Negative Brief: Kenya Free Trade Agreement

By “Coach Vance” Trefethen

AFF Plan offers Kenya a Free Trade Agreement. You should also use the generic Monument brief against Free Trade Agreements generally, which will have additional evidence that can apply to this debate.

Negative Brief: Kenya Free Trade Agreement (FTA) 3

TOPICALITY 3

1. No "significant" reform - Just endorsing Status Quo policy 3

Status Quo policy: US and Kenya trade and investment partnership efforts 3

Status Quo negotiations lay the groundwork for a full FTA 3

Violation: No significant reform 3

Impact: No Affirmative team 3

INHERENCY - Status Quo can solve better with existing programs 3

1. AfCFTA and AGOA 3

AfCFTA is more feasible and would strengthen AGOA (which already exists) 3

2. PABTC is better 4

Prosper Africa Built Together Campaign will work better than FTA, it just needs time to develop 4

HARMS / SIGNIFICANCE 4

1. Insignificant economic impact 4

Impact is insignificant because US/Kenya trade is so tiny 4

Kenyan exports to the US are already duty-free (no tariffs) in Status Quo. And they're tiny. 4

SOLVENCY 5

1. No net benefits for Kenya 5

No reason for Kenya to want an FTA with the U.S.: It creates little benefit and undercuts Kenya's economy 5

2. Not much will change 5

FTA with Kenya wouldn't change much from the 5 existing Africa trade policies from the last 5 presidents 5

3. More study needed 6

US/Kenya FTA talks should be suspended until we study new approaches involving equitable, sustainable development 6

DISADVANTAGES 6

1. Digital Damage. US/Kenya FTA will harm Kenya's emerging digital economy 6

Link: Kenya's data protection safeguards are still rapidly evolving. US-Kenya FTA would undermine data protection 6

Link: Loss of data privacy. Need protections in place first or else they won't properly balance individuals' right to privacy against US corporations trying to get everyone's data 7

Impact: Human rights lost. Loss of digital privacy is a real and present danger to human well-being 7

2. Conflicts with AfCFTA 7

Link: Kenya negotiating FTA with U.S. jeopardizes the African Continental Free Trade Agreement (AfCFTA) 7

Reverse Advocacy: We should stop with the Kenya FTA because it conflicts with AfCFTA 8

Link: Kenya FTA is bad because it distracts from AfCFTA, which provides more long term benefits 8

Impact: Turn the Advantages / Justifications. If "Free Trade" is good, Status Quo's AfCFTA would do a lot more 8

3. Child exploitation & abuse 8

Link: "Aid" is extra-topical, so AFF cannot propose it or rely on it 8

Impact: If aid ("technical assistance") isn't in the deal, the US will be complicit in exploitation of children in Kenya 9

4. Already tried & failed 9

Same policies proposed for Kenya were tried in Mexico with disastrous results: Poverty, job loss and public health crisis 9

5. Food insecurity in Kenya 10

Link: To join FTA, Kenya would have to give up agricultural safeguards and allow US exports to drive their farmers out of business 10

Link: "NOT" doing free trade in agriculture is key to preventing threats to food security and import dependence 10

Impact: Hunger & malnutrition. Food import dependency increases hunger and malnutrition 11

Negative Brief: Kenya Free Trade Agreement (FTA)

TOPICALITY

1. No "significant" reform - Just endorsing Status Quo policy

Status Quo policy: US and Kenya trade and investment partnership efforts

David Lawder and Chris Gallagher 2022. (journalists for Reuters news service) 14 July 2022 "U.S., Kenya launch non-tariff trade and investment partnership talks" (accessed 11 Sept 2022) https://www.reuters.com/world/us-kenya-launch-trade-investment-partnership-ustr-2022-07-14/

The United States and Kenya on Thursday launched a strategic trade and investment partnership to pursue commitments to boost economic growth, support African regional economic integration and deepen trade cooperation. The U.S. and Kenyan governments will start work within three months to develop a road map for engagement in areas including agriculture safety and digital trade standards, climate change, regulatory practices, and customs procedures the U.S. Trade Representative's office said in a statement.

Status Quo negotiations lay the groundwork for a full FTA

David Lawder and Chris Gallagher 2022. (journalists for Reuters news service) 14 July 2022 "U.S., Kenya launch non-tariff trade and investment partnership talks" (accessed 11 Sept 2022) https://www.reuters.com/world/us-kenya-launch-trade-investment-partnership-ustr-2022-07-14/

U.S. Representative Richard Neal, who chairs the trade and tax-focused House of Representatives Ways and Means Committee, held out hope that the U.S.-Kenya talks could develop into a full trade deal. "This initiative will lay the groundwork for a comprehensive free trade agreement that includes market access, builds off AGOA, and complements both regional and continental integration," he said in a statement.

Violation: No significant reform

Status Quo US trade policy with Kenya is that in July 2022 (very recently, perhaps after a lot of their AFF evidence was written), the US opened trade negotiations with Kenya to lay the ground work for a comprehensive Free Trade Agreement. That sounds very much like the Affirmative's policy. Whatever difference there is between this and the AFF's policy, it isn't much and it's certainly not "significant" as the resolution requires.

Impact: No Affirmative team

There's no one in the room affirming we should significantly change, so there's no Affirmative team in the round. No matter who wins, you should write "Negative" on the ballot, since no one is affirming the resolution.

INHERENCY - Status Quo can solve better with existing programs

1. AfCFTA and AGOA

AfCFTA is more feasible and would strengthen AGOA (which already exists)

Njiraini Muchira 2021 (journalist) THE MARITIME EXECUTIVE 18 Jan 2021 "Fate of Kenya-U.S. Free Trade Deal Uncertain " (accessed 10 Sept 2021) https://maritime-executive.com/editorials/fate-of-kenya-u-s-free-trade-deal-uncertain

While Kenya might want to continue the pursuit of an FTA, there is no guarantee of Washington being interested,” said Ken Gichinga, chief economist at Mentoria Economics.   He added that while the need to neutralize China’s influence in Africa is something the new U.S. administration would want to pursue, the need to broaden the spectrum of trade and commercial interests through the African Continental Free Trade Area (AfCFTA) looks more feasible.  Cooperation through AfCFTA will revive the importance of the African Growth and Opportunity Act (AGOA), which has failed to flourish under the Trump administration. Total two-way goods trade between the U.S. and Africa declined from $36.9 billion in 2015 to $34.7 billion in 2019.

2. PABTC is better

Prosper Africa Built Together Campaign will work better than FTA, it just needs time to develop

Prof. Kefa Otiso and Prof. Francis Owusu 2022. (Otiso -Professor of Geography, Bowling Green State Univ. Owusu - Professor and the Chair of the Department of Community and Regional Planning, Iowa State Univ.)5 Aug 2022 (accessed 11 Sept 2022) https://theconversation.com/the-us-is-revisiting-its-trade-relations-with-african-countries-key-issues-on-the-table-188230

 So, instead of a free trade agreement, a beneficial pact for Africa should be designed to boost trade and investment between the US and Africa while also gradually increasing the capacity of African countries to compete globally in the production of nontraditional high-value products. Although the exact details of the Prosper Africa Build Together Campaign are yet to be worked out, we are cautiously optimistic that it can live up to its promise. Unlike AGOA, it has a holistic and long-term focus. And because of the need to counteract the influence of Europe, Russia, and China, the US is likely to be more motivated to engage Africa both economically and geopolitically.

HARMS / SIGNIFICANCE

1. Insignificant economic impact

Impact is insignificant because US/Kenya trade is so tiny

John Hoffner, Sanvid Tuljapurkar and Jack Caporal 2020 (*Caporal is an associate fellow with the Scholl Chair in International Business at the Center for Strategic and International Studies (CSIS) in Washington, D.C. John Hoffner and Sanvid Tuljapurkar are interns with the CSIS Scholl Chair.*) 18 Mar 2020 " Going Solo: What Is the Significance of a U.S.-Kenya Free Trade Agreement?" <https://www.csis.org/analysis/going-solo-what-significance-us-kenya-free-trade-agreement> (accessed 10 Sept 2022)

Total [two-way trade in goods](https://ustr.gov/countries-regions/africa/east-africa/kenya)between the United States and Kenya amounted to only $1 billion in 2018. Neither imports from nor exports to Kenya rank among the top five of U.S. trading partners in sub-Saharan Africa. Kenya also ranks as only the 98th largest trading partner for the United States. As Scott Eisner, president of the U.S.-Africa Business Center at the U.S. Chamber of Commerce, [described](https://www.nytimes.com/2020/02/06/business/economy/trump-kenya-trade-talks.html), “It really is who was willing to raise their hand and who had the most political will behind it.”

Kenyan exports to the US are already duty-free (no tariffs) in Status Quo. And they're tiny.

Karen Hansen-Kuhn 2020 (Program Director at Institute for Agriculture & Trade Policy; Bachelor of Science in International Business from Univ of Colorado and master's degree in International Development from The American University) 16 Sept 2020 (accessed 11 Sep 2022) "Taking the wrong road on the US-Kenya trade talks" (accessed 11 Sept 2020) https://www.iatp.org/blog/202009/taking-wrong-road-us-kenya-trade-talks

The proposed U.S.-Kenya free trade agreement (FTA) encompasses much more than trade in goods. Trade flows between the U.S. and Kenya are small. According to [U.S. Census data](https://www.census.gov/foreign-trade/balance/c7790.html), Kenya exported $667.1 million to the U.S. last year, primarily apparel, coffee and nuts. Those goods already enter duty free, and the amounts are too small to affect U.S. jobs or standards. U.S. exports to Kenya have also been limited up to now, totaling $401 million last year.

SOLVENCY

1. No net benefits for Kenya

No reason for Kenya to want an FTA with the U.S.: It creates little benefit and undercuts Kenya's economy

Francis Kornegay and Faith Mabera 2020 (**Kornegay**is a Senior Research Fellow at the Institute for Global Dialogue; past fellow of the Woodrow Wilson International Center of Scholars; Masters degrees in African Studies from Howard Univ and in International Public Policy from the School of Advanced International Studies at Johns Hopkins Univ. **Mabera**- Senior Researcher at the Institute for Global Dialogue, MA in International Relations) " The AfCFTA and the U.S.-Kenya Free Trade Agreement Challenge: Getting Beyond Divide-and-Rule" (accessed 10 Sept 2022) (article is undated but references events in 2020) <https://www.igd.org.za/infocus/12095-the-afcfta-and-the-u-s-kenya-free-trade-agreement-challenge-getting-beyond-divide-and-rule> (Nairobi is the capital of Kenya)

For all of Nairobi’s rhetoric about pragmatism and strategic engagement, it remains a mystery what Kenya stands to gain from a bilateral FTA agreement with the U.S. that contradicts the common position of the AU. For one thing, critics have pointed out that provisions to allow U.S. wheat imports into the Kenyan market would undercut Kenya’s plans to transform and diversify its economy. Moreover, Kenya’s unilateral action would [weaken the continent’s bargaining position](https://www.atlanticcouncil.org/blogs/new-atlanticist/trumps-bilateral-trade-deals-are-undermining-the-global-trading-system/), undermine collective negotiations strategy, and expose AfCFTA’s intra-regional trade liberalization commitments to major trading powers such as the U.S. Such bilateral FTAs would also feed into an outcome-based system rather than a multilateral rules-based system, fuelling fragmentation, a race for competitive trade targets, and multiplication of opportunity costs and administrative barriers.

2. Not much will change

FTA with Kenya wouldn't change much from the 5 existing Africa trade policies from the last 5 presidents

Prof. Kefa Otiso and Prof. Francis Owusu 2022. (Otiso -Professor of Geography, Bowling Green State Univ. Owusu - Professor and the Chair of the Department of Community and Regional Planning, Iowa State Univ.)5 Aug 2022 (accessed 11 Sept 2022) https://theconversation.com/the-us-is-revisiting-its-trade-relations-with-african-countries-key-issues-on-the-table-188230

Currently, the only African country with a free trade agreement with the US is Morocco. Called the [Morocco Free Trade Agreement](https://ustr.gov/trade-agreements/free-trade-agreements/morocco-fta), it was signed in 2004. In the case of Kenya, such a deal would have elevated its preferential access to the American market under AGOA to a reciprocal pact [similar to those](https://ustr.gov/trade-agreements/free-trade-agreements) that the US has with 20 other countries around the world, including Morocco. In conclusion, it is important to realise that US-Africa trade relations are on a dynamic continuum that includes [Bill Clinton’s AGOA](https://www.brookings.edu/research/the-african-growth-and-opportunity-act-agoa-looking-back-looking-forward/), George Bush’s [African Global Competitiveness Initiative](https://agoa.info/news/article/3693-african-global-competitiveness-initiative-will-expand-trade-hubs.html), Barack Obama’s [Trade Africa](https://obamawhitehouse.archives.gov/the-press-office/2016/09/21/fact-sheet-us-africa-cooperation-trade-and-investment-under-obama), Donald Trump’s [Prosper Africa Initiative](https://sgp.fas.org/crs/row/IF11384.pdf) and now Joe Biden’s [Prosper Africa Build Together Campaign](https://www.prosperafrica.gov/). These trade initiatives have enduring threads tied to larger US values and interests in Africa. Future trade pacts are therefore unlikely to deviate much from past ones even as the US strives to counteract European, Russian and Chinese influence in Africa. African states should similarly fight for their own interests in such trade engagements.

3. More study needed

US/Kenya FTA talks should be suspended until we study new approaches involving equitable, sustainable development

Karen Hansen-Kuhn 2020 (Program Director at Institute for Agriculture & Trade Policy; Bachelor of Science in International Business from Univ of Colorado and master's degree in International Development from The American University) 16 Sept 2020 (accessed 11 Sep 2022) "Taking the wrong road on the US-Kenya trade talks" (accessed 11 Sept 2020) https://www.iatp.org/blog/202009/taking-wrong-road-us-kenya-trade-talks

The [Alliance for Food Sovereignty in Africa](https://afsafrica.org/) (which has members in Kenya) has documented the success and imperative of agroecology in numerous papers and engagement in national and U.N. circles. Naturally, agroecology works best when the enabling public policies foster creative approaches driven by actual (and often site-specific) evidence. Such policies could include limits on floods of cheap imports or toxic chemicals. The road these talks are on is designed to increase corporate control over our food systems and lock in obstacles to change. The two governments should suspend the official talks and open up the process to an honest discussion with civil society about the moment we are in and how to pave the way for new approaches that prioritize equitable and sustainable development.

DISADVANTAGES

1. Digital Damage. US/Kenya FTA will harm Kenya's emerging digital economy

Link: Kenya's data protection safeguards are still rapidly evolving. US-Kenya FTA would undermine data protection

[Melissa Omino](https://cipit.strathmore.edu/team/) & [Isaac Rutenberg](https://cipit.strathmore.edu/team/) 2021. (*Melissa Omino is the Research Manager at the Center for Intellectual Property and Information Technology Law (CIPIT), Strathmore University, Nairobi, Kenya. Isaac Rutenberg is the Director of CIPIT* ) 1 June 2021 "Why the US-Kenya Free Trade Agreement Negotiations Set a Bad Precedent for Data Policy" <https://www.cgdev.org/blog/why-us-kenya-free-trade-agreement-negotiations-set-bad-precedent-data-policy> (accessed 10 Sept 2022)

The local context of the ongoing trade negotiations is important. The Kenyan data protection landscape is still at a nascent stage but it is rapidly evolving, with many similarities to European-style data protection, as well as many of the same vulnerabilities. Kenya’s Data Protection Act (‘the DPA’) was enacted in 2019 and the country’s first Data Protection Commissioner was appointed at the end of 2020, notably after the US-Kenya trade negotiations had begun. The legal infrastructure that will support the DPA is yet to be operationalized and there are a number of regulations that still need to be passed. Although still evolving, Kenya’s data protection regime does require proof of adequate data protection safeguards in the destination country as a prerequisite to cross-border data transfers. The US-Kenya Free Trade Agreement as currently drafted would undermine this requirement.

Link: Loss of data privacy. Need protections in place first or else they won't properly balance individuals' right to privacy against US corporations trying to get everyone's data

[Melissa Omino](https://cipit.strathmore.edu/team/) & [Isaac Rutenberg](https://cipit.strathmore.edu/team/) 2021. (*Melissa Omino is the Research Manager at the Center for Intellectual Property and Information Technology Law (CIPIT), Strathmore University, Nairobi, Kenya. Isaac Rutenberg is the Director of CIPIT* ) 1 June 2021 "Why the US-Kenya Free Trade Agreement Negotiations Set a Bad Precedent for Data Policy" <https://www.cgdev.org/blog/why-us-kenya-free-trade-agreement-negotiations-set-bad-precedent-data-policy> (accessed 10 Sept 2022)

Because most of the global digital economy is driven by technology that is owned and controlled by companies based in rich countries, particularly the United States, data tends to flow away from developing and least developed countries rather than towards them. At the same time, these countries have imported frameworks for regulating the use of data that tend to favor technologies and the jurisdictions within which they are developed. Promoting this trend is the advent of bilateral trade agreements that include clauses that explicitly support this aim within their objectives if not the final text. These trends highlight the need to develop local capacity in developing countries for governing data and the ability of countries to pursue a regulatory environment where cross-border data flows are encouraged but balanced against the right to privacy of individuals.

Impact: Human rights lost. Loss of digital privacy is a real and present danger to human well-being

Giovanni Buttarelli 2017 (Italian judge; served as the European Data Protection Supervisor for the EU) "Privacy matters: updating human rights for the digital society" 24 July 2017 <https://link.springer.com/article/10.1007/s12553-017-0198-y#:~:text=Abstract,unwanted%20or%20unexpected%20external%20interferences>. (accessed 10 Sept 2022)

However, as participation in digital society and the economy becomes all-pervasive, and in effect compulsory, privacy cannot become the preserve of those who can afford it. As memories of the man-made cataclysms of the twentieth century recede, there has never been a greater need for safeguards against unjustified intrusions into people’s personal space by powerful state actors and corporations. Convergence between political malevolence and technological omnipotence is a ‘real and present‘ danger.

2. Conflicts with AfCFTA

Link: Kenya negotiating FTA with U.S. jeopardizes the African Continental Free Trade Agreement (AfCFTA)

John Hoffner, Sanvid Tuljapurkar and Jack Caporal 2020 (*Caporal is an associate fellow with the Scholl Chair in International Business at the Center for Strategic and International Studies (CSIS) in Washington, D.C. John Hoffner and Sanvid Tuljapurkar are interns with the CSIS Scholl Chair.*) 18 Mar 2020 " Going Solo: What Is the Significance of a U.S.-Kenya Free Trade Agreement?" <https://www.csis.org/analysis/going-solo-what-significance-us-kenya-free-trade-agreement> (accessed 10 Sept 2022)

The landscape for negotiating a bilateral agreement with Kenya has become far more complicated in the last several years. In March 2018, the AfCFTA was [signed](https://www.tralac.org/documents/resources/cfta/3009-agreement-establishing-the-afcfta-status-list-july-2019/file.html)by 54 African countries. The agreement entered into force for 29 of those countries (including Kenya) in May 2019, and on July 1, 2020, the AfCFTA will take full effect. While the AfCFTA does not establish a customs union, it is considered a stepping-stone toward an African customs union. Today, African Union (AU) countries are increasingly concerned that the U.S. attempt to use Kenya as a “model” will not reflect the needs of other AU members and could upset regional integration. Shortly after Kenya’s decision to move forward on negotiations with the United States, former deputy chairperson of the African Union Commission and the first secretary-general of the Common Market for Eastern and Southern Africa [Erastus Mwencha remarked](https://www.bilaterals.org/?kenya-will-be-in-breach-of-eac), “Under the AU, the African heads of state have discouraged member States from entering into bilateral free trade negotiations with third parties because they jeopardize the AfCFTA.”

Reverse Advocacy: We should stop with the Kenya FTA because it conflicts with AfCFTA

Francis Kornegay and Faith Mabera 2020 (**Kornegay**is a Senior Research Fellow at the Institute for Global Dialogue; past fellow of the Woodrow Wilson International Center of Scholars; Masters Degrees in African Studies from Howard Univ and in International Public Policy from the School of Advanced International Studies at Johns Hopkins. **Mabera**is a Senior Researcher at the Institute for Global Dialogue, where she oversees the Foreign Policy Analysis programme. MA in International Relations) " The AfCFTA and the U.S.-Kenya Free Trade Agreement Challenge: Getting Beyond Divide-and-Rule" (accessed 10 Sept 2022) (article is undated but references events in 2020) https://www.igd.org.za/infocus/12095-the-afcfta-and-the-u-s-kenya-free-trade-agreement-challenge-getting-beyond-divide-and-rule

Ahead of the 2020 U.S.-Africa trade ministerial to be held in Washington, discussions on the future of the post-AGOA U.S-Africa partnership should be centered on the promotion of Africa’s regional integration processes and the implementation of the AfCFTA. The U.S. should abide by “[the mutual desire and common goal”](https://agoa.info/news/article/15636-joint-statement-between-the-us-and-the-african-union-concerning-the-development-of-the-afcfta.html) to promote a continental trade partnership with Africa, as expressed in the 2019 joint statement, rather than bilateral FTAs. In moving beyond a business-as-usual strategy with an evolving continent that has seen vast changes since the last AGOA negotiations, the U.S. should update its approach to bring it in line with policy and institutional shifts on the ground in Africa. In this regard, bipartisan consensus is pivotal to Washington’s declared commitment to deeper, targeted, reciprocal partnerships with Africa.

Link: Kenya FTA is bad because it distracts from AfCFTA, which provides more long term benefits

Dylan Cresswell 2022 (journalist) AFRICAN BUSINESS 15 July 2022 " Bilateral talks with Kenya to recommence as US aims for its first sub-Saharan free trade agreement" (accessed 10 Sep 2022) https://african.business/2022/07/trade-investment/bilateral-talks-with-kenya-to-recommence-as-us-aims-for-its-first-sub-saharan-free-trade-agreement/

The move towards bilateral FTAs in Africa has been criticised by some trade experts, including [Harry Broadman](https://african.business/2021/03/trade-investment/a-policy-agenda-for-africa-to-regain-its-growth-trajectory/), chair of the emerging markets practice at the Berkeley Research Group, a former chief of staff of the President’s Council of Economic Advisers under George Bush, and a former international trade negotiator, who believes the US should shift back on to a multilateral track by supporting the [African Continental Free Trade Area (AfCFTA)](https://african.business/2022/02/trade-investment/what-you-need-to-know-about-the-african-continental-free-trade-area/).   “When you pick off bilateral FTAs with countries as important as Kenya, you start to deflate the balloon for the AfCFTA, and I think that is the single most important economic policy investment objective that the US should see for Africa. I’d suggest we pivot and put our energy into helping Africa launch the AfCFTA – without it we’ll be left with a large continent of small landlocked economies without economies of scale, which chokes off investment,” [he told African Business in January 2021](https://african.business/2021/01/trade-investment/biden-bids-to-reverse-us-africa-decline/).

Impact: Turn the Advantages / Justifications. If "Free Trade" is good, Status Quo's AfCFTA would do a lot more

African Union 2022 (international association of African governments) "About The AfCFTA" <https://au-afcfta.org/about/> (accessed 10 Sept 2022)

The AfCFTA is the world’s largest free trade area bringing together the 55 countries of the African Union (AU) and eight (8) Regional Economic Communities (RECs). The overall mandate of the AfCFTA is to create a single continental market with a population of about 1.3 billion people and a combined GDP of approximately US$ 3.4 trillion.

3. Child exploitation & abuse

Link: "Aid" is extra-topical, so AFF cannot propose it or rely on it

Resolution only allows AFF to propose "trade" policies, not any "aid" to Kenya. But that's bad because…

****Impact: If aid ("technical assistance") isn't in the deal, the US will be complicit in exploitation of children in Kenya****

John Hoffner, Sanvid Tuljapurkar and Jack Caporal 2020 (*Caporal is an associate fellow with the Scholl Chair in International Business at the Center for Strategic and International Studies (CSIS) in Washington, D.C. John Hoffner and Sanvid Tuljapurkar are interns with the CSIS Scholl Chair.*) 18 Mar 2020 " Going Solo: What Is the Significance of a U.S.-Kenya Free Trade Agreement?" <https://www.csis.org/analysis/going-solo-what-significance-us-kenya-free-trade-agreement> (accessed 10 Sept 2022)

Given [Kenya’s labor record](https://www.dol.gov/agencies/ilab/resources/reports/child-labor/kenya), the United States will have to take a novel approach to labor negotiations, perhaps through technical assistance, a work plan, and phased-in obligations. Negotiations would not only need to address the issue of low wages but child labor laws as well. Kenya is one of only nine countries that have not ratified the [UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography](https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx), for instance. Child labor is also [prevalent](https://www.dol.gov/agencies/ilab/resources/reports/child-labor/kenya)in Kenya’s agricultural industry and is used for other low-wage, low-skill tasks like scavenging. Kenya does have laws and institutions to address child labor but faces challenges in enforcement due to funding and capacity.

4. Already tried & failed

Same policies proposed for Kenya were tried in Mexico with disastrous results: Poverty, job loss and public health crisis

Karen Hansen-Kuhn 2020 (Program Director at Institute for Agriculture & Trade Policy; Bachelor of Science in International Business from Univ of Colorado and master's degree in International Development from The American University) 16 Sept 2020 (accessed 11 Sep 2022) "Taking the wrong road on the US-Kenya trade talks" (accessed 11 Sept 2020) https://www.iatp.org/blog/202009/taking-wrong-road-us-kenya-trade-talks

The Kenyan government seems most interested in locking in current unilateral tariff preferences under the African Growth and Opportunity Act (AGOA), which will be up for renewal in 2025. U.S. Trade Representative (USTR) presents this agreement as a model to replace unilateral tariff preference programs like AGOA to benefit U.S. exporters. AGOA and the similar Generalized System of Preferences are premised on the idea of Special and Differential Treatment for developing countries. In written comments to the [Senate Finance Committee](https://www.finance.senate.gov/imo/media/doc/USTR%20Lighthizer%20Senate%20Finance%20QFRs%206-17-2020.pdf), USTR says those programs have failed to achieve the “transformative” effects that would follow from an FTA with the United States. Mexican farm organizations have a lot to say about the devastating impacts of those transformations, which drove more than two million farmers off their lands, led to stagnant poverty rates and job creation nationally, and fueled an [obesity and public health crisis](https://www.iatp.org/documents/exporting-obesity).

5. Food insecurity in Kenya

Link: To join FTA, Kenya would have to give up agricultural safeguards and allow US exports to drive their farmers out of business

Karen Hansen-Kuhn 2020 (Program Director at Institute for Agriculture & Trade Policy; Bachelor of Science in International Business from Univ of Colorado and master's degree in International Development from The American University) 16 Sept 2020 (accessed 11 Sep 2022) "Taking the wrong road on the US-Kenya trade talks" (accessed 11 Sept 2020) <https://www.iatp.org/blog/202009/taking-wrong-road-us-kenya-trade-talks> (brackets added)

Apart from the dubious premise that five years from now Congress won’t renew a program that it has routinely extended in the past, a free trade agreement would require the Kenyan government to make new and permanent concessions in order to keep the tariff benefits they already have. Following on the [USMCA [US/Mexico/Canada agreement] template](https://www.iatp.org/documents/new-nafta-puts-brakes-farm-policy-reforms), this agreement would prohibit agricultural safeguards against surges of low prices or high volumes and exemptions on products like basic grains — ideas that are key to food security and protecting rural livelihoods. Earlier this year, Kenya agreed to [lower trade barriers on U.S. exports of wheat](https://www.capitalfm.co.ke/business/2020/02/competition-on-wheat-supply-heats-up-after-kenya-allows-america-to-start-exporting-wheat/), potentially threatening small scale farmers in that country as well in neighboring African countries, which have been the source of 80% of Kenyan wheat imports in the past. [As IATP has documented](https://www.iatp.org/documents/counting-costs-agricultural-dumping) for more than 20 years, U.S. agribusinesses drive exports of grains at prices below the cost of production (dumping). Over the past five years, our calculations show that wheat has been exported at an average of 29% below the cost of production, creating unfair competition for local and regional producers. For now, if the current arrangement hurts local farmers or undermines regional markets, the Kenyan government could change course and reimpose the tariffs, something that would become nearly impossible under a permanent free trade agreement.

Link: "NOT" doing free trade in agriculture is key to preventing threats to food security and import dependence

Uwe Hoering 2013. (freelance journalist and publicist specializing in international financial institutions, agricultural investment and development in Africa, and China's role in South and Southeast Asia. He is a member of the board of the Asia House Foundation in Cologne, Germany) FDCL Policy Paper - Alternatives to Food Import Dependency, May 2013 https://www.fdcl.org/wp-content/uploads/2013/07/Alternatives-to-Food-Import-Dependency\_web2.pdf (accessed 11 Sept 2022)

There is an urgent need to rethink dependency on food imports, because it threatens food security and the development of sustainable domestic food production systems. This paper dealt mainly with two aspects of how to achieve this. One is the improvement of food self-sufficiency by increasing domestic production. It is being argued, that this should mainly focus on the available potentials of small-scale family farmers, because this can not only increase food supply, but also generate employment, rural development and environmental protection. The second issue relates to necessary changes in the international trade regime, allowing for more protection to give space for the development of domestic food production by family farms. Instead of further trade liberalisation in agricultural products, countries should be in a position to prioritize food production over trade interests.

Impact: Hunger & malnutrition. Food import dependency increases hunger and malnutrition

Uwe Hoering 2013. (freelance journalist and publicist specializing in international financial institutions, agricultural investment and development in Africa, and China's role in South and Southeast Asia. He is a member of the board of the Asia House Foundation in Cologne, Germany) FDCL Policy Paper - Alternatives to Food Import Dependency, May 2013 https://www.fdcl.org/wp-content/uploads/2013/07/Alternatives-to-Food-Import-Dependency\_web2.pdf (accessed 11 Sept 2022)

To summarize: Especially for poor countries, import dependency creates a string of problems they cannot cope with: Firstly, it makes food security dependent on world markets, which are highly volatile, monopolised, with changes that can hardly be anticipated like speculation, weather or other reasons for shortages and rising prices. Therefore, no long-term food security strategy is possible any more. Secondly, they are not in a position to pay for ever increasing prices. Thirdly, internally, imports have impacts on agricultural production and farmers, who cannot compete. And net food-purchasing households, many of them in the rural areas, cannot buy enough food, thus hunger and malnutrition increase.