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STATEMENT

BY

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TO THE
SIXTH COMMITTEE

ON
AGENDA ITEM 86:
"THE RULE OF LAW AT THE NATIONAL
AND INTERNATIONAL LEVELS"

DURING THE
73RD SESSION OF THE
UNITED NATIONS GENERAL ASSEMBLY

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Mr Chairman,

1. Kenya aligns itself with the Statement delivered by the distinguished representatives of the Islamic Republic of Iran on behalf of the Non-Aligned Movement and the Gambia on behalf of the African Group. We welcome the Secretary-General's report and appreciate that the engagement of the United Nations in collective efforts to promote the rule of law at the national and international levels are critical if we are to realise the 2030 Agenda for Sustainable Development.
2. Strengthening the rule of law is central to achieving the vision of a United family of Nations that is just, secure and peaceful. We should all equally confront and reject efforts to undermine, whittle down or diminish painfully crafted and agreed rules based international system. Our collective efforts let by this venerable committee are vital in realizing a sustainable way forward.
3. Kenya ascribes to the classic definition of the rule of law as resting upon known, general principles applicable on equal terms to all persons and respects and preserves the dignity, equality and human rights of all persons. Norms of international law including the rules based multilateral trading system must be reliable, predictable and equitable as they are critical in our attaining sustainable development.
4. The Constitutions of Kenya 2010 admits the application of international laws into our national system by incorporating all the international treaties that Kenya has ratified. International law and rules based approaches are therefore critical for our development whether in the protection of human rights, humanitarian intervention, terrorism and even in addressing climate change. They help us foster closer cooperation in our region and internationally.

Mr. Chairman,

5. Kenya is of the view that dissemination of international law promotes bilateral and multilateral cooperation and strengthens the rule of law at the international level. Unlike the traditional modes of dissemination, the digital era and the Internet have accorded us a vast array of tools and platforms that if used optimally, can ensure that this dissemination is done in a quick, effective, efficient and inexpensive manner. It also has an outreach to all the corners of the globe and is easily accessible through even a smart phone. At the click of a button on smart phone, tablet or desktop computer these resources are available and can change the lives of our students including women and youth. We should therefore move towards the full utilization of these mediums.

Mr. Chairman,

6. We applaud the Secretariat for their hard work in the United Nations Programme of Assistance. The Audiovisual Library (AVL) which is available to all institutions and individuals around the globe free of charge via the Internet, the UN Webcast, PaperSmart and other portals by this Committee are a welcome start. The AVL provides an educational tool for the legal profession and academia particularly in developing countries.

7. The programme of assistance especially plays an important role in advancing the teaching, study and application of international law, particularly in developing countries. This will bring us closer to the realization of SDG 16 on the Promotion of the rule of law at the national and international levels to ensure equal access to justice for all. We support enhancing the budget for this programme to ensure that it receives funding from the regular budget of the United Nations.
8. Kenya is convinced that Capacity building, awareness creation and ease of access are important for the promotion of the rule of law and for strengthening national capacities of Member States, including through enhanced technical assistance. We call on the United Nations to partner with developing countries to enhance the uptake of the programme's content by working together to determine the needs and priorities of Member States taking into account the socioeconomic realities and laws of each member State.

Mr. Chairman,

9. 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, that is functional and predictable, to protect citizens against the arbitrary use of power by the State, individuals or any other organization.
10. The Rule of Law therefore enables people and institutions to fulfil their dreams and aspirations, individually and collectively and ensures that none is left behind. 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,

11. As a strong defender of a balanced approach towards both levels of the rule of law, national and international, Kenya is fully committed to the effective implementation of our international obligations at the national level guided by our domestic systems and according to our national legislative framework.
12. 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.