



REPUBLIC OF KENYA

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DURING THE SECURITY COUNCIL BRIEFING ON

THE PROTECTION OF CIVILIANS IN ARMED CONFLICT: PRESERVING
HUMANITARIAN SPACE

FRIDAY, JULY 16TH 2021 (10:00AM)

1. I am honoured to join you this morning Your Excellency, **Mr. Jean-Yves Le Drian**. Thank you for convening this important debate.
2. I also thank the Deputy Secretary-General Her Excellency Ms. **Amina Mohammed** participating on behalf of the Secretary-General His Excellency **Mr. Antonio Guterres**.
3. I acknowledge the informative briefings received from the Director-General **Mr. Robert Mardini** of the International Committee of the Red Cross, and **Mrs. Lucile Grosjean** of Advocacy at Action Against Hunger.
4. I acknowledge the presence of colleagues and Foreign Ministers from Mexico and Tunisia.

Mr. President,

5. We pay tribute to every humanitarian worker. Some have paid the ultimate price in the course of duty. We honour their memory and offer our profound thanks to those who have served.
6. Your Excellencies, we are close to a dangerous tipping point, if we have not in fact already gone beyond it. Humanitarian crises are proliferating, as is the number of people needing assistance. Moreover, humanitarian crisis and conflicts are lasting for prolonged periods without resolution. Countries hosting major refugee populations are bearing long-term security and environmental costs that are unsustainable and dangerous to their stability. Meanwhile, financial resources from donors lag ever further behind humanitarian needs. Humanitarian workers are increasingly under threat of violence and harm as they discharge their important duties in many theatres across the world.
7. We must change course if the multilateral system is to be fit for purpose and not to be stretched to breaking point. Please allow me to share four recommendations by the Kenya delegation for your consideration.

8. **First:** All parties to conflict must comply with the fundamental humanitarian obligations agreed in the 1949 Geneva Convention and articulated in multiple Security Council resolutions.
9. **Second:** Humanitarian intervention should be temporary, not an almost permanent outcome of conflicts. The Security Council has been accorded the mandate and the powers to encourage, inspire and enforce political settlements that deliver ceasefires, dialogue, reconciliation, and post-conflict reconstruction in an expeditious manner. The Council needs to work a lot harder to collaborate with active and engaged regional organisations such as the African Union. That collaboration should extend to its peacekeeping mandates, sanctions, and statements so that they are realistic, achievable, and responsive to specific political contexts.
10. **Third:** All states have humanitarian obligations but only a few are bearing the bulk of the burden when it comes to humanitarian crises. This is particularly the case in those states hosting major refugee populations. Very often, these countries into which desperate and suffering refugees flee are themselves politically or economically fragile. They are environmentally weak and have weak governance systems. Therefore, in fulfilling their humanitarian obligations, many of these states may be strained to breaking point.
11. We must develop therefore, in protecting humanitarian space, a new global infrastructure of burden and responsibility sharing. As a country that has hosted one of the largest refugee populations in the world for decades, we appreciate the assistance humanitarian organisations receive in terms of financial aid. But it is time that burden sharing went beyond providing financial means only. We are seeking real sharing of responsibilities which include collaborative solutions for the physical hosting of refugee populations, third party solutions of refugees, accelerating political efforts for the expeditious resolution of conflicts, and concerted efforts for establishing safe havens for refugees in their countries of

origin to enable them return home safely and to carry on with their lives productively. We need a new thinking in this area.

12. **Fourth:** The humanitarian community and its network of multilateral, national and civil society institutions must also do more to protect the humanitarian space.
13. Humanitarian actors have consistently expressed concerns regarding the implications of counter-terrorism measures for humanitarian operations in some contexts, fearing to incurring criminal liability by coming into contact or engaging with non-state armed actors listed as terrorist entities. Although the Security Council has made efforts to minimise the impact of its counter-terrorism and sanctions resolutions on humanitarian action, the tensions between the two persist.
14. The more the humanitarian space is used to raise funds, disguise operatives, to recruit fighters, and to utilise human shields, they will attract the attention of security agencies. It is critical that humanitarian actors actively find ways to work with security agencies more effectively for the common good.
15. In financial networks, and across multiple other domains, compliance with critical security needs is becoming a normal part of doing business. Humanitarian actors can be more innovative and ambitious in hardening their supply chains and processes from penetration and exploitation by terrorists in particular. Otherwise, the result will be that humanitarian assistance desperately needed for relief can become a major source of human suffering when it is exploited by terrorists.
16. **Fifth:** Our last few decades of deregulation and market-driven outsourcing have seen higher economic growth rates, but we have also seen states less resilient and less capable of facing major crises. What is certain is that there are many unknown and unpredictable dangers in our future. The greater these dangers, the more that will be demanded of the state's abilities and resources. To be prepared,

we must collaborate to build more capable, resilient states. Meaning that we must do more than pursue good governance. I look forward to the UN leading a vibrant conversation on how to initiate a new global paradigm seeking much more capable states so that we can have political stability such strength relies on.

17. Your Excellencies, the status quo is not sustainable. If you agree with this assessment, then we are well on the way to solving it. I welcome you to work with Kenya, and other countries and institutions outside the Security Council, to develop a new architecture of **SHARED RESPONSIBILITY AND SHARED BURDEN** to ensure that humanitarian spaces are preserved for the good of all.

18. I thank you for your attention.