



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

SECURITY COUNCIL HIGH-LEVEL OPEN DEBATE ON MAINTENANCE OF INTERNATIONAL
PEACE AND SECURITY: “STRENGTHENING ACCOUNTABILITY AND JUSTICE FOR SERIOUS
VIOLATIONS OF INTERNATIONAL LAW”

STATEMENT BY AMBASSADOR MARTIN KIMANI, PERMANENT REPRESENTATIVE

THURSDAY, 2 JUNE 2022 (10:00AM)

Your Excellency Edi Rama, Prime Minister of Albania — thank you for giving me the floor.

Congratulations on Albania’s historic assumption of the Presidency of the Security Council this month.

I also thank the United States delegation for its responsible and professional leadership of the Council in May.

I thank Judge Joan E. Donoghue, President of the International Court of Justice, Ms. Michelle Bachelet, UN High Commissioner for Human Rights and Professor Dapo Akande for sharing their insights.

Mr. President,

The sad reality in the world today is most acutely expressed by Thucydides’ saying, “The strong do what they can and the weak suffer what they must.”

That sentence was written two thousand four hundred and fifty years ago.

The leaders of Melos faced the terrible choice of whether to submit to Athens in its rivalry with the powerful Spartans.

The Melians complained that their choice was between war or slavery.

The Athenian diplomats do not mince their words. “We shall not trouble you with specious pretences” they said, to “make a long speech that would not be believed”.

The sentiment and reality these words expressed are still with us today.

Rarely does a day pass in the life of a diplomat to the UN when he or she does not hear calls for accountability for violations of international law. Especially when it comes to threats to peace and security.

Nevertheless, the powerful continue to use armed force, threats and manipulation of our multilateral system to dominate and attack others.

Our hope is that the difference between us and the poor Melians is the UN Charter.

In it, accountability takes place of pride in the preamble to the UN Charter alongside our determination to save ourselves from war and to affirm the equal rights of every individual and every nation.

These are noble aspirations. But they are much easier to proclaim than they are to practice. We must wake up to the credibility gap between our aspirations and the state of multilateralism today.

Our aspirations for accountability can only be made real by a global system that is as good for the Melians as it is for the Athenians. Otherwise, it will be regarded as little more than a ‘specious pretence’.

If such a system is to be anchored by a Security Council that can advance accountability, not one that is dominated by the interests of the powerful, the following changes are required.

First, the world will never believe that the multilateral system offers real hope for accountability provided there is no **Security Council reform**.

At a minimum, in the immediate future, the system of penholding must evolve beyond the bygone contours of colonial empire. The veto must also be wielded by those who are closer to the Melians than the Athenians.

When the veto is invoked, those doing it would do well to respect General Assembly resolution 76/262, popularly known as the Veto Initiative, to explain that their action is justified and is not opposed to our common peace. That is a degree of accountability.

In addition, we must respond to the fact that the Security Council spends most of its time dealing with conflicts in Africa. With Africans holding no vetoes or pens, there will be severe limits of accountability in the UN as long as this remains the case.

Third, the broader system of international accountability will only be regarded by the world's citizens as legitimate if it holds the powerful to account. We have witnessed its use by the powerful to advance their interests rather than to advance the cause of justice.

International judicial mechanisms must be impartial and not tipped against those in relatively weak states or regions. We are all witness to the disproportionate focus on Africa while the strong do what they can.

Fourth and finally, accountability and justice should go hand in hand with dialogue and reconciliation.

There is a powerful link between war and the national accountability systems that the majority of people depend on for justice.

War is pursued with impunity by one or more of its protagonists. The more protracted it is, the more it erodes domestic and international mechanisms of justice and accountability.

Waging it accrues power to the few, and democracy and checks on untrammelled power erode rapidly. Freedom wilts even in the nation that is victorious in war.

An economy of war takes root; often characterized by criminality to the detriment of law and order. The military-industrial complex the American president, Dwight Eisenhower, warned about grows in power and promotes even more war.

Mr President, it is for these reasons that we believe that protecting and growing accountability in member states and the multilateral system demands we redouble our efforts to prevent and resolve conflicts. Otherwise, even our domestic systems of accountability eventually suffer and die.

Making peace. Dialogue and diplomacy. It is these efforts that ultimately protect us from war and its undermining of accountability.

In this regard, the Security Council's respect and use of Chapter eight, particularly in Africa with its African Union and regional organisations, will do the most to advance conflict prevention and resolution.

The successful resolution of conflicts is what offers citizens hope that the peace will deliver to them their need for reconciliation, accountability and justice.

Thank you for your attention.