



The Permanent Mission of the Republic of Kenya  
To the United Nations- New York

SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS  
AND STRENGTHENING OF THE ORGANISATION

DEBATE ON THE PEACEFUL SETTLEMENT OF DISPUTES

THURSDAY, 22 FEBRUARY 2024

STATEMENT BY MS. CATHERINE NYAKOE, LEGAL ADVISER

**Thank you Chair**

1. Congratulations on your election and that of the other Members of the Bureau to steer this Session. Be assured of my delegation's support.
2. My delegation aligns with the statement of the Non-Aligned Movement delivered by the distinguished representative of the Islamic Republic of Iran.

**Chair,**

3. The peaceful settlement of disputes would arguably be the most accurate indicator of a stable and responsive ecosystem within this Organisation. And it is important that we continually strive for the ideal threshold where we would not have to resort to any means other than pacific ones.
4. The Charter provides us a good array of such means under Article 33 from which we can draw. Notably, the Charter appreciates that this list is not exhaustive and that from the vast reservoir of states' experience and inter-relations, there are other peaceful means not specifically mentioned, hence its provision for "*other peaceful means of their own choice.*"
5. "Good offices" as a means of peaceful settlement of disputes, has proven to be a broad-based useful means that can be effective through all stages of disputes, including in instances where parties have deviated from peaceful means as we have witnessed in some of the recent turbulence.
6. Over time, the demand for the Secretary General's good offices, whether expressly provided for, such as under Security Council Resolution 2646, or through his envoys, has been growing. The Secretary General's good offices crucially go hand in hand with his fact-finding capabilities clearly elaborated in resolution 46/59 of 1991 which recognised the need for knowledge of all relevant

facts in the execution of the Security Council's mandate and so requires the Secretary General to monitor the state of international peace and security for early warning and share relevant information with the Security Council. The resolution also avails the Secretary General of the full use of the information-gathering capabilities of the Secretariat.

7. Despite this huge resource, the Secretary General's good offices remains sub-optimally used today partly because peaceful settlement of disputes largely depends on the selection of the parties to the options available or on offer. We, therefore, consider this thematic debate as a useful reminder of the peaceful options of dispute settlement that align with the purposes and principles of the Charter that unifies us and urge Member States to explore, and as need may be, especially put to use the effective option of good offices.

**Chair,**

8. Under the African Union, the use of good offices is a critical component of the Peace and Security Architecture and has increasingly been deployed at various stages of conflicts within the region and beyond with considerable success.
9. Africa's Peace and Security Architecture offers multi-layered and coordinated good offices; from the Chairpersons of the Union and the Commission, the Panel of the Wise, and the regional economic communities. We have discovered that, where such regional arrangements are operationally and strategically inter-linked with the United Nations Secretary General's good offices, their utility for early warning, prevention and resolution of disputes is clearer on a larger scale with benefits derived down to the grassroots.

**Finally, Chair,**

10. To achieve optimal results from the use of good offices, we encourage that Member States keep this option on speed-dial especially from the regional fronts and from the very semblance of disputes. Through continually strengthening regional good offices, it is easier to avoid escalation of conflicts to global scales with termination in the Security Council at which point other complicating dynamics, especially from external interferences would have come into play.
11. Kenya remains committed to the purposes and principles of the UN Charter including the settlement of international disputes or situations which might lead to a breach of the peace through peaceful means.

**Thank you**