



The Permanent Mission of the Republic of Kenya
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UN SECURITY COUNCIL OPEN DEBATE

MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY:

NEW ORIENTATION FOR REFORMED MULTILATERALISM

STATEMENT BY AMB. MARTIN KIMANI

PERMANENT REPRESENTATIVE

14 DECEMBER 2022

Thank you for giving me the floor,

1. I thank His Excellency, **Dr. S. Jaishankar** for convening this important debate. I congratulate India for ably steering the year's final presidency, and the sustained excellence of its delegation's diplomatic efforts in the last two years we have both been non-permanent members of the Council.
2. I also thank the Secretary General and the President of the General Assembly for their contributions to this debate.

Madam President,

3. As your concept note for this meeting makes clear, the need for reforms of the United Nations, including the Security Council, has been repeatedly embraced by our leaders. In declaration after declaration, they have stated their commitment to changes that enable multilateralism to be fit to meet the most urgent challenges. Regrettably, these changes have not been forthcoming.
4. There are different reasons for our lethargy and even resistance to change. But most important among them is the defence of the present global balance of power as reflected in our institutional arrangements. And that balance, or rather imbalance, between states and peoples, is often the cause or an important driver of the very challenges that we need to solve.
5. From climate change to the inequities and inequalities of the global financial and trading system, and to the abuse of military might contrary to international law, we are witness to the impunity of those with more power over those with a deficit of it.
6. We can also agree that there are serious deficits in the balance of responsibilities and in the balance of consequences. For the former, those charged with the most responsibility and given commensurate power in the multilateral system are failing to discharge their duty individually and collectively. For the latter, as in the effects of climate change, those who do not cause the problem are often the ones who most suffer from it.
7. The imbalances were built into the United Nations and the Bretton Woods institutions at the end of World War Two, with those occupying the commanding heights given responsibility to the collective. Almost eight decades after the founding of the UN, they sometimes try to balance between their worldwide interests and their responsibilities. But as the challenges grow, fed to no small extent by the pursuit of their gain, they are unable to solve them and their appeals to collaboration ring hollow.
8. Madam President, as a results of these imbalances, the world's confidence in our multilateral institutions is low and falling rapidly. In a visible manifestation of this unfortunate trend, we are witness to peacekeeping missions mandated by this Security Council facing heated popular protests against their perceived ineffectiveness in multiple countries.
9. Compare this with the worldwide enthusiasm for the World Cup underway as we debate today. There is little doubt that this passion is fed by the perceived fairness of the rules. All teams must submit to the

will of the referee who is neutral. Despite our agonies at referee decisions against the team we support, we ultimately respect the outcomes of the match.

10. The United Nations needs to become a referee of equal stature to the men and women serving this function in Qatar.

Madam President,

11. The question now is what is to be done. To that end, allow me to make four proposals for the consideration of the membership.
12. **First**, we need a stronger referee as reflected in our regard for the Secretary General and the UN secretariat. For all those who frequently praise a rules-based order, we urge a commensurate praise for a strong referee. We refer you to Kenya's statement on the 26th of October this year during a discussion on integrity of the United Nations Charter. As we did then, we urge adherence to Article 100 which protects the Secretary General and the staff from external influence or instruction; so that they can speak truth to power in the defence of the letter and spirit of the Charter. The Secretary General must be fully partial to the Charter, and he should fully exercise Article 99 without regard for the approval or disapproval of any state or party.
13. Without wanting to overdo the parallels with the World Cup, our **second** recommendation is that we strengthen our referee by changing how the senior ranks of UN funds, agencies, and specialised agencies are chosen. We can no longer have major institutions whose leadership is the exclusive preserve of a few member states. This practice saps confidence in these institutions by offending our sense of fair play since many of their shortcomings, fairly or unfairly, are often laid at this door.
14. **Third** is strengthening of the links between the Security Council, other UN bodies, and regional arrangements. Strong regional mechanisms have increasingly played a key role in preventing escalations of conflicts and their termination in the Security Council. We merit Africa's Peace and Security Architecture and its deployment of multi-layered good offices. From the role of peer leaders, the Chairpersons of the Union and the Commission, the Panel of the Wise, and the regional economic communities. Kenya as Chair of the ad hoc Working group on Conflict Prevention and Resolution in Africa has facilitated productive meetings between the Security Council and the African Union Peace and Security Council which have produced important recommendations that need to now be implemented.
15. Kenya's role for the last two years as the informal link between the Council and the Peacebuilding Commission has strengthened our conviction about the immense potential good that can be realised by their cooperation. Change should start with the Council's openness to the latter's recommendations and complementary role.
16. **Fourth**, and finally, are substantive and procedural reforms of the Security Council. We welcome today's expressions of support for expanded membership of the Council and look forward to progress in realising them. The changes must take into account Africa's historical exclusion and the extent of attention the Council pays to its conflicts.

17. One extra seat among permanent members will NOT do!
18. We fully align ourselves with Africa's Ezulwini Consensus and the Sirte Declaration of July 2005 and want the membership to understand that Africa and other members in solidarity will insist on our position being met if Security Council reform is to move forward.
- 19. Africa will no longer accept a junior position in global affairs. African will not accept skewed numbers. We will not accept imbalances when our security is at stake.**
20. Listening to the many fine ideas shared today, we are in particular agreement with Brazil's observation that the New Agenda for Peace must include Security Council reform if it to truly offer a new chapter for multilateralism.
21. For lack of time, I will finish by emphasising the need to change the existing practice of pen-holding in the Security Council. The existing penholders often do a commendable job. However, a strong perception that they are using the pen to sustain a history of its use to pursue national interests is almost inevitable. Even when it is not the case, not least because of our increasing ability to inject misinformation and disinformation into the popular discourse. The immediate reform to address this is to ensure that all pens are sensitive to this reality.
22. Existing pens should also be subjected to a review by members of the Council and changes made. In addition, we strongly urge that all new files from Africa have a member of the A3, or the collective, as pens during their terms. This will better enable these members, who are linked to the AU's peace and security architecture, to draft mandates and statements more in keeping with the required solutions, and to enjoy greater confidence by members and citizens. It also means African states seeking membership will need to respond to the competencies and resources required to be an effective pen.
23. Madam President, I conclude by reaffirming Kenya's commitment to the letter and the spirit of UN Charter as applicable to all member states, in all situations.

Thank you.