



The Permanent Mission of the Republic of Kenya
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SECURITY COUNCIL ARRIA-FORMULA MEETING ON PENHOLDERSHIP

THURSDAY, 11 AUGUST 2022 (10:00AM)

STATEMENT BY AMB. MICHAEL KIBOINO, DEPUTY PERMANENT
REPRESENTATIVE

Thank you Chair,

And I especially thank you for convening this pertinent discussion.

The decisions of the Security Council conveyed through its products constitute a powerful and indispensable tool in the execution of its mandate. And the penholder is a critical player in the entire process of concluding such products.

Presidential Note 507 is clear that one of the aims of the penholdership system is to facilitate timely initiatives to ensure Council action with a view to enhancing its efficiency. It is meant to promote inclusiveness, transparency and accountability while being mindful of the need for burden-sharing and equal distribution of work.

However, the system of penholdership as currently practiced has some contradictions that makes it fall short of the noble intentions specified by Note 507. And I cite four inter-linked instances to explain:

First: Paragraph 79 of Note 507 provides that “Any member of the Security Council may be a penholder”. However, the preceding paragraph 78 highlights “**continuity**” as an important element of the penholdership system. Therefore, elected members who are in Council for short stints of 24 months are impliedly locked out.

Second: Penholdership is dominated by a few and mostly some select permanent members. This undermines the aim of equal distribution of work and burden-sharing. Besides, the so-called penholders tend to consider the files their exclusive domains to protect against encroachment by other members wishing to initiate any products.

Third: Action by penholders are often informed by their individual country positions. Thus, reducing the system to a tool for pursuance of national interests.

Fourth: The current distribution of penholdership in some cases appeals to a perception of neo-colonial patronage, particularly where a member holds the pen on a file affecting a country it formerly colonised. Whether perceived or real, the Council must not be a forum to perpetuate vestiges of colonialism.

Additionally, there is often a lack of transparency in the manner in which penholders engage. Consequently, Council products do not always lend themselves to consensus, more so when national interests come into play.

Chair,

With these concerns in mind, we propose the following practical steps aimed at making the penholdership system a better tool for ALL members in execution of the Council's mandate:

One: There is need to clarify certain aspects of penholdership including: defining its roles vis-à-vis those of chairs of subsidiary bodies as well as a format for its distribution among all desiring members. Ideally, the distribution should happen annually alongside that of subsidiary bodies so as to involve in-coming elected members.

Two: To strengthen the informal nature and address the issue of dominance and monopoly, there may be need to shift from penholdership of an entire file to penholdership of specific products. This will create a space for other members to freely initiate different products within the same file without having to seek the concurrence or participation of what now appears as the official penholder for a file.

Three: Co-penholdership has proven to be useful in engendering inclusivity and providing a more balanced approach on Council products. We highly recommend penholders particularly for mandate resolutions to seek to co-pen with elected members. Special preference should, in this regard be given to members of the Council from the region of the affected country. This will provide an opportunity for capacity building for the elected member.

Four: Penholdership should not be considered or administered in isolation but as a lane within the broader channel of seeking effectiveness of the Council. Therefore, Pens of any product should work closely with the Presidency and Chairs of relevant subsidiary bodies as appropriate. They should also consult widely; with ALL Council Members, affected countries as well as relevant regional organisations in a timely manner.

Fifth: The practice of granting elevated status to penholders serves to formalise the system and entrench a ‘my turf’ attitude. Therefore, such practices such as reserving the first speakers’ slots in Council meetings for penholders should be dropped.

In concluding, I reaffirm Kenya’s firm believe that penholdership system is a serious channel for delivery of the Council’s mandate if applied objectively, diligently and inclusively.

And as out two-year tenure in the Security Council comes to an end, we encourage all, especially elected members to take particular interest in penholdership. And we appeal to permanent members for support especially on building the necessary capacity. We also hope to see some of the recommendations from this discussion finding their way into the Working Methods of the Council.

I thank you.