



**Permanent Mission of the Republic of Kenya
To the United Nations - New York
Security Council-2021-2022**

**OPEN DEBATE ON GENERAL ISSUES RELATING TO SANCTIONS:
PREVENTING THEIR HUMANITARIAN AND UNINTENDED CONSEQUENCES**

MONDAY, 7TH FEBRUARY 2022 (AM)

STATEMENT BY AMB. MICHAEL KIBOINO, DEPUTY PERMANENT REPRESENTATIVE

Thank you Madam President

1. I congratulate the Russian Federation's on assumption of the presidency of the Security Council for the month of February and commend Norway on its successful January presidency.
2. I also thank Under Secretaries General Rosemary DiCarlo and Martin Griffiths for their reflections.
3. **Mr. President,** in favor of sanctions, former UN Secretary General Koffi Annan regarded them as "a necessary middle ground between war and words".

It may be so, but we also know that sanctions can be devastating to civilians without achieving their intended aims. In these cases, they can be difficult to distinguish from acts of collective punishment that are an offense to our sense of moral right.

It is not uncommon for targeted governments to strengthen their domestic and international support due to perceptions of collective coercion.

Mr Annan may have located sanctions between war and words. But he clearly understood international conflicts well enough to know that they can be forms of warfare.

Applied with insufficient care for civilian suffering and lacking a sense of proportion, they can have the same debilitating impact on a country as kinetic warfare. While blockades and sanctions differ fundamentally in their application, their effects can be similar.

In 2018, the UN Special Rapporteur on the negative impact of the unilateral coercive measures, Idriss Jazairy argued that economic sanctions can degenerate into blockades which “expose people to the ravages of economic war in peacetime”.

4. The question we are left with is when are sanctions, with their dangers called for, and how best can they be employed by the Security Council. **Mr. President**, we have heard many recommendations. Kenya has a few more to add:
 - i. **First**, we need to regard the ethics and legality of sanctions beyond their humanitarian impact. When they are applied unilaterally, their legitimacy is undermined. The frequency and reach of unilateral sanctions has led to a growing view that they are the weapons of the strong against the vulnerable or weak. As such, they have undermined faith in multilateralism. We urge extreme reticence in their use.
 - ii. **Second**: terrorist groups need to be sanctioned in equal measure. We all know that it is key that their finances, recruitment and movement are disrupted worldwide. Yet today, an Al Qaeda affiliate in Somalia that has killed thousands in multiple countries is regarded by some members of this Council merely as a domestic “political spoiler”. Attempts to address the humanitarian difficulties in practical terms have not so far received

sufficient support. We cannot have a two-track counter terrorism and then argue that Council does not have double standards for lives lost to terrorism. We urge delegations to reconsider their positions for our collective sake.

- iii. **Third.** Terrorist and criminal groups take comfort in knowing that they will face weaker sanctions if humanitarian advocates argue on the basis of their impact on the innocent. They even take fees for humanitarian access to the vulnerable and use those finances to perpetrate attacks against civilians! We must be serious about providing proper carveouts while raising standards of humanitarian aid logistics and making sure they are combined with strong measures to limit terrorism financing.
- iv. **Fourth,** and connected to the previous recommendation, Council can do more to provide clarity on exemptions to states, humanitarian organisations and the private sector.
- v. **Fifth,** and finally. We propose building into sanctions regimes the automatic requirement for periodic reviews to ascertain that, at all stages, they still meet their purpose. Most of us see the value of such periodic reviews within our national laws. We urge Members to share such good practices with the Council.

I thank you for your attention