

Mr. Bernards Andrews Nyamwaya MUDHO

(Nominated by the Government of Kenya)

Profession: International Lawyer
Enrolled as Advocate of the High Court of Kenya/Admitted to the Bar in Kenya, 1971

Professional Membership Law Society of Kenya since 1971
Environmental Law Commission, International Union for Conservation of Nature

Education **Columbia University School of Law** New York, NY
Master of Laws (LL.M), 1973

Kenya School of Law Nairobi, Kenya
Post-Graduate Diploma in Law, 1971

University of Dar es Salaam Dar-es-Salaam, Tanzania

Expertise Over 25 years experience in multilateral diplomacy and public policy, International Development and Humanitarian Law, Gender, Human Rights, Environmental, Foreign Trade and Debt, Legal Drafting, Business Negotiations & Mediation

Skills: Windows XP and Office, Westlaw, Lexis-Nexis, Certificate in Diplomacy

Experience
Nov. 2001 – Present
United Nations Independent Expert on the effects of economic reform policies and foreign debt on the full enjoyment of all human rights particularly economic, social and cultural rights

Jan. 1999-Mar.2005
Consultant to the United Nations and International Organizations and Specialized Agencies. Assignments undertaken have included:
Evaluation of capacity building and human rights projects in Africa sponsored by the United Nations Development Programme and Office the High Commissioner for Human Rights;
Capacity Building in for the post-conflict peace-building and development in the Horn of Africa;
World Bank-sponsored Kenya Assessment Study: Corruption in the Justice System, Nairobi, 1999;
Investment Management Service of the United Nations Joint Pension Board, New York, 1999
Sole practitioner while in Kenya through Mudho & Co. Advocates, Nairobi, Kenya

MINISTRY OF FOREIGN AFFAIRS, REPUBLIC OF KENYA

- Jan-Aug. 1998 **Deputy Secretary/Chief Legal Officer** Nairobi, Kenya
Oversight of legal affairs; negotiated, drafted, and implemented regional and international agreements and treaties; provided legal advice on international development cooperation issues and negotiated bilateral and regional agreements
- Oct. 1992-Jan. 1998 **Deputy Head of Mission & Head of Chancery** Brussels, Belgium
Embassy of Kenya, Belgium, Luxembourg & the European Union
Managed bilateral and multilateral relations for Kenya; researched and negotiated bilateral and multilateral development issues on liberalization and globalization trends,
- Jan.1989-Oct.1992 **Deputy Secretary & Head, Legal Division** Nairobi, Kenya
Managed bilateral, regional and international political, economic and social issues with the Middle East, Europe and the Commonwealth; developed a small unit into a fully-fledged division staffed with over a dozen lawyers; Visiting Lecturer, Institute of Diplomacy & International Law, University of Nairobi.
- Jul.1984-Dec 1988 **Deputy Head of Mission and Head of Chancery** New York, USA
Permanent Mission of Kenya to the United Nations
Managed international relations; Legal Advisor; Alternative Representative to the General Assembly; the Security Council and other main committees of the United Nations, in particular Kenyan Representative to the Committee on Budgetary, Administrative and Personnel Questions; Chairman, United Nations Committee on Conferences.
- Sept.1977-Jun.1984 **Under Secretary/Head, Legal Division** Nairobi, Kenya
Managed all legal advisory services of the Ministry of Foreign Affairs in General, in particular the interpretation and implementation of the Kenya Privileges and Immunities Act and other legal instruments
- Sept 1974-Jun. 1977 **First Secretary/Senior Legal Officer** London, United Kingdom
Kenya High Commission,

Legal Advisor to the Ambassador on bilateral agreements and diplomatic protocols, including Commonwealth arrangements and institutions

REFERENCES: Available upon request

BEN MUDHO – PROFILE

I am an international Lawyer and licensed attorney in Kenya (Advocate for the High Court of Kenya) in good standing. I received a Bachelor of Laws (LL.B) degree from the University of Dar es Salaam in Tanzania, and a Master of Laws (LL.M) degree from Columbia University School of Law in New York. Presently, I am preparing to take the New York State Bar Examination.

I have over 30 years of legal diplomatic and consular experience gained while employed by the Ministry of Foreign Affairs and International Cooperation of Kenya in increasingly responsible positions ranging from Legal Officer, Head of Legal Division and Legal Adviser. During this period, I managed all the Ministry's legal advisory functions and played leading roles in the negotiation, drafting, interpretation and implementation of bilateral, regional and international agreements.

I have the necessary management skills and capacity to meet set goals in any organization. My rigorous legal training, distinguished diplomatic service spanning over three decades working and living in three different continents have bolstered my cross-cultural awareness and equipped me with unique insights and organizational versatility. I have participated in many tough and delicate negotiating sessions. My professional highlights include role as a key negotiator at the Third United Nations Conference on the Law of the Sea that adopted the International Convention on the Law of the Sea in 1982; key negotiator at the 1995 Mid-Term Review of the Lome Convention between the European Union states and the African, Caribbean and Pacific States; role as legal adviser of the Kenya delegations to the initial series of multinational negotiations that led to the establishment of the East African Community (EAC) and the Economic Community for East and Central African States (COMESA).

As a senior Kenyan diplomat accredited to the EU between 1992 and 1998, I worked extensively on international trade and developmental problems with public functionaries from developed and developing countries as well as with leaders in the private sector and civil society. My experience has allowed me to develop an appreciation for, and a competency in, forging partnerships in pursuit of common goals and ideals. It has also given me a strong theoretical and practical grasp of the way private and public businesses and organization work globally.

Throughout the course of my public career, especially as Kenya's Legal Adviser in the Ministry of Foreign Affairs and International Cooperation, I had developed a special appreciation and insights into the role of law as an instrument of social engineering. As a senior Kenya diplomat to the United Nations headquarters in New York, I served for many years as my country's representative to Budgetary, Administrative and Personnel Questions (Fifth) Committee and participated, in that capacity, in the negotiation of numerous multilateral agreements, conventions and protocols. During the same period, I also served as Chair of the UN Committee on Conferences where I developed an intimate understanding of the way bureaucracies function globally as well as how to multi-task and meet deadlines.

After retiring from the Kenyan diplomatic service in 1998, I established a solo private legal practice in Kenya, Mudho & Company, Advocates in 1999. Currently, I work as an occasional consultant for the United Nations and related agencies on global legal issues focusing on international development cooperation, human rights and poverty. Since November 2001 to the present, I have volunteered, on a part-time basis, as the Independent Expert of the United Nations Commission on Human Rights on the effects of economic reforms on the full enjoyment of all human rights in developing countries.