

*Paper Laid by the leader
of the IPU Kenya delegation
to Manila (Mr Legale)
on 12/5/05
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REPUBLIC OF KENYA

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KENYA NATIONAL ASSEMBLY

**REPORT OF THE
IPU, KENYA DELEGATION ON THE 112TH
ASSEMBLY OF THE INTER- PARLIAMENTARY
UNION HELD IN MANILA, PHILIPPINES BETWEEN
3RD AND 8TH APRIL 2005**

**PARLIAMENT BUILDINGS
CLERKS CHAMBERS
NAIROBI**

APRIL, 2005

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FOREWORD

This report is a summary of the proceedings and resolutions of the 112th Assembly of the Inter-Parliamentary Union held in Manila, Philippines between 3rd and 8th April, 2005.

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 five members to represent our parliament during the 112th IPU Assembly held in Manila, Philippines.

Members of this delegation who are also members of the 114th Inter-Ministerial Organizing Committee were drawn from various political parties represented in the Kenya National Assembly and out of who, two were women parliamentarians.

Mr. Speaker Sir,

In recognition of the enormous task ahead of the 114th IPU Inter-Ministerial Organizing Committee, you in your wisdom found it necessary to nominate some of its members drawn from various Ministries to accompany the delegation to Manila. The purpose of this visit was to enable them get first hand account of the preparation of the conference by holding discussions with the Organizing Committee of the Senate of the Philippines and observing various aspects and logistics relating to the organization of the Manila conference. I believe this exposure will not only enhance their capacity but also psychologically prepare them for the challenge of making the 114th IPU Assembly in Nairobi scheduled for 7th to 12th May, 2006, a memorable and resounding success.

Mr. Speaker Sir,

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-Leader of the Delegation
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. Samuel W. Ndindiri - Clerk of the National Assembly
8. Mrs. Nancy Mukunya -Personal Assistant to the Speaker
9. Anita Thurania -Senior Clerk Assistant / Secretary to the Delegation
10. Mr. James Mwangi -Principal Clerk Assistant Head, Organizing Committee
11. Amb. Lazarus Amayo Protocol Sub-Committee, Min. of Foreign Affairs
12. Mr. Reuben Rotich Hospitality - Min. of Local Government
13. Mr. Henry Mung'asia Publicity-Min. of Info. and Communication
14. Mr. Kennedy Kihara Security- Office of the President
15. Mrs. Mary Kanyiha Procurement-National Assembly
16. Mr. Joseph Manyala Transport -Min. of

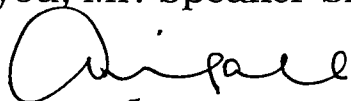
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|-----|--------------------|--|
| 17. | Ms. Pamela Mbogo | Transport
Conference Facilities-Min.
of Tourism [KICC] |
| 18. | Ms Stella Amadi | Hotel Accommodation -
Min. of Tourism |
| 19. | Mr. Peter Chemweno | Secretariat - National
Assembly |
| 20. | Mr. Joel Terer | Conference Facilities
(Technical division, KICC) |

Mr. Speaker Sir, my delegation is particularly grateful to you for according it the opportunity to experience the logistic intricacies of hosting such a distinguished group of delegates. I wish to assure you that the invaluable experience gained will be properly utilized as we work tirelessly to steer the preparations for the Nairobi conference.

Mr. Speaker, on behalf of the members of my delegation, I also wish to express my gratitude to the Clerk of the National Assembly for facilitating this trip. I now submit the report of the 112th 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 112th Assembly of the Inter-Parliamentary Union and its related meetings was held in Manila, Philippines between 3rd and 8th April 2005. It was hosted by the Senate of the Philippines.

The Assembly, which was the first this year, was officially opened on 3rd April 2005 by Her Excellency Ms. Gloria Arroyo, the President of the Republic of the Philippines. Inaugural addresses were delivered by Mr. F.M. Drilon, President of the Senate of the Philippines, Mr. J. de Venecia Jr., Speaker of the House of Representatives of the Philippines, Mr. Sergio Paez Verdugo, the President of the Inter-Parliamentary Union and Mr. R. Orr, Representative of the Secretary- General of the United Nations, among others.

The conference was attended by over one thousand three hundred delegates, Associate Members, Observers, representatives of various organs of the United Nations including UNICEF, UNHCR, ILO, UNESCO, WHO, WTO, IMF, FAO IFAD; the World Bank, International Committee of the Red Cross, the European Parliament, the African Parliamentary Union, AWEPA, East African Legislative Assembly , and SADC among others.

Participants

The 114 National Parliamentary groups represented in the Manila Assembly were: -

Albania, Algeria, Angola, Argentina, Australia, Austria, Azerbaijan, Bangladesh, Bahrain, Belarus, Belgium, Benin, Bolivia, Bosnia, and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Chile, China, Congo, Cote D'Ivoire, Cyprus, Cuba, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of Congo, Denmark, Ecuador, El Salvador, Estonia, Ethiopia, Egypt, Finland, France, Fiji, Gabon, Germany, Georgia, Ghana, Greece, Guatemala, Guinea, Hungary, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mauritius, Mali, Malta, Mexico, Monaco, Mongolia, Morocco, Namibia, Nepal, Nigeria, Netherlands, New Zealand, Nicaragua, Niger, Norway, Pakistan, Papua New Guinea, Peru, Philippines, Poland, Portugal, Republic of Korea, 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, Sweden, Switzerland, Syrian Arab Republic, Thailand, The Former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, United Kingdom, Ukraine, United Arab Emirates, Uruguay, Uzbekistan, Venezuela, Vietnam, Yugoslavia, and Zambia.

OBJECTIVES OF THE INTER-PARLIAMENTARY UNION

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 has also become an organization of Parliaments 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 can no longer counter on their own.

THE EXECUTIVE COMMITTEE REPORT

The 244th sessions of the Executive Committee in Manila were held on March 31st, April 2nd, 4th, and 7th, 2005. The meetings were attended by the Speaker, Hon. Francis Ole Kaparo and the outstanding issues addressed are summarized hereunder:-

(a) Report by the President

The President reported that the Annual Parliamentary Hearing in New York held between October 17th and 21st, 2004 was successful and the report on co-operation between the United Nations and the IPU was adopted. He further reported that the logistics and political aspects of the second World Conference of Speaker's of Parliaments which will take place in New York in September 2005 were discussed and agreed upon.

(b) The report on activities of the Inter-Parliamentary Union.

The Secretary General reported on various activities undertaken by IPU in 2004 and stated that the Union had successfully carried out its activities in the year under consideration. He however underscored the issue of the questionnaire sent to all Parliaments with a request for a response and stated that many Parliaments had not responded. It was suggested that Parliament should debate on the issues raised in the questionnaire and then submit the result to the preparatory committee of the World Speakers Conference that will be held in Gabon in May 2005.

(c) Membership of the Inter-Parliamentary Union

- (i) It was reported that the Parliament of Georgia had applied for its re-affiliation after paying one third (1/3) of its debt and the committee recommended to the

governing council to re-affiliate it immediately so that its delegation could take part in the Conference from Monday April 4, 2005.

- (ii) The request for the Parliament of Madagascar for re-affiliation was rejected as it had not paid 1/3 of its debt.
- (iii) The Parliament of Omani could not be re-affiliated because it had not met the conditions set down for re-affiliation.
- (iv) The new Parliament of Somalia had also applied for affiliation but was informed that it would be affiliated when it started operating in its own territory. The African Representatives, Hon. Francis ole Kaparo and Hon. Mensah of Namibia intervened and strongly urged IPU to help Somalia in all possible ways to enable the new Parliament stand on its feet. Kenya through Hon. Francis ole Kaparo offered to facilitate communication between IPU and the new Parliament of Somalia. The whole Executive Committee then supported the idea that the Parliament of Somalia should receive whatever assistance it requested from IPU and Kenya was mandated to facilitate.

(d) Proposed new rule 5:11

The proposed new rule 5:11 which seeks to allow suspended Members to present their extenuating circumstances for consideration when they apply for re-affiliation was adopted by the Executive Committee and it was recommended that the same be forwarded to the Governing Council for ratification.

(e) Financial questions

The Executive Committee received a report on the finances of the Union and it was generally agreed that Member Parliaments were meeting their obligations. It was noted that Japan is the biggest contributor to IPU after America withdrew its membership. The Committee was informed that many Parliaments have complained that there was a discrepancy

between their contributions to IPU and those to the United Nations. The Committee was requested to find a way of harmonizing the situation and the matter was postponed to be revisited later in Geneva in October, 2005.

(f) Cooperation with the United Nations

It was reported that the Report on Co-operation between IPU and the United Nations was adopted in October 2004 in New York. The Executive Committee agreed to support the expansion of the New York office.

(g) Second World Conference of Speaker's Of Parliament

It was reported that the above Conference will be held in New York from September 7th to 9th 2005. Members were requested to note that registration forms must be returned to the Secretariat before July 15, 2005 and the Visas must be applied for by latest July 2005 to avoid disappointments.

(h) Strengthening parliaments and democracy

The Executive Committee heard that Nigeria had received election materials from I.P.U and it was hoped that it would have fair and free elections.

It was further reported that Palestine had applied for I.P.U observers in their July, 2005 elections. Members however observed that there should be a criteria to guide I.P.U in its decision of offering assistance to Member Parliaments so that fairness can be maintained.

MEETING BETWEEN THE IPU SECRETARIAT AND THE KENYAN DELEGATION

The Kenyan delegation headed by Hon. Andrew Ligale, Chairman of the Inter-Ministerial Organizing Committee had occasion to meet the Secretariat of the Inter-Parliamentary Union on 6th April 2005. This was a follow up of a series of

meetings held between the Committee and Mr. Marcello Bustos, Head of the division of Conference Affairs and Relations with Parliaments at the IPU headquarters during his recent visit to Nairobi in March 2005. The meeting deliberated on the progress made by the Organizing Committee particularly as regards the status of the renovations being undertaken at the Kenyatta International Conference Centre.

Signing of the Agreement

The signing ceremony of the Agreement between the Speaker of the Kenya National Assembly, Hon. Francis Ole Kaparo, and Mr. Anders Johnsson, Secretary General of the Inter-parliamentary Union took place on 7th April, 2005. It was witnessed by members of the Kenya delegation and staff of IPU. This was a very significant step for Kenya as it signaled the acknowledgement by the IPU Executive Committee that the Kenya National Assembly has the capacity to host this important event between 7th and 12th May, 2006 and preparations could now start in earnest.

During the closing ceremony, the Speaker warmly invited all IPU members to the 114th IPU Assembly in Nairobi and said that it would be a source of tremendous pride and honour for the people of Kenya to host them.

Conference Topics

There were three major items for discussion namely-;

- ◇ General debate on the Political, Economic and Social situation in the world with the overall theme of: - **The impact of domestic and international policies on the situation of women.**
- ◇ ***The of role of parliaments in the establishment and functioning of mechanisms to provide for the judgement and sentencing of war crimes, crimes against humanity, genocide and terrorism, with a view to avoiding impunity.***

- ◇ ***The role of Parliaments in establishing innovative international financing and trading mechanisms to address the problems of debt and achieve the Millenium Development Goals.***
- ◇ ***The role of parliaments in advocating and enforcing observance of human rights in the strategies for the prevention, management and treatment of the HIV/AIDS pandemic.***
- ◇ ***Emergency item;- Natural Disasters: The role of Parliaments in prevention, rehabilitation, reconstruction and the protection of vulnerable groups.***

BRIEF SUMMARY OF THE PROCEEDINGS

General debate on the Political, Economic and Social situation in the world: The impact of domestic and international policies on the situation of women

Parliamentarians noted with concern that despite the many strides the world had taken in areas such as science, medicine, information and communications technology, democracy and human rights of women are grossly and continually neglected. Globalization had resulted in the increase of victimization of women and children through human trafficking, sexual violence and all forms of dehumanizing acts. Systematic exclusion of women from participating in economic and political affairs and the development of their societies is often a glaring and indisputable reality.

The session acknowledged that gender discrimination increases women's vulnerability to HIV/AIDS and it is estimated that over 70% of people aged between fifteen and twenty-four living with HIV were women. These figures are rising drastically and the fact that the burden of caring for Aids patients falls squarely on women and girls worsens the situation.

In her address, Mrs. Carol Bellamy, the Executive Director of UNICEF appealed to parliamentarians to use their powerful and privileged positions in society to create real and lasting improvements in the lives of children. She urged them to put in place relevant legislation to protect children's rights and also provide the much-needed national leadership. She said that although governments and civil society organizations had an important role to play, they could only succeed within the framework of good governance. She noted that in most cases, powerful interested parties would rather spend huge amounts of money on military and related activities than use the funds to develop policies geared towards empowering women and children.

It was noted that a UNICEF report in 2005 had identified conflict, poverty and HIV/AIDS as the key challenges facing women and children. According to the report, more than one billion children globally were robbed of their childhood by the above three forces.

Apart from this, half a million women died in childbirth annually and the systematic rape of women as a weapon of war was increasing. She said that as an example of what can be done to change this state of affairs, UNICEF and IPU were co-operating in launching their second joint publication, a handbook on stopping child trafficking.

In his presentation, Mr. R. Orr, the representative of the United Nations Secretary General urged Parliaments to support the reform of the United Nations as proposed by the Secretary General. He emphasized the importance of the UN and the IPU working together in the provision of assistance in building democratic institutions.

He said that the reform package included a proposal for a Democracy Fund that would be made available to governments, Parliaments and NGO'S.

In his address to this session, Hon. Andrew Ligale who represented the Kenyan delegation said that the plight of women in many countries has been overlooked in both policy

and decision making and international forums on the issue seem not to have made the required impact.

He noted that today, gender equality and women empowerment continue to dominate international, regional and national agenda. World leaders have signed and ratified various charters and conventions that seek to protect women's rights. Yet, governments have done little to implement resolutions contained in some of the charters, conventions and protocols they have signed. He said that women have demonstrated considerable leadership in community and informal organizations as well as in public offices but negative stereotyping reinforces the tendency for political decision making to remain the domain of men.

However, it was gratifying to note that in the recent past, a number of countries have opened up democratic space by increasing the number of parliamentary seats held by women as is the case in Rwanda, Uganda and Tanzania. The Draft Kenya Constitution has borrowed heavily from lessons in these neighbouring states and when passed, will constitute a major milestone in the struggle against marginalization of women. Kenya is also a signatory to the many international protocols that support women empowerment including the Beijing Platform, and the Africa Union Charter.

As regards women representation in the Kenyan parliament, the current 9th Parliament has the highest ever-achieved level of representation by women in Kenya with 18 out of the 222 members of parliament. The government has also made gains in appointing competent women to key positions such as Ministers, Deputy Ministers, Permanent Secretaries and Heads of Parastatals.

Kenya is truly proud of the great achievements by one of the women parliamentarians who is also a Deputy Minister, Hon. [Prof.] Wangari Maathai who was recently awarded the highly coveted honour of Nobel Peace Prize for her contribution to environmental conservation.

STANDING COMMITTEE I

Hon. (Prof.) Ruth Onian'go, M.P.

The role of Parliaments in the establishment and functioning of mechanisms to provide for the judgement and sentencing of war crimes, crimes against humanity, genocide and terrorism with a view to avoiding impunity.

Parliamentarians noted that the concept of justice is rooted in all national cultures and requires that the rights of the accused, the interests of the victims and the welfare of the society as a whole be taken into account through the existence of judicial mechanisms be they official or traditional in nature.

Over the last past decade, experience gained has clearly shown that it is not possible to consolidate peace in the aftermath of conflict unless the population believes that the abuses to which it has been subjected will be addressed. Addressing past events, re-establishing the rule of law and promoting democracy are long term processes that require time and particularly in countries with devastated institutions, depleted resources, a weak security environment and a divided and deeply affected population.

The session heard that in order to ensure justice, it is necessary to focus on the multiple obstacles to justice which often include a lack of political will to introduce reforms, the absence of an independent judiciary, a shortage of technical expertise and financial resources, failure to respect human rights and other issues linked to peace and security.

In this regard, transitional justice should be considered as an appropriate mechanism to fulfill this objective, considering that its implementation involves legal processes intended to help a country undergoing political transition to confront its legacy of human rights abuses, violence and other forms of oppression.

Transitional justice projects are intended to promote justice, peace and reconciliation and may entail prosecuting individual perpetrators of human rights violations, offering reparations to

victims, establishing truth and reconciliation commissions and removing human rights abusers from positions of power.

During the last fifty years, the international community has created a substantive and solid set of rules in the pursuit of justice, which includes provisions on human rights and criminal justice. It also encompasses humanitarian standards that set out detailed rules aimed at protecting victims of armed conflict and restricting the means and methods of warfare.

The establishment of the International Criminal Court (ICC) was the most striking milestone in the struggle for justice. The ICC emphasizes the principle that the most serious crimes that affect the whole international community must not be left unpunished. The ICC aims:-

- ***To bring to justice those persons who have seriously violated human rights or humanitarian law***
- ***To bring such violations to an end and to prevent their recurrence***
- ***To ensure justice and dignity for the victims and to establish a record of the past events***
- ***To warn potential violators that there is no safe haven for them***
- ***To foster long lasting national reconciliation and peace***

In her presentation Prof. Oniang'o who represented the delegation in this committee decried the dehumanizing acts and violations women and children are subjected to in war torn countries. She said that regions and societies are brutally affected by the persistence of war crimes, crimes against humanity and the world must urgently seek ways of eliminating this menace once and for all.

She noted with concern that Kenya has been a victim of terrorism twice in a span of less than a decade as a result of which lots of innocent lives were lost. She said that Kenya has already ratified the Rome Statutes and is ready to cooperate with the international community to make the world a safer place.

See Appendix I for resolutions (overleaf)

APPENDIX I

COMMITTEE I RESOLUTIONS

THE ROLE OF PARLIAMENTS IN THE ESTABLISHMENT AND FUNCTIONING OF MECHANISMS TO PROVIDE FOR THE JUDGEMENT AND SENTENCING OF WAR CRIMES, CRIMES AGAINST HUMANITY, GENOCIDE AND TERRORISM, WITH A VIEW TO AVOIDING IMPUNITY

*Resolution adopted unanimously by the 112th Assembly
(Manila, 8 April 2005)*

The 112th Assembly of the Inter-Parliamentary Union,

Deeply concerned by the fact that in today's world, many regions and whole societies are brutally affected by the persistence of war crimes, crimes against humanity, genocide and/or terrorism, all of which are serious crimes of concern to the international community as a whole,

Convinced that there is no justifiable cause for those abhorrent crimes,

Considering that, in keeping with the principles enshrined in the United Nations Charter, international human rights law, international humanitarian law and international criminal law, appropriate instruments have been developed, and that it is of paramount importance to ensure that their provisions be enforced, in conformity with the international obligations assumed by States,

Recalling in this respect the particular importance of ensuring respect for the rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Geneva Conventions for the protection of victims of war of 12 August 1949 and their Additional Protocols, the Convention on the Prevention and Punishment of the Crime of Genocide and other instruments, treaties and agreements ensuring respect for human dignity, as well as the human rights norms of customary international law as reflected by state practice,

Considering that under international law, no statutory limitation applies to war crimes, crimes against humanity, genocide and terrorism, and such crimes are not subject to amnesty, clemency or pardon, and that this has been confirmed by the judgements of national and international courts,

Recalling the resolutions on peace, security and disarmament adopted by the IPU since 1990,

Stressing the importance of the International Criminal Court (ICC) in preventing and punishing war crimes, genocide and crimes against humanity, and *recalling* in this respect that States party to the Rome Statute of the ICC have a duty to prosecute such crimes themselves or to refer persons suspected of such crimes to the jurisdiction of the ICC, and also that international humanitarian law, as enshrined in the Geneva Conventions for the protection of victims of war of 12 August 1949 and their Additional Protocols, places the obligation on States to search for and try persons alleged to have committed, or have ordered to be committed, grave breaches, regardless of the persons' nationality or where the violations take place,

Recognising that the jurisdiction of the ICC is limited to crimes committed on or after 1 July 2002 and that there is a need for mechanisms to address war crimes, crimes against humanity and genocide committed before that date,

Considering the Rome Statute, which requires States Parties to cooperate with the ICC in order to combat war crimes, crimes against humanity and genocide, and *considering* the 12 international conventions and

protocols relating to terrorism,

Concerned at the lack of progress made, on the one hand by the States Parties to the Rome Statute of the ICC and on the other hand by all States, in implementing the necessary mechanisms to support, respectively, the Statute, and the provisions adopted by the United Nations and other bodies to combat these crimes,

Recognising that political will to speak out against racism, xenophobia and intolerance is an essential element in ending impunity,

Concerned at the fact that the implementation of agreements on the prosecution of war crimes, crimes against humanity, genocide and terrorism has been delayed, set aside, or omitted by some States, thus subjecting these agreements to different interpretations and reducing their effectiveness, *alarmed* at the possibility that this may signal a permissive attitude towards impunity, and *concerned* at the fact that many States have not yet ratified or acceded to the Rome Statute,

Convinced that parliaments have a primary responsibility, and must, by enacting necessary legislation, play a central role in the prevention, punishment and avoidance of impunity for war crimes, crimes against humanity, genocide and terrorism, and that a multilateral approach among parliaments is an appropriate way to facilitate the implementation of mechanisms required for the enforcement of judgements and penalties for these abhorrent crimes,

Recalling that each State has the obligation and the duty to prosecute or extradite the perpetrators of war crimes, crimes against humanity, crimes of genocide and terrorist crimes, irrespective of the location of the crime or the nationality of the perpetrator or the victim,

Recalling that victims of war crimes, crimes against humanity, genocide and terrorism have the right to truth, justice and reparation,

1. *Strongly condemns*, without exception, all acts, methods and practices of war crimes, crimes against humanity and genocide;
2. *Strongly condemns* all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomsoever committed, including those in which States are directly or indirectly involved, which threaten friendly relations among peoples, endanger or take innocent lives, have a deleterious effect on international relations and may jeopardise the security and territorial integrity of States;
3. *Strongly advises* all IPU Member Parliaments to assume, before their States and citizens, in conformity with their national legislations and the international obligations of States, the responsibility for implementing and enforcing, through the enactment of national laws, the international agreements that have been concluded to punish and prevent war crimes, crimes against humanity, genocide and terrorism;
4. *Recommends* that through the inter-parliamentary activity of IPU Members, efforts should be combined and experiences shared in order to develop the necessary mechanisms to pursue these objectives, and to avoid impunity for those individuals, organisations and States that commit war crimes, crimes against humanity, genocide and terrorism;
5. *Urges* Member Parliaments duly to codify, in accordance with international law, in particular international humanitarian law, human rights law and refugee law, these abhorrent crimes in their domestic criminal law, and to establish the corresponding penalties and mechanisms to avoid impunity;
6. *Invites* those States which have not yet done so to ratify or accede to the Rome Statute and to ratify the Agreement on the Privileges and Immunities of the International Criminal Court; and *encourages* all Member Parliaments whose States are parties to the Rome Statute to pass domestic legislation in

order to allow them to cooperate with the ICC;

7. *Recommends* that all parliaments, including those of States which have not ratified the Rome Statute, enact laws for the prevention and punishment of war crimes, crimes against humanity, genocide and terrorism;
 8. *Recommends* that all parliaments support and cooperate with the ICC and other competent bodies (such as national and international commissions for the investigation of crimes against humanity and national and international courts), and thus strengthen parliamentary action to eradicate war crimes, crimes against humanity, genocide and terrorism;
 9. *Recommends* that States specifically address the issue of war crimes, crimes against humanity and genocide committed before the entry into force of the Rome Statute in a framework of justice and legality, which are the necessary conditions to attain peace and the respect of human rights in each country and in the international community;
 10. *Urges* Member Parliaments to reject bilateral agreements that would provide for immunity from investigation and prosecution, by the ICC or otherwise, for the nationals of any State;
 11. *Recommends* that all parliaments do everything in their power to assist with the criminal prosecution of persons being sought by the International Criminal Police Organization (Interpol), including by facilitating their hand-over;
 12. *Calls* on parliaments to consider ratifying, if they have not yet done so, the 12 multilateral treaties on terrorism and the relevant regional instruments, to incorporate their provisions into domestic legislation and to see to it that they are duly implemented;
 13. *Recommends* that all parliaments urge their respective governments to intensify efforts to come to a global agreement on terrorism, expressing the common awareness of States of the threat of international terrorism and providing a precise definition of the nature and actual features of this phenomenon, so as to combat it more effectively;
 14. *Calls* for recognition of the need to strengthen capacity-building assistance for countries which have the political will but lack the technical resources necessary to conclude and implement the 12 conventions and protocols relating to terrorism;
 15. *Recommends* that all parliaments enact legislation, in line with international law, to create civil procedures to provide compensation to victims of war crimes, crimes against humanity, genocide and terrorism;
 16. *Encourages* parliaments to make the fullest possible use of their competences and roles to achieve these objectives;
 17. *Recommends* that parliaments take account of international declarations and conventions on these subjects and of the considerations of the United Nations, the ICC and all related international or regional agencies, authorities and bodies;
 18. *Invites* parliaments to include in their agendas, as a priority, the activities required to implement all mechanisms which may contribute to the prosecution of war crimes, crimes against humanity, genocide and terrorism, including the strengthening of rule of law mechanisms, so as to avoid impunity for these crimes and to ensure the rights of the victims of such crimes to just reparation;
 19. *Invites* the United Nations and parliaments to promote voluntary contributions to the ICC Trust Fund for Victims.
-

STANDING COMMITTEE II

Hon. Kembi Gitura, M.P.

The Role of Parliaments in establishing innovative international financing and trade mechanisms to address the problems of debt and achieve the Millennium Development Goals.

Goal eight of the Millennium Development Goals states that global partnerships must be forged to enable countries achieve the other seven goals.

The session noted that loans granted to countries are often accompanied by multiple conditions and have been used as a lever to impose policies that give the donors greater access to developing countries' markets. Parliaments in loan recipient countries usually have very little involvement at the loan negotiating tables. However, in some countries, parliamentary approval is critical to implementation especially when a new legislation is required. Parliamentarians can therefore be more proactive in the consultative process by: -

- Monitoring the government's implementation process closely and regularly
- Enacting legislation to ensure that information on loan agreement is made public
- Creating mechanisms to ensure greater participation of parliamentarians and civil society in monitoring of the programmes
- Making Millennium Development Goals part of the routine parliamentary debate
- Making their views known on loan conditions they consider not to be in the interest of the country

In his presentation, Hon. Gitura voiced his concern over the rising and endemic poverty in developing countries. He said that third world countries are reeling under the weight of debt burden, both bilateral and multilateral and the situation seems to be getting worse by the day. The crippling debt burden is such that sovereign states will never source enough

funds to finance social programmes geared towards poverty reduction as all their meager resources go into debt servicing.

The concept of millennium development goals shows that the world is willing to find solutions to this problem. It is therefore necessary to forge global partnerships in order to achieve these goals by the year 2015. The commitment to more effective aid, more sustainable debt relief and equitable trade rules must be worked out as a matter of priority.

It is noted that whereas Africa alone spends about US \$ 15 billion a year on debt repayment, it gets only US \$ 12.5 billion in aid after a long process of striving to fulfil donor conditionalities. He said that currently, Africa's total debt stands at US \$ 300 with Sub-Saharan Africa accounting for US\$ 185 billion in external debts.

He noted with concern that in Kenya, the amount spent on servicing debts in 2004 alone was estimated to be more than the total budget allocation for the Ministry of Education and fifteen times the amount allocated to the Ministry of Agriculture. In these circumstances it is completely impossible to achieve any of the development goals and any insistence that these debts must be paid will defeat the achievement of the Millennium Development Goals.

The first step towards breaking this vicious circle is therefore to cancel third world debts, create global partnerships and support the virtues of good governance.

Appendix II for Resolutions (overleaf)

APPENDIX II

COMMITTEE II RESOLUTIONS

THE ROLE OF PARLIAMENTS IN ESTABLISHING INNOVATIVE INTERNATIONAL FINANCING AND TRADING MECHANISMS TO ADDRESS THE PROBLEM OF DEBT AND ACHIEVE THE MILLENNIUM DEVELOPMENT GOALS

*Resolution adopted unanimously by the 112th Assembly
(Manila, 8 April 2005)*

The 112th Assembly of the Inter-Parliamentary Union,

Recalling the Declaration adopted on 1 September 2000 by the Presiding Officers of National Parliaments entitled The Parliamentary Vision of International Cooperation on the Eve of the Third Millennium,

Recalling also the Millennium Declaration of 8 September 2000, which sets out eight time-bound and measurable goals collectively known as the Millennium Development Goals, as criteria established jointly by the international community for the elimination of poverty, and also the Human Development Reports drawn up by the United Nations Development Programme (UNDP),

Recalling the final declarations of specialised United Nations conferences, in particular the International Conference on Financing for Development, held in Monterrey, Mexico in 2002, the World Summit on Sustainable Development, held in Johannesburg, South Africa in 2002, and the Third United Nations Conference on the Least Developed Countries, held in Brussels, Belgium in 2001,

Recalling the Declaration adopted in New York on 20 September 2004 by 120 countries at the end of the Summit for Action against Hunger and Poverty, the September 2004 report by the Technical Group on Innovative Financing Mechanisms and the final reports of the UN Millennium Project, delivered on 17 January 2005,

Recalling the resolutions of the Inter-Parliamentary Union, particularly those adopted by the 73rd Inter-Parliamentary Conference (Lomé, 1985) on the role of parliaments and their contribution towards the elimination of poverty by eliminating the burden of international debt; the 74th Inter-Parliamentary Conference (Ottawa, 1985) on the contribution of parliaments to the search for measures and actions aimed at removing the burden of foreign debt that weighs on the developing countries; the 88th Inter-Parliamentary Conference (Stockholm, 1992) on the need for a radical solution to the problem of debt in the developing world; and the 102nd Inter-Parliamentary Conference (Berlin, 1999) on the need to revise the current global financial and economic model, as well as the Final Document of the Inter-Parliamentary Conference "North-South Dialogue for Global Prosperity" organised by the IPU in Ottawa in 1993, and the resolutions adopted by the 107th Conference (Marrakech, 2002) on the role of parliaments in developing public policy in an era of globalisation, multilateral institutions and international trade agreements, and also by the Parliamentary Meeting on the occasion of the World Summit on Sustainable Development (Johannesburg, 2002), by the 108th Inter-Parliamentary Conference (Santiago, 2003) on parliament's role in strengthening democratic institutions and human development in a fragmented world, and by the 109th Inter-Parliamentary Assembly (Geneva, 2003) on global public goods: a new challenge for parliaments,

Greatly concerned by the fact that 1.2 billion people – or one in five persons in the world – survive on less than a US dollar a day in purchasing power parity per capita, below the international poverty rate set at a dollar a day, and that in the 1990s, poverty worsened in 54 countries, including 35 African countries, leaving them poorer at the end of the decade than in 1990,

Concerned by the fact that even if the proportion of people in extreme poverty were to be halved by 2015 in comparison with 1990, it is clear that hundreds of millions of people in the developing world would

- continue to live in complete destitution,

- *Recognising* that the role of parliaments in championing the eight Millennium Development Goals (MDGs) is crucial, and that the adoption of the corresponding legislation and appropriate budgetary allocations is indispensable,

Stressing the need for assistance and support to improve the institutional capacity of parliaments in developing countries, with a view to enabling them to exercise effectively the legislative, oversight and budgetary functions related to the MDGs,

Recognising the importance of ensuring environmental sustainability in achieving the MDGs, stressing the role of the United Nations Decade of Education for Sustainable Development and the International Decade for Action: Water for Life, starting in 2005, and *welcoming* the entry into force of the Kyoto Protocol on 16 February 2005 as a significant step forward,

Deeply concerned that in the current state of affairs, the financing of efforts to achieve the MDGs, and thus their implementation, is not ensured,

Noting that economic growth, debt relief and public development assistance - the three main sources of funding for development - are in the current circumstances unable to generate the extra 50 to 100 billion dollars required annually to achieve the MDGs,

Noting that the official development assistance (ODA) commitment (provision of 0.7 per cent of gross domestic product (GDP)) is still not being met by most countries, but *noting with satisfaction* the undertakings by several countries to meet these commitments within the next decade,

Noting that despite the progress made on debt cancellation, relief and rescheduling both bilaterally, and multilaterally in the framework of the Bretton Woods institutions, the burden of the debt remains a major constraint and an obstacle to economic growth and human development,

- *Convinced* that increased development assistance funding can only be beneficial if the receiving countries promote democracy and good governance,

- *Convinced* that globalisation is at the same time a source of opportunities and challenges for all countries, and that it has an impact on people's everyday lives,

Noting that many developing countries are increasingly excluded from international trade and capital flows, which results in poverty,

Noting the growing importance of international trade and investment and their direct influence on the development and well-being of the nations of the entire world, and *concerned* at the fact that the current international trade and investment system is distorted in many sectors in favour of the developed countries, and poses problems for many developing countries,

Noting that awareness of the importance of trade and investment to furthering countries' development has grown since the Fourth Ministerial Meeting of the World Trade Organization (WTO), held in Doha, which sought to place the needs and interests of the developing countries at the centre of international trade negotiations and drew up the Doha Development Agenda,

Welcoming the Geneva framework agreement of July 2004, a breakthrough in the negotiations conducted by the WTO, following the failure of the Cancún meeting,

Nonetheless concerned about the many uncertainties that remain in those negotiations, in particular with regard to issues of great importance to developing countries,

- *Noting* the striking lack of resources currently available to achieve most MDGs by 2015, and *underscoring*

the responsibility of governments and the parliaments which provide them with oversight to respect the commitments made at the Millennium Summit in 2000,

Strongly believing that 2005 will be the key year for governments to act to achieve the MDGs, at such high-level meetings as the G8 summit, to be held in July, the high-level plenary meeting to review the implementation of the United Nations Millennium Declaration of the sixtieth session of the United Nations General Assembly, to be held in September, and the Sixth WTO Ministerial Conference, to be held in December,

Looking forward to the forthcoming Millennium+5 Summit, to be held in New York from 14 to 16 September 2005, and strongly wishing that the event will re-energise global partnerships for the achievement of the MDGs;

1. *Urges* the parliaments of the countries that adopted the Millennium Declaration which are Members of the IPU to support the implementation of the MDGs in their countries by allocating funds for this purpose in their national budgets;
2. *Encourages* the parliaments of developed countries to demand that their governments fulfil their commitments to allocate 0.7 per cent of their GDP for ODA, as set out in the Millennium Declaration and the Monterrey Consensus;
3. *Urges* the parliaments of the developing countries to make sure that their governments mobilise the resources required for development, combat corruption, continue institutional reform, adopt the economic and social policies appropriate to stimulate growth, establish national strategies which place the MDGs at the centre of their policies, and promote democracy and human rights, paying special attention to the implementation of the new World Programme for Human Rights Education, and follow the principles of good governance;
4. *Encourages* the parliaments of the developing countries to defend the interests of their people in WTO negotiations and to strengthen their mutual cooperation;
5. *Urges* the governments of the developed and developing countries to provide annual reports on the application and implementation of these strategies to their parliaments;
6. *Suggests* that such reports should give rise to a parliamentary debate at the national, and if possible, regional level;
7. *Suggests* that provisions should be made for the same kind of approach, involving a strategy and a report, at the regional level;
8. *Urges* donor countries, in particular members of the Organisation for Economic Co-operation and Development (OECD), to draw up reports on the implementation of Goal 8 of the MDGs (develop a global partnership for development), specifying the action they have taken to achieve such objectives both quantitatively and qualitatively;
9. *Calls for* efforts to enhance the effectiveness of aid at the international and regional levels, through better harmonisation of procedures and improved donor coordination;
10. *Urges* donor countries to pursue collaboration with United Nations organisations, international financial institutions, other donor countries, NGOs and the private sector;
11. *Underscores* the unbearable nature of the debt for a large number of developing countries; and *calls urgently for* effective debt cancellation and viable rescheduling procedures to be speeded up while measures are taken to avoid new over-indebtedness among developing countries;
12. *Suggests* that a vital link be established between debt cancellation and the earmarking of resources

thus freed up for investments related to the MDGs, in particular in the fields of health, education and gender equality, as set out in each country's Poverty Reduction Strategy;

13. *Recommends* the study of other mechanisms to help countries that have serious debt crises, but that have too high a per capita income to qualify for the assistance afforded to the heavily indebted poor countries (HIPC);
14. *Expresses the wish* that the needs of the developing countries be systematically taken into consideration in international trade negotiations under way in the framework of the WTO, in particular in respect of poverty alleviation, food security and sustainable income;
15. *Emphasises* the central role of parliaments as the incarnation of popular sovereignty in expressing the will of peoples in international forums;
16. *Recommends* the establishment by IPU Member Parliaments of specialised committees to follow up on international trade negotiations and on the actions of the international financial institutions, and to provide oversight of government action;
17. *Requests* governments to inform their parliaments fully of the state of relevant international negotiations and the stakes involved;
18. *Requests* the IPU, working with the WTO, to help strengthen the capacities of parliaments in this field;
19. *Suggests* that governments include parliamentarians in the delegations that they send to take part in WTO ministerial meetings;
20. *Welcomes* the adoption at United Nations Headquarters of the Declaration on Action against Hunger and Poverty by 120 countries on 20 September 2004, aimed in particular at supporting the establishment of new international financing tools for the MDGs;
21. *Recommends* that a new resource should be set up, additional to existing mechanisms, and that it should be at the same time predictable and stable;
22. *Supports* further work on proposals for international financing mechanisms as a creative and at the same time realistic way of providing additional resources for development;
23. *Requests* that the Second World Conference of Speaker of Parliaments, to be held at the United Nations in 2005, follow up on this matter.

STANDING COMMITTEE III

Hon. [Dr] Hezron Manduku, MP.

The role of parliaments in advocating and enforcing observance of human rights in the strategies for prevention, management and treatment of the HIV /AIDS pandemic.

Aids continues to claim million of lives and posing a great challenge and threat to development despite the concerted efforts being made to control and prevent it. Millions of orphans and children are being made vulnerable and desperate. All this has serious implications on the economic and social wellbeing and sustainability of nations as people's skills, knowledge and manpower are lost to the Aids pandemic.

According to UNAIDS, an estimated 3 million people worldwide are infected while an estimated 15 million children have been orphaned by Aids. According to a 2004 report by UNICEF, about 15,000 new infections and about 6000 children are orphaned each day and in Africa, many of these orphans are under care of aged grand parents.

It was noted with concern that the Aids epidemic is threatening the ability of countries and especially in Africa to attain national poverty reduction targets and achieves the Millennium Development Goals. The scourge is depriving individuals, households, families, communities and nations of the most productive adults. This pandemic threatens to reverse the gains many countries have made in the past with the devastating effects.

In this presentation, Hon. Manduku said that according to statistics, an estimated 2.5 million people in Kenya are infected, 80% of whom are in the 15-49 age bracket, the most productive stage in life. The number of Aids orphans has also risen to 1.6 million. In 1999, Kenya declared Aids a National Disaster with the aim of establishing mechanisms to raise awareness in the causes of the pandemic and the interventions needed to control it. This marked an important milestone in the political will and commitment to mount the

fight against the scourge. Ever since, political leadership has not relented with the current government's declaration of total war on the pandemic.

The president's participation in a T.V. commercial '**Pamoja Tuangamize Ukimwi**' which is '**Together, we can wipe out Aids**' with the objective of bringing about behavioral change in people is a clear manifestation of this.

International, regional and national efforts to respond to the HIV/AIDS must therefore seek to;

- ***Reduce the number of new infections***
- ***Expand access to care and treatment for people living with HIV/AIDS by making retroviral drugs more accessible especially to the poor who are the most affected***
- ***Reduce the impact of the pandemic on the social and economic development through good governance***
- ***Integrate responses into the strategic planning of public and private institutions***

Research studies have shown that community centered approaches are effective responses to Aids epidemic. The spirited efforts in the Aids war in Kenya has resulted in the decline in the HIV prevalence due to among others, interventions of the increased Voluntary Counseling and Testing Centers which now stand at 429 country-wide and offering services to both the infected and affected. It is hoped that this trend will be sustained.

Appendix III for Resolutions (overleaf)

APPENDIX III

COMMITTEE III RESOLUTIONS

THE ROLE OF PARLIAMENTS IN ADVOCATING AND ENFORCING OBSERVANCE OF HUMAN RIGHTS IN THE STRATEGIES FOR THE PREVENTION, MANAGEMENT AND TREATMENT OF THE HIV/AIDS PANDEMIC

*Resolution adopted unanimously by the 112th Assembly
(Manila, 8 April 2005)*

The 112th Assembly of the Inter-Parliamentary Union,

Recalling the relevant resolutions of the IPU, especially the resolution entitled Action to combat HIV/AIDS in view of its devastating human, economic and social impact, adopted in Windhoek in 1998, and *convinced* that HIV/AIDS is an all-embracing threat against development, rather than an isolated health problem,

Further recalling the International Guidelines on HIV/AIDS and Human Rights, issued by the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 1998, and the Declaration of Commitment on HIV/AIDS "Global Crisis - Global Action" adopted by the United Nations General Assembly Special Session on HIV/AIDS in 2001,

Taking note of the UNAIDS 2004 Report on the global AIDS epidemic,

Affirming the recommendations contained in the document *Guidance on ethics and equitable access to HIV treatment and care*, issued by UNAIDS and the World Health Organization (WHO),

Referring to the *Handbook for Legislators on HIV/AIDS, Law and Human Rights*, published jointly by the IPU and UNAIDS in 1999,

Reaffirming the Millennium Development Goal (MDG) contained in the United Nations Millennium Declaration, which aims to halt and begin to reverse, by 2015, the spread of HIV/AIDS,

Aware that the achievement of all MDGs, including those concerning education and food security, will not be feasible unless progress is made in addressing the challenge of HIV/AIDS and other communicable diseases,

Deeply concerned that each year the number of people infected with HIV continues to grow, and *also deeply concerned* by the exponential growth in the number of women, young people and children affected by HIV/AIDS,

Recognising that discrimination against women, both de jure and de facto, renders them particularly vulnerable to HIV/AIDS,

Alarmed by the unprecedented number of children around the world who are being orphaned by HIV/AIDS, who are thus rendered far more vulnerable and face a much greater risk of hunger, of having limited access to education, health and social services, and of violence, abuse, exploitation and recruitment as child soldiers, and *aware* that these factors increase their likelihood of becoming infected with HIV themselves,

Further concerned that the reluctance of some governments to acknowledge the existence and gravity of the HIV/AIDS pandemic, and to recognise the stigma and discrimination faced by people living with HIV/AIDS, particularly women, hampers the effectiveness of responses to this pandemic,

Aware that stigma and discrimination continue to prevent people from having access to HIV testing and counselling services, which are of paramount importance in the prevention and treatment of the pandemic,

Recognising that the global HIV/AIDS pandemic constitutes a formidable challenge to human life and dignity and to the full enjoyment of human rights, and that the full realisation of human rights and fundamental freedoms for the people affected is an essential element in the global response to the pandemic,

Affirming that respect for, and the protection and fulfilment of, the human rights of women and girls are necessary and fundamental components of the approach to addressing HIV/AIDS,

Concerned about the negative economic and social impact of the denial of the human rights of people living with HIV/AIDS to work, education and other social services, and *further concerned* that women and children often suffer the greatest economic and social impact as a result of the pandemic,

Underscoring that the struggle against HIV/AIDS cannot be separated from the struggle against poverty, which affects primarily women and children, thus undermining the workforce and hindering economic and social development,

Concerned that ignorance and intolerance are still a reason for the marginalisation of persons affected or presumed to be affected by HIV/AIDS, which causes discriminatory acts in the fields of medical assistance, job opportunities, education, housing and, in general, in every aspect related to their social well-being,

Considering that although the use of antiretroviral medications combined with proper therapies can delay the advance of HIV/AIDS, millions of infected people in developing nations, particularly in Africa, cannot afford these treatments,

Considering that under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) of the World Trade Organization (WTO), WTO members may allow the production of patented medicines in the event of health emergencies, and *realising* that the World Health Assembly passed a resolution encouraging WHO member States to utilise fully the flexibilities in the TRIPS Agreement to promote access to antiretrovirals and other essential pharmaceutical products,

Aware that the realisation of the rights of people living with HIV/AIDS requires non-discriminatory access for them to services, including health care, treatment and social and legal services, within a supportive social environment,

Convinced that recognising the degree of the infection levels of the HIV/AIDS pandemic within each country will help the respective governments tailor their prevention and treatment programmes to meet their particular needs,

Further convinced that capacity-building in the field of public health is critical to the effective prevention and treatment of HIV/AIDS,

Also convinced that countries particularly affected by the HIV/AIDS pandemic should receive special support from the international community for their efforts to comply with their commitments,

Considering that ensuring access to affordable medication, including access to antiretroviral therapy for those suffering from HIV/AIDS, is fundamental to achieving progressively the full realisation of the universal right to the enjoyment of the highest attainable standard of health,

Considering that conflict situations, particularly in Africa, have led to an increased incidence of HIV/AIDS, and *recalling* United Nations Security Council resolution 1308 (2000), which states that the HIV/AIDS pandemic, if unchecked, may pose a risk to stability and security, and the report of the United Nations High-Level Panel on Threats, Challenges and Change, which places infectious diseases among the economic and social threats to international security,

Aware of the fact that any response to the epidemic will be effective only if it addresses the causes of its spread, including human trafficking, in particular trafficking in women and girls, drug abuse and illicit drug trafficking and gender-based violence, and *considering* in this context that the pivotal roles of the family, religion and long-established fundamental ethical principles and values need to be underlined,

Emphasising that the HIV/AIDS pandemic is at the same time a medical, social and economic emergency,

1. *Calls upon* parliaments and governments to ensure that their laws, policies and practices respect human rights in the context of HIV/AIDS, in particular the rights to education, work, privacy, protection and access to care, treatment and social services; and *also calls upon* them to protect people living with HIV/AIDS from all forms of discrimination in both the public and the private sectors, promote gender equality, ensure privacy and confidentiality in research involving human subjects, and provide for speedy and effective judicial, administrative and civil remedies in the event that the rights of people living with HIV/AIDS are violated;
2. *Reminds* States of the commitments they have made to promote and encourage respect for human rights instruments such as the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocols, the Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Declaration on Fundamental Rights and Principles at Work of the International Labour Organization; and *requests* States that have not yet done so to take the necessary steps to ratify and implement these international instruments;
3. *Invites* States that have not already done so to include in their national reports on the MDGs the objective of stopping by 2015 the spread of HIV/AIDS and of beginning to reverse the development of this pandemic; *further invites* parliaments to sponsor the official launch of these reports from their premises; and *encourages* the periodic establishment of national and regional reports taking stock of the degree of achievement of the MDGs, in particular in the field of the fight against HIV/AIDS;
4. *Urges* governments in the developed countries both to continue and to increase the financial and technical assistance that they provide to developing countries and especially the least developed countries, and to share their expertise in addressing HIV/AIDS with those countries that seek to create or strengthen their own human rights institutions in the context of HIV/AIDS;
5. *Further urges* governments to allocate sufficient resources to their health systems, including resources for prevention and care;
6. *Strongly urges* governments to implement the measures recommended in the UNAIDS/WHO document *Guidance on ethics and equitable access to HIV treatment and care* to promote equity in the distribution of HIV care in resource-limited settings;
7. *Further urges* parliaments and governments to adopt and finance the measures necessary to ensure, on a sustained basis and for all affected persons (irrespective of social status, legal situation, gender, age or sexual orientation), the availability and accessibility of good quality services and information for HIV/AIDS prevention, management, treatment, care and support, including the provision of HIV/AIDS prevention supplies such as male and female condoms, safe injection needles, microbicides and basic preventive care materials, as well as affordable antiretroviral drugs and other safe and effective medicines in poor countries, psychological support, diagnostics and related technologies, for all persons, with particular attention to vulnerable individuals and populations such as women and children;
8. *Also urges* parliaments and governments to implement measures to increase the capacity of women and adolescent girls to protect themselves from the risk of HIV infection, principally through the provision of health care and health services, including those related to sexual and reproductive

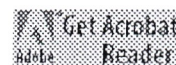
health;

9. *Invites* parliaments and governments to adopt the measures necessary to continue, intensify, combine, make mutually beneficial and harmonise national and multinational research and development efforts aimed at developing new treatments for the fight against HIV/AIDS, new means of prevention and new diagnostic tools and tests, including vaccines and female-controlled prevention methods such as microbicides;
10. *Calls upon* parliaments and governments to recognise the health, socio-economic and other effects of HIV/AIDS on individuals, families, societies and nations, and to take the appropriate legislative and executive social measures to halt its spread;
11. *Calls upon* governments to make services related to treatment, care and support for people living with HIV/AIDS comprehensive, by including the prevention and treatment of other infectious diseases often associated with HIV/AIDS, such as pneumonia, tuberculosis and opportunistic infections;
12. *Urges* all parliaments and governments to adopt and implement policies that respect the human rights of persons living with HIV/AIDS, and through all available media, to advocate for and raise awareness of their rights;
13. *Calls upon* parliaments and governments to develop and implement national legislation and policies that address the needs and human rights of the growing number of children orphaned and made vulnerable by the HIV/AIDS pandemic;
14. *Calls upon* parliaments:
 - (a) to draw up laws or amend existing legislation to define national standards of protection for those suffering from HIV/AIDS, and especially for people in vulnerable groups, such as women and children, with particular attention paid to the situation of anyone suffering from the loss of close family members as a result of HIV/AIDS;
 - (b) to review and adjust legislation to ensure that it conforms to the International Guidelines on HIV/AIDS and Human Rights;
 - (c) to enact legislation to punish those who knowingly take the risk of transmitting HIV/AIDS, or who wilfully do so;
15. *Further calls upon* parliamentarians in the IPU's Member Parliaments to promote appropriate legislative measures to tackle discrimination against persons affected by HIV/AIDS and to contribute to the creation of a social environment of tolerance and human solidarity, indispensable for the prevention of this terrible disease and for assisting those affected by it;
16. *Also calls upon* parliaments, governments and the international community to ensure free access to HIV testing for all;
17. *Calls upon* parliaments to promote an effective and efficient use of resources for HIV/AIDS response, including by means of country-level coordination that takes into consideration the UNAIDS "Three Ones" guiding principles for national authorities and their partners;
18. *Urges* parliaments to create parliamentary committees and/or other structures formally linked to parliaments with the specific task of tackling the issue of halting and reversing the spread of HIV/AIDS, to share experiences, information and best practices and to involve all sectors of society through partnership programmes in high-level decision-making processes;
19. *Calls upon* organisations, agencies, bodies, funds and programmes within the United Nations system

- to incorporate public health into their development activities and programmes, and to support actively the capacity-building of the public health systems of Member States in respect of the prevention and treatment of HIV/AIDS;
20. *Urges* parliaments and governments to take into consideration the linkage between sexual and reproductive health and rights on the one hand, and the fight against HIV/AIDS on the other;
 21. *Further urges* parliaments to develop comprehensive policies to provide for an improved food supply in countries affected by the HIV/AIDS pandemic;
 22. *Calls upon* parliaments and governments to ensure the development and accelerated implementation of national strategies for women's empowerment, inter alia by ensuring they have access to property rights, by promoting and protecting women's full enjoyment of all human rights and by reducing their vulnerability to HIV/AIDS through the elimination of all forms of discrimination, as well as all forms of violence against women and girls, including harmful traditional and customary practices, abuse, rape and other forms of sexual violence;
 23. *Strongly urges* governments to coordinate efforts with and support the work of the United Nations, non-governmental organisations and other bodies or institutions involved in HIV/AIDS prevention in order to ensure that the human rights of individuals living with HIV/AIDS are upheld and protected;
 24. *Calls on* all parliaments and governments to strengthen national mechanisms such as commissions, tribunals, legislation and coordinated strategies to protect, enforce and monitor, in their respective countries, the human rights of individuals infected with and affected by HIV/AIDS, and to eliminate all forms of stigma and discrimination, especially in respect of vulnerable groups such as women and children – both boys and girls – as they bear the brunt of the epidemic and are most likely to care for sick people and to lose jobs, family members, income and schooling opportunities as a result of the illness, and to pay equal attention to other vulnerable groups, such as prisoners;
 25. *Urges* parliaments and governments to design HIV/AIDS policies and programmes that effectively recognise the needs of women in particular, and that are sensitive to differences in terms of culture and religion that may exist in societies;
 26. *Further urges* parliaments and governments to consider the public health safeguards provided for by the 30 August 2003 decision of the General Council of the WTO allowing members to produce and/or export pharmaceutical products needed to combat infectious diseases such as HIV/AIDS that threaten societies, and to incorporate permitted flexibilities into national laws enacted in compliance with the WTO TRIPS Agreement;
 27. *Calls upon* parliaments and governments to ban compulsory HIV/AIDS screening for people applying for travel visas, university enrolment, jobs, or asylum, in favour of voluntary testing;
 28. *Further calls* for special attention to be given to preventing HIV/AIDS by disseminating adequate and target group-oriented information, using all available media and multipliers, raising awareness and educating both men and women, with particular attention paid to adolescent boys and girls; and *requests* the inclusion of sex education in school curricula, for both boys and girls, as a means of prevention;
 29. *Urges* the national and local agencies concerned to give high priority to assisting pregnant and breastfeeding women suffering from HIV/AIDS in order to protect their babies from infection;
 30. *Requests* parliaments and governments to establish coordinated, participatory, transparent and accountable national policies and programmes for HIV/AIDS response, and to translate these national policies into action at the district and local levels, wherever possible involving, in development and implementation, non-governmental and community-based organisations, religious organisations, the private sector, and more importantly, people living with HIV/AIDS, and particularly the most vulnerable among them, including women and children;

31. *Calls upon* men and women parliamentarians to ensure that national budgets are gender-sensitive, thereby efficiently addressing the needs of both men and women;
32. *Calls for* the enhancement of support and resources for UNAIDS, and for increased financial contributions for the Global Fund to Fight AIDS, Tuberculosis and Malaria;
33. *Urges* parliaments and governments to promote international cooperation, growth and development as steps towards the containment of conflict situations and the reduction of their possible impact on HIV/AIDS;
34. *Urges States*, in conformity with United Nations Security Council resolution 1325 (2000) on women, peace and security, to ensure adequate HIV/AIDS awareness training for members of the military and the police, and for peacekeeping personnel;
35. *Reiterates* its call to governments to recognise the International Partnership against AIDS in Africa and to promote it, along with the Global Fund to Fight AIDS, Tuberculosis and Malaria, as the framework for action to fight AIDS in Africa;
36. *Affirms* the importance of narrowing the economic and cultural gap between the developed and developing countries, while ensuring that the strategies and programmes employed in the fight against HIV/AIDS take into consideration the natural, human and cultural characteristics of the regions where they are applied, so as to reflect both the characteristics of the demographic structure of each region and the social and economic conditions of its inhabitants;
37. *Emphasises* that countries should integrate the development of public health undertakings into their national economic and social development strategies, which should include the establishment and improvement of effective public health mechanisms, in particular a network for the supervision, prevention, and treatment of the HIV/AIDS epidemic, and for the exchange of information.

Note: you can [download a complete electronic version](#) of the brochure "Results of the 112th Assembly and related meetings of the Inter-Parliamentary Union" in PDF format (file size approximately 495K). This version requires [Adobe Acrobat Reader](#), which you can download free of charge.



MEETING OF THE WOMEN PARLIAMENTARIANS

Hon. Beth Mugo, M.P

Women Parliamentarians noted that the fight for basic political, social and economic rights, having spanned the entire twentieth century successfully planted seeds for change. In many ways, the rate of progress and the continued denial of certain political rights points to lack of legitimacy in the political sphere and an indication that there are still a number of insurmountable obstacles in the path to political power for women.

In celebrating the 10th Anniversary of the IPU meeting of Women Parliamentarians, members hailed the people of Philippines for their strong faith in women leadership. They noted that when President Aquino came to power in 1986, her government put in place institutions to create a modern and democratic country and President Gloria Arroyo continues to strengthen, empower and support them.

The session heard that ten years ago, women represented 11.3% of all legislators across both houses of Parliament. Women were most represented in the Parliament of Sweden 40.8% and are not at all represented in a total of twelve Parliaments. In almost two thirds of the world's single or lower chambers, women held less than 10% of the total seats. Only in five countries did women constitute over 30% of the Legislature.

Today, women represent 15.7% of all legislators across both houses of parliament. They are most represented in the National Assembly of Rwanda with 48.8% and are not at all represented in ten Parliaments. Only seventeen countries have over 30% of women whereas parliaments of Arab states continue to have the least number.

The session was informed that the impressive 5.9 percentage point increase in women's parliamentary representation in the Americas over the past ten years is partly attributable to the enthusiasm with which many countries in Latin and Central America have implemented affirmative action measures.

Different types of quotas now exist in 17 countries of the Americas.

Progress made in Sub-Saharan Africa is also attributable to the implementation of quotas. The most successful cases have applied affirmative action measures enshrined in the constitution or electoral laws following processes of post conflict reconstruction. Nations recently emerging from internal conflicts succeeded in increasing the percentage of women in their restored parliaments. The reviewed national constitutions of Rwanda and Burundi for instance include provisions to reserve seats for women.

In South Africa and Mozambique, political parties have introduced quota systems and SADC countries have set a target for women's representation in parliament of 30% by 2005. These efforts were lauded and have ranked African post conflict countries among those with highest levels of women's representation in the world.

The main theme of the meeting of women Parliamentarians was however **HIV/AIDS** and the impact it had on various aspects of women's lives. The session noted that although HIV/AIDS is currently a global issue, its real impact is felt at the household level where it is the woman and the girl child who are expected to provide for and nurse the sick even when they themselves are unwell. It is the girl child who is forced to drop out of school to fend for her orphaned siblings and it is the aging grandmother who is burdened with the responsibility of bringing up ailing children when this pandemic strikes.

In her presentation, Hon. Mugo said that although women and particularly those in the rural areas are working very hard to uplift their standards of living, the devastation caused by HIV/Aids is greatly hampering their efforts. Provision of free education and retroviral drugs for HIV/AIDS could go along way in easing their misery. Governments should also increase budget allocations for HIV/AIDS and increase public awareness campaigns to counter the spread of this scourge.

EMERGENCY ITEM--RESOLUTIONS

NATURAL DISASTERS: THE ROLE OF PARLIAMENTS IN PREVENTION, REHABILITATION, RECONSTRUCTION AND THE PROTECTION OF VULNERABLE GROUPS

*Resolution adopted unanimously by the 112th Assembly
(Manila, 8 April 2005)*

The 112th Assembly of the Inter-Parliamentary Union,

Concerned that earthquakes, tsunamis, torrential rains, heavy snows, high winds (including typhoons and tornados), floods, landslides, volcanic eruptions, forest fires, droughts, locust infestations and other serious natural disasters are a great transnational threat to all people, that socially vulnerable poor people in developing nations particularly vulnerable to disasters are frequently the ones who suffer great damage and become internally displaced persons or refugees after a natural disaster strikes, and that the secondary effects of natural disasters, such as food shortages and the deterioration of sanitary conditions, become enduring and serious problems,

Aware that all disasters, including man-made disasters, are a direct threat to human beings; and that from the viewpoint of guaranteeing human security, it is essential when they strike to ensure that aid truly addresses the suffering of those affected by the disaster, and to increase the capacity of individuals and local communities to take the initiative,

Taking note that over 270,000 innocent citizens of Indonesia, Sri Lanka, India, Thailand, Malaysia, Myanmar, the Maldives, Bangladesh, Somalia, Kenya, Tanzania and other countries were killed on 26 December 2004 as a result of the major earthquake off the coast of Sumatra and the tsunami in the Indian Ocean, that tens of thousands of people are still missing, and that many hundreds of others lost their lives as a result of the aftershocks in Indonesia three months later,

Expressing its sincere condolences to those who lost loved ones in the tsunami disaster and the aftershocks, as well as to the people, parliaments and governments of the nations affected by the disaster,

Praising the leadership role played by the affected nations in responding to the disaster and *holding in high regard* the speedy cooperation demonstrated by the international community in carrying out relief activities in response to the United Nations appeal for emergency support,

Appreciating the fact that the United Nations and its specialised agencies, such as the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the World Health Organization (WHO), the World Food Programme (WFP), and the World Bank, the International Monetary Fund (IMF) and other institutions such as the International Red Cross and Red Crescent Movement and the Asian Development Bank (ADB), as well as governments and so many international humanitarian organisations, have come forward immediately to provide urgent humanitarian assistance to meet the needs of the victims of the tsunami disaster and to provide emergency health care, shelter and food to the people of the affected countries, and expressing respect and thanks to the United Nations Secretary-General for his prompt action to visit the affected countries in order to carry out an on-the-spot investigation into the devastation and havoc caused by the tsunami,

Recalling the Declaration on Action to Strengthen Emergency Relief, Rehabilitation, Reconstruction and Prevention in the Aftermath of the Earthquake and Tsunami Disaster of 26 December 2004, adopted at the special meeting held in Jakarta on 6 January 2005 of the leaders of the member States of the Association of Southeast Asian Nations (ASEAN) in the aftermath of the earthquake and tsunami, and the numerous

other discussions that have taken place on this subject at the international level,

Recalling the resolution adopted by the 108th IPU Conference, held in Santiago in 2003, on international cooperation for the prevention and management of transborder natural disasters and their impact on the regions concerned,

Aware that the damage from the recent earthquake and tsunami was worsened due to the lack of a tsunami early warning system in the Indian Ocean rim area and the lack in the affected area of disaster prevention awareness regarding the cause-and-effect relationship between major earthquakes and tsunamis,

Noting that the Special Session on the Indian Ocean Disaster held at the World Conference on Disaster Reduction (Kobe, Japan, 18–22 January 2005) emphasised the importance of comprehensively evaluating all the lessons learned from the tsunami disaster and continuing international and regional dialogues and discussions to build an early warning system,

Noting that a report of UNICEF estimated that over one third of those who died in the recent earthquake and tsunami were children, and *deeply concerned* that the surviving children who have suffered from the disaster are now being exposed to such threats as human trafficking and infectious diseases,

Emphasising the importance of emergency humanitarian relief activities promoted in response to this tragedy by UNICEF, the International Organization for Migration (IOM), WHO and others, for both the survival and the protection of children,

Reconfirming the importance of a multifaceted contribution by parliaments and parliamentarians to emergency humanitarian relief for women and children who are vulnerable in post-disaster situations,

Recognising the need for psychological assistance and counselling to eliminate the mental trauma for millions of innocent victims of major human disasters, and *acknowledging* the effectiveness of the various kinds of support provided by non governmental organisations,

Considering the importance of international cooperation, solidarity and partnership, as well as good governance at all levels, in strengthening global disaster reduction activities,

1. *Calls upon* the international community to renew its determination to prevent disasters where possible and to minimise the impact of unavoidable natural disasters by making maximum use of past lessons learned in order to prepare for natural disasters, which can strike anywhere in the world, and to achieve the common desire of all humankind to prevent extensive damage, and particularly the loss of life;
2. *Proposes* that nations around the world that are frequently struck by disasters further strengthen their cooperation in disaster prevention efforts; *encourages* them to provide and share know-how,
3. *Calls upon* the parliaments of every nation to urge their governments to support, in partnership with the United Nations, effective projects conducted by international organisations such as the International Red Cross and Red Crescent Movement, UNICEF, IOM, the United Nations Human Settlements Programme (UN-HABITAT), WHO, and the United Nations Development Fund for Women (UNIFEM) to support children, women, the poorest and other members of society who are vulnerable in post-disaster situations;
4. *Proposes* that the parliaments of affected nations and international organisations involved in relief

- efforts call upon governments to implement plans for the protection and survival of children, including (i) measures to combat human trafficking and to support family reunification, (ii) the establishment of child protection facilities and temporary housing for single-parent families, (iii) services to relieve psychological trauma, (iv) measures to control infectious diseases, and (v) nutritional support for children;
5. *Calls upon* the parliaments of the affected countries and their neighbours to protect from human trafficking, infectious diseases and other secondary damage children who have been orphaned or who remain unidentified after the disaster, by disseminating information, inter alia by drawing society's attention to this matter and educating the government and police, and by appealing to their national governments to take institutional preventive measures, including the proper and prompt strengthening of the legal system, for example through the temporary suspension of adoption procedures;
 6. *Urges* the parties concerned to be particularly attentive to the importance of local ownership of the reconstruction process; *suggests* that efforts should be made at all levels to promote the participation of vulnerable populations in planning, decision-making and operational activities, thereby making reconstruction more effective and strengthening local democracy; and *urges* all concerned in the reconstruction effort to take steps to create societies and economies that are environmentally and ecologically sustainable;
 7. *Urges* the United Nations and other institutions of the international community, and particularly donor countries and the international financial institutions, to honour their pledges of funding and assistance in support of the national rehabilitation and reconstruction efforts of affected countries; and *encourages* IPU Member Parliaments whose governments have made pledges of assistance to take decisive steps towards their realisation in a timely and urgent manner;
 8. *Strongly urges* all parties engaged in the rehabilitation and reconstruction process to be rigorous in the fight against every form of corruption, including profiteering, in the drafting and management of all programmes;
 9. *Calls upon* the countries affected by the tsunami disaster to be responsible, accountable and transparent and to provide the international community as quickly as possible with death tolls and all other relevant information regarding the resulting damage in order to ensure the delivery of aid suitable for the actual situation and to facilitate decisions relating to the distribution of assistance; and *further calls upon* the affected countries to make every effort to ensure that such assistance is used as quickly as possible for the direct benefit of the tsunami victims, and is used conscientiously to rebuild their respective nations;
 10. *Recognises* the important role played by both the print and the electronic media in providing updated information regarding the tsunami disaster, in encouraging the world community to provide assistance to the tsunami victims and in disseminating all relevant information on this disaster; and *urges* the media to do the same in all disaster situations:
 12. *Calls upon* the parliaments of every nation to support all disaster prevention measures, humanitarian aid and long-term reconstruction assistance implemented by governments, international organisations and others; and *urges* governments to take part in the international coordination of assistance in order to ensure the efficient use of available resources, without prejudice to bilateral support and aid provided by individual countries or international organisations to afflicted nations;
 13. *Calls upon* Member Parliaments to urge their governments to draw up or strengthen existing

legislative policies relating to the creation, training and support of local field disaster response teams in all areas, and particularly disaster-prone areas, to predict, prepare for, plan for and prevent natural and man-made disasters, to cope with and mitigate the effects of the resulting damage, and to relieve, rehabilitate and resurrect areas affected by disasters, employing inter alia the following methods:

- (a) Capacity-building through the establishment of early warning systems and hazard mapping, and by determining escape routes, setting up evacuation centres and preparing disaster prevention measures;
 - (b) The establishment of quick and efficient disaster reporting mechanisms, providing information on inter alia the extent of the damage, the number of affected families, and the number of dead, missing and injured people, prioritising the needs to be met, coping with and minimising the damage, and distributing relief supplies such as food, non-food items, emergency shelter materials and provisions for rehabilitation, including financial aid, housing and loans;
 - (c) Creating emergency medium- and long-term rehabilitation plans, giving particular consideration to women, children, the elderly and other members of society who are most vulnerable in every aspect of a disaster;
14. *Calls upon* Member Parliaments to create strategically located regional disaster training, logistics and reaction centres, inter alia to train local field disaster response teams, to share international technical know-how, expertise, technology, and other information relating to disaster prevention, training and management, to pre-position emergency equipment for quick delivery and use by international response teams that respond immediately in affected areas using information previously gathered on disaster-prone areas, and to coordinate, mobilise and liaise with local field disaster response teams in the affected areas; and *further urges* collaboration between these regional disaster training, logistics and reaction centres and international humanitarian organisations such as those of the United Nations, its affiliates and agencies, and the International Red Cross and Red Crescent Movement, without prejudice to bilateral support and aid provided by individual countries or international organisations to afflicted nations;
15. *Invites* all Member Parliaments of the IPU to take urgent action to follow up on the recommendations contained in this resolution, and thus reaffirm their commitment to provide steadfast support for all initiatives, especially during times of extreme emergency, and to preserve the sanctity of life, alleviate human suffering, and uplift the dignity of all peoples.

RECOMMENDATIONS

The **IPU** Kenya Group,

- (a) **Urges** parliament to support the implementation of the Millennium Development Goals by allocating funds for this purpose in the national budget.
- (b) **Urges** the government to provide annual reports on the application and implementations of these strategies.
- (c) **Urges** donor countries in particular, members of the Organization for Economic Co-operation and Development (OECD), to draw up reports on the implementation of Goal 8 of the MDGs (develop a global partnership for development), specifying the action they have taken to achieve such objectives.
- (d) **Urges** donor countries to pursue collaboration with United Nations organizations, international financial institutions, and other donor countries, NGOs and the private sector.
- (e) **Calls** upon parliament and the government to ensure that our laws, policies and practices respect human rights in the context of HIV/AIDS, in particular the rights to education, work, privacy, protection and access to care, treatment and social services; and also calls upon them to protect people living with HIV/AIDS from all forms of discrimination in both the public and the private sectors, promote gender equality, ensure privacy and confidentiality in research involving human subjects, and provide for speedy and effective judicial, administrative and civil remedies in the event that the rights of people living with HIV/AIDS are violated;
- (f) **Urges** governments in the developed countries both to continue and to increase the financial and technical assistance that they provide to developing countries and especially the least developed countries. And to share their expertise in addressing HIV/AIDS with those countries

that seek to create or strengthen their own human rights institutions in the context of HIV/AIDS;

- (g)** ***Urges** parliament to reject bilateral agreements that would provide for immunity from investigation and prosecution, by the ICC or otherwise, for the nationals of any state.*
- (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.*

IPU CALENDAR OF EVENTS

- ◇ 113th Assembly and Related Meetings GENEVA, October 2005
- ◇ 114th Assembly and Related Meetings NAIROBI, May 7th – 12th 2006
- ◇ 115th Assembly and Related Meetings GENEVA, October 2006

INVITATIONS RECEIVED

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