

REPUBLIC OF KENYA

PARLIAMENT
OF KENYA
LIBRARY



PAPERS LAID No	77
Speaker N. A.	Clerk assts
Deputy Speaker	C. H. Editor
Clerk N. A.	Reporters
Deputy Clerk	Library
P. C. A.	Press

1st DEC 2004

KENYA NATIONAL ASSEMBLY

REPORT OF THE
IPU, KENYA DELEGATION ON THE 111TH ASSEMBLY
OF THE INTER-PARLIAMENTARY UNION HELD IN
GENEVA, SWITZERLAND BETWEEN 25TH SEPTEMBER
AND 1ST OCTOBER 2004

PARLIAMENT BUILDINGS
CLERKS CHAMBERS
NAIROBI

NOVEMBER, 2004

KENYA NATIONAL ASSEMBLY LIBRARY

Accession: 10011604

Call No: 328.060 IPU



TABLE OF CONTENTS

1. FOREWORD-----	1
2. INTRODUCTION-----	3
3. OBJECTIVES OF IPU-----	4
4. EXECUTIVE COMMITTEE REPORT-----	5
5. 114 TH IPU STEERING COMMITTEE REPORT-----	7
6. CONFERENCE TOPICS-----	9
7. STANDING COMMITTEE I-----	9
8. STANDING COMMITTEE II-----	13
9. STANDING COMMITTEE III-----	18
10. RECOMMENDATIONS-----	22
11. IPU CALENDAR OF EVENTS-----	23

FOREWORD.

This report is a summary of the proceedings and resolutions of the 111th Assembly of the Inter-Parliamentary Union held in Geneva, Switzerland between 25th September and 1st October 2004.

Mr. Speaker Sir,

In accordance with article 11(1) of the Statutes and Rules of the Inter-Parliamentary Union, you on behalf of the Executive Committee of the Kenya National Assembly Group nominated the following members to represent our parliament during the 111th IPU Assembly held in Geneva, Switzerland between 25th September and 1st October 2004.

As is our tradition, these members were drawn from various political parties represented in the Kenya National Assembly and out of those nominated, two were women parliamentarians. The delegation comprised the following members-;

1. The Hon. Francis Ole Kaparo, MP. Speaker of the National Assembly and member of the IPU Executive Committee
2. The Hon. Andrew Ligale, MP. Assistant Minister for Transport
3. The Hon. Beth Mugo, MP. Assistant Minister for Education Science and Technology
4. The Hon. (Prof) Ruth Oniang'o, MP.
5. The Hon. (Dr) Hezron Manduku, MP.
6. The Hon. Kembi- Gitura, MP.
7. Mr. James Mwangi - Principal Clerk Assistant
8. Mrs. Nancy Mukunya – Personal Assistant to the Speaker
9. Anita Thurania – Senior Clerk Assistant and Secretary to the delegation.

10. Boniface Lenairoshi – Clerk Assistant.

11. Kathleen Rubia – Research Officer

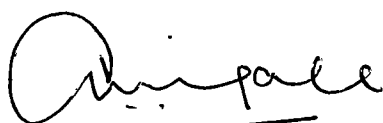
On behalf of my delegation, I wish to thank you sir, for according us the opportunity to represent the August House at this important meeting.

Mr. Speaker Sir, my delegation is particularly grateful to you for entrusting it with the responsibility of steering the preparations for the 114th IPU conference scheduled to take place in Nairobi in the year 2006. I assure you that arrangements are on course and my team, in collaboration with other arms of government is working tirelessly towards this end.

Allow me Mr. Speaker, on behalf of the members of my delegation to submit the report of the 111th IPU session and related meetings together with the adopted resolutions in accordance with the provision of Article 8 of the IPU Statutes which states:

‘It is the duty of a national group to submit the resolutions of the Union to its respective Parliament, in the most appropriate form, to communicate them to the government, to stimulate their implementation and to inform the Secretariat of the Union as often and fully as possible, particularly in its annual reports as to the steps taken and the results obtained’

Thank you Mr. Speaker Sir,



Hon. Andrew Ligale, MP.

LEADER OF THE KENYAN DELEGATION

INTRODUCTION

The Inter-Parliamentary Union is the sole international organization that represents the legislative branch of government on a global scale. The IPU membership currently stands at 144 national parliaments and its main mission is to strive for peace and co-operation among peoples and for the firm establishment of representative institutions.

The 111th Assembly of the Inter-Parliamentary Union and its related meetings took place in Geneva, Switzerland between 25th September and 1st October 2004. It was hosted by the Inter-Parliamentary union.

The Assembly, which was the second this year, was officially opened on 28th September 2004. The inaugural addresses were delivered by Mr. Sergio Paez Verdugo, the Inter-Parliamentary Union Council President and Mr. Anders Johnson, the Secretary General, among others.

The conference was attended by over nine hundred delegates, Associate Members, Observers, representatives of various organs of the United Nations including UNICEF, UNHCR, ILO, UNESCO, WHO, WTO, the World Bank, International Committee of the Red Cross and Red Crescent, the European Parliament, the African Parliamentary Union, and AWEPA , among others.

Participants

The 112 National Parliamentary groups represented in the Geneva Assembly were -;

Algeria, Andora, Angola, Argentina, Armenia, Austria, Azerbaijan, Bangladesh, Bahrain, Belarus, Belgium, Benin, Bolivia, Bosnia, and Herzegovina, Bulgaria, Burkina Faso, Burundi, Canada, Chile, China, Congo, Cote D'Ivoire, Cyprus, Cuba, Czech Republic, Democratic Republic of Congo, Denmark, Ecuador, El Salvador, Estonia, Ethiopia, Egypt, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guinea, Hungary, Iceland, India, Indonesia,

Iran, Ireland, Israel, Italy, Japan, Jordan Kazakhstan, Kenya, Kuwait, Latvia, Lebanon, Libyan Arab Jamahiriya, Liberia, Lithuania, Liechtenstein, Malaysia, Mauritania, Mauritius, Mali, Malta, Mexico, Monaco, Mongolia, Morocco, Namibia, Nepal, Nigeria, Netherlands, New Zealand, Nicaragua, Niger, Norway, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, San Marino, Saudi Arabia, Sao Tome and Principe, Senegal, Serbia and Montenegro, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The Former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, United Kingdom, Ukraine, United Arab Emirates, Uruguay, Uzbekistan, Venezuela, Vietnam, Yugoslavia, and Zimbabwe.

OBJECTIVES OF THE INTER-PARLIAMENTARY UNION

The IPU calendar revolves around the biannual assemblies, which bring together hundreds of members of parliament to discuss the most salient issues on the international agenda.

The main objective of the Union is to promote the globalization of democracy and assist parliamentarians to exercise their shared responsibility as global custodians of democracy and human rights. This forum enables parliamentarians to get better grasp of international issues, establish personal contacts and strengthen mutual trust through dialogue and exchange of ideas.

The IPU Assembly has over the years served to provide the backdrop for parliamentary diplomacy and on numerous occasions, when relations between the executive branches of government have reached a stalemate, parliamentarians have managed to negotiate a way out of the impasse.

As part of IPU's work to invigorate and defend representative institutions, its Committee on the Human Rights of Parliamentarians

takes up cases of breaches of individual member's rights. These cover the entire range of abuses from unlawful revocation of parliamentary privileges to outright murder.

Convinced that members of parliament should represent the entire electorate, the IPU is also deeply committed to improving the way women are represented in parliament and to this end, it runs a dynamic programme of seminars and activities designed to advance the interests of women parliamentarians throughout the world.

THE EXECUTIVE COMMITTEE REPORT

The IPU Executive Committee meetings which were held on Saturday 25th, Sunday 26th and Monday 27th September 2004 and attended by the Speaker, Hon. Francis Ole Kaparo addressed various issues some of which are summarized here below.

(a) Commitment of Members

Most members of the Executive Committee expressed the need for commitment of participants at IPU meetings. It was suggested that whenever possible delegates conversant with the work and issues of IPU should be nominated by their respective parliaments.

It was also imperative that delegates be assigned specific tasks and committees to enhance specialization.

(b) Venue of the 2nd World Conference of Speakers

It was reported that the Committee had accepted the invitation of Mr. Radi , President of the Chamber of Representatives of Morocco to host the 2nd World Conference of Speakers of Parliaments in Morocco from 7th - 9th September, 2005. This acceptance was subject to confirmation by the IPU Governing Council. The decision had been reached after it transpired that most members might have difficulties obtaining visas to New York, the earlier proposed venue. However, when the UN Secretary General was informed, he gave the

assurance that there would be no problem in obtaining visas for all those expected in New York. The decision to hold the conference in Morocco was therefore rescinded.

(c) Co-operation with the United Nations

Since it became an observer to the United Nations in 2001, the Inter-Parliamentary Union has sought to enrich the work of the United Nations by organizing debates on issues that feature prominently on its agenda. These debates serve the triple purpose of channeling parliament's views to the United Nations, allowing Members of Parliament to become better acquainted with the topics in question and producing recommendations for follow-up action by parliaments and other bodies.

It was observed however, that since IPU does not have the resources to take on the full range of issues on the United Nations agenda it should set priorities and determine which issues are sufficiently important and relevant to the work of parliaments to warrant its attention. These subjects must then be transformed into different types of activities that are reflected in the IPU annual work programme and budget.

It was further agreed that the Standing Committees be encouraged to take into account priority items on the United Nations agenda when selecting subjects for discussion at future meetings. In this regard, the Secretary-General would undertake further consultations with the United Nations and submit a report to the Executive Committee at its 244th Session in Manila.

(d) Inter-Parliamentary Foundation for Democracy

During its 174th Session held in Mexico in April 2004, the Governing Council was presented with a report from the Secretary General on the progress made in the establishment of the Inter-Parliamentary Foundation for Democracy. Pursuant to the decision taken by the

Council at its 173rd Session, the President of the Inter-Parliamentary Union had appointed the members of the Board of the Foundation.

The purpose of the foundation was cited as follows: -

- (a) To fund and support activities that will assist parliaments in establishing legal and regulatory frameworks conducive to economic and social development.
- (b) To fund and support activities that will enhance the role of Parliaments in promoting democratic principles and good Governance
- (c) To fund and support activities that encourage parliaments to help create and maintain a legal, social and economic environment that will enhance investor confidence through:-
 - (i) *Fighting bribery and corruption*
 - (ii) *Enabling measures to protect investors and*
 - (iii) *Improving integrity, transparency and accountability in government.*
- (d) To promote the rule of law with special attention to the defence and protection of human rights and the advancement of the role of women in society.
- (e) To solicit and receive requests, trust funds and property and to hold, invest administer and distribute funds and property for the objectives set out above and in the rules and by-laws of the board.

MEETING BETWEEN THE IPU SECRETARIAT AND THE KENYAN DELEGATION

The Kenyan Delegation headed by the Speaker, Hon. Francis Ole Kaparo, M.P. had occasion to meet the Secretariat of the Inter-Parliamentary Union on Monday, 27th September 2004. The purpose

of the meeting was to deliberate on the preparations made by the Steering Committee appointed by the Speaker to spear-head the arrangements for the 114th conference in Nairobi in the year 2006.

The IPU Secretariat was represented by Mr. Anders Johnsson, Secretary General and Mr. Marcelo Bustos, Officer in charge of relations with Member Parliaments.

In his introductory remarks, the Speaker stated that Kenya was greatly honoured to be considered as a host to the 2006 IPU Conference. He said that parliament was ready and preparations to this end are at an advanced stage. He called upon the leader of the delegation, Hon. Ligale, to brief the IPU secretariat on the progress so far made in readiness for the conference.

Hon. Ligale gave a brief on the preparations made and presented a report of the Inter-Ministerial Steering Committee which detailed the areas covered such as security, hotel accommodation, protocol, conference facilities and publicity, among others.

Conference Dates

During the meeting, the Kenyan delegation proposed that in view of the fact that April is usually a rainy month, it would be preferable if the conference is scheduled for the end of May, 2006. The Secretary General agreed to raise the matter during the Governing Council session and a decision would be communicated to this branch in due course.

Agreement and conditions for hosting the conference

The IPU secretariat pointed out that the "Standard Agreement" used for the Conference stipulates the conditions which a host country (branch) must fulfill. In this regard, the delegation was requested to compile a report based on the conditions set in the Agreement and submit the it to the IPU Secretariat for consideration.

Conference Topics

There were three major items for discussion namely-;

- ◇ *The role of parliaments in strengthening multilateral regimes for non-proliferation of weapons and for disarmament, in the light of new security challenges*
- ◇ *The role of parliaments in preserving biodiversity.*

- ◇ *Beijing + 10 ; An evaluation from a Parliamentary perspective*
- ◇ *Emergency item;- The alarming situation in Iraq and the need for Parliamentary action to contribute to restoring peace and security in that country*

BRIEF SUMMARY OF THE PROCEEDINGS

STANDING COMMITTEE I

Hon. (Dr) Hezron Manduku, M.P.

The role of Parliaments in strengthening multilateral regimes for non-proliferation of weapons and for disarmament in the light of new security challenges.

In the recent past, the world has come to a rude reawakening on how helpless and ill prepared it is in the face of organized international terrorism. The risk that terrorists will acquire chemical, biological, radiological or nuclear materials adds a new dimension to this threat. Military spending is on the rise and the world is becoming an increasingly dangerous place both for this and the future generation.

Parliamentarians noted with concern that in a world, half of which is bedeviled by famine, disease and natural calamities, armament programmes whose cost is growing dramatically overtime are one of the most notorious and irresponsible misapplications of the world's scarce resources. Technological progress of many countries and the urge to maintain advanced military capabilities have pushed up the cost of modern weapons, making them rise faster than inflation.

Consequently, countries that maintain a significant military budget end up not only sacrificing financial allocations meant for crucial sectors such as health, education, housing and social welfare but also diverting the national workforce and skills into unproductive areas of economic activity.

Closely related to this is the realization that not all nations have sufficient democratic safeguards to prevent the emergence of public and private profiteering regimes both within the ranks of weapon suppliers and government. Very often, diversion of military equipment funding has been used to sustain the world's most notorious dictators.

In view of the above, it was noted that mature parliamentary processes are an invaluable safeguard of the interests of taxpayers. Parliament can hold government ministers and officers to account for their procurement decisions and armament programmes through debates, parliamentary questions and committee deliberations.

Because security is central to people's well being, Parliamentary oversight of the armed forces is a necessity. Parliamentarians were in agreement that if they cannot prevent war, they can at least work to promote peace and help rebuild democratic institutions in conflict torn countries.

In his presentation, Hon. (Dr) Hezron Manduku who represented the Kenya delegation in this Committee pointed out that Kenya was attacked by terrorists in 1998 and over two hundred lives were lost while many others were maimed. The scars of this barbaric attack still linger on. He emphasized the need for disarmament and assured the delegates of Kenya's support on the matter.

He further informed the session that a conference on small arms will be held in Nairobi from 29th November to 3rd December 2004. He invited all delegates present to attend as a sign of solidarity that the

world is determined to seek for ways and means of riding itself of this menace.

He reiterated that parliaments must, more than ever before be sensitive to the risks to international stability and security posed by the uncontrolled buildup of armaments, especially of weapons of mass destruction, missiles and conventional weapons. Hon. Manduku urged delegates to support the amendments to the resolutions submitted by the Kenya branch.

Parliamentary action at the National Level

Parliamentarians must evolve political, legal, educational, humanitarian and economic instruments to facilitate arms control and disarmament. Possible avenues for further action by parliamentarians include-;

- (a) *Mobilizing public opinion by clarifying to their respective governments and to their electorate the negative consequences especially in the long run, of stockpiling arms and of recourse to war.*
- (b) *Monitoring and holding government to account*
- (c) *Ratifying treaties and other international instruments*
- (d) *Activating world public opinion to condemn and prevent the manufacture, stockpiling and marketing of all weapons.*
- (e) *Generating a climate of world peace, shared responsibility and intervention in bringing about justice and prosperity on a global basis.*
- (f) *Enhancing the increasingly important role of women in governments and Parliaments giving them a real opportunity to act against armed violence and weapons build up globally.*

- (g) *Bringing pressure to bear on governments to involve women more actively in preventive diplomacy, conflict resolution, peace making, post conflict peace restoration & national reconstruction.*

Parliamentarians noted that sadly, the international community has made little progress in the field of disarmament. People are still being killed everyday with arms, whether in wars, or in crimes in peaceful towns and cities of the world. Treaties in themselves have not been sufficient to relieve humanity of its grave mistake of developing lethal weapons, using and updating them. Resolutions have also made little impact.

Parliaments must therefore exert themselves to energize their governments towards mutual balanced arms reduction and take the lead in encouraging their populations to support the arms control measures outlined above.

See Appendix I for resolutions (overleaf)

APPENDIX 1.

COMMITTEE 1

RESOLUTIONS.

THE ROLE OF PARLIAMENTS IN STRENGTHENING MULTILATERAL REGIMES FOR NON-PROLIFERATION OF WEAPONS AND FOR DISARMAMENT, IN THE LIGHT OF NEW SECURITY CHALLENGES

Resolution adopted by consensus by the 111th IPU Assembly
(Geneva, 1 October 2004)*

The 111th Assembly of the Inter-Parliamentary Union,

Recognising the risks to international peace, stability and security posed by the uncontrolled build-up and proliferation of armaments, and especially weapons of mass destruction and their means of delivery,

Deeply moved by the suffering and destruction inflicted upon humankind by the fatal impact of arms, wars and terrorist activities,

Profoundly apprehensive of the effects of the ongoing stockpiling of arms on the world economy, on the global environment, and on sustainable development in the world,

Calling on all States to strengthen regional efforts in the field of confidence-building measures for the purpose of promoting a climate of security and stability, peaceful relations and good-neighbourliness,

Mindful of the United Nations Charter, and especially Articles 2 and 26 thereof,

Conscious of the Universal Declaration of Human Rights and all other covenants, treaties and instruments related to human rights and respect for human dignity,

Recognising the primary and essential role of the United Nations General Assembly and the Economic and Social Council in promoting the advancement of women and gender equality, and also *recalling* United Nations Security Council resolution 1325 (2000) on women, peace and security,

Reiterating the importance of resolutions adopted by the IPU since 1994 on peace, security and disarmament, in particular at the 91st, 93rd, 94th, 96th, 98th, 101st, 102nd, and 108th Conferences, at the 109th Assembly and at the Special Session of the IPU Council, held in 1995,

Concerned that the proliferation of weapons of mass destruction remains a real threat, particularly when such weapons fall into the hands of States that act in contravention of international law and their treaty obligations, unaccountable non-state actors and terrorists, and in this connection *welcoming* United Nations Security Council resolution 1373 (2001) on threats to international peace and security caused by terrorist acts and Security Council resolution 1540 (2004) on non-proliferation of weapons of mass destruction,

Mindful of the importance of preventing the fight against terrorism from jeopardising the positive results achieved in the fields of disarmament obligations and confidence-building measures,

Alarmed at the widespread availability of vast quantities of weapons, from small arms of all types to mortars and landmines, all of which represent a threat to human security, as well as man-portable air-defence systems (MANPADS), which pose a growing threat to civil aviation, *confirming* the importance of properly

* The delegation of Israel said that it did not wish to oppose the adoption of the resolution, but wished to put on record its serious reservations in respect of several sections and paragraphs of the text. The delegation of India emphasised that its support for the resolution did not prejudice its position in respect of conventions, treaties or regimes to which it was not a party.

controlling small arms, and *pointing out* the need to crack down on illegal transactions in small arms by international organised crime groups and terrorist organisations, and on the criminal activities that fund such groups and organisations,

Underscoring the importance of the United Nations Register of Conventional Arms in enhancing openness and transparency in the field of armaments, and *supporting* the further strengthening of its operation and scope,

Expressing appreciation of the benefits of the arms control agreements already concluded, such as the Strategic Arms Reduction Treaty (START), the Treaty on Strategic Offensive Reductions (SORT) and the Treaty on Conventional Armed Forces in Europe (CFE Treaty), the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Chemical Weapons Convention (CWC) and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (BTWC), and *hoping* that they may be the precursors of further mutual arms reduction and disarmament agreements,

Recalling the importance of, and the need to respect, international law in times of armed conflict,

Recognising the progress made under the NPT and the resulting safeguards agreements, and *inviting* the nuclear powers and the other States Parties to the Treaty to give effect to the commitments they took during the NPT review and extension conferences held by the United Nations in 1995 and 2000, as well as to the recommendations thereof,

Recognising in particular the key role of multilateral non-discriminatory disarmament treaties such as the CWC and the BTWC, and *emphasising* the ongoing need to support and strengthen the NPT, while *expressing concern* that one State has decided to withdraw from this Treaty,

Convinced that the Comprehensive Nuclear-Test-Ban Treaty (CTBT) plays a central role in international nuclear disarmament and the maintenance of the non-proliferation framework based on the NPT, and that the enforcement of the CTBT is an effective and concrete way of achieving the elimination of nuclear weapons,

Anticipating the early conclusion of the Fissile Material Cut-off Treaty (FMCT) to freeze the nuclear weapon production capabilities of nuclear-weapon States and those States that are not party to the NPT,

Mindful of the mutual confidence engendered by regional nuclear-weapon-free zones such as those in the South Pacific, Africa, South-East Asia and Latin America,

Valuing the agreements concluded for the demilitarisation of Antarctica and the seabed as a way of protecting sensitive areas of the planet's ecosystem,

Determined to play a positive role in preventing access to weaponry by terrorist organisations, terrorists, international criminals and governments with offensive ambitions,

Conscious that the achievements in the field of non-proliferation, arms control and disarmament should not be taken for granted,

Concerned that the full implementation of certain arms reduction, disarmament and non-proliferation agreements is subject to delay and disputed interpretations, which diminish their effectiveness,

Convinced that a multilateral approach to disarmament and non-proliferation is the best way forward, as it secures lasting confidence and greater regional and international stability,

Believing that multilaterally negotiated, non-discriminatory, verifiable regimes to limit the transfer of key technologies in the field of chemical, biological and nuclear weapons and missile-related fields contribute to preventing the proliferation of weapons of mass destruction and their means of delivery,

Committed to the responsible control of trade in goods, equipment and technology, including dual-use materials, that could be used for the production of weapons of mass destruction and their means of delivery, and *recognising* the rights and responsibilities of States in their use of nuclear energy, chemical and biological agents and toxins for peaceful purposes,

Pledging to bring about fuller parliamentary involvement in the disarmament process, particularly in respect of nuclear, chemical and biological weapons of mass destruction, by bringing pressure to bear on governments and by ensuring detailed scrutiny of military budgets and procurement programmes,

Eager to help international parliamentary bodies, in particular the Inter-Parliamentary Union (IPU), to work actively for the promotion of the arms control, disarmament and non-proliferation process,

Insistent that governments share all relevant information more fully with parliamentarians on a basis of mutual trust,

1. *Calls on* all parliaments to provide strong and effective support to all resolutions and recommendations on peace, disarmament and security previously adopted at IPU Conferences and Assemblies;
2. *Urges* national parliaments to press their governments to sign, accede to and ratify, as appropriate, all conventions, treaties and other international instruments aimed at ensuring non-proliferation, arms control, disarmament and greater international security, and to implement them fully;
3. *Calls on* governments, national parliaments and the international community to address the root causes which create an environment that might lead people to resort to violence at the individual, national and international levels;
4. *Calls for* the convocation, under the auspices of the United Nations, of an international conference on combating terrorism, with a view inter alia to establishing a clear-cut definition of this serious problem;
5. *Invites* all countries to build on the existing achievements in disarmament, arms control and non-proliferation, so as to ensure that they are sustained processes in the future;
6. *Calls on* the United Nations to work more closely with the IPU in reducing tensions, resolving conflicts and fighting terrorism;
7. *Urges* parliaments also to focus on particular areas of international tension;
8. *Further urges* the bold identification of the most dangerous threats to international order and stability, such as the Arab-Israeli conflict and the conflicts in Iraq and Afghanistan, the situation in the Darfur region and the Great Lakes region of Africa, and other trouble spots that could pose a serious threat and that require urgent political action to prevent conflict;
9. *Calls for* more actively sustained efforts for post-war reconstruction to be undertaken by the United Nations, so as to prevent new outbreaks of armed conflict, terrorism and lawlessness, with a continuous focus on the establishment of good governance and the rule of law;
10. *Calls on* all governments and multilateral organisations to support efforts to achieve the immediate cessation of all forms of occupation, as well as to recognise formally the responsibility of all occupying forces to remedy all ills caused by occupation and to act according to international law;

11. *Encourages* the Secretariats of the IPU and the United Nations to enhance the exchange of information, cooperation and coordination between the two institutions and among their Members;
12. *Calls on* all countries to refrain from the unilateral use of force in the absence of a relevant United Nations Security Council resolution;
13. *Calls on* parliaments to monitor closely the national implementation of all arms control, non-proliferation and disarmament treaties and United Nations resolutions, to engage in an exchange of information on best practices for such monitoring and to report back to the IPU Assembly on progress made;
14. *Further calls* for broader participation by States in the United Nations Register of Conventional Arms;
15. *Recommends* that parliaments closely monitor the compatibility of the decisions of their respective executive branches on strategic doctrines, the build-up of armed forces and weapons research and development or production, with the United Nations Charter, generally accepted norms and principles of international law and valid international agreements;
16. *Encourages* parliaments to adopt appropriate national legislation to control the export of armaments of all types, more particularly focusing on items relating to weapons of mass destruction, such as components and precursors;
17. *Urges* the parliaments and governments of States which have not signed or ratified the CTBT to take all necessary measures to achieve its speedy entry into force;
18. *Insists* on the need to strengthen further the BTWC, in particular to establish a legally binding mechanism for its verification;
19. *Calls on* European parliaments and Governments to ratify without delay the Adaptation Agreement relating to the CFE Treaty, taking into account its paramount importance for maintaining a high level of security and stability in Europe;
20. *Urges* the further development of nuclear-weapon-free zones, and particularly the full implementation of United Nations Security Council resolution 687 (1991), through which the Middle East should be declared a zone free of weapons of mass destruction and their means of delivery;
21. *Calls for* accession by all States to the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and their Destruction, as well as to amended Protocol II to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to Have Indiscriminate Effects;
22. *Calls on* States Parties to the Ottawa Convention to participate at a high level in the First Review Conference, to be held in November-December 2004 in Nairobi, and to prepare and present at that Conference national plans for mine-clearance and victim assistance activities for the coming years;
23. *Calls also* for accession by States to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, with a view to enabling its entry into force;

24. *Calls on governments to increase support for the International Atomic Energy Agency (IAEA) and to negotiate and bring into force required comprehensive safeguard agreements, as well as additional protocols and enhanced nuclear safety arrangements;*
25. *Encourages the United Nations Security Council and the IAEA to establish thorough monitoring regimes in all States suspected of having clandestine programmes aimed at acquiring weapons of mass destruction, especially nuclear weapons;*
26. *Further calls on all countries to intensify efforts for the implementation of Security Council Resolution 1540 (2004) and of United Nations General Assembly resolution 58/48 (2003), to prevent the spread of weapons of mass destruction and their means of delivery, and to consolidate policies aimed at preventing the transfer, especially to terrorists, of equipment, materials and technology which may be used for the proliferation of such weapons;*
27. *Urges parliaments to enact legislation holding governments responsible when they allow arms to be leaked to terrorists and organised crime groups, and prohibiting such leaks;*
28. *Urges all countries that have signed the Open Skies Treaty to ensure that it is fully applied so as to safeguard against surprise attacks and build mutual confidence;*
29. *Calls on parliaments to ensure the full implementation at all times of the Antarctic Treaty, the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof (the Seabed Treaty) and the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies;*
30. *Calls on governments to pursue multilateral negotiations to conclude a convention complementing the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, by prohibiting the deployment of weapons in space;*
31. *Requests the United Nations, in its efforts to implement its Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects, to cooperate closely with the IPU, in particular in view of the July 2005 Biennial Meeting to review implementation of the Programme of Action;*
32. *Encourages all regional bodies to campaign actively for the reduction and control of trade in small arms;*
33. *Asserts the vital role of women and women's organisations in achieving the peaceful resolution of conflicts and in establishing peaceful, harmonious, non-aggressive societies and families, based on humanitarian values;*
34. *Encourages alternative perspectives of conflict prevention at the grass-roots and community levels, and calls for States to build on them throughout society, making funding available for women's organisations and non-governmental organisations, and establishing an international humanitarian fund;*
35. *Recommends that the United Nations, especially the Department for Disarmament Affairs, further strengthen cooperation with the IPU, in particular in implementing its Gender Mainstreaming Action Plan, which is aimed at strengthening, consolidating, informing and guiding future disarmament work;*
36. *Also recommends that the IPU, through the members of its affiliated parliaments, actively support the implementation of all relevant United Nations General Assembly and Economic and Social Council resolutions on the promotion of the advancement of women and gender equality,*

as well as Security Council resolution 1325 (2000) on women, peace and security, taking into account the recommendations pertaining to women and war that are contained in the Beijing Platform for Action of 1995;

37. *Calls on* parliaments to ensure that, whenever applicable, legislation is compatible with the Statute of the International Criminal Court, in particular that it includes provisions sanctioning crimes committed against women;
38. *Urges* greater access of women to media and communications facilities, so that their message against conflict can be widely disseminated;
39. *Recommends* the development of multicultural and transnational – global and regional – initiatives to allow women to play a full part in the prevention and resolution of conflicts, with the active participation of the IPU in this crucial role.

STANDING COMMITTEE II

Hon. (Prof.) Ruth Oniang'o M.P.

Hon. Kembi Gitura. M.P.

The Role of Parliaments in Preserving Biodiversity

The concept of biodiversity is a contraction of "biological diversity" that represents the way life is organized and interacts on the planet. This combination of life forms and interaction with each other and with the environment has made earth a uniquely habitable place and provides a large number of goods and services that sustain our lives. Today, 24% of mammals and 12% of bird species are in danger of becoming extinct. The same is true for between 0.5 and 16 percent of plant species.

Parliamentarians voiced their concern that this state of affairs should be allowed to persist and emphasized that it is no longer acceptable for biodiversity protection to be limited to a series of disjointed activities undertaken on a stopgap basis. Given the stakes involved, it is important to plan measures aimed at protecting biodiversity within the context of a global framework.

The goal of significantly reducing biodiversity loss by the year 2010, set at the World Summit on Sustainable Development in Johannesburg in the year (2002) is a good example of what can be achieved in this context. Yet, this critical task cannot be accomplished without the involvement of the world's parliaments as they are the sole stakeholders mandated to make laws and approve budgets.

At the political level, governments must do their utmost to sensitize all sectors of society about the paramount importance of preserving biodiversity as a source of life. Parliamentarians were concerned that a report in the *Global Environment Outlook 2000* indicates that many of the plant species have already been lost or condemned to extinction because of the slow response times of both the environmentalists and

policy makers. In effect, it may be too late to preserve all the biodiversity our planet once had.

In their presentation, members of the Kenya delegation in this committee noted that biodiversity is at the heart of Kenya's sustainable development agenda. It is estimated that Kenya is home to over 6000 codified plant species, 10% of which are found in gazetted national parks, forests and reserves. Much of the biological resource in Kenya is used for agriculture, pharmaceuticals, construction, clothing and ornamental products.

They noted that biodiversity presents major trade and tourism opportunities for Kenya particularly given that tourism constitutes a major foreign exchange earner for the country. Many tourists come for the internationally publicized safaris to see wildlife, flora and fauna in form of insects, birds and different types of plant species.

In East Africa, lake Victoria, the largest fresh water lake in the world and which supports Africa's most important inland fishery is currently under great threat from water hyacinth which has virtually taken over the lake. The introduction of the Nile perch, which has destroyed more than 200 smaller species of fish, intensified fishing and increased human population and pollution has greatly interfered with the lake's biodiversity.

They further pointed out that there are major challenges including patenting of various forms of innovations that the Kenya government is working on, in collaboration with the civil society.

International Action

Parliamentarians noted that a number of steps had been taken prior to the adoption of the United Nations convention on biological diversity. These include:

- ◇ The convention on wetlands of international importance especially as a waterfowl Habitat

(The Ramsar Convention on Wetlands, 1971)

- ◇ Declaration of the United Nations conference on the Human Environment, 1972.
- ◇ Convention concerning the protection of the world cultural and National Heritage, 1972.
- ◇ United Nations Convention on the Law of the Sea, 1982.
- ◇ Report of the World Commission on the Environment and Development, Our Common Future, 1987.

The common denominator in all these works was the idea that natural resources were finite but that they must be put to maximum use, and can even be scientifically and technologically transformed for the benefit of humanity while at the same time preserving them for future generations.

This understanding culminated in the Earth Summit in Rio de Janeiro, Brazil, which adopted the Convention on Biological Diversity in 1992.

By adopting the Convention, the international community finally ensured that it had at its disposal a legally binding instrument and since it came into force in 1993, the convention has been signed by almost 170 of the governments of the world.

The key objectives of the Convention are; conservation of biological diversity, sustainable use of components of biological diversity and fair and equitable sharing of the benefits arising out of the use of genetic resources. All contracting states are expected to implement these objectives.

Parliamentary Action

As directly elected representatives of the people, parliamentarians are a link to international public opinion. Without this link, recognition, understanding and support, international efforts are bound to become difficult. By expressing the views and concerns of their constituents at the international arena, parliamentarians provide a direct channel with which to increase the legitimacy, responsiveness and effectiveness of international cooperation.

Advocacy and information are also methods parliamentarians can use to articulate their views on issues of biodiversity by-;

- a) Organizing information campaigns to garner support of decision-makers and the general public for local projects*
- b) Promoting official recognition of protected areas that contribute to biodiversity*
- c) Advocating for projects aimed at the conservation and sustainable use of biological diversity including at the grassroots level*
- d) Lobbying for community biodiversity conservation programmes at the local, national and international levels*
- e) Advocating for national initiatives for the dissemination of knowledge on the benefits of biological diversity in society*
- f) Advocating for the participation of civil society in international policy to increase awareness on the part of the public and decision makers on the importance of biodiversity*
- g) Encouraging closer examination of the worlds flora and fauna and investigating how many species can be identified and where they exist*

By influencing public policy and legislation, Parliaments should make biodiversity protection a priority as a political objective and urge their governments to take appropriate action.

Apart from legislating to ensure that biologists regularly record the disappearing diversity, parliaments must ensure that legislation

clearly defines the principles of sustainable development and protect both animal and plant diversity.

As custodians of the rights of the rural minorities, parliament should incorporate the notion of biodiversity protection in domestic legislation aimed at supporting and fostering agriculture as well as ensuring that national budgets reflect this importance.

Parliament should also encourage donor support for specific priority projects and urge that revenue generated is ploughed back to develop those resources. It should further follow up on the implementation of national biodiversity strategy and action plans, ratify international agreements and play a keener oversight role through Parliamentary Committees.

See Appendix II for Resolutions (overleaf)

COMMITTEE 2

RESOLUTIONS.

THE ROLE OF PARLIAMENTS IN PRESERVING BIODIVERSITY

*Resolution adopted unanimously by the 111th IPU Assembly
(Geneva, 1 October 2004)*

The 111th Assembly of the Inter-Parliamentary Union,

Recalling the:

- International Plant Protection Convention, 1951;
- Convention on Wetlands of International Importance Especially as Waterfowl Habitat (the Ramsar Convention on Wetlands), 1971;
- Declaration of the United Nations Conference on the Human Environment, 1972;
- Convention concerning the Protection of the World Cultural and Natural Heritage, 1972;
- Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973;
- Convention on the Conservation of Migratory Species of Wild Animals, 1979;
- Establishment of the United Nations Working Group on Indigenous Populations, 1982;
- World Charter for Nature, 1982;
- United Nations Convention on the Law of the Sea, 1982;
- International Undertaking on Plant Genetic Resources, 1983 (superseded by the International Treaty on Plant Genetic Resources, 2001);
- Report of the World Commission on the Environment and Development, *Our Common Future*, 1987;
- Convention on Biological Diversity, 1992;
- Rio Declaration on Environment and Development, 1992;
- Cartagena Protocol on Biosafety to the Convention on Biological Diversity, 2000; and
- Plan of Implementation of the World Summit on Sustainable Development (the Johannesburg Plan of Implementation), 2002,

Also recalling the:

- Council of Europe Convention on the Conservation of European Wildlife and Natural Habitats, 1979;
- United Nations Economic Commission for Europe Convention on Environmental Impact Assessment in a Transboundary Context, 1991, and its Protocol on Strategic Environmental Assessment, 2003; and
- United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, 1998,

Recognising that biodiversity – variability within and among living organisms and the systems they inhabit – is critical to the survival of the planet and the species that inhabit it as humankind has known them,

Convinced that an improved public understanding of the term "biodiversity", as used in the Convention on Biological Diversity, will heighten its practical use in some national and local conservation strategies,

Acknowledging the work of the World Conservation Union (IUCN) aimed at the difficult task of establishing the status of global biodiversity,

Recognising that the conservation of biodiversity is a prerequisite for sustainable development insofar as such efforts are vital for poverty alleviation, food security, the provision of fresh water, biomass energy, soil conservation and human health,

Stressing the importance of protected areas such as biosphere reserves – including transboundary biosphere reserves – in achieving the goals of the Convention on Biological Diversity,

Acknowledging, in this respect, the role of the United Nations Educational, Scientific and Cultural Organization's Man and the Biosphere Programme and the Seville Strategy for Biosphere Reserves in promoting the protection and sustainable use of biodiversity,

Recalling that the current rate of biodiversity loss represents the first significant extinction event caused by human activity in the Earth's history,

Recognising that the Convention on Biological Diversity is the principal international instrument addressing the conservation and sustainable use of biodiversity,

Noting that the Convention on Biological Diversity does not clearly refer to the core causes of biodiversity loss, including inter alia population growth and unsustainable production and consumption patterns,

Also noting that the greatest threats to biodiversity resulting from human activity are habitat loss and deterioration, climate change, invasive alien species, over-exploitation and pollution,

Aware that under the Convention on Biological Diversity, States have sovereign rights over their biological resources,

Underscoring that in a transboundary context the sound management of natural resources and the preservation of biodiversity and ecological balance require consultations and the full cooperation and coordination of efforts between neighbouring States, within the applicable international, regional and bilateral legal frameworks,

Recalling the commitments undertaken at the World Summit on Sustainable Development and the Sixth Conference of the Parties to the Convention on Biological Diversity aimed at reducing significantly the current rate of biodiversity loss by 2010,

Also recalling in particular the programme of work on protected areas adopted during the Seventh Conference of the Parties to the Convention on Biological Diversity,

Further recalling that biodiversity conservation must go beyond in situ conservation efforts in protected areas, and that such efforts are by themselves insufficient to stem the loss of biodiversity,

Noting that the goods and services provided by ecosystems are not taken into account by conventional econometric methods,

Recalling paragraph 44(r) of the Plan of Implementation of the World Summit on Sustainable Development aimed in particular at enhancing synergy and mutual supportiveness between the Convention on Biological Diversity and the policies and international trade agreements of the World Trade Organization,

Considering the Policy Statement adopted on 16 May 2002 at the High-Level Meeting of the Development Assistance Committee of the Organisation for Economic Co-operation and Development, on the need to integrate the Rio Conventions into cooperation activities for development,

Recalling the entry into force of the Cartagena Protocol on Biosafety to the Convention on Biological Diversity,

Reaffirming that the fair and equitable sharing of benefits arising from the use of genetic resources is one of the central objectives of the Convention on Biological Diversity,

Concerned that the commercialisation of biodiversity may perpetuate historically inequitable relationships between the developed and developing countries (including States with tropical forests), and aware that the Conference of the Parties to the Convention on Biological Diversity is the forum which considers these issues and endeavours to find workable and equitable solutions,

Noting that providers of genetic resources and traditional knowledge have limited means with which to prevent their misuse by multinational corporations and that, to address these shortcomings, existing mechanisms must be implemented and further developed, including national legislation, the Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising out of their Utilisation (adopted by the Conference of the Parties to the Convention on Biological Diversity) and the International Treaty on Plant Genetic Resources for Food and Agriculture,

Observing that while a number of States require assistance to safeguard, through ex situ measures, elements of their biodiversity, for example through the maintenance of seed banks, only a few (10) have to date called upon the services of the International Plant Genetic Resources Institute,

Noting with alarm the drastic impact that human activity has had on the biodiversity of inland waters and ocean systems that are beyond the jurisdiction of individual governments,

Stressing the need for a comprehensive and accurate environmental impact assessment to be conducted before any project is undertaken that may affect biodiversity,

Recognising the importance of the close link between environmental diversity and sustainable development questions, in ensuring a healthy life for present and future generations,

Concerned that world leaders have neither given adequate political priority to biodiversity, nor adequately funded relevant international organisations such as the United Nations Environment Programme (UNEP),

Also concerned at the lack of international public awareness of the consequences of biodiversity loss for people in general and in developing countries in particular,

1. *Calls on* States that have not yet done so to ratify or accede to the Convention on Biological Diversity and its Cartagena Protocol on Biosafety, as well as the other biodiversity-related treaties and agreements adopted at the international and regional levels;
2. *Calls on* governments to take more effective action in implementing the Convention on Biological Diversity in order to achieve the target set by the World Summit on Sustainable Development of reducing significantly the current rate of biodiversity loss by 2010;
3. *Encourages* governments to implement effectively international and regional agreements related to biodiversity and to improve coordination in order better to meet the goals of the Convention;
4. *Recommends* that all States foster cooperation among the countries in their regions that share transboundary resources, in the interest of the conservation of biodiversity, through the sharing and exchanging of information and knowledge about the preservation and retention of such resources;
5. *Calls for* coordinated action by the countries concerned with a view to protecting natural habitats situated in border areas, particularly transboundary biosphere reserves, in conformity with the multilateral and bilateral agreements and legally binding instruments to which they are party;

6. *Urges* these countries to notify and consult with each other on projects that might have adverse effects on shared natural resources, and to make sure that comprehensive environmental impact assessments are conducted before such projects are implemented, in accordance with international standards, including appropriate public consultation and an evaluation of the transboundary impact;
7. *Urges* governments to focus their efforts on the immediate implementation of the programme of work on protected areas, with a view to establishing, by 2010 in terrestrial areas and by 2012 in marine areas, comprehensive, effectively managed and ecologically representative national and regional systems of protected areas;
8. *Recommends* that governments recognise inter alia population growth and unsustainable production and consumption patterns as core causes of biodiversity loss;
9. *Urges* governments to address the mechanisms of biodiversity loss, inter alia by examining and coordinating methods to reduce habitat loss and deterioration, by monitoring and eliminating invasive alien species and by addressing climate change by fully and effectively implementing the Convention on Biological Diversity, the United Nations Framework Convention on Climate Change and its Kyoto Protocol, and other international agreements;
10. *Recommends* that all States do their utmost to conserve their biodiversity, using in situ and ex situ methods where appropriate, and that they apply for the assistance of the International Plant Genetic Resources Institute;
11. *Calls on* governments to take more effective action in general in implementing the Convention on Biological Diversity, through existing and functioning thematic programmes and intersectoral activities, by:
 - Fostering the ecosystem approach developed by the Convention on Biological Diversity as a key concept for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way; and
 - Incorporating the objectives of biodiversity conservation in all sectors, including agriculture, fisheries, forest management, water management, tourism and transportation;
12. *Encourages* governments to commit themselves to the establishment of an international regime on access to genetic resources and the fair and equitable sharing of benefits;
13. *Also encourages* governments to carry out cooperation in biodiversity conservation, and *invites* international organisations and developed countries to take concrete action in helping developing countries in this regard, through financial assistance, technology transfer and capacity-building;
14. *Urges* governments to give full consideration in their trade policies to the objectives of the Convention on Biological Diversity and the Cartagena Protocol on Biosafety, recognising the objective of mutual supportiveness of trade and environmental protection agreements in achieving sustainable development;
15. *Calls on* parties and governments to strengthen their efforts at all levels for the full implementation of the Convention on Biological Diversity and the Cartagena Protocol on Biosafety, in particular through increased allocations of the human, financial and technical resources required, both in developed and developing countries;
16. *Also calls on* governments to develop and coordinate efforts to reduce significantly the loss of biodiversity in ocean and sea areas beyond national jurisdiction;

17. *Further calls on parliaments to take action aimed at:*
 - Assessing the economic and social benefits associated with the sound management of ecosystems, with a view to incorporating the economic and social value of goods and services provided by biodiversity in decisions involving public finance, policy, planning, and natural resource management;
 - Developing appropriate and country-specific economic and social incentives to foster the conservation and sustainable use of biodiversity, bearing in mind local factors which influence biodiversity;
 - Eliminating or reducing policies and practices that produce incentives leading to biodiversity loss or deterioration;
 - Ensuring that the objectives of the Convention on Biological Diversity are integrated into national sectoral and cross-sectoral programmes and policies;
 - Updating and developing, where needed, the legal framework which relates to the preservation and sustainable use of biodiversity;
 - Promoting the necessary mechanisms to allow input from civil society organisations and special interest groups in the decision-making process related to biodiversity;
 - Increasing knowledge, understanding and awareness, among civil society and decision-makers, of the relationship between conservation and the sustainable use of biodiversity on the one hand, and economic growth and social welfare on the other;
18. *Undertakes to develop inter-parliamentary cooperation as a means to promote international partnership in support of effective preservation and the sustainable use of biodiversity worldwide;*
19. *Recommends that special committees be established for environmental affairs in parliaments where such committees do not yet exist, addressing conservation and the sustainable use of biodiversity;*
20. *Calls on governments to strengthen the Global Environment Facility;*
21. *Recommends that governments monitor and report on progress made in reaching the 2010 target for the reduction of biodiversity loss;*
22. *Calls on governments to promote coherent international environmental governance, including increased cooperation and harmonisation between relevant organisations, programmes and conventions, in order to avoid overlapping and achieve synergies.*

STANDING COMMITTEE III

Hon. Beth Mugo, MP.

Hon. Andrew Ligale, MP

Hon. (Prof.) Ruth Oniang'o, MP

Beijing + 10: An evaluation from a Parliamentary perspective

Parliamentarians recalled that after the 4th World Women Conference held in Beijing in 1995, one hundred and eighty nine countries endorsed the Beijing Platform for Action, which called on governments to take action in twelve critical areas of major global concern.

The Platform for Action is an agenda for women's empowerment which reaffirms the Human Rights of women and the girl -child. It emphasizes that the human rights of women and the girl child are part of the universal human rights. It also recognizes the necessity for broad based and sustained economic growth in the context of sustainable development and social justice. The Beijing Platform for Action therefore covers concerns on-;

- *Women and poverty*
- *Education and training of women*
- *Women and health*
- *Violence against women*
- *Women and armed conflicts*
- *Women and the economy*
- *Women in power and decision making*
- *Institutional mechanisms for the advancement of women*
- *Human rights of women*
- *Women and the media*
- *Women and the environment*
- *The rights of the girl child*

Governments, the international community as well as the civil society were called upon to formulate strategic objectives and actions in the frameworks of national plans of action.

In June 2000, the United Nations General Assembly Special Session, (Beijing +5) was convened to conduct a review, appraise and assess the progress achieved and implementation status of the Nairobi forward looking Strategy for the Advancement of women and the Beijing Declaration and Platform for Action and to consider further action and initiatives.

Since the Beijing Conference, the United Nations Commission on the status of women which meets every year has been responsible for monitoring the implementation of the Beijing Platform for Action. In September 2000, governments agreed to promote and achieve the Millennium Development goals by the year 2015.

These goals are:-

- Eradicating poverty and hunger
- Achieving universal primary education
- Achieving gender equality and women empowerment
- Reducing child mortality
- Improving maternal health
- Combating HIV/AIDS, malaria and other diseases
- Ensuring environmental sustainability and
- Developing a global partnership for development

The specific target date for the elimination of gender disparities in primary and secondary education was set for 2005. Parliamentarians noted with concern that the percentage of women at the highest levels of national and international decision making has not changed significantly since the Beijing Conference despite the existence of an active policy on gender equality.

Women still remain the exception at the executive level. Even in industrialized countries where women are at par with men in terms

of educational and career-training qualifications, they hold less than ten percent of the managerial positions in industry, public service, government and higher education.

In the sphere of parliamentary representation, women account for only 15.4 percent of members of parliament globally. Rwanda is currently leading with the highest percentage of women in its national parliament at 48.8 per cent.

At the regional level, the Scandinavian countries have consistently ranked the highest with 39.7 per cent, while the Arab countries continue to be at the lower end of the spectrum with only 6.2 per cent.

It was however noted that in several parliaments, changes and mechanisms have been put in place to create a working environment respectful of gender equality. These measures include:-

- Introduction of family friendly sitting hours to allow members to spend more quality time with their families
- Establishment of crèches in parliament buildings to enable nursing mothers (Parliamentarians) access and feed their babies.
- Establishment of Parliamentary Committees dedicated to women with mandates to examine gender impact on all legislation.

In their presentation, members of the Kenyan delegation in this Committee said that soon after the Beijing Conference, the government of Kenya through the women's Bureau established the National Facilitation Initiative. It was mandated to coordinate the implementation of the Beijing Platform for Action and disseminate information on the implementation process, oversee the activities of the government and other actors such as civil society, development partners, United Nations agencies and also offer technical and financial support. The Kenya government has also over the years

worked closely with parliamentarians, NGOs, religious organizations and community leaders towards advancement of women.

They further noted that the women members of parliament have formed an umbrella association, the Kenya Women Parliamentary Association (KEWOPA) as the vehicle to advocate for women's agenda and rights in the governance process in all aspects in the country.

Between the year 2000 and 2003, Parliament has passed a number of bills and motions geared towards empowerment of women and improvement of their status. These include:-

- ◇ The Children's Act (2001) to provide for the protection of children
- ◇ The National Commission on gender and Development Act (2003)
- ◇ A motion on Affirmative Action passed in the year 2000 that sought 30% women representation in the National Assembly and Local Authorities

Parliament will soon debate on a proposed National Health Insurance Scheme Bill to cater for medical care of all Kenyans and especially the poor and unemployed persons.

See Appendix III for Resolutions (overleaf)

100

100

100

100

APPENDIX 111.

COMMITTEE 3

RESOLUTIONS.

BEIJING + 10: AN EVALUATION FROM A PARLIAMENTARY PERSPECTIVE

Resolution adopted by consensus by the 111th IPU Assembly
(Geneva, 1 October 2004)*

The 111th Assembly of the Inter-Parliamentary Union,

Recognising the fundamental importance of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), its Optional Protocol, and the Declaration on the Elimination of Violence against Women, and other regional instruments, including the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women,

Reaffirming the Declaration and Platform for Action adopted at the Fourth World Conference on Women, held in Beijing in September 1995, and the outcome document adopted at the United Nations General Assembly Special Session, Women 2000: Gender Equality, Development and Peace for the 21st Century (Beijing+5),

Recognising the comprehensive nature of the Beijing Declaration and Platform for Action and the 12 critical areas of concern highlighted, relating to the social, cultural, economic and political status of women worldwide,

Cognisant of the national action plans developed by 119 Member States of the United Nations, outlining their governments' progress in implementing the commitments announced at the Beijing Conference,

Reaffirming the United Nations Millennium Declaration and the Millennium Development Goal contained therein, in particular, the goal of gender equality and the empowerment of women, without which development cannot be sustained, and *also noting* that the implementation of the Beijing Platform for Action is an essential prerequisite for meeting all the Millennium Development Goals,

Recalling paragraph 4 of the IPU Universal Declaration on Democracy (1997), which states that "The achievement of democracy presupposes a genuine partnership between men and women in the conduct of the affairs of society in which they work in equality and complementarity, drawing mutual enrichment from their differences",

Recalling the IPU's Plan of Action to correct current imbalances in the participation of men and women in political life, adopted by the Inter-Parliamentary Council (Paris, March 1994), and the Beijing Parliamentary Declaration, adopted by participants in the Parliamentarians' Day on the occasion of the Fourth World Conference on Women,

Reaffirming relevant IPU resolutions, particularly,

- Education and culture as essential factors in promoting the participation of men and women in political life and as prerequisites for the development of peoples (Havana, April 2001);
- Promoting greater respect and protection of human rights in general and in particular women and children (Beijing, September 1996);

* Following adoption of the resolution, the delegation of India while indicating its support, expressed reservations regarding term "human security" which figures as a subheading of the resolution. In its view, that was still a nebulous concept and was no internationally accepted definition thereof.

- Parliamentary action for women's access to and participation in decision-making structures aimed at achieving true equality for women (Madrid, April 1995); and
- Policies to put an end to violence against children and women (Pyongyang, May 1991),

Underscoring the fundamental role played by women in all sectors of society,

Noting that ten years after the Beijing Conference, women continue to be underrepresented in decision-making positions in parliament, government, public administration, international organisations, justice systems and the economy, and that an equal participation of both women and men in positions of power is urgently needed for reasons of human rights, justice, democratic legitimacy and efficacy of public policy,

Dismayed that ten years after the Beijing Conference, effective gender equality is still far from being a reality: women continue to be paid less for work of equal value, more often than men are victims of poverty and unemployment, and are more frequently subjected to violence, and *appalled* at the discrimination faced by the girl child in the fields of education, health and personal development,

Extremely worried about the level of violence against women, including domestic violence, and *regarding* this as a main issue in the struggle for the protection of women, gender equality, empowerment of women and human rights,

Noting that the Forty-ninth Session of the United Nations Commission on the Status of Women (UNCSW), to be held in 2005, is an important event for the review and appraisal of the decade since the Beijing Conference,

Stressing the key role of parliaments and parliamentarians in promoting gender equality through their legislative, budgetary, policy and oversight functions and their mobilisation of public opinion and support,

Measures to strengthen parliamentary action in these fields

1. *Reaffirms* its commitment to the objectives set out in the Beijing Platform for Action and *calls for* a commitment of both men and women parliamentarians to strengthen parliamentary action to achieve gender equality both internationally and nationally, and to monitor progress on the fulfilment of commitments made at the Beijing Conference;
2. *Recommends* that parliamentarians be adequately represented at the Forty-ninth Session of the UNCSW, to be held from 28 February to 11 March 2005 in New York, which will review the implementation of the Beijing Platform for Action and the outcome document of the United Nations General Assembly Special Session held in 2000;
3. *Calls upon* parliaments to promote efforts to achieve the Millennium Development Goals, including the promotion of gender equality, the empowerment of women, and the reduction of maternal mortality rates;
4. *Urges* parliaments to hold a debate on the status of national implementation of the Beijing Platform for Action before the Forty-ninth Session of the UNCSW, allowing for adequate input from women's organisations and non-governmental organisations; *urges* parliamentarians of States that have not yet submitted their responses to the *Questionnaire to Governments on Implementation of the Beijing Platform for Action (1995) and the Outcome of the Twenty-third Special Session of the General Assembly (2000)* to enquire about the reasons for this delay and to arrange for their governments to present their responses as soon as possible; and *further urges* parliaments to debate the results of the Session of the UNCSW in order to ensure adequate parliamentary follow-up;

5. *Recommends* that there should be a stronger presence of women in decision-making structures within national parliaments and inter-parliamentary forums, as well as a gender-balanced national representation in foreign parliamentary relations, at both the bilateral and multilateral levels;
6. *Encourages* parliaments to play an active and positive role in the promotion of gender equality and to implement measures aimed at ensuring gender equality in representation, by establishing parliamentary committees on gender equality, composed of both men and women, making use of the tools of gender-budgeting analysis, ensuring the gender mainstreaming of all decisions and legislation, and allocating sufficient resources to these activities;
7. *Recommends* that parliaments strive for equal representation and participation of women and men in their work and that the number of women in all parliamentary committees increase, aiming for a target of 50 per cent in accordance with the outcome document adopted at the United Nations General Assembly Special Session, Women 2000: Gender Equality, Development and Peace for the 21st Century (Beijing+5), or at least 30 per cent, so that women can bring about changes in the approaches to the legislation prepared, and also, but not solely, incorporate their diverse perspectives and concerns;
8. *Highlights* the need to strengthen gender expertise to support and provide advice to parliamentarians and parliamentary bodies in ensuring the development of effective and sustainable gender equality initiatives;
9. *Calls upon* parliamentarians to play a more active role in the process of gender mainstreaming in every area of life;
10. *Further encourages* national parliaments, and through them their governments, in the framework of systematic gender mainstreaming efforts, to ensure that all government policies and programmes are analysed from a gender perspective, for example, through the use of gender impact statements for proposed legislation; and *also calls upon* legislatures to adopt the practice of reviewing all legislation, including the budget, from a gender perspective and, to this end, to ensure that sex-disaggregated data are collected, analysed and used as a reference in policy-making and legislative affairs;
11. *Calls upon* parliamentarians, as overseers of their governments, to ensure that international commitments are upheld and implemented, particularly those that fall under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol;
12. *Invites* all parliamentarians, men and women, to establish strong links with existing institutional mechanisms working for women's rights and non-governmental organisations, including women's organisations, in order to find innovative solutions to the problems of gender inequality;

Addressing specific areas of concern

Political sphere

13. *Invites* heads of State and government as well as leading figures in political parties to make strong, public commitments to gender equality and to make gender issues a permanent priority;
14. *Further invites* leaders to increase the proportion of women in decision-making positions at all levels, so as to ensure democratic development in all States;
15. *Calls upon* parliamentarians to challenge the social construction of gender-specific roles with a view to improving policies for women and men;

16. *Strongly urges* parliamentarians to promote a stronger presence of women in political parties and at all levels of decision-making through the adoption, for example, of quota systems or other forms of affirmative action; and *also urges* parliamentary committees to hold public inquiries to determine why women are underrepresented in electoral politics and to devise recommendations for their governments;
17. *Stresses* the need to ensure the full and equal access of women to civic education, information and training as voters and candidates, and to combat negative societal attitudes that discourage women's participation in politics;
18. *Requests* governments to establish and make public specific annual objectives for ministers and administrators in respect of the advancement and training of women in government and in respect of gender implications in policies and programmes, and to report annually and publicly on how these objectives have been met;
19. *Emphasises* the need to create a more supportive environment for women in parliament through an examination and, where required, a revision of standing orders and rules of debate and the establishment of gender-sensitive codes of conduct; and *encourages* the development of more family-friendly working hours;
20. *Requests* parliaments to take into account the question of the political responsibilities and family obligations of women and men and to provide them with the necessary facilities and support to reconcile both roles;
21. *Encourages* the development of training programmes for journalists and other media staff on the importance of the non-stereotypical portrayal of women and men and girls and boys;

Economic sphere

22. *Calls upon* national parliaments to ensure that national laws enable women to participate in the economy, on an equal footing with men, for example by providing for separate taxation of income and by guaranteeing that women can freely purchase, sell and inherit property, own and manage business enterprises, and have access to loans;
23. *Endorses* the United Nations Millennium Development Goal of halving poverty by 2015; and *recommends* that governments do everything in their power to ensure that women's particular needs are taken into account in formulating poverty reduction strategies;
24. *Encourages* governments and intergovernmental organisations, as well as the International Monetary Fund and the World Bank, to promote the independence of women entrepreneurs in small and medium-sized enterprises, by providing them with micro credits and other financial assistance;
25. *Calls upon* parliaments to take appropriate legislative, budgetary and fiscal measures to improve the balance between work and family and to ensure that sufficient child-care facilities are available;
26. *Urges* parliaments and governments to promote equality between women and men on the basis of the following supplementary measures:
 - passing and ensuring effective implementation of comprehensive anti-discrimination laws;
 - guaranteeing equal access to education and training opportunities for women and girls;
 - helping women start businesses;
 - guaranteeing equal access to the labour market for both women and men;

- guaranteeing equal pay for work of equal value;
- promoting gender partnership using relevant public information efforts at schools and in the media;
- developing legislation to address gender issues, inter alia to ensure gender equality and equal participation at the management level and on boards of directors in the private sector;
- addressing and supporting the empowerment of rural women and their specific needs;

Human security

27. *Underscores* the need for parliaments and governments to ensure the protection of everyone from any threats to their survival, dignity, and livelihood, particularly in the form of poverty, hunger, violence, sexual exploitation and trafficking in human beings, armed conflict, infectious diseases including HIV/AIDS, and a lack of access to education;
28. *Strongly endorses and encourages* further implementation of national reforms to broaden women's and girls' access to education and literacy programmes, ensure the right and access to reproductive and sexual health services, reduce poverty, and combat all forms of male violence against women and girls, including prostitution and trafficking in human beings;
29. *Calls upon* parliaments to pass laws against all forms of violence against women, including domestic violence, sexual abuse and harassment, incest, sexual exploitation, forced prostitution, murder, systematic rape, female genital mutilation and crimes against women committed in the name of honour; ensure that the laws they pass protect victims and punish perpetrators of violence against women; monitor the implementation and enforcement of such legislation and allocate resources to programmes aimed at eradicating violence against women;
30. *Urges* governments and parties in armed conflicts to respect fully the norms of international humanitarian law and take all measures required for the protection of women and children, in particular to put an end to sexual violence against women and girls, and to ensure that perpetrators of such violence are prosecuted;
31. *Calls upon* governments, parliaments and international and regional organisations to identify and condemn the use of the systematic practice of rape and other forms of inhuman and degrading treatment of women as a deliberate instrument of war and ethnic cleansing, and to take steps to ensure that full assistance is provided to the victims of such abuse for their physical and mental rehabilitation;
32. *Stresses* the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity and war crimes, including those relating to sexual violence against women and girls;
33. *Encourages* governments to consider the ratification and enforcement of international covenants on trafficking in persons, including the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, to address the factors that encourage trafficking in women, to increase collaboration among law enforcement agencies to dismantle networks in trafficking, and to allocate resources to rehabilitate victims of trafficking in society;
34. *Encourages* the media to enhance public knowledge and information about women's human rights and sustainable development, to support a culture of gender equality, and to combat discrimination and violence;

Conflict resolution, reconciliation and post-conflict reconstruction

35. *Strongly endorses* United Nations Security Council resolution 1325 (2000) on women, peace and security, and *encourages* all parties involved to fully implement its recommendations;
36. *Recognises* the key role played by women as peace educators and caretakers of families and communities in conflict prevention, resolution and reconciliation; and *calls for* their full and equal participation in the development of democratic institutions once conflicts cease and during reconstruction processes, with a view to ensuring that sustainable peace can be built, based on mutual respect, cultural diversity and gender equality;

The girl child

37. *Strongly urges* all parliamentarians to ensure that where stringent laws protecting children and their rights do not yet apply, such legislation is enacted, and *calls upon* governments and parliaments to take every appropriate measure, including the enactment of legislation, to end violence committed against girl children;
38. *Calls for* a special focus on, and a more sensitive framework for, dealing with the problems of the girl child in reviewing the impact of programmes, laws and proposed bills; more sex-disaggregated and gender-sensitive data, methods and research; monitoring of the girl child's education, health and employment and monitoring of cultural communities and migration; and further awareness of, and concern for, the girl child in all advocacy efforts for children;
39. *Recommends* that penal systems should ensure that appropriate protection is afforded to girl child criminal offenders, and that their rights are guaranteed, including the right to personal integrity and personal development;
40. *Encourages* the IPU to continue its work against female genital mutilation and other harmful traditions and practices, with increased vigour;
41. *Recommends*, where they do not yet exist, that girl child movements or organisations be established, as these serve as networks for sharing information and can call into question customs and practices that discriminate against girls;

General

42. *Recommends* that international treaties and commitments related to gender issues, including the CEDAW, be widely disseminated in all communities, and that they be translated into national, ethnic and indigenous languages;
43. *Calls upon* parliaments of States that have not yet done so to ensure ratification of the CEDAW and its Optional Protocol, and *encourages* the IPU to continue promoting the role of parliament in the CEDAW process through its awareness campaigns and seminars;
44. *Calls upon* governments as well as international organisations, including the IPU, through its Secretariat, to collect and distribute sufficient statistical data to be able to analyse the gender-specific distribution of power – both in quantitative and qualitative terms – and to disaggregate all statistical data by sex, providing gender breakdowns;
45. *Calls upon* parliamentarians to encourage the development of leadership skills and to strengthen strategic partnerships for gender equality at the local/national, regional and international levels, so as to mainstream gender perspectives in their legislatures;
46. *Undertakes*, through the IPU Meeting of Women Parliamentarians, to monitor on a regular basis progress made by parliaments on the implementation of the Beijing Platform for Action.

EMERGENCY ITEM

THE ALARMING SITUATION IN IRAQ AND THE NEED FOR PARLIAMENTARY ACTION TO CONTRIBUTE TO RESTORING PEACE AND SECURITY IN THAT COUNTRY

*Resolution adopted unanimously by the 111th IPU Assembly
(Geneva, 1 October 2004)*

The 111th Inter-Parliamentary Assembly,

Gravely concerned by the deteriorating situation in Iraq, and *expressing profound sorrow* for all the victims, in particular among the civilian population,

Reaffirming the right of the Iraqi people to determine their own political future and control their own natural resources,

Affirming its adherence to the principles of maintaining the sovereignty, territorial integrity and security of Iraq,

Recalling the relevant resolutions of the Inter-Parliamentary Union (IPU), in particular the resolution adopted at the 108th Inter-Parliamentary Conference (Santiago de Chile, 2003), and the Statement issued by the Meeting of Speakers of Parliaments of the Countries Neighbouring Iraq (Amman, 2004),

Recalling the relevant United Nations resolutions, in particular United Nations Security Council resolutions 1546 (2004) and 1557 (2004),

Conscious of the role that the IPU must play in Iraq in promoting peace, democracy and cooperation by fostering dialogue and consolidating representative institutions,

Noting that there is now a consensus to hold an international conference to enable the Iraqi people to engage in a process of normalisation and democratisation and to facilitate the holding of free elections,

1. *Reaffirms* the fundamental importance of multilateralism and international cooperation in resolving conflicts between States, and of the United Nations as the only organisation authorised under its Charter to use force;
2. *Condemns* the killing of innocent Iraqis and other nationals, and the continued hostage-taking, including of humanitarian aid workers;
3. *Expresses its deep concern* about the damage inflicted on the country's cultural and religious sites;
4. *Reaffirms* that the United Nations must assume a leading role in the political process in Iraq, including the reconstruction process, and *stresses* that Iraq's wealth should not be used, nor its natural resources depleted, to implement the reconstruction process;
5. *Calls for* the holding of free and fair elections for the restoration of democracy and the rule of law and the establishment of a new and legitimate parliament in Iraq;
6. *Reaffirms* that the people of Iraq must retain sole ownership of all their natural and cultural resources, and *calls upon* the United Nations, its specialised agencies and the international community at large, to work closely with the Iraqi Interim Government to ensure that the stolen cultural heritage of Iraq is returned to that country;

7. *Strongly urges* all parties to ensure full respect for human rights, including religious, ethnic and cultural rights, and *also calls for* the full and equal participation of all Iraqis in the rebuilding of Iraq, with particular emphasis on the full participation of women in all phases of reconstruction and in the establishment of new political institutions for the country;
8. *Calls for* greater participation by all States in current efforts to assist the people of Iraq in the reconstruction and development of the Iraqi economy, including by the provision of international experts and necessary resources, through a coordinated programme of donor assistance;
9. *Calls on* all parties to ensure that women are fully integrated at all levels in the negotiation of peace agreements, and that the resulting reconstruction programmes include a gender perspective reflecting the special needs and inputs of women;
10. *Underscores* the fundamental role that neighbouring countries must play to bring a positive change to the current situation in Iraq by strengthening regional security, notably by easing tensions and providing humanitarian assistance and reconstruction aid so as to alleviate and bring an end to the suffering of the Iraqi people, all of which is directly linked to the security of the region;
11. *Calls for* the implementation of the recommendations contained in the Statement issued by the Meeting of Speakers of Parliaments of the Countries Neighbouring Iraq, held by the IPU in Amman on 12 and 13 May 2004;
12. *Encourages* the United Nations to avail itself of the expertise of the IPU when holding the international conference to contribute to the establishment of a democratic Iraq;
13. *Proposes* to the United Nations and the Iraqi institutions that they establish a partnership with the IPU in order to permit it to:
 - (i) Assist in the establishment and consolidation of the parliamentary institution;
 - (ii) Support the new Iraqi parliament during the discussion of the draft constitution;
 - (iii) Harness parliamentary diplomacy for the benefit of democratisation and regional stability;
14. *Decides* to follow developments closely in order to secure implementation of the foregoing recommendations without delay, and *invites* the President and the Secretary General to submit a report thereon to its 112th Session.

RECOMMENDATIONS

The IPU Kenya Group,

- (a) *Urges the government to share all relevant information on arms more fully with Parliamentarians on a basis of mutual trust and calls on Parliament to provide strong and effective support to all resolutions and recommendations on peace, disarmament and security previously adopted at IPU Conferences and Assemblies.*
- (b) *Urges the Kenya Parliament to press the government to sign, accede to, and ratify as appropriate all conventions, treaties and other international instruments aimed at ensuring non-proliferation, arms control, disarmament and greater international security, and to implement them fully.*
- (c) *Calls on Parliament to monitor closely the national implementation of all arms control, non-proliferation and disarmament treaties and United Nations resolutions, to engage in exchange of information on best practices for such monitoring and to report back to IPU Assembly on progress made.*
- (d) *Calls on the government to take more effective action in implementing the convention on Biological Diversity in order to achieve the target set by the World Summit on Sustainable Development of reducing significantly the current rate of biodiversity loss by 2010.*
- (e) *Encourages the government to implement effectively international and regional agreements related to biodiversity and to improve coordination in order to meet the goals of the convention.*
- (f) *Urges Parliament to update and develop, where needed, the necessary legal framework, which relates to the preservation and sustainable use of biodiversity.*

- (g) *Urges the government to establish necessary mechanisms to allow input from civil society organizations and special interest groups in the decision making process related to biodiversity.*
- (h) *Calls upon Parliament to promote efforts to achieve the millennium development goals including the promotion of gender equality, empowerment of women and reduction of maternal mortality rates.*
- (i) *Urges Parliament to hold a debate on the status of the national implementation of the Beijing Platform for Action before the 49th session of the United Nations Commission on the Status of Women (UNCSW) allowing for adequate input from women's and non-governmental organizations.*
- (j) *Calls on Parliamentarians to play a more active role in the process of gender mainstreaming in every aspect of life.*

IPU CALENDAR OF EVENTS

- ◇ 112th Assembly and Related Meetings MANILA (Philippines)
3rd - 8th April 2005
- ◇ 113th Assembly and Related Meetings GENEVA, October
2005

Invitations received

- ◇ 114th Assembly and Related Meetings NAIROBI May/ June
2006
- ◇ 116th Assembly and Related Meetings BANGKOK (Thailand)
March/ April 2007
- ◇ 118th Assembly and Related Meetings ADDIS ABABA (Ethiopia)
March/ April 2008