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## KENYA

Statement Circulated by The Hon. J.J. Kamotho, EGH, MP,  
Minister for Trade

This Ministerial meeting is taking place on the occasion of the 50th Anniversary of the establishment of the multilateral trading system (MTS). It therefore provides a timely occasion for an evaluation of the achievements and shortcomings, as well as the challenges and opportunities facing the system. Kenya appreciates the role previously played by GATT, and now by WTO in encouraging open trade regimes and dismantling tariffs and non-tariff barriers in the trade in goods and services. Kenya is committed to a transparent, fair and equitable rule-based multilateral trading system under the WTO.

However, the multilateral trading system still faces daunting challenges. These include the effective integration and participation of all developing countries, including LDCs, in such a way as to maximize the development dividend and potential benefits to be gained from the system. The system should work towards providing meaningful access to markets for products of export interests to developing countries. It should also ensure that benefits are equitably distributed.

Kenya is participating at this Conference which is the second since we established the WTO, when our memories are still fresh with the difficulties we went through during the Uruguay Round negotiations. But finally we were able to trade off and compromise in varied areas and succeeded. The final act established rules, rights and obligations which we committed ourselves to in order to fully and equally participate in the WTO multilateral trading system.

It is in this spirit that Ministers are gathered here today to share their experiences for the betterment of the world economy. We hope to use this occasion to assess the implementation process of the WTO Agreements taking into account the various problems and limitations of the developing economies like Kenya.

We should not view these agreements as ends in themselves but as invaluable means of alleviating poverty, raising standards of living, ensuring full employment, and sustained economic growth and development for our countries. They should also be used to promote technological progress and advance the cause of world peace and harmony.

In this regard, I wish to register our appreciation for the continued technical assistance that the WTO, UNCTAD, ITC and donor countries have extended to Kenya. The assistance has gone a long way in helping us understand the WTO legal framework which is crucial to our participation in the multilateral trading system. I would appeal for extension of the assistance to cover country-specific studies on the impact of the implementation of the WTO Agreements.

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Some of Kenya's experience with the implementation process of the WTO Agreements, can briefly be described as follows.

#### Tariffs and non-tariff barriers

The binding of tariffs gives certainty and predictability for export markets. However, the benefits that could have accrued from tariff removal and reductions have been negated by the use of unwarranted sanitary and phytosanitary measures and other technical barriers to trade. In this regard, Kenya calls on all WTO Members to implement the Agreements in both the spirit and the letter without creating unnecessary barriers which appear to discriminate against the geographic source of products. In cases where some restrictions are justified, Kenya would appreciate if the necessary technical assistance was provided in order to meet the criteria for entering such markets. Some of our products which are already threatened include fresh fish, cut flowers and fresh fruits and vegetables and other horticultural produce.

#### Textiles and clothing

My country views the integration of textile and clothing products into GATT 1994 as a gain to its textile industry. However, this gain is unlikely to be realized until the end of the implementation period since 49 per cent of the products particularly those considered sensitive by major importers will not be integrated until 1 January 2005. In the spirit of boosting world trade in textile and clothing sector, we wish to request major importers to consider faster integration of products of export interest to developing countries.

#### TRIPS

Kenya lacks technological infrastructure and other pertinent resources that would enable her to gain significantly from the Trade-Related Aspects of Intellectual Property Rights Agreement. This means that we are likely to incur higher costs in terms of royalties when the transition period for implementing the Agreement expires in the year 2000. This cost will no doubt be transferred to the consumers resulting in social welfare and economic loss. In this regard, we would welcome action that would assist developing and least-developed countries in the transfer of technologies at affordable rates.

#### Trade in services

Kenya appreciates the progressive liberalization of trade in services and sees it as a growth area in the development of her economy. In this connection, my country strongly appeals to the WTO Member countries to appreciate and utilize the pool of professionally qualified and competitively priced services providers available in Kenya.

#### Further work

As concerns the future work programme, I wish to observe that Kenya, like most other developing countries are today overburdened and still grappling with the effects of the implementation of the outcome of the Uruguay Round. It is, therefore, Kenya's view that new issues should not be introduced into the WTO agenda until the pending issues in the built-in agenda are completed.

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