



PERMANENT MISSION OF THE REPUBLIC OF KENYA
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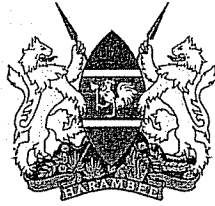
The Permanent Mission of the Republic of Kenya to the United Nations in New York presents its compliments to the Office of the United Nations Secretary-General, and as requested in Note LA/COD/2 dated 7th February, 2011 has the honour to forward herewith Kenya's comments on the Status of Protocols Additional to the Geneva Conventions of 1949 and Related to the Protection of Victims of Armed Conflict, General Assembly Resolution 65/29.

The Permanent Mission of the Republic of Kenya to the United Nations avails itself of this opportunity to renew to the Office of the United Nations Secretary-General, the assurances of its highest consideration.

New York, 17 May 2011



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**KENYA'S COMMENTS ON "STATUS OF PROTOCOLS
ADDITIONAL TO THE GENEVA CONVENTIONS OF 1949 AND
RELATED TO THE PROTECTION OF VICTIMS OF ARMED
CONFLICT: GENERAL ASSEMBLY RESOLUTION 65/29**

Kenya as a country is deeply committed to the advancement of international humanitarian law. The respect for human rights and fundamental freedoms as well as the Rule of Law are some of the principles that Kenya aims at promoting at all levels.

Kenya acknowledges the importance of respecting International Law during armed conflicts and in particular, compliance with the provisions of the Additional Protocols not only by States but also by all the parties to the conflicts. This is an agenda that requires a constant interest by all State Parties to the Geneva Convention and the Additional Protocols thereto as International Humanitarian Law is of great significance in relations of belligerent parties and the protection of protected persons, including civilians in armed conflicts.

Kenya notes that it is not enough that States ratify the Geneva Conventions and their Additional Protocols; besides the legal obligation for dissemination they contain, there must be a genuine political will to apply them. Their contents and directions for use must be known so that those responsible for their implementation take the appropriate steps at the proper time.

National Practice and Implementation Measures

Numerous States that are signatories of the Geneva Conventions and their Additional protocols, Kenya included, have issued military manuals as an educational tool for their armed forces.

Kenya's Military Manual (the Law of Armed Conflict LOAC) notes that in order for IHL to be respected and promoted, it must be disseminated as it can only be respected if it is known. The manual further explains that behavior is the reflection of training. This means that all members of a fighting force within Kenya must undergo training such as to ensure the enforcement of existing rules of IHL at all levels of military hierarchy.

On the Humanitarian treaties front, Kenya signed the Convention on Cluster Munitions on 3rd December, 2008. Although the process of ratification is still ongoing, becoming a party to this Convention represents a progressive milestone in the strengthening of IHL by Kenya in so far as the prohibition of indiscriminate weapons is concerned. Kenya has engaged in the work of the convention in 2009 through July 2010. Kenya attended the international Conference on the Convention on Cluster Munitions in Santiago, Chile in June 2010, where it emphasized the importance of international cooperation and assistance in ensuring the completion of stockpile destruction. It participated in the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions held in Pretoria, South Africa in March 2010, where it chaired a session on the status of the convention in Africa and urged participating states to ratify without delay. Kenya also attended the Berlin Conference on the Destruction of Cluster Munitions in June 2009.

Kenya has also taken a deliberate step by establishing a National Committee on the implementation of International Humanitarian Law. The Committee's primary responsibility is to coordinate and monitor the dissemination of IHL and its implementation at the national level and to advise the Government of Kenya on IHL issues and instruments that need to be ratified among others. The Committee is composed of stakeholders from Defence, Internal Security, Police and an ICRC representative among other important institutions. The

Committee works closely with the ICRC in Kenya in addressing contemporary legal and humanitarian challenges particularly in organizing training seminars and workshops on IHL.

Kenya is appreciative of the tremendous role played by ICRC in the country in its efforts at promoting IHL and shall continue to work closely with the ICRC in its continuous and manifold efforts to strengthen and promote the dissemination of IHL and ensuring implementation at both the national and international levels.
