy frameworks provide some foundation: its Vision 2030 and NDC commitments reflect similar labour, environmental and climate goals. Nevertheless, meaningful compliance will demand substantial capacity-building, resource allocation, and stakeholder engagement. Civil society actors are likely to press both parties to honour the commitments, and official reviews and aid-for-trade support should track progress. Ultimately, while the EPA's sustainability obligations are ambitious, their success hinges on Kenya's ability to implement them effectively.

Finally, the Kenya EPA's example may influence future agreements. Other East African countries (like Uganda, Rwanda) may join under the same terms, extending the reach of these sustainability standards. Moreover, this EPA could set a benchmark for other EU trade deals with developing countries. If implemented effectively, its commitments could help align trade policy with the UN Sustainable Development Goals and the European Green Deal. If not, the EPA risks joining the list of ambitious agreements whose most important provisions remain largely on paper (van 't Wout, 2022). In any case, the Kenyan experience will be closely watched as a test case of *trade for sustainable development* in practice.

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