



*Permanent Mission of the Republic of Kenya to the United Nations*

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STATEMENT

BY

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OF KENYA MISSION TO THE UNITED NATIONS**

AT THE

GENERAL ASSEMBLY PLENARY MEETING  
ON  
**"IMPLEMENTING THE  
RESPONSIBILITY TO PROTECT"**

Tuesday, July 28, 2009  
United Nations, New York

**Mr. President,**

My delegation wishes to thank you for convening this debate on the Secretary General's report A/63/677 on "Implementing the responsibility to protect." We welcome the report. We believe it provides us with an ideal opportunity to exchange views on this important subject.

The concept of Responsibility to Protect involves the fight against impunity and is premised on the very roots on which this organization was founded; to end the scourge of war and guarantee that every human being lives a life of dignity. This very principle is also rooted in African culture, and was in 2000 enshrined in the Constitutive Act of the African Union in Article 4 (h).

The noble idea of Responsibility to Protect is to prevent societies from falling apart which is the overarching responsibility of any Government. It need not be emphasized that failure to build social cohesion results in instability which could lead to mass atrocities.

**Mr. President,**

Responsibility to protect is a call to implementation of existing commitments under international humanitarian and criminal law, to protect civilians from the abuse of human rights at all levels. The norm of Responsibility to Protect is therefore not new, and is well documented in paragraphs 138 and 139 of the World Summit Outcome Document, yet its implementation has been problematic. This state of affairs should not be allowed to continue.

The commitment made by our Heads of State and Government at the 2005 World Summit, to protect their populations from genocide, war crimes, crimes against humanity and ethnic cleansing individually and collectively through all possible measures at their disposal, and with the assistance of this organization, needs to be transformed into reality. Therefore, there should be no recourse to re-interpretation or renegotiation of the concept, rather find ways of implementing it. To this end, the solidarity of member states, the United Nations, regional and sub regional organizations, as well as civil society is crucial.

In order to enhance the crucial role that states, regional and sub regional organizations such as the AU, the East African Community and the Inter-Governmental Authority on Development (IGAD) can play in furthering the goals of Responsibility to Protect, it is important for the international community to assist in developing capacity for effective implementation of Responsibility to Protect obligations.

**Mr. President,**

I would like to take this opportunity to express the appreciation of the people of Kenya for the personal initiative of the Secretary-General, to lend crucial support to the search of a negotiated solution to the problems in my country following the disputed December, 2007, General Elections. The support provided to the Panel of Eminent Persons was invaluable. We strongly believe that should it be necessary to use force, it must be consistent with the principles of the UN Charter and International Law. Our experience demonstrates that timely diplomatic intervention through negotiations can result in peaceful settlement of any dispute. "Necessary measures" should therefore not be equated to the "threat of use of force."

Since, the National Dialogue and Reconciliation Accord was concluded in February 2008, the Grand Coalition Government of Kenya has put in place various mechanisms aimed at ensuring that the terrible experience of post-election violence is never repeated. We are determined to lay a firm foundation for an equitable, stable and cohesive society. The report of the Waki Commission which investigated the root causes of the post election violence has been adopted by Parliament. The Government is fully committed to implementing its recommendations. The Report provides a clear road map to address the various problems.

We are convinced the legislation passed by Parliament will give further impetus to national reconciliation. They include:

- The National Accord and Reconciliation Act (2008)
- The Truth and Reconciliation Commission Bill (2008)
- The National Ethnic Race Relations Commission Bill (2008)
- Constitution of Kenya Amendment Bill (2008)
- The Constitution Of Kenya Bill (2008)

**Mr. President,**

My delegation looks forward to working closely with other delegations to refine and implement the strategies outlined in the Secretary General's report. To this end, we appeal for international solidarity in advancing the political consensus forged in 2005. It is our conviction that the three pillars that are the basis of the strategy can withstand the test of time if implemented in a consistent manner and in good faith.

**Thank you.**