

**STATEMENT BY KENYA
AT THE
76TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY**

**under
Agenda Item 82:**

**“REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE
WORK OF ITS SEVENTY-SECOND SESSION”**

**Delivered by Amb. James Waweru
Representative of Kenya in the Sixth Committee**

Thank you, Madam Chairperson,

My delegation aligns itself with the Statement delivered by the African Group. We wish to make the following additional remarks in a national capacity.

Let me begin with a general comment by welcoming with appreciation the progress of work done by the Commission on the various items as presented in the current report which was introduced so ably by **the Chair of the 72nd session of the Commission, Mr. Mahmoud Hamoud**. We commend him for the introduction and for his leadership in conducting the work of the Commission.

We note that like everybody else, the members of the Commission and the Codification Division of the Office of the Legal Affairs __ the Secretariat __ had to endure difficult challenges posed by the Covid-19 pandemic, forcing them to resort to new, innovative methods of work that delivered the final results. We commend them all for playing their part.

Secondly, and

Turning now to the substantive matters, we commend the Commission for concluding work upon second reading on the topic “Protection of the Atmosphere”. We thank the members of the Commission for the draft guidelines.

We are cognizant that the atmosphere as a system, is the earth’s largest single natural resource and is one of the most important contributors towards the sustaining of all forms of life on Earth. We concur with the notion that atmospheric degradation has a profound and long-term negative impact on the sustainability of ecosystems. The legal analysis and content presented in the draft guidelines and their commentaries constitute a delicate balance in the overall interrelationship of the diverse rules governing ecosystems and areas of international law as they impact human wellbeing. The guidelines should form a good starting point for the future, in assisting States to consider other broader issues relating to the protection of the human environment. Protection of the environment is of seminal importance to Kenya. As the host of the United Nations Environment Assembly (UNEA), the highest-level decision-making body that addresses the critical environmental challenges facing the world today, we will support all efforts to stem environmental degradation and climate change induced adversities. There is a need, therefore in our view, for all States and the international community as a whole, to act together on these matters; and we welcome the Commission’s recommendation for the General Assembly to take note of the draft guidelines and ensure their widest possible dissemination. We thank the Special Rapporteur, Mr. Shinya Murase of Japan, who led work on the topic.

Regarding the topic “Provisional application of treaties”, we welcome the progress achieved by the Commission in the adoption of the draft guidelines, their commentaries and the draft annex containing examples of practical provisions. The guidelines will provide States with a flexible and voluntary tool in giving effect to provisions of a treaty pending the completion and entry into force of such treaty. This achievement is an enriching elaboration of Article 25 1969 *Vienna Convention on the Law of Treaties*, Article 25, and is most welcome. We commend the Special Rapporteur, Mr. Juan Manuel Gomez Robledo of Mexico, who led the Commission on the topic and the successful completion and adoption of draft guidelines.

In closing we note that in a few weeks, we shall be embarking on election of members of the Commission. My delegation joins those that have spoken on this matter and commends the delegations that have nominated candidates but in particular those delegations have out forth female candidates like Kenya has.

At this time we stand at the cusp of history as we can make the Commission manifest the face of the UN Members and reflect geographical representation, a wide range

of legal practitioners, distinguished scholars and academia, but more importantly so gender balance, parity and equity as a first step towards gender equality. We request delegations take all these considerations when making their selection of their preferred candidates.

Finally, and in closing my delegation wishes to reiterate its continued support for the work of the Commission in undertaking its mandate of the codification and progressive development of international law.

I thank you.