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**REPORT OF THE IPU, KENYA DELEGATION
ON THE 110TH CONFERENCE OF THE INTER-
PARLIAMENTARY UNION HELD IN MEXICO
CITY, MEXICO BETWEEN 15TH – 23RD APRIL
2004.**

MAY 2004

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FOREWORD

This report is a summary of proceedings and resolutions of the 110th Conference held in Mexico City, Mexico from 15th to 23rd April 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 of Parliament to represent our Parliament during the 110th IPU Conference held in Mexico City from 15th – 23rd April 2004.

These members were drawn from the various political parties represented in the Kenya National Assembly. Out of the eight members selected, three were women parliamentarians.

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, Transport and Communications.
3. The Hon.. Beth Mugo, MP. Assistant Minister, Education, Science and Technology.
4. The Hon.. Prof. Ruth Oniang'o, MP.
5. The Hon. Nyiva Mwendwa, MP.
6. The Hon. Hezron Manduku, MP.
7. The Hon. Abdalla Ngozi, MP.
8. The Hon. Kembi Gitura, MP.
9. Anita Thurania-Senior Clerk Assistant/Secretary to the Delegation.
10. Boniface Lenairoshi - Clerk Assistant/Personal Assistant to the Speaker

On behalf of my delegation, I wish to thank you Sir, for according us the opportunity to join fellow Parliamentarians from all over the world in exchanging views and experiences in an effort to seek solutions to problems that continue to threaten the survival of many nations.

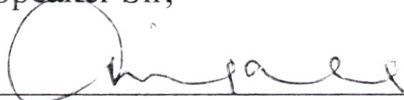
Mr. Speaker Sir, my delegation is particularly grateful for the great exposure and invaluable experience gained during this Conference as it will greatly enhance their level of participation during the 114th IPU Conference scheduled for Nairobi in the year 2006.

I, therefore, wish to submit the report together with the attached resolutions (Appendix) on behalf of the members of my delegation in accordance with the provisions 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,

Signed _____



Hon Andrew Ligale, MP
Leader of the Kenyan Delegation.

INTRODUCTION

The Inter-Parliamentary Union is the International organization of Parliaments of sovereign States. It was established in 1889 and currently, it has a membership of over 130 national Parliaments. The Union is the focal point for worldwide parliamentary dialogue and works for peace and cooperation among peoples of the world and for the firm establishment of representative institutions. The IPU is funded by its members through annual subscriptions.

The 110th Inter-Parliamentary Conference, which took place between 15th and 23rd April 2004 in Mexico City, was organized by the Inter-Parliamentary Union and hosted by the Senate of Mexico. It was inaugurated on Sunday, 18th April 2004 in the presence of His Excellency the President of the United States of Mexico, Mr. Vicente Fox Quesada. Mr. Sergio Paez Verdugo, President of the Inter-Parliamentary Union, Mr. Enrique Jackson Ramirez, President of the Mexican Senate, Mr. Danilo Turk, representative of the Secretary General of the United Nations and Assistant Secretary General for Political Affairs were among those who delivered inaugural addresses.

The conference was attended by over one thousand, three hundred delegates, Associate Members, observers, representatives of various organs of the United Nations including UNICEF and UNHCR, the World Bank, International Committee of the Red Cross and Red Crescent and ECOWAS among others.

PARTICIPANTS

The National Parliamentary groups represented in the conference were:

Albania, Algeria, Andora Argentina, Armenia, Australia, Austria, Bangladesh, Bahrain, Belarus, Belgium, Benin, Bolivia, Bosnia, and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Democratic Republic of Congo, Costa Rica, Cote D'Ivoire, Croatia, Cuba, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Ethiopia, Egypt, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Hungary, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Japan, Jordan, Kazakstan, Kenya, Kuwait, Kyrgystan, Latvia, Lebanon, Libyan

Arab Jamahiriya, Lithuania, Liberia, Liechtenstein, Malaysia, Mauritania, Mali, Malta, Mexico, Monaco, Mongolia, Morocco, Mozambique, 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, Spain, 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, Yemen, Yugoslavia, Zambia, and Zimbabwe.

Associate Members

Andean Parliament, Central American Parliament, European Parliament, Latin American Parliament and Parliamentary Assembly of the Council of Europe.

OBJECTIVES OF THE INTER-PARLIAMENTARY UNION

The main objective of the Inter-Parliamentary Union is to promote the globalization of democracy and assist Parliamentarians to exercise their shared responsibility for the world in which we live. The IPU has also become an organization of Parliamentarians who wish to foster, through permanent dialogue, not only the universal establishment of human rights and democracy, but also the joint global elimination of undesirable developments, organized crime and international terrorism which national governments are no longer able to counter on their own.

Other objectives of the IPU include: -

- (a) To establish personal contacts between members and strengthen mutual trust through dialogue and exchange of experiences among Parliamentarians of all countries.
- (b) To support the work of the United Nations whose objectives the IPU shares.
- (c) To consider issues of international interest and look for ways of initiating action in National Parliaments.

To achieve these goals, the IPU organizes conferences at which parliamentarians discuss political, economic, social and cultural issues the results of which are included in resolutions and recommendations for implementation by member parliaments.

Broadly, the IPU Conference is conducted through the following organs: -

1. The Executive Committee which is the main co-ordinating body. The Speaker of the Kenya National Assembly, Hon. Francis Ole Kaparo is a member of this Committee, having been elected in this position for an initial two years.
2. The Governing Council in which the Kenya Parliament was represented by the Hon. Andrew Ligale, MP, Assistant minister for Transport and Communications and leader of the delegation, Hon Beth Mugo MP, Assistant Minister for Education, Science and Technology, and the Hon Kembi Gitura, MP.
3. The Plenary session.
4. The Meeting of Women Parliamentarians in which Hon (Prof.) Ruth Oniang'o, MP and Hon Nyiva Mwendwa, MP, participated.
5. The three Standing Committees.
6. There were also side sessions. One of them was on the Commercial Sexual Exploitation of children sponsored by UNICEF, and attended by Hon. Ligale, MP, and Hon. (Prof.) Oniang'o, MP, and a session on Child Trafficking which was attended by Hon. Kembi Gitura, MP, and Hon. (Prof.) Oniang'o, MP.

Meetings of all the above organs were being conducted simultaneously.

CONFERENCE TOPICS

There were four major items for discussion namely: -

- (a) The General Debate on the political, economic and social situation in the world with the overall theme of reconciliation and partnership whose deliberations took place in the plenary sessions.*
- (b) Promoting international reconciliation, helping to bring stability to regions of conflicts and assisting with post-conflict reconstruction.*
- (c) Working towards an equitable environment for international commerce; the issues of trade in agricultural products and the access to basic medicines.*
- (d) Furthering Parliamentary Democracy in order to protect human rights and encourage reconciliation among peoples and partnerships among nations.*

THE EXECUTIVE COMMITTEE REPORT

The meeting of the Members of the Executive Committee of the IPU was held in Mexico City on April 15, 2004, four days prior to the General Assembly, which commenced on April 19, 2004.

The Speaker of Kenya National Assembly, Hon. Francis Ole Kaparo, MP attended this meeting as he was elected at the IPU meeting in Geneva.

The main purpose of this meeting was to review the various activities being undertaken by organs of the Union namely from the Steering Committee, the Secretariat, Governing Council and other plenary bodies.

The question of affiliation and re-affiliation of countries took center stage. Congo and Liberia had formerly applied for affiliation, and their requests were considered by the Executive Committee and forwarded to the Governing Council for approval.

The Executive Committee held its last sitting on Thursday April 22, 2004. Leaders of geopolitical groups were also invited and various issues were deliberated upon.

Among the issues they discussed were:

- Enabling Women to put forward their amendments to resolutions.
- Allotting a day in future meetings for the geopolitical groups meetings.

The Executive Committee fixed a date for the next IPU meeting to be held in Geneva, from September 29th to October 1st, 2004.

The Executive Committee meeting will precede the above meeting and take place as from September 25th to 27th, 2004.

SUMMARY OF CONFERENCE PROCEEDINGS:

GENERAL DEBATE ON THE POLITICAL, ECONOMIC AND SOCIAL SITUATION IN THE WORLD

Parliamentarians hailed the conference and the enthusiasm and willingness of the nations of the world to seek dialogue with a view to seeking solutions. They also noted with concern that the current international environment was complex and charged with tension and conflicts in various regions. Poverty and inequity were on the rise and no parliament could isolate itself from this global reality, it was noted.

Subjects such as terrorism, human rights abuses, HIV/AIDS, gender inequality and justice were of common interest to all peoples and nations. It was also noted that the highly celebrated globalization had not brought with it the expected benefits for many countries and far from resolving problems of inequality, it has generated protectionism which had only aggravated poverty particularly in the third world countries.

The challenge to the world's parliaments was therefore enormous. Parliaments were urged to put in place legislations to strengthen the rule of law and to take firm stand in relation to trade and cooperation agreements signed between their countries and other parties. This is in order to ensure that decisions taken by their countries took account of the social and economic requirements of their people.

In his speech, the Hon. Francis Ole Kaparo, MP, Speaker of the Kenya National Assembly, noted that experience from past conflicts had demonstrated more than ever before, the need for nations to work together

to bring about peace as no individual country is strong enough to do it alone. The international community was faced with huge challenges and the spiraling trend of conflict had severely tested the concept of reconciliation and partnership. Reconciliation demands trust, resilience, tolerance and respect for opinions and ideas and above all, reliability among partners. He highlighted the reconciliatory role Kenya, together with other partners, had played in spearheading the Sudan and Somalia peace processes and said that although it was slow and gradual, it was assuring nonetheless. He further said that the stormy path the Middle East peace process had taken has taught the world that peace and reconciliation processes are often delicate, slow and require extreme tolerance and patience and that pulling out should never be allowed as an option.

However, Hon. Kaparo pointed out that no matter how serious the conflict situation in the Middle East, was, it should not be allowed to mask and overshadow the conflicts, poverty, disease and suffering of the people in other parts of the world and particularly Africa. He noted that by working together as members of the IPU, parliaments could be stronger, purposive and persuasive partners and could augment and facilitate the efforts of the United Nations in reconciliation. Parliamentarians in all countries have to demonstrate that dialogue was the only long-term sustainable way of achieving co-existence. Against this backdrop, the world leaders today are called upon to display their leadership in liberating their people from the threat of war, terrorism, poverty and disease, and strive to lead them to prosperity.

STANDING COMMITTEE I

HON. HEZRON MANDUKU, MP

HON. NYIVA MWENDWA, MP

PROMOTING INTERNATIONAL RECONCILIATION, HELPING TO BRING STABILITY TO REGIONS OF CONFLICT AND ASSISTING WITH POST- CONFLICT RECONSTRUCTION

Parliamentarians noted with great concern that recently there has been a steady increase in violent conflicts worldwide leaving in their wake devastating effects on life, environmental, social and economic structures of the affected groups.

This has, therefore, brought into focus more than ever before, the crucial role of diplomacy, conflict prevention, management and resolution in bringing sanity and stability in regions of conflict. Among the institutions established to resolve conflicts and enhance reconciliation, parliaments hold a special place as exemplified by the Council of Europe and the European Parliaments although the role of National Parliament should also be highlighted.

The role of international organizations is becoming increasingly important not only in the area of conflict prevention, but also in reconciliation, stabilization and reconstruction activities.

The process of reconciliation must be built on mutual trust and respect. In order to foster ties of trust between peoples and countries, common values should be built and agreements based on deep respect for the culture and history that other countries have constructed need to be promoted. The differences that exist between sides must be accepted and respected.

In their presentations, members of the Kenyan delegation in this committee emphasized the need for diplomacy and dialogue in peace processes. Dialogue between religions and nations is a prerequisite both for conflict prevention and post-conflict reconstruction. The other recommendations they made include: -

- Peace-keeping initiatives
- Equitable distribution of national resources
- Prevention of proliferation of illegal weapons

- Humanitarian assistance
- Regional cooperation
- Transitional justice
- Armed forces as a last resort

THE ROLE OF NATIONAL PARLIAMENTS IN RECONCILIATION

In democratic and post-conflict transitions alike, Parliaments have a very important role to play in advancing reconciliation, particularly in relation to transitional justice. Some of the measures Parliaments should take include: -

- *Enacting legislation to establish truth commissions and commissions of inquiry, or creating relevant commissions of their own. Parliaments can participate in the appointment of individual commissioners, provide financial support to the commissions and implement recommendations of the reports.*
- *Endorsing legislation to provide for the compensation of victims of human rights violations.*
- *Adopting measures providing for the restitution and rehabilitation of victims of conflict.*
- *Contributing to disarmament, demobilization and reintegration processes. Parliaments can also set up independent bodies to advance the course of reconciliation, create new ad-hoc Parliamentary Committees on reconciliation and advise the government accordingly.*

As the world body of parliaments, the IPU must play a significant role in finding the truth and root causes of conflicts and restoring democracy in conflict zones. The United Nations should also fight for enhanced justice systems in countries that have come out of conflicts.

See appendix I for resolutions (overleaf).

APPENDIX 1.

COMMITTEE 1

RESOLUTIONS.

PROMOTING INTERNATIONAL RECONCILIATION, HELPING TO BRING STABILITY TO REGIONS OF CONFLICT, AND ASSISTING WITH POST-CONFLICT RECONSTRUCTION

Rapporteur: Mr. Patrick MORIAU (Belgium)

The 110th Inter-Parliamentary Assembly,

- (1) *Recalling* that, pursuant to the provisions of Article 2 of the Charter of the United Nations, Member States shall refrain in their international relations from the threat or use of force,
- (2) *Recalling* that, except in the case of self-defence expressly provided for in Article 51 of the Charter, the Security Council alone is empowered to decide on measures involving the use of armed force as defined in Chapter VII of the Charter,
- (3) *Drawing on* the provisions of Chapter VI of the United Nations Charter on the settlement of disputes and in particular, considering that the parties to a dispute shall first seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, recourse to regional agencies or arrangements or other peaceful means of their own choice,
- (4) *Highlighting* the common objectives of the United Nations (as enshrined in Article 1 of the Charter) and the IPU (as per Article 1 of its Statutes), in particular the objectives of maintaining international peace and security and developing friendly relations among peoples and nations based on respect for the principle of equal rights and mutual respect,
- (5) *Recognising* that the root causes of armed conflict are multidimensional in nature, thus requiring a comprehensive and integrated approach to the prevention of armed conflict, and aware that conflicts that turn into armed violence are one of the most serious obstacles to development,
- (6) *Considering* the manifest link between peace, development and democracy, and the role of Parliament in strengthening this link,

(7) *Convinced* that the development of democracy and the enjoyment of human rights are the surest means of preventing conflicts and restoring trust and peace in the post-war or post-conflict period,

(8) *Observing* that the reconciliation of peoples and nations is the crowning achievement of peace and the means of going beyond conflicts,

(9) *Affirming* that reconciliation should go hand in hand with forgiveness without forgetting, and that reconciliation is characteristic of any society restored to peace and which has embarked on a future of joint reconstruction underpinned by the values of mutual respect, equality and tolerance,

(10) *Recalling* that Parliament is the institution *par excellence* that embodies the diverse attributes and opinions of society and reflects and channels this diversity in the political process, and that its mission is to defuse tensions and maintain a balance between rival aspirations of diversity and uniformity, and the individual and the collective, with the aim of strengthening social cohesion and solidarity,

(11) *Recalling* the provisions of the Universal Declaration on Democracy (Cairo, September 1997) and the information document on IPU's stance (CONF/108/4-Inf. Doc.1),

(12) *Recognising* the role that the Inter-Parliamentary Union and its Member Parliaments can and must play in restoring lasting peace by promoting international reconciliation,

(13) *Recalling* that Parliament is the ideal forum for giving expression to democracy,

(14) *Noting* that armed conflict is often the result of a crisis and/or of a poorly managed reconciliation,

1. *Reiterates* the call on governments made at the 109th Inter-Parliamentary Assembly to "promote reconciliation processes aimed at achieving sustainable solutions to internal conflicts";
2. *Reiterates* the call on parliaments made at the 109th Inter-Parliamentary Assembly to do everything possible "at the national level to facilitate the establishment of enduring mechanisms for conflict prevention and resolution, as a way to promote action geared to achieving real peace";
3. *Requests* that parliaments engage in a policy of good offices, cooperation and assistance with parliaments of countries in conflict or undergoing reconciliation, when requested;
4. *Requests* that parliaments of countries engaged in a process of reconciliation meet and develop joint projects;
5. *Encourages* parliaments to support international reconciliation efforts conducted under the aegis of the United Nations and regional or sub-regional organisations,

6. *Calls* on Parliaments to support the inter-governmental structures, mechanisms and processes that promote stabilisation, reconciliation and the peaceful development at regional and sub-regional level, and to enhance their parliamentary dimension;
7. *Requests* that parliaments promote dialogue, exchange and mutual understanding among cultures and civilisations,
8. *Requests* that the IPU establish committees to foster dialogue among MPs in cases where the peace and reconciliation processes fail to work;
9. *Urges* parliaments to oversee the foreign policy of their government in order to bring reconciliation processes to a successful conclusion;
10. *Requests* parliaments, together with the IPU, as appropriate, to develop democratic engineering activities and intensify technical assistance to countries endeavouring to establish a new system of parliamentary democracy, and to make use of its valuable expertise to promote a balanced gender perspective in this process;
11. *Proposes* that the IPU's Committee on the Human Rights of Parliamentarians develop its role and activities in truth and reconciliation commissions (TRCs) and make its expertise in the field of human rights available to TRCs;
12. *Recommends* regular participation in United Nations peace-keeping operations, and particularly in initiatives aimed at reconciliation;
13. *Urges* parliaments to establish, when needed, legally constituted TRCs; ensure fair representation of national diversity within TRCs, including that of women; ensure that TRCs have the resources they need to carry out their mandate; ensure that the work and outcomes of the TRCs are made public; monitor consideration of TRC recommendations by the Executive; and ensure follow-up of TRC recommendations;
14. *Recommends* that the statute of limitations for serious crimes in violation of human rights be recognised;
15. *Recommends also* the ratification of international human rights instruments, in particular the Rome Statute of the International Criminal Court and special tribunals established by the United Nations;
16. *Proposes* that human rights bodies be established in each parliament;
17. *Encourages* the IPU to promote cooperation among parliamentary human rights bodies and to develop relations with the United Nations High Commissioner for Human Rights and regional human rights mechanisms;
18. *Recommends* repealing existing laws or amending bills that grant an amnesty by statute-barring actions considered crimes under international law;

19. *Encourages* the IPU to enhance its role and activities in the areas of peace and security, in particular by developing its United Nations dimension by making its expertise in democracy available to stabilisation and peacekeeping operations;
20. *Recommends* that parliaments bring pressure to bear on governments to participate in and finance peacekeeping operations under the aegis of the United Nations;
21. *Encourages* the development of parliamentary diplomacy, technical assistance under bilateral cooperation, and participation in consortia and multilateral cooperation projects;
22. *Encourages* the development of multilateral cooperation within and under the aegis of the IPU;
23. *Proposes* that special attention be given to the bicameral parliamentary system in order to represent the various national groups;
24. *Encourages* the United Nations to pursue and intensify its efforts to prevent conflicts and maintain and consolidate peace worldwide, particularly in Africa, where slow and fragile development is a fertile breeding ground for instability, and in the Middle East, which, for over half a century, has been plagued by one of the most appalling and bloody conflicts of recent times;
25. *Encourages* all countries to implement United Nations Security Council Resolution 1325 (2000) on "women and peace and security", as well as the specific recommendations on women and war made in the Beijing Platform for Action and the outcome document of the Beijing+5 Special Session of the United Nations General Assembly;
26. *Encourages* all international, regional, and sub-regional organisations, as well as non-governmental organisations involved in promoting international reconciliation, to stabilise conflict-prone regions and consolidate peace through post-conflict reconstruction and to continue their efforts despite the failures and serious obstacles they encounter;
27. *Calls* on the countries engaged in assistance activities for reconstruction in post-conflict countries or regions to achieve a smooth and gradual transition from humanitarian assistance to reconstruction and development, in order to prevent conflicts from reoccurring and fresh waves of refugees or internally displaced persons;
28. *Urges* the Inter-Parliamentary Union to become more involved in seeking solutions to conflicts and promoting international reconciliation by:
 - (a) Participating actively in concerted global efforts to resolve conflicts through dialogue among MPs and cooperation with competent international organisations and agencies, thereby contributing to peace and security;

- (b) Encouraging in conflict-prone countries or regions all efforts likely to promote national reconciliation such as, inter alia, good governance, including respect for human rights and basic freedoms, and disarmament;
29. *Urges* the Inter-Parliamentary Union to become more involved in promoting post-reconstruction by:
- (a) recommending international organisations and countries capable of so doing to establish in post-conflict countries or regions substantial economic assistance programmes that are needed for reconstruction and lasting stability, following the example of the Marshall Plan;
 - (b) encouraging governments to support fully programmes needed for post-conflict reconstruction, by mobilising their resources.
30. *Requests* that parliaments foster or support, as the case may be, national measures geared towards promoting international reconciliation such as promoting the concept and culture of peace, volunteerism, combating all forms of violence, outlawing terrorism, promoting development and education for all, including human rights education;
31. *Requests also* that parliaments foster or support, as the case may be, measures geared towards strengthening peace and security such as reconstruction, reducing the trade in weapons, particularly small arms and narcotics, promoting social justice, and combating poverty, corruption and environmental degradation;
32. *Encourages* parliaments, in their reconstruction efforts, to bring pressure to bear on their governments to respect the commitments undertaken in Monterrey and to alleviate or cancel, as far as possible, the debt burden, which is one of the main causes of poverty and conflict;
33. *Calls on* the Inter-Parliamentary Union to play a more meaningful part in debates, forms of concerted action and negotiations involving peace and security through its Permanent Observer.

STANDING COMMITTEE II

HON. KEMBI GITURA, MP

HON. (PROF.) RUTH ONIANG'O, MP

WORKING TOWARDS AN EQUITABLE ENVIRONMENT FOR INTERNATIONAL COMMERCE: THE ISSUES OF TRADE IN AGRICULTURAL PRODUCTS AND THE ACCESS TO BASIC MEDICINES.

Parliamentarians noted that over 70% of the world's poor live in rural areas and depend primarily on agriculture and related activities for their livelihood. They have little access to land and water, financial institutions for capital of any sort and limited control over assets. Their access to and use of modern technology is restricted and basic social services such as education and healthcare are often not available.

The majority of least developed countries are in Africa where falling commodity prices, conflicts and HIV/AIDS create significant economic and social problems and greatly increase the problem of food insecurity.

Agricultural production and export subsidies in developed countries are an impediment to global prices and economic returns in developing countries and particularly affect prices of sugar, cotton, rice, wheat, maize, and dairy products.

In their presentation, members of the Kenya delegation in the committee decried the unfair and inequitable marketing of agricultural products especially due to the United States and European Union's agricultural subsidies and the dumping of products in undeveloped countries. It was noted that under the WTO Agreement on Agriculture, developed countries made a commitment to reduce their agricultural subsidies, a commitment they have not fulfilled. It was also observed that the informal meeting between African Trade Ministers and USA/EU delegation in February 2004 held in Mombasa, Kenya to kick-start the WTO Cancun stalemate may have ended on a promising note but nothing concrete or substantive was passed in favour of Africa.

A clear commitment by the EU and the USA to end all forms of trade distorting export subsidies within a set date is a prerequisite to breaking the

ground for meaningful programme for international trade in agricultural products.

The HIV/AIDS pandemic has persisted unchecked and due to the high levels of poverty, especially in Africa, lack of access to life-prolonging drugs means that huge numbers of economically active people face early deaths, leaving behind large numbers of orphans. This state of affairs can be reversed if drugs were made affordable. Parliamentarians all over the world are therefore called upon to lobby multinational drug companies to join their cause and make a difference in the world by advocating a reduction in the cost of drugs and funding research projects aimed at seeking a cure for HIV/Aids or at least a preventive vaccine.

See appendix II for resolutions (overleaf).

APPENDIX 11.

COMMITTEE 2

RESOLUTIONS.

WORKING TOWARDS AN EQUITABLE ENVIRONMENT FOR INTERNATIONAL COMMERCE: THE ISSUES OF TRADE IN AGRICULTURAL PRODUCTS AND THE ACCESS TO BASIC MEDICINES

Rapporteur: Ms. S. Mugerwa (Uganda)

The 110th Assembly of the Inter-Parliamentary Union,

(1)

Recalling:

- The objectives of the IPU, as stated in its Statutes,
- The Final Declaration of the Parliamentary Meeting on International Trade "For a free, just and equitable multilateral trade system: providing a parliamentary dimension" (Geneva, June 2001),
- The Doha Ministerial Declaration adopted by the Fourth WTO Ministerial Conference (Doha, November 2001),
- The Declaration of the Cancún session of the Parliamentary Conference on the WTO held on the occasion of the Fifth WTO Ministerial Conference (Cancún, September 2003),
- The objectives of the Partnership Agreement signed in Cotonou on 23 June 2000 between the members of the African, Caribbean and Pacific Group of States (ACP) and the European Union (EU) regarding poverty eradication, sustainable development and the gradual integration of the ACP countries into the world economy,
- IPU resolutions on international trade, development and poverty reduction,

(2) *Noting* that the Doha Ministerial Declaration recognizes that the majority of WTO members are developing countries and that world trade should be largely commensurate with the needs of their economic development,

- (3) *Also noting* that the voice of developing countries became stronger at the WTO Ministerial Conference in Cancún with the involvement of negotiating groups such as the G20+, the G90 (African Union, ACP and the Least Developed Countries) and the G33,
- (4) *Aware of* the differing positions of these groups, some of which advocate total trade liberalisation, while others wish to keep tariff preferences under special and differential treatment, *also aware* of the collective criticism levelled by these groups against shortcomings in the WTO negotiation procedures,
- (5) *Recognising* the need for better designed negotiating structures with clear rules, agreed by all WTO members, to allow for the establishment of an equitable and transparent environment for international trade,
- (6) *Noting* that an agreement was concluded at the Doha Ministerial Conference concerning a special interpretation of the trade-related aspects of intellectual property rights (TRIPS), to meet public health needs,
- (7) *Concerned* that one third of the world's population does not have access to essential medicines, and *particularly concerned* at the spread of HIV/AIDS, affecting 42 million people throughout the world, a significant proportion of whom are in Africa, 90% of whom do not have access to medicines,
- (8) *Welcoming* the WTO agreement of 30 August 2003 on legal changes that will make it easier for poorer countries to import less expensive generic medicines made under compulsory licensing if they are unable to manufacture the medicines themselves,
- (9) *Aware of* the support through the Global Fund to Fight AIDS, Tuberculosis and Malaria for essential not-patented medicines requiring the provision of a full health service delivery system in each country,
- (10) *Noting* the reforms of the EU Common Agricultural Policy entailing major decoupling of production subsidies, while *remaining aware* that trade-distorting domestic support and export subsidies clearly harm developing countries,
- (11) *Welcoming* French President Chirac's proposals at the G8 Summit in Evian in 2003 to eliminate export subsidies on all products of interest to developing countries,
- (12) *Noting* that the "peace clause" of the WTO Agriculture Agreement has now expired, and that countries now have greater freedom to take action against each other's agricultural subsidies wherever they exist,
- (13) *Recognising* that measures to be taken must be firmly based upon the concept of sustainable development, as agreed upon at the Johannesburg Summit of 2002, including the integration of all three components - environment, economy and social questions - as well as the fight against poverty,

(14) *Further noting that:*

- The Doha Ministerial Declaration entails a number of commitments to tackle specific problems that have long been identified as major obstacles preventing developing countries from securing a more equitable share of world trade;
 - While agriculture provides a means of subsistence for two-thirds of the world's population, particularly in the developing countries, in Sub-Saharan Africa, where cotton producers make up approximately 40% of the overall population, cotton represents nearly 30% of national exports and 5-10% of GDP, and that this commodity is therefore of strategic importance in the fight against poverty,
 - The subsidies of the wealthy countries guarantee a minimum price to their producers, which results in the market being flooded with non-competitive agricultural goods, while the exorbitant cotton subsidies granted by the USA and the EU violate the rules of international trade and distort the universal principles of competition. Such subsidies - more than 6 times the amount of official development aid to developing countries - have led the international trading system into an impasse, as they contradict the basic principles of international free trade, resulting in price distortion, and link international trade in agricultural products to prices which are not determined by competition but by exorbitant farm subsidies, quota systems, restrictions on quantities, and agricultural export subsidies, all of which damage the agricultural sector, which is vital to the economic and social development of the developing countries,
 - It is important for developing countries to have the right to open their markets on a step-by-step basis to ensure secure food supplies through sustainable, domestic agricultural production,
1. *Calls for* continued provision of financial and technical assistance to negotiating teams of developing countries, so as to enable them to become more effective in international negotiations;
 2. *Recommends* that negotiations for opening markets be simultaneously pursued along North-North, South-South and South-North lines;
 3. *Recognises* the strategic importance of the cotton industry in development and poverty reduction in many countries, particularly the least developed ones, while stressing that changes negotiated in the area of agriculture should be non-sectoral;
 4. *Supports* the sectoral initiatives on cotton, referred to in the document presented to the Fifth WTO Ministerial Conference by its Chairman, Mr. L. Derbez;
 5. *Urges* the EU, US and China to remove their cotton subsidies and *calls on* the Common Fund for Commodities (CFC) to put forward proposals in support of the Cotton Initiative of the governments and parliaments of Mali, Benin, Burkina Faso and Chad, which are aimed at the progressive elimination of all cotton subsidies and the establishment of a compensation mechanism to support the cotton sector in the least developed countries;

6. *Requests* that the search for a solution to the problems of the African cotton sector be considered a priority within the framework of the Doha Development Round;
7. *Calls for* radical reduction of all agricultural subsidies that contribute to under-development as well as the reduction of tariffs and non-tariff barriers imposed on imports from developing countries;
8. *Emphasizes* that the decision of the WTO General Council of 30 August 2003 on the implementation of paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health calls for its prompt implementation through national legislation, to be passed by each parliament;
9. *Encourages* parliaments to scrutinise the actions of both governments and pharmaceutical companies to ensure implementation of the above-mentioned WTO decision, particularly after 31 December 2004, by which date all countries (except LDCs) are required to have introduced product patents on pharmaceuticals;
10. *Urges* WTO and its members to provide technical aid to countries in need and to ensure appropriate application of paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health;
11. *Calls for* a special fund to be put in place to finance the purchase of equipment for diagnosing and monitoring diseases and to purchase antiretroviral HIV/AIDS medicines and *also calls for* WTO provisions to be reinforced in order to facilitate exchange, thereby fostering competition in generic products and driving down the price of anti-AIDS drugs;
12. *Calls upon* all parliaments to pass legislation giving effect to the 30 August 2003 decision of the WTO that introduces compulsory licensing for the export of patented medicines for life-threatening diseases to developing countries with no or little manufacturing capacity in the pharmaceutical sector and to the least developed countries, so that they can import such drugs without restrictions;
13. *Further calls* upon parliaments to foster government action to ensure that antiretroviral drugs and those preventing mother-to-child HIV transmission are made freely accessible to HIV/AIDS patients, rather than simply to lower the price of such drugs;
14. *Urges* the parties concerned to support medical research into medicines suitable for developing countries given that the health problems related to HIV/AIDS cannot be solved through inexpensive medicines alone;

15. *Invites* governments to establish national HIV programmes to strengthen the national health system, to take measures against other serious diseases by providing affordably priced essential equipment to facilitate the diagnosis of common diseases, to promote the supply of food of proper nutritional value, and to develop health infrastructure;
16. *Expects* that agreements concluded at the various WTO negotiations will contribute significantly to redress imbalances and inequalities within world trade, and that priority will be given to the concerns related to the development of poor countries;
17. *Invites* WTO Members to recognise that agriculture has a multifunctional role which includes food safety, land conservation, animal welfare, the preservation of a way of life, revitalisation of rural society and rural employment, and *further invites* them to take non-trade concerns into account in WTO negotiations, enabling the co-existence of diverse agricultural systems of various countries, in particular in the developing world;
18. *Calls on* the IPU Member parliaments to monitor the pursuit by governments of the above-mentioned objectives;
19. *Reiterates* the call made in the Parliamentary Declaration from the Cancún meeting, as follows: "Transparency of the WTO should be enhanced by associating parliaments more closely with the activities of the WTO. Moreover, we call on all WTO Members to include members of parliament in their official delegations to future Ministerial Conferences".

STANDING COMMITTEE III

HON. ANDREW LIGALE, MP
HON. ABDALLA NGOZI, MP
HON. BETH MUGO, MP

FURTHERING PARLIAMENTARY DEMOCRACY IN ORDER TO PROTECT HUMAN RIGHTS AND ENCOURAGE RECONCILIATION AMONG PEOPLES AND PARTNERSHIP AMONG NATIONS

Parliamentarians hailed the important role democratization has played and the extent to which it has permeated even nations that two decades ago seemed impossible to democratize. Democracy enables people to freely choose an effective, honest, transparent, accountable and participatory government.

Holding free and fair elections at regular intervals thus enabling the people to express themselves represents a key pillar in the exercise of democracy. Parliament plays a pivotal role in the promotion of democracy and its representative nature must reflect the diversity of all components of society. Citizens have become increasingly aware of their role in the social and political construction of state institutions within democratic systems and are now demanding a leading role in their operations.

In the realm of human rights, parliaments should be focusing on creating awareness of democratic developments and the protection of human rights in an interdependent world. Modern day parliamentarians are faced with the challenge of devising a coherent response to the demands of the democratic system in which defense and promotion of human rights is an overriding factor.

As a political entity within the democratic system, parliaments need to conduct their human rights activities in a flexible manner, adapting its political mission to the issues affecting society. This approach calls for a strictly selective, timely and effective approach. Parliamentarians can innovate and improve upon the efforts of the states in which they exercise joint responsibility for overseeing human rights.

In their presentation, members of the Kenyan delegation in this committee underscored the critical role played by international parliamentary bodies such as IPU in efforts aimed at fostering partnership, reconciliation and cooperation among nations. This has proved vital especially in raising awareness of Parliaments, especially where cases of violation of human rights of Members of Parliament are concerned.

The Standing Committee on Human Rights has often employed Parliamentary Diplomacy to defend human rights of Parliamentarians in Chad, Malaysia and Guinea among many others. There is therefore need for Legislators to make use of such forums to intervene on behalf of their colleagues globally.

The United Nations and IPU should take a leading role in ensuring that the privileges, immunities and general human rights of Members of Parliament are safeguarded by member countries.

See appendix III for resolutions (overleaf).

APPENDIX 111.

COMMITTEE 3

RESOLUTIONS.

FURTHERING PARLIAMENTARY DEMOCRACY IN ORDER TO PROTECT HUMAN RIGHTS AND ENCOURAGE RECONCILIATION AMONG PEOPLES AND PARTNERSHIP AMONG NATIONS

Rapporteur: Ms. A.M. NARTI (Sweden)

The 110th Assembly of the Inter-Parliamentary Union,

- (1) *Aware* that a well-functioning democracy is crucial to ensure the promotion and protection of human rights and effective reconciliation,
- (2) *Mindful* that the full enjoyment of human rights empowers human beings to shape their lives based on liberty, equality and respect for human dignity, and must be safeguarded by every State and the international community,
- (3) *Affirming* the role of parliaments and inter-parliamentary bodies in providing a forum for dialogue and peaceful resolution of conflicts,
- (4) *Recognising* that reconciliation goes beyond the formal legal settlement of disputes, and is both a process and a goal,
- (5) *Recognising further* that true reconciliation is closely linked to an acknowledgement and punishment of the crimes of the past through prosecution, mediation, truth-telling and compensation,
- (6) *Recognising also* that there is no single model for reconciliation as evidenced by the variety of reconciliation efforts in countries emerging from conflict, including the various Truth and Reconciliation Commissions (TRCs) which have been established,
- (7) *Affirming* the important role of national parliaments, regional assemblies, the Inter-Parliamentary Union and the United Nations in preventing conflict, restoring peace and advancing reconciliation,
- (8) *Stressing* the important role of women in the prevention and resolution of conflicts and in peace-building,

(9) *Recalling* in this regard the contribution made by the IPU in offering all parties involved in or affected by a conflict a direct opportunity for dialogue, assistance in strengthening transitional assemblies and parliaments in post-conflict situations and, through its Committee on the Human Rights of Parliamentarians, addressing human rights concerns affecting parliamentarians in such situations,

(10) *Reaffirming* relevant IPU resolutions, particularly,

- “Strengthening national structures, institutions and organisations of society which play a role in promoting and safeguarding human rights” (Copenhagen, September 1994);
- “The prevention of conflicts and the restoration of peace and trust in countries emerging from war: the return of refugees to their countries of origin, the strengthening of democratic processes and the hastening of reconstruction” (Windhoek, April 1998);
- “The contribution of parliaments to the peaceful coexistence of ethnic, cultural and religious minorities, including migrant populations, within one State, marked by tolerance and the full respect for their human rights” (Berlin, October 1999); and
- “The role of parliaments in assisting multilateral organisations in ensuring peace and security and in building an international coalition for peace” (Geneva, October 2003),

A. Laying the groundwork for effective reconciliation processes

1. *Reaffirms* its call on States to institute, promote and implement national reconciliation processes aimed at achieving sustainable solutions to internal conflicts and internal crises provoked by international conflicts; *underlines* the importance of building a reconciliation process into post-conflict reconstruction at an early stage; *points out* that reconciliation may also serve to strengthen and deepen democracy in societies with a legacy of widespread human rights abuses;
2. *Stresses* the need for the adoption of confidence-building measures so as to create a climate of trust in which conflicting parties can pursue their reconciliation efforts;
3. *Strongly believes* that reconciliation processes can only be sustained if they are truly inclusive and *calls on* States to ensure the participation therein of both men and women on an equal footing, and of all components of society;
4. *Affirms* that parliaments play an essential role in securing a national consensus regarding the need and form of reconciliation, monitoring the agreements made to this effect, and adopting such laws and providing the resources needed to ensure their implementation;
5. *Encourages* parliaments to consider the full range of possible instruments of reconciliation, in particular truth-telling, reparations, healing and education, as well as different forms of justice, including community-based restorative measures;

B. Implementing reconciliation processes

1. *Urges* States to ensure the early and voluntary return, resettlement and rehabilitation of refugees and internally displaced persons; the disarming, demobilisation and subsequent reorientation and reintegration of former combatants, especially child

soldiers, into civilian life; and the rehabilitation of traumatised populations, in particular women and children;

2. *Calls on States to establish appropriate forms of justice to address violations of human rights and international humanitarian law which occurred in the course of conflict, including by, where possible and useful, the establishment of Truth and Reconciliation Commissions on the basis of: (i) a fair representation of national diversity and a gender balance in their membership; (ii) the provision of adequate resources; and (iii) a clearly defined mandate and the mechanisms needed for implementation;*
3. *Calls on parliaments to take an active part in debating and encouraging progress in reconciliation processes, including through hearings and the consideration of progress reports, and, where Truth and Reconciliation Commissions have been established, by ensuring that their work and recommendations are made public and implemented;*
4. *Invites the IPU to gather, analyse and make available lessons drawn from comparative experiences of parliaments and their members working in post-conflict settings;*

C. Promoting democracy, human rights and a culture of peace and tolerance to consolidate reconciliation and prevent conflicts

1. *Encourages States to eliminate the structural causes of violent conflict and to adopt effective policies and legislation to prevent conflict in future;*
2. *Underlines that the holding of truly free and fair elections based on secret balloting and universal suffrage, monitored by independent election authorities, is always of paramount importance in the establishment of parliaments reflecting national diversity and, particularly in countries emerging from violent conflict, is essential in consolidating and advancing the reconciliation process;*
3. *Calls on parliaments to respect the political rights of opposition parties and the freedom of the media;*
4. *Also calls on parliaments to articulate the diverse needs and aspirations of society while giving priority to addressing and raising the profile of those needs, such as health, education, etc., which are shared by a divided public;*
5. *Stresses the particular responsibility of individual parliamentarians and their political parties in promoting tolerance of diversity;*
6. *Reaffirms that parliamentary democracy can only be truly meaningful if women are represented in parliament on the basis of full equality with men, both in law and in practice; strongly urges parliaments to ensure that such equality is achieved by, *inter alia*, the adoption of temporary special measures;*
7. *Stresses the importance of the universal ratification of international human rights and international humanitarian law instruments; and calls on the parliaments in States*

which are not yet party to those instruments, to examine the reasons thereof and consider ratification as soon as possible;

8. *Calls on* parliaments to ensure that there are no statutes of limitations and other legal impediments to the prosecution of serious violations of human rights and international humanitarian law;
9. *Invites* all States to consider, if they have not already done so, acceding to and/or ratifying the Rome Statute establishing the International Criminal Court; and *recalls* that, in establishing the crimes falling within the jurisdiction of the Court, the latter's Statute defines rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, or any other form of sexual violence both as war crimes and, when committed as part of a widespread or systematic attack directed against any civilian population, as crimes against humanity;
10. *Encourages* all countries to implement United Nations Security Council Resolution 1325 (2000) on Women and peace and security, given the important role of women in the prevention, management and resolution of conflicts and in peace-building activities;
11. *Stresses* that human rights can be enhanced through parliamentary human rights committees as well as through the establishment of national institutions, such as Ombudsmen, for the promotion and protection of human rights, nationally and internationally; and *urges* parliaments to establish such committees and national institutions where they do not yet exist;
12. *Calls on* parliaments to become more active in the field of improving respect for human rights and international humanitarian law and in controlling the implementation of the decisions by the agencies concerned;
13. *Urges* parliaments to ensure that tolerance, human rights, the culture of peace and the norms and principles of international humanitarian law are included and promoted in formal and informal education syllabuses, in consideration of the importance of school literature to democratic education and in helping to prevent young people from becoming involved in a culture of violence;
14. *Calls on* the IPU to strengthen its assistance, where appropriate, to nascent parliamentary institutions, such as transitional and/or constituent assemblies, and their successor parliaments, with a view to strengthening their substantive and technical capacities for the effective performance of their roles and responsibilities;
15. *Encourages* the involvement of the IPU in parliamentary election monitoring and observation, thereby contributing to the legitimacy of the parliaments resulting from those elections.

MEETING OF WOMEN PARLIAMENTARIANS

HON. (PROF) RUTH ONIANG'O, M.P.

HON. NYIVA MWENDWA, M.P.

During the meeting of Women Parliamentarians, members celebrated the gains they had achieved in the last decade and also outlined proposals for greater participation of women in all aspects of political, social and economic activities in their countries.

Recent IPU statistics show that by the end of 2003, for the first time, women had broken the 15% barrier across all international parliaments. Today, women comprise 15.2% of the numbers of both Lower and Upper Houses. Out of the 181 countries with national Parliaments, over 94% have at least one woman in Parliament. Although only 14 countries have so far managed to reach the 30% threshold of women in national parliament, a figure widely considered to signify the point at which women can make a meaningful impact on the work of Parliament, women are very optimistic that it is just a matter of time before the required targets are met.

This optimism is borne out of the fact that Rwanda, which was just emerging out of a serious conflict, broke a world record when elections held in 2003 saw a remarkable increase of 23.1% of women to the National Assembly. With a score of 48.8%, the country came closest to reaching equal numbers of men and women in any parliament. Until these elections, Nordic countries had been set to reach that target. Rwanda was highly commended as they had attained a record unheard of anywhere in Africa.

The trend in post-conflict countries like Rwanda to institute mechanisms such as quotas and reserved seats, which ensure the presence and participation of women in the newly created institutions, has been quite effective.

However, the main obstacles hindering women's participation in political life still persist and running for parliamentary seats and being elected to positions of authority are among the top on the list. Others include lack of time due to careers and family commitments, lack of training and lack of funds, insufficient media support and poverty. On the issues of sexual exploitation of children, they said that sexual abuse of any child is

unforgivable, scandalous and a violation of the very innocence of providence. The situation in Kenya has been positive, where both genders and parliamentarians rallied to condemn rape and other forms of sexual violation against children.

In their contribution to the meeting, members of the Kenyan delegation highlighted the recognition and acknowledgement of the participation and visibility of Kenyan women in the new Draft Constitution. They lauded the important and strategic role played by Kenya in conflict resolution particularly in the horn of Africa but regretted that no single woman is a member of such peace initiatives. They however said that women Parliamentarians were members of a Parliamentarians Peacekeeping Forum – **Amani**. They further said that the role of women in peace making and reconciliation should be recognized as they and their children are the most vulnerable in times of conflicts.

IPU CALENDAR OF EVENTS.

1. The 11th Session of the United Nations Conference on Trade and Development. (UNCTAD XI)
Venue: Sao Paulo, Brazil, 11th and 12th June 2004.
2. The 111th IPU Assembly.
Venue: IPU Headquarters, Geneva, September 25th to October 1st 2004.
3. The 112th IPU Assembly.
Venue: Manila, Philippines, April 2005.
4. The 113th IPU Assembly.
Venue: IPU Headquarters, Geneva, October / November 2005.
5. The 114th IPU Assembly.
Venue: Nairobi, Kenya, April 2006.

RECOMMENDATIONS

The Kenya IPU National Group;

- 1. Urges the government to implement resolutions on the Global Fund to fight HIV/AIDS, Tuberculosis and Malaria and also take appropriate measures against other serious diseases by developing suitable national healthcare infrastructure.***
- 2. Urges the government to facilitate the early and voluntary return, resettlement and rehabilitation of refugees and other internally displaced persons.***
- 3. Urges the government to establish, when needed, legally constituted Truth and Reconciliation Commissions and ensure fair representation of national diversity within them taking into account gender perspective.***
- 4. Urges the Government to promote cooperation among Human Rights bodies and to develop relations with the United Nations High Commissioner for Human Rights and other regional Human Rights groups.***