

**INAUGURAL SESSION OF THE
FORTY-FOURTH SESSION
HELD ON MONDAY, 27TH JUNE 2005 AT
10: 30 AM AT
KENYATTA INTERNATIONAL
CONVENTION CENTRE, NAIROBI**

Master of Ceremony: The Hon'ble Solicitor General of Kenya His Excellency Mr. Wanjuki Muchemi in his opening remarks welcomed the President of the Republic of Kenya and the Commander in Chief of Armed Forces His Excellency The Hon. Mwai Kibaki, CGH, MP and other distinguished dignitaries on the dais, delegations of Member States and Observer States and Inter-governmental Organizations participating in the Forty-Fourth Session of AALCO. He informed the august gathering of the appreciative and overwhelming response received for the Session in Nairobi, which was reflected from the registration of over 140 delegates and eight delegations from various Inter-governmental Organizations. He conveyed on behalf of the participants their gratefulness to His Excellency the President for finding time from his hectic schedule to inaugurate the Forty-Fourth Session of AALCO. With these opening remarks, he invited the Secretary-General of AALCO to deliver the welcome address.

(i) Welcome Address by H. E. Amb. Dr. Wafik Z. Kamil, Secretary-General of AALCO

The President of Kenya and the Commander in Chief of Armed Forces His Excellency The Hon. Mwai Kibaki, C.G.H, M. P.,
Your Excellency the Minister of Justice Mr. Murungi of Republic of Kenya,
Your Excellency the Attorney-General Mr. Amos Wako of the Republic of Kenya,
Hon'ble Mr. Hamid Awaluddin, Minister of Justice and Human Rights, Republic of Indonesia and the President of the Forty-Third Session of AALCO,
Hon'ble Ambassador Li representative of Mr. Young-jin Choi, the President of the Forty-Second Session of AALCO,

Hon'ble Ministers, Excellencies,
Distinguished Delegates and Observers,
Ladies and Gentlemen,
Hon'ble Ministers, Excellencies,
Distinguished Delegates and Observers,
Ladies and Gentlemen,

On behalf of the Organization and my own behalf, I respectfully and warmly welcome Your Excellency Mr. President and this distinguished gathering to the Forty-Fourth Session of Asian-African Legal Consultative Organization. I would like to express on behalf of the Organization and its Member States our profound gratitude to Your Excellency, to the Government and people of Kenya for inviting the Organization to hold its Forty-Fourth Session in Nairobi.

Mr. President, Kenya under your dynamic leadership is surging ahead on the path of peace, prosperity and development. The leadership role played by your country in Africa as well as in international affairs is well recognized and respected.

Mr. President, the Organization is privileged to have your august presence amongst us today. We also take pride in the fact that the Forty-Fourth Session of the Organization is being inaugurated by one of the most outstanding, respected and eminent leaders from the Afro-Asian region.

Moreover, I would like to underline the significant contribution made by your country to the development of AALCO, ever since it's joining the Organization in 1970, for Kenya has always been in the forefront of deliberations within the AALCO and its voice is considered to be an important voice of the African people.

I will fail in my duty if I do not highlight also that the first elected Secretary-General of AALCO was the eminent Professor and the then Member of the International Law Commission (ILC) Mr. Frank X. Njenga an Hon'ble distinguished son of Kenya.

Mr. President, this is the second time we are assembled in your country. Last the Organization met for its Twenty-Eighth Session in 1989. Many in the Organization recall the success of that Session. I am confident, with Your Excellency setting the tone for our deliberations, the Forty-Fourth Session of the Organization is going to be a historic success.

Mr. President, we are meeting in the Golden Jubilee Year of the historic Bandung Conference. Leaders of one hundred and six countries from Asia and Africa-representing more than 73% of the world's population met at Bandung in the Republic of Indonesia from 23-25 April 2005 to reinvigorate the spirit of the 1955 Afro-Asian Conference. They decided to pool together the resources and the creative energies of Asia and Africa to solve the problems of development. His Excellency the Indonesian President and His Excellency the South African President inked on behalf of their respective continents the "New Asia-Africa Strategic Partnership" (NAASP).

Mr. President, our Organization is considered to be a tangible outcome of the Bandung Conference. Next year it would commemorate its Golden Jubilee and in Nairobi we are provided with an opportunity to reflect upon the glorious past of our Organization, as also to explore new areas of cooperation in the light of the resolve of the leaders of our two regions in promoting Afro-Asian solidarity. Their vision is to increase the collective powers of Asia and Africa in world affairs. The Strategic Plan emphasizes the importance of "multilateral approaches to international relations and the need for countries to strictly abide by the principles of international law".

AALCO, ever since its inception in 1956 has been and will continue to promote international law in the two regions. Our Annual Session provides an exclusive platform for the Asian-African Governments to deliberate upon the international law issues, which are of particular relevance for the two regions and to come with concrete proposals and suggestions.

Mr. President, our region was honoured with the award of Nobel Peace Prize to your Assistant Minister for Environment Prof. Wangari Maathai for her immense contribution to the protection of environment through her Greenbelt Movement in Kenya. She sets an example and a source of inspiration for everyone fighting for sustainable development, democracy and peace within a safe and healthy environment.

Mr. President, allow me to bring to your attention that environment and sustainable development issue constitutes a significant item on our agenda. We have been following the developments in the field of international environmental law since 1975. As part of our Forty-Fourth Session, the Special Day Meeting on 29th of June is devoted to the theme of "Environmental Law and Sustainable Development".

Mr. President, in the coming five days the Session will be deliberating upon various items of international law, which reflect the concern of our Member States and will cover the most important subjects on international community's agenda. In addition, the Secretariat has prepared a special study "Combating Corruption: A Legal Analysis." The background documents prepared by the Secretariat which are covering all the items on the Agenda would, I hope facilitate our deliberations.

I request the delegates to avail this unique opportunity and reflect the concern of their Governments/countries regarding the deliberated topics and to share their experiences with and among AALCO Member States as it is in my view one of the fundamental aims of our annual meeting.

Mr. President, the AALCO Secretariat has done to the best of its abilities to make the Forty-Fourth Session a grand success. I seek your apologies in advance, if there are any non-premeditated mistakes from our part.

I once again welcome you all to the Forty-Fourth Session of AALCO. I request the delegates to actively participate in the deliberations and seek your cooperation and guidance to make it a grand success.

Thank you Mr. President.

ii) Statement of the President of the Forty-Third Session of Asian-African Legal Consultative Organization H.E. Dr. Hamid Awaluddin, Minister for Law and Human Rights, Republic of Indonesia

His Excellency Mwai Kibaki, C.G.H, M.P.,
the President of Kenya
His Excellency Ambassador Dr. Wafik Z.
Kamil, Secretary-General of AALCO
Honorable Attorney General of Kenya
Honorable Ministers
Distinguished Delegates and Observers
Ladies and Gentlemen
“Jambo and Karebuni”,

As the President of the Forty-Third Session of AALCO, I would like to express my profound gratitude to all Member States of AALCO, the Secretary-General and his team of experts, whose efforts had made the Forty-Third Session a successful one.

At the outset, it is imperative for me to inform about the successful celebration of the Asian African Conference “Golden Jubilee” in Indonesia. The golden jubilee commemoration was held on April 24, 2005 in Bandung. Fifty years ago, in Bandung, leaders of 29 nations representing over half of the world’s population had convened to deliberate and to determine the path of the people of Asia and Africa. Since then Bandung has an emotional appeal for the Asian-African region. And for the past fifty years Bandung has often provided a magical effect in bringing us together in world forums. Today, while you are here to take part in the Forty-Fourth Session of AALCO, the “Spirit of Bandung” is still vibrant. For the Asian-African Legal Consultative Organization (AALCO), Bandung has a greater significance since it owes its very inception to the deliberations of

that momentous Conference. It is indeed an honor to recall that AALCO’s Twenty-First Session was hosted by the Government of Indonesia, along with the celebration of the the Asian-African Conference “Silver Jubilee” in Bandung, 1980.

When Leaders of Asian and African countries reassembled again in Jakarta on 21-23 April 2005, they reaffirmed the legacy of the spirit of Bandung; a solid, relevant, and effective foundation for resolving issues of common concern. They boldly envisioned an Asian-African region at peace and harmony where our peoples can live in stability, prosperity, and dignity and free from fear of violence, oppression and injustice. They also declared the New Asian-African Strategic Partnership, as our common endeavors to address global issues of our common concerns and interests, among others the resolution of armed conflict, transnational organized crime and terrorism.

Excellencies, Ladies and Gentlemen,

We are here today in this wonderful and beautiful country, miles away from home, some of us have to cross the ocean and continent for one commitment; to share views, knowledge and experiences to achieve those goals. We all seek the fairness, justice, prosperity and dignity because we believe in it. We are here to voice ourselves, so that our voices will be unheard and ignored voices, no more and no way. We are here to tailor our diversity to become a suitable outfit; Asian-African Countries.

Excellencies, Ladies and Gentlemen,

In a year from now, the AALCO would also commemorate its golden jubilee of existence. In this fifty years period its membership has grown from original seven participating States to 47 and the Organization has established itself as a major forum of international cooperation on international law matters among Asian-African countries. The Member States have strived hard, together, in a spirit of common brotherhood, to ensure that the aims and aspirations of the Asian and African States

on matters of international law common concern are well deliberated within the Organization and later effectively linked into the International Law-Making process within the forums of United Nations or its Specialized Agencies or other Intergovernmental Organizations.

Although it consists of diverse member countries with varied legal systems and cultures, AALCO has been able to be productive in generating new international legal norms. In particular, it has made a remarkable contribution to the development of new regimes, particularly in the fields of the law of the sea, refugees and other areas of immense significance.

Excellencies, Ladies and Gentlemen,

During my tenure as the President of the AALCO, there have been many events leading towards further development of AALCO. There has been much progress in the preparation for the revision of the Statutory Rules of AALCO. It is worth mentioning that the construction of the headquarters building is near completion with the active support of the host Country, Government of India. The relationship of AALCO with other international institutions has been remarkably strengthened because of the active participation of the Secretary-General and his Deputies in several international legal meetings.

Apart from Secretary General's participation and address to the International Law Commission (ILC) we also organized a Joint Special Meeting with the ILC in conjunction with the Legal Advisers meeting of AALCO held in New York on 10 November 2004. This meeting was organized with a view to eliciting common positions on some of the issues on the agenda of the ILC. Honorable Chairman and Eminent Members of the ILC took part in the meeting. Discussion took place on the topics of:

- (i) International liability for Injurious Consequences Arising Out of Acts not Prohibited by International Law

- (ii) Shared Natural Resources (Transboundary Groundwaters); and
- (iii) Diplomatic Protection.

I hope that this kind of meetings be held in the future to have a focused discussion on the topics that are on the agenda of the ILC.

The topics that are going to be discussed at this session are of extreme importance to Asian African countries. I am also pleased to bring to your kind attention the theme identified for this year's one-day Special Meeting, which has now become customary in AALCO Annual Session, "Environmental Law and Sustainable Development". Indeed, Nairobi provides a magnificent venue for this meeting as it is the host for the United Nations Environment Programme and moreover it is also the home for Noble Peace Prize winner of 2004 for environment protection Prof. Wangari Maathai. The host Government, the UNEP and the AALCO have joined hands to organize this Meeting. It is my hope that we would have excellent presentations followed by fruitful deliberations on Wednesday, 29 June on the identified themes.

Excellencies, Ladies and Gentlemen,

Once again, from the bottom of my heart, I would like to convey my profound gratitude to the Secretary-General for his tireless efforts and to the Government of Kenya for the excellent preparations to make this session another historic one. I also wish to the incoming President all of success and I am confident that under his able guidance and wisdom, the Organization would maintain to work as a platform for legal deliberations on significant issues occurred within the Asian and African continents.

Finally, I thank you all for your kind attention and I wish you a happy stay in Kenya. I also wish you the most memorable and successful deliberations.

Excellencies, Ladies and Gentlemen,

"Failure can be sad, but the greatest sadness is failure to try or not to try and fail." We are

here to try and succeed. We are here for success. Thank you.

Master of Ceremony: The Master of Ceremony expressed his profound thanks to the Hon'ble Minister of Indonesia for his articulation of the work done by the AALCO since the Forty-Third Session. Thereafter, he called upon His Excellency Mr. Li, Ambassador of the Republic of Korea to deliver the vote of thanks.

iii. Vote of thanks by H.E. Amb. Li, the Leader of Delegation of the Republic of Korea on behalf of the President of the Forty-Second Session of AALCO

Excellency, Hon'ble President of Kenya, H.E. Amb. Wafik Zaher Kamil, Secretary-General of AALCO, the President of the Forty-Third session of AALCO, Hon'ble Ministers, Excellencies, Distinguished Delegates and Observers, Ladies and Gentlemen.

It is indeed an honour for me to propose a vote of thanks on behalf of the Asian-African Legal Consultative Organization to your Excellency Hon'ble President for your kind approval to personally grace and inaugurate the Forty-Fourth session of AALCO. Your Excellency we are all waiting for your address for, I am sure it will set the tone and give guidelines for our useful deliberations during the session.

Excellency, I am sure that I am echoing the views of all the participants that your stunningly beautiful country Kenya, and its utterly charming and friendly people, a rich and fascinating culture, symbolizes Africa's traditional hospitality. I would also like to thank Hon'ble Amos Wako, the Attorney General of the Republic of Kenya and H. E. Mr. Wanjuki Muckemi the Solicitor General and the Host National Committee for the excellent arrangements, which will contribute both for the efficient, functioning of our session and for the warm hospitality and wonderful preparations made for our stay in the beautiful city of Nairobi. We are sure that with all the efforts exerted for the session we would have very useful deliberations and a successful annual session.

Our deep gratitude goes also to H.E. Mr. Kiraitu Murungi, the Minister of Justice, Republic of Kenya and his team who have shown an excellent interest to our agenda item and programme of work during His Excellencies visit to New Delhi and during the visit of the Secretary-General to Kenya in January 2005.

I would also take this opportunity to thank all the Hon'ble Ministers, their Excellencies, the Ambassadors and the Delegates and Observers, who have traveled long distances and come from their respective capitals to participate in the annual session and I am confident that their presence will result in a fruitful exchange of views and experiences during the session.

I would also like to thank the distinguished Secretary-General, the Deputy Secretaries-General as well as the officials of the AALCO, who have been working very hard to prepare all the basic documents, which will be discussed here. They also provide the backup and support during our meetings for preparation of the records of the session. I also thank all the assisting staff for their valuable help in organizing the conference. I am sure that this session would be a great success as was the earlier Twenty-Eighth Session in 1989 and will remain in the memories of all the participants. I express gratitude and thank you all on behalf of all of us who are present here. Asante (thank you).

Master of Ceremony: The Hon'ble Kenyan Solicitor General announced that after the keynote address by the His Excellency the President of Kenya there would be group photograph with the Hon'ble President. Thereafter, the delegations would proceed to the Conference venue at Hotel Inter Continental for the substantive sessions. He then invited the Attorney General of Kenya Hon. Amos Wako to deliver his address.

iv. Opening statement by Hon. S. Amos Wako, EGH, EBS, SC, MP, Attorney-General of the Republic of Kenya

H. E. President Mwai Kibaki, CGH, MP,
President of the Republic of Kenya,
Hon. Hamid Awaluddin, Minister for Justice
and Human Rights, Republic of Indonesia
Amb. Dr. Wafik Z. Kamil, Secretary-General
of Asian-African Legal Consultative
Organization,
Hon. Kiraitu Murungi, EGH MP, Minister for
Justice and Constitutional Affairs,
Distinguished Delegates,
Distinguished Observers
Ladies and Gentlemen:

I wish to take this opportunity, at the outset to begin by extending a warm welcome to Kenya to the Heads and members of all delegations and to all those participating at this historic Forty-Fourth Session of the Asian-African Legal Consultative Organization being held 50 years after Bandung Conference which gave notice to the world that as the Asian and African countries attained their independence, they will actively and positively contribute to the new world order based on justice, equality, mutual respect; they gave notice that henceforth, they were going to contribute to the development of international law which takes into account the interest of the third world. I therefore hope that the beauty of the Kenyan landscape with the great rift valley spanning the great savannah plains and the regal mountains proudly pointing us to the sky coupled with the traditional hospitality of the Kenyan populace will not only give you the necessary impetus and inspiration to discover innovative legal solutions to the myriad problems confronting our countries but that you will also enjoy your stay in Kenya.

I hope you get time after the conference to meet the Kenyan people and get to know them and also see for yourself what you have heard about Kenya. The unique blend of diverse natural attractions such as our renowned wildlife in their natural habitat, the beautiful beaches and the diverse and rich cultural traditions.

Ladies and gentlemen,

The Asian-African Legal Consultative Organization, popularly known as AALCO has grown from the original members of seven Asian States to the current 47 countries comprising almost all the major states from Asia and Africa.

The importance of this Organization as a forum for expressing our legal positions on key areas of concern in the international arena. As we shall presently see, in view of the increasing importance of AALCO, it is vital for all countries in Asia and Africa to become members. We did invite those countries in Africa who are not members to attend this session as observers. Many of those countries are represented at this Meeting by their Ambassador/High Commissioners. It is my hope that during or after this meeting, they will become members.

One of the main objectives of AALCO that is dear to our hearts is its role in serving as an advisory body to its Member States in the field of international law. AALCO has over the years played a critical role in providing a much needed forum among third world countries to exchange views, formulate positions and through a unified approach issues, thereby giving us the necessary leverage to influence the codification and progressive development of international law. As the world becomes truly a global village, international law has moved away from its limited and traditional areas of operation and extended to cover activities and interactions, which hitherto has been a preserve of the nation state. If therefore the third world countries have to survive, we have to ensure that international law is not tilted in favour of the rich and powerful members of the international community but serves the interests of all equitably. This is the only way the rule of law at the international level can be established.

The AALCO is uniquely placed to assist us in this regard because it has the requisite experience and excellent and close working relationship over the years with key international organizations including UNEP,

United Nation's International Law Commission and the United Nations General Assembly. AALCO does examine subjects that are under consideration by the International Law Commission, and after due consultation, makes recommendations thereon.

These Annual Sessions of the AALCO provide a regular forum to formulate positions. During this session, participants will discuss very key and topical subjects including:

- International Terrorism
- An Effective International Instrument Against Corruption – your government's commitment to implementing zero tolerance policy towards corruption cannot be doubted by any discerning observer.

The legal instruments are now in place. Kenya was the first country to sign and ratify the UN Convention Against Corruption on 9th December 2003 and has hosted a number of international meetings on the issue. As I speak now, a United Nations Office on Drugs and Crime Regional Workshop on Counter terrorism, transnational organized crime and corruption is being held now in Nairobi.

- Recent developments – International Criminal Court
- Establishing co-operation against trafficking in women and children
- Expression of folklore and its International protection
- WTO as a legal framework agreement and code of conduct for world trade. Poverty cannot be eradicated in the third world without completely reforming the international economic and trade order, which currently favours the developed countries.

I note that the participants at this conference are keen legal experts in the various fields to be discussed at the conference. The wealth of experience here will give us all a unique and excellent opportunity to share our experiences in the promotion of law and justice and an international legal regime that is just.

Distinguished delegates, ladies and gentlemen, this conference will undoubtedly provide you with the unique forum to analyze the impact of our work in the legal arena both domestically and internationally.

I wish you all fruitful deliberations and hope that the conclusions and recommendations identified at the end of this conference will provide strong comprehensive legal standpoints on the issues to be deliberated in the course of the next few days. Thank you.

v. Address of Hon. Kiraitu Murungi, E.G.H., M.P., the Minister of Justice and Constitutional Affairs, Republic of Kenya

Your Excellency President Mwai Kibaki, President of the Republic of Kenya, Your Excellency Ambassador Wafik Z. Kamil, Secretary General, AALCO, Hon. Amos Wako, The Attorney General of the Republic of Kenya

Excellencies, Heads of Delegations, Cabinet Ministers, Hon. Members of Parliament, Hon. Judges, Delegates, Distinguished Guests Ladies and Gentlemen. Kenya is greatly honoured and privileged to host the Forty-Fourth session of AALCO, which also coincides with your Golden Jubilee. I wish to extend a warm welcome to all our visitors particularly those visiting Kenya for the first time. As we say in Kenya KARIBUNI - HAKUNA MATATA!

Kenya has been an active member of AALCO for more than 30 years. We are justifiably proud of AALCO and what it has achieved. AALCO has a special place in the hearts of Kenyans. One of us Prof. F.X. Njenga was a Secretary-General of AALCO for many years. I congratulate your Excellency, Secretary General, on the Golden Jubilee of AALCO.

AALCO has given Asian-African countries an invaluable platform to articulate various concerns on issues of common interests. It has helped us to effectively tackle complex legal issues at the global level especially at the UN.

As a specialized inter-governmental agency the AALCO facilitates the exchange of ideas and experiences between Asian and African countries. In the past AALCO principally dealt with issues of decolonization, racism, apartheid and underdeveloped.

I am grateful to note that AALCO has now shifted its focus to current challenges facing this continent, which include Governance, environmental degradation, poverty, security and corruption.

This session of AALCO focuses on many issues that are of special interest to Kenya. We look forward to very fruitful deliberations within the next five days. The theme of the conference's special session '**Environmental Law and Sustainable Development**' is particularly appealing to Kenya given the challenges the country is facing in the management of its natural resources and the fact that we host the headquarters of UNEP.

The conference also comes at a time when the world has recognized Kenya's leading environmentalist Hon. Professor Wangari Mathai's efforts in conserving the environment as a major contribution to peace, democracy and development by awarding her the Nobel Peace Prize. This has made us, as a nation immensely proud. Everywhere you go you find a renewed commitment to conserve the environment.

The other issues we are interested in as a country include the war against corruption and the international terrorism. International instruments against corruption will greatly improve Kenya's chances of a successful war against corruption. Corruption is no longer a domestic issue because it is no respecter of national borders. It must therefore be addressed at local, regional and international levels.

We are not fighting corruption to please the International Community. We are doing it because the fundamental interests of the Kenyan people demand that we do so. Experiences from various countries show that

quick fix populist initiatives to fight corruption such as high profile purges, arrests and prosecution have not succeeded in reducing corruption in Africa.

We in Kenya are experimenting with institutional and structural reforms, asset tracing and recovery, and creation of a national culture of honesty and integrity. Dysfunctional institutions of parliamentary democracy in Africa have been at the root of the persistent culture of corruption. We expect to learn more from this conference.

As you may be aware, Kenya is currently engaged in efforts to trace and repatriate billions of shillings looted by the former regime and stashed in developed countries. In this highly complex legal process, Kenya needs all the international support it can get. International co-operation founded on sound international instruments will therefore be crucial in our efforts. It is with this appreciation, that Kenya was the first country to sign and ratify the UN Convention Against Corruption in Merida, Mexico in December 2003. We have declared corruption to be a crime against humanity.

Kenya has also signed the AU Convention on combating Corruption and is in the process of ratifying it. We are in the process of organizing a regional forum to discuss the convention and how it can be operationalized for the benefit of African countries war against corruption – we will call upon AALCO to support us in the initiative.

Another issue of great interest for Kenya is international terrorism. Kenya is currently developing legislation to facilitate the fight against terrorism. We have experienced three major terrorist attacks in 1981, 1998 and 2002. These attacks had serious adverse social and economic effects on Kenya, especially in the tourism sector. To enhance the national capacity to combat terrorism, Kenya has established a specialized anti-terrorism security agency.

Kenya is committed to fostering and promoting the rule of law and good governance ideas. To this end we have initiated and are currently implementing a comprehensive reforms programme targeting all our Legal and Justice institutions in Kenya. Over 30 departments are affected. These reforms are being undertaken under the Governance, Justice Law and Order Sector Programme (GJLOS). The reforms seek to equip the justice system and the law enforcement system with the tools to effectively deal with the increasing sophistication and magnitude of serious international crimes.

Kenya is party to all UN human rights conventions and is committed to promoting and protecting human rights. The emergence of terrorism as a major international crime has seriously complicated government efforts to promote human rights and democracy.

Asian countries have also suffered from the scourge of terrorism and have been involved in the development of legal instruments to deal with it. We look forward to learning from your experiences.

After this high level meeting, it is only reasonable for us to expect a far-reaching AALCO – NAIROBI DECLARATION.

With those few remarks, I wish you very fruitful deliberations and a successful conference. I thank you Your Excellency.

Thank you very much.

vi. Keynote Address by His Excellency Hon. Mwai Kibaki, CGH, MP, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya

Distinguished Delegates,
Ladies and Gentlemen,

I am delighted to join you for this inaugural session of the Forty-Fourth International Conference of the Asian-African Legal Consultative Organization. I note from your

programme that you have a busy schedule that will take you up to Friday evening. I, however, urge you to set aside time to tour in and around Nairobi as well as the countryside to see the beauty of our country and enjoy the warm hospitality of our people.

Kenya has been closely associated with AALCO for more than three decades. We value the Organization for its role in bringing together experience and expertise from Africa and Asia for the development of better understanding and solutions to the legal issues arising from growing interaction of people and nations.

The world is increasingly becoming interdependent and actions taken by one state impact on others. Moreover, with increased movement of people across the continents and increased international trade and globalization of the flow of information through the internet, we are faced with serious challenges, which cannot be addressed by individual countries.

Since countries of Africa and Asia started from a disadvantaged position due to the colonial past and underdevelopment, it was necessary for us to pool our resources together in order to play an important role in the formulation of international law and practices.

I therefore wish to commend this Organization for the contribution it has made in the development of the law of the sea, the international human rights regime, as well as in the international trade law.

There are still important legal aspects of the World Trade Organization where there are serious issues to be resolved to ensure fairness in international trade, flow of investments and services as well as successful implementation of development strategies for developing countries.

In this regard, I am pleased to note that the issues on the Agenda of this meeting which include arbitration, the law of the sea, status and treatment of refugees, protection of

migrant workers, jurisdictional immunities of states and their property, effective and international legal instrument against corruption, environmental law and, terrorism are topical issues which will make a significant contribution in the development of international law and practice.

We commend AALCO for undertaking studies that have led to an informed common position on topics such as “the New GATT Accord: An overview with special reference to World Trade Organization and Trade Related Investment Measures”. Subsequent studies have also been of immense help to the Kenya delegation in capacity building. Furthermore, in the area of agriculture, this Organization has given us updated of current negotiations on Agreement on Agriculture and other areas, which we may achieve, compromise.

We support the view that since agriculture is of critical importance to the economic development of developing countries, they must be able to pursue agricultural policies that are also supportive of their development goals, poverty reduction strategies, food security and livelihood concerns. This must go hand in hand with the development of the necessary infrastructure, for without it, international trade would be severely curtailed.

The question of export subsidies is complex and must be addressed critically so as to eliminate all types of subsidies including those relating to government-sanctioned exporting monopolies. As developing countries, we simply do not have the resources to subsidize our farmers or industries.

Therefore concessions, which include subsidies, are not likely to be of serious benefit to our regions unless they are accompanied by credit and technological support. Another area of common concern to our two regions is war crimes, crimes against humanity and genocide. In that regard, Kenya signed the Statute of the International Criminal Court (ICC) in 1999, and ratified it in March this year. We have already

published the International Crimes Bill, 2005 which will domesticate the Rome Statute of the International Criminal Court.

Ladies and Gentlemen,

Corruption is a vice that is of growing concern to developing countries not only because of its ability to squander scarce resources, but also because it is simply immoral and unacceptable that an individual or group should convert public resources for their own use.

To this end, my Government enacted the Anti-Corruption and Economic Crimes Act, 2003 that establishes the Kenya Anti-Corruption Commission as an autonomous body with broad investigating powers on corruption matters. The Act makes provisions for among other things, receipt of corruption complaints, production of records and property, compensation and recovery of improperly acquired assets. The Kenya Anti-Corruption Commission is now fully operational and is systematically tackling corruption. We have also enacted into law the Public Officer Ethics Act. All public officers are now required to declare their income, assets and liabilities annually to enable us to keep track of public officers bent on acquisition of wealth through corrupt practices.

Indeed, Kenya was the first country to sign and ratify the United Nations Convention against Corruption in Mexico in 2003. Kenya is also among the first four African countries to voluntarily offer themselves for review under the NEPAD Peer Review Mechanism. The review seeks to evaluate and recommend measures to promote and protect Good Governance, Rule of Law, Justice and Human Rights.

Ladies and Gentlemen,

Terrorism remains a serious threat to international peace and security. To address the unique challenge that the threat of terrorism poses, there is an urgent need for increased international co-operation to tackle this problem. In this regard, my Government

recognizes the efforts that the United Nations General Assembly has put in place to establish a legal framework to augment the war on terror. We recognize the important role of this Organization in coming to a common legal position to address the threat of terrorism.

This forum is important, since it will facilitate formulation of a common position to complement the global efforts aimed at concluding effective legal instruments against terrorism. Here in Kenya, the Government is currently consulting with all the stakeholders with a view to republishing the new Suppression of Terrorism bill to be tabled in Parliament soon.

Distinguished Delegates, Ladies and Gentlemen,

In our pursuit of the rule of law and democracy, Kenya held its third multiparty general elections in December 2002. These elections ushered in a new Government and a new political order. The political transition took place in a democratic and peaceful environment.

This signifies respect for the rule of law and acceptance of democracy by the people. Since then, my Government has effected many important reforms in the governance, justice, law and order sectors in order to improve the administration of justice, the rule of law and respect for human rights. One of the most important reforms being undertaken in the country is the review of the constitution. The process is in its final phase and is expected to be completed by the end of this year. The purpose of the constitutional review process is to establish a free and democratic system of Government that enshrines the principles of good governance, constitutionalism, rule of law, gender equity and social justice.

In this respect, the draft constitution under consideration has an expanded bill of Rights reflecting Kenya's Human Rights obligations as contained in international human rights treaties and conventions, which we have acceded to or ratified.

Ladies and Gentlemen,

I do note that this Conference has set aside a special day devoted to discussion on the theme, Environmental Law and Sustainable Development. We recognize that conservation and protection of the environment is essential to our own survival as a country.

This is why we feel greatly honoured by the award of the Nobel Peace Prize of 2004 to Honourable Professor Wangari Maathai last December. The award made a strong international statement on the linkage between the environment and sustainable development, democracy, good governance and women's rights.

Kenya is also honoured to host both UNEP and UN HABITAT Headquarters in Nairobi. We commend the two organizations for their contribution to the development of environmental law and standards for good human habitation.

As I conclude my remarks, I wish to take this opportunity to thank the Asian-African Legal Consultative Organization Secretariat for ably steering the work of this Organization and for ensuring that the interests of the two regions are well articulated in international fora.

I also commend the Secretary General and his staff for their contribution towards the development of a legal regime in the Law of the Sea, as well as in the general development of International Law.

Finally, Ladies and Gentlemen, I once again welcome you to Kenya and wish you successful and fruitful deliberations.

It is now my great pleasure to declare this Forty-Fourth Session of the Asian African Legal Consultative Organization officially open. Thank you.