



EMBASSY OF THE REPUBLIC OF KENYA

**GENERAL DEBATE OF THE EIGHTH SESSION OF THE ASSEMBLY OF STATES
PARTIES TO THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL
COURT**

THE HAGUE, 18TH-26TH NOVEMBER 2009

**STATEMENT BY PROF. RUTHIE C. RONO
AMBASSADOR OF THE REPUBLIC OF KENYA
TO THE KINGDOM OF THE NETHERLANDS**

Mr. President

First of all, let me on behalf of my delegation, convey to you, Mr. President and to the representatives of the court our deep gratitude for the exemplary commitment and devotion which has continued to mark your work and to your service to the international community.

Let me also at this point express our appreciation to all the judicial candidates who contested the fourth elections to fill the two judicial vacancies at the Court, and specifically congratulate the judges that were elected to the ICC.

Mr. President

The Republic of Kenya joins other member states in congratulating the Czech Republic and Chile upon their ratification of the Rome Statute. With these new members, movement towards universality of the Rome Statute is slowly being achieved. Kenya believes that the universality of the Rome Statute will be a triumph for the protection of human rights, the rule of law and the promotion of international justice.

Cooperation from member states is a prerequisite for the effective performance of the ICC, considering that the Court does not have its own enforcement mechanisms. In this regard, I note with satisfaction that the ICC has continued to discharge its mandate under the Rome Statute based on cooperation from member states, and other international actors. Kenya reiterates her commitment and cooperation to the Court.

Mr. President,

Kenya believes that the establishment of an ICC Liaison Office at the African Union Headquarters in Addis Ababa will enhance regional cooperation and collaboration with the Court. We, therefore, urge member states to positively consider taking necessary steps to ensure that this goal is achieved. This is critical taking into account that all the four situations presently before the Court are from Africa.

Mr. President

We appreciate the excellent Report of the Bureau on the Establishment of an Independent Oversight Mechanism. We urge State Parties at this session to proceed to

formally set up this important mechanism. It is imperative that it should start its work as soon as possible in order to enhance transparency and accountability in the court system and thereby gain the confidence and trust of the international community.

Mr. President

I note with pleasure that the gender disparity in the court is now narrowing. The number of women in professional positions has grown significantly within the past year. More women have been recruited to the bench thereby substantially narrowing the gap in numbers between men and women at that level. This is indeed a great milestone for women. We urge member states to continue with the implementation of the recommendation of the 2007 Report of the Bureau on Geographical Representation and Gender Balance. We note with regret, however, the disproportionate lack of female staff in other levels of the court and we call upon the Court to urgently redress this imbalance.

Mr. President,

Kenya has made much progress in resolving the outstanding issues that surrounded the violence in the country last year and the nation is now on the path to national healing and reconciliation. In this regard, we have set up various Commissions to address transitional justice issues and the underlying causes of violence, these are: The Truth Justice and Reconciliation Commission, The National Cohesion and Integration Commission, The Interim Independent Electoral Commission and the Interim Independent Boundaries Commission. Most importantly a new draft constitution has been published for purposes of gathering public opinion on the draft. Once enacted, the supreme law will create a stronger policy, legal and institutional framework for the enforcement and promotion of human rights, rule of law, prevention of corruption and other forms of social injustice thus eliminating the seeds of ethnic hostilities which may have fuelled the post election violence.

Mr. President,

In a country slowly recovering from a conflict situation, justice and peace are intricately connected. Indeed, they are complementary forces. Justice in such situation is context specific and requires comprehensive approaches since justice, peace and security are interdependent. Further, this integrated approach to post conflict justice demands the delicate balancing of several factors, namely: the preservation of peace and security; individual criminal accountability; reconciliation through truth seeking; reparations for victims; domestic institutional reforms, and the re-establishment the rule of law.

Mr. President

The Review Conference, which will be held in Kampala, Uganda, is now only a few months away. It will provide an important platform for member states to discuss amendments to the Rome Statute, to take stock of the achievements of the ICC and to reaffirm commitment to the principles and ideals of the Court. Kenya looks forward to engaging actively with member states and other actors in all the pending issues, such as, the crime of aggression and the review of article 124 of the statute.

It is essential at this Session for the Assembly to come up with clear and structured proposals for amendments to forward to the Review Conference. This will ensure that we have a well coordinated conference with clearly identified proposals and topics for the stock taking exercise.

The stock taking exercise should appropriately focus on state cooperation with the ICC, universality of the Rome Statute, the impact of international justice on peace processes and peace building, among other topics.

Last but not least I take this opportunity to commend the Coalition for the International Criminal Court and other civil society organizations for the important support to the work of the Court.

In conclusion, it is my pleasure to once again compliment the Court on the achievements it has made so far in attaining its mandate. In this regard I reaffirm Kenya's commitment to our obligations to uphold the integrity of the Rome Statute and to the reform within the ICC.

Thank you.