



Permanent Mission of the Republic of Kenya to the United Nations

866 U.N. Plaza, Rm 304, New York, NY 10017

STATEMENT

BY

**H.E. MR. ANTHONY ANDANJE
AMBASSADOR/PERMANENT REPRESENTATIVE
OF KENYA TO THE UNITED NATIONS OFFICE AT NAIROBI (UNON)**

TO

THE

SIXTH COMMITTEE

ON

**AGENDA ITEM 84:
"RULE OF LAW AT THE NATIONAL AND INTERNATIONAL LEVELS"**

Thursday, October 6, 2016
United Nations, New York

Please check against delivery

Mr. Chairman,

Thank you for affording me the floor.

Kenya aligns itself with the Statement delivered by the distinguished representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement and by the distinguished representative of the Republic of South Africa on behalf of the African Group.

Kenya welcomes the Secretary-General's report. My delegation notes that the report emphasizes developments related to "**Sharing national practices of States in the implementation of multilateral treaties**" and "**Practical measures to facilitate access to justice for all, including for the poorest and most vulnerable**", the subtopic that is the subject of our deliberations at this Session of the General Assembly under agenda item 85 entitled "**The Rule of Law at the National and International Levels**".

Mr. Chairman,

Kenya firmly believes that Rule of Law cannot exist without a transparent legal system. The main components are a clear set of laws that are freely and easily accessible to all, strong enforcement structures, and an independent judiciary to protect citizens against the arbitrary use of power by the State, individuals or any other organization.

The Rule of Law therefore enables people and institutions to fulfill their dreams and aspirations, individually and collectively. It can generate economic reform and unlock the social, political and economic potential that exists in societies thereby entrenching the SDGs and the implementation of Agenda 2030.

Mr. Chairman,

Kenya concurs that the rule of law is a broad and complex concept embedded in the history of all cultures and nations as well as in the long-standing efforts of States to create an international community based on law.

It is also linked to critical goals such as poverty reduction and sustainable human development as well as to peace-building and peacekeeping, accountability for gross violations of human rights and combating organized crime and terrorism. Strengthening the rule of law is central to achieving the vision of the United Nations for a just, secure and peaceful world.

Mr. Chairman,

At the national level, Kenya is continuing to implement, institutionalize and entrench the provisions of the 2010 Constitution. I am pleased to inform that we are on track to fulfil

our obligations espoused in Goal 16 of the Sustainable Development Goals which include:

- Enabling Members of Society to access Legal Aid and/or Assistance to access the Justice System in both the criminal law and civil law realms;
- Building Effective and efficient justice institutions – Expeditious treatment of cases and matters coming into justice system i.e. preventing delays in court processes and detention; and
- Promotion and protection of Rule of Law – Creation of confidence in justice system and guarantees of the rule of law. We believe the recent publication of interviews of the candidates vying for the posts of Chief Justice and Deputy Chief Justice has given impetus to our efforts to build and entrench this confidence in the justice system.

Kenya is convinced that Capacity building is key for the promotion of the rule of law and for strengthening national capacities of Member States, including through enhanced technical assistance.

We believe that, for effectiveness, capacity-building and rule of law activities, should be anchored by two interrelated concepts namely determining needs and priorities and local or national ownership. Together these principles require partnership and mutual respect between the providers and recipients.

Nevertheless, I must emphasize that it is also necessary to take into account the customs and national political, socioeconomic realities and laws of each recipient State.

Mr. Chairman,

As a strong defender of a balanced approach towards both levels of the rule of law, national and international, Kenya is fully committed to an effective implementation of our international obligations at the national level guided by our domestic systems and according to our national legislative framework.

We urge States, tribunals, whether local, regional or international, to contribute to the Rule of Law by ensuring that the rules of various international law instruments adopted by States are interpreted and implemented in a just, fair and predictable manner that is not counterproductive or antagonistic to the very ideals contained in these instruments.

I thank you for your attention.