

Cluster 5 – (Articles 15, 16 and 17)

Agenda item 86 - Protection of Persons in the Event of Disasters

Article 15, which highlight the affected state to establish legislation and regulation to facilitate the external assistance, on the other hand article 16 deals with the question of the protection of the relief personnel, equipment, and goods, while 17 deals with the termination of External assistance, it provides the rule for engagement.

On Article 15 on the heading, we suggested to include modalities to read facilitation of external assistance and modalities, the assistance cannot be operating in vague, there must be modalities and clarity on this interaction of discharge of the assistance. We already have issues on the definition of eternal assistance to include and assisting state and other assisting actors, lumping the competent international organization with NGO's is a problem, there should be a strategy to streamline these NGOs and the competent intergovernmental organization should be the major actor and coordinated by the UN Office for Humanitarian assistance.

On 15(2) where the commission refer to transit state, it is also important to specify the instruments guiding the transit states especially dealing with difficult disasters moving personnels and equipment in the transit states. It important that the Commission also take note of role of regional and sub-regional organization because impacts of the disasters are transboundary and including regional instrument and their role arising during transition and disaster situation.

On Article 16, we have agreed on the principle of non-interference as provided in the guiding charter, every appropriate action should be guided by the legislation of the affected. We saw that the Commission mentioned the non-State actor, this issue should not be mention in passing, it is an issue that more attention should be giving on how to deal with non-actors and have regulations to curtail their activities in the discharge of emergencies.

On Article 17 we strongly disagree with caveat that consent not be withheld arbitrary, the affected state should be allow to exercise its rights, the state should not be put in a difficult situation.

On Article 17 (3) should be completely removed or modified, decision to withdraw or terminate assistance should be the sole decision of the affected state, including the UN and the other actors to avoid politization of the process.