



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

## **EXPLANATION OF VOTE**

### **THE RENEWAL OF THE MANDATE OF THE UNITED NATIONS MISSION FOR THE REFERENDUM IN WESTERN SAHARA**

**AMBASSADOR MARTIN KIMANI, PERMANENT REPRESENTATIVE**

**THURSDAY 28TH OCTOBER 2022**

Kenya fully supports the work of the United Nations Mission for the Referendum in Western Sahara and that of the Secretary-General's Personal Envoy. This was reflected in our affirmative vote on Resolution 2602(2021) last year in our hope that the parties would engage the Personal Envoy in a way that returns MINURSO to its core objective of implementing a referendum for the self-determination of the people of Western Sahara.

Unfortunately, progress has been limited. This resolution continues a gradual but noticeable shift away from the mandate and will not assist the parties to achieve a just, lasting, and mutually acceptable political solution as originally intended. Unfortunately, the constructive proposals we made during the negotiations that speak to the core matter of the mandate were not taken on board.

For this reason, we have voted to abstain.

We are concerned that this resolution does not substantively reflect the Security Council's commitment — as reflected in Resolution 2602 and previous resolutions — *“to provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter*

*of the United Nations, and noting the role and responsibilities of the parties in this respect.”*

Underlying the UN’s recognition of the right to self-determination through a properly implemented referendum is the UN Charter under its Article 20 holding that all peoples “shall have the unquestionable and inalienable right to self-determination”. Equally, key to the African Union’s recognition of Sahrawi and its full membership is the Constitutive Act’s Article 3(h) to “promote and protect human and peoples’ rights in accordance with the African Charter on Human and Peoples’ Rights and other relevant human rights instrument”.

These are foundational principles for both the United Nations and the African Union. We stand by them, as Kenya, not to alienate any party; we do so in the conviction that they will protect all parties and the region from conflict and suffering. And that they are sorely needed in different regions of the world.

**Mr President,**

We further observe that the African Union, which counts both parties as its members, should not be ignored by any UN process, if only in adherence to Chapter VIII (eight) of the Charter. The Personal Envoy should make every effort to cooperate with the African Union to find ways to bring all parties to a common position protective of peace, security, and the holding of the agreed referendum.

**Mr President,**

Kenya enjoys warm ties of friendship with both Morocco and Western Sahara. We aspire to further strengthen these ties through cooperation on matters of common interest at bilateral and multilateral levels.

We understand the complex and contentious nature of this situation and reaffirm our commitment to making every effort to help the parties to find a just, lasting and mutually acceptable political solution, based on compromise.

We urge all the parties to engage in good faith with the Secretary-General’s Personal Envoy to achieve the long-delayed exercise of its right to self-determination by the people of Western Sahara.

**Thank you**