

Check Against Delivery



REPUBLIC OF KENYA

DRAFT STATEMENT ON AGENDA ITEM 86

4. We appreciate that whenever natural disasters have struck, the international community has often rallied around persons affected extending critical assistance. However, where coordination and consequent complementarity of efforts has not been clearly spelt out, there have been undesirable outcomes such as duplicity of processes leading to wastage and loss of critical resources, and failure to have assistance reach all persons affected.
5. This brings us to the important work undertaken by the International Law Commission in developing the draft articles subject of the consideration of this Committee. We thank the Commission for their work.
6. The articles frame a possible structure which can be further developed and upon which international responses to disasters can be effectively conducted. We must emphasise though that any new legal framework should complement already existing rules to avoid duplicity.

Chair,

7. We emphasize that any rules or laws developed with regard to the protection of persons in the event of disasters must take into account the rights of affected persons including through protection of their dignity and providing for the extension of relevant, good quality assistance in a timely manner. Where assistance is extended across international boundaries, such rules or laws must ensure the protection of the sovereignty and territorial integrity of affected states.
8. We reiterate that, an affected State retains the right to request, give consent to the entry of, and coordinate the provision of humanitarian assistance within its territory. In this regard, it is necessary to consider practical ways of cooperation

in the area of capacity building to strengthen national legal frameworks on disaster management. Discussions in this regard would also benefit from engagement of all relevant stakeholders especially the views of persons who have been affected by disasters.

9. As we guard the inherent rights of states, we remain cognisant of the disparity in disaster preparedness among Member States leading to even worse effects from the already devastating effects on developing countries. In this regard, it is necessary that any legal framework incorporates a mechanism that, in consultation with developing countries, provides for disaster-response capacity-building including training, provision of relevant supplies and equipment not only at the instance of disasters, but also with the aim of preparedness.

10. **In concluding, Chair,** we welcome more detailed discussions.