

STATEMENT BY THE KENYA DELEGATION TO THE EIGHTEENTH MEETING OF STATES PARTIES TO THE 1982 UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS): 13TH – 20TH JUNE 2008, NEW YORK

Mr. President,

My delegation wishes to congratulate you and other members of the bureau for your election. Kenya wishes to assure you of full support during your term.

Mr. President,

We have noted with appreciation reports prepared for this meeting by the Chairman of the Commission on the Limits of the Continental Shelf (CLCS), the annual report of the International Tribunal for the Law of the Sea (ITLOS) by the President and the comprehensive report on the oceans and the law of the sea by the Secretary General and wish to comment on a few issues of interest to Kenya arising from these reports.

Mr. President,

As reported in document SPLOS/Inf/20, Kenya is on course with the process of establishing the extent of her outer continental shelf and expects to make a submission to the Commission before May 2009.

Mr. President,

As we stated here last year, the complexity of the issues to be investigated and costs involved in compiling a credible submission are enormous. Implementation of article 76 of the Convention requires collection, assembly, and analysis of a body of relevant hydrographic, geological and geophysical data in accordance with the provisions outlined in the Scientific and Technical Guidelines. The complexity, scale and the cost involved in such programme, though varying from state to state according to the different geographical and geophysical circumstances require enormous amounts of resources.

It was on this basis that my delegation proposed last year that the meeting of States parties keeps in view the ability of developing coastal states to make submission within the set time limit. This situation has not changed and my delegation welcomes discussions to address this challenge. If anything, the costs for data acquisition have escalated due to high demands for these services.

My delegation notes that as the information presented to us now stands, the Commission is going to receive **NOT** less than 49 submissions by May 2009. Unless otherwise stated, the Commission will not be in a position to finalize reviewing data and other materials submitted by states within the next few years with a view to making a final decision. My delegation is of the view that this situation qualifies the need to review the deadline of May 2009.

Mr. President,

In supporting the need to review the deadline, my delegation is of the opinion that in order not to prejudice efforts put in place by the Commission to receive submissions and hamper its work, and also taking into consideration the principle of good faith, this extension should be qualified. We therefore urge that a modality be worked out to qualify this extension to some tangible progress.

Mr. President

The reason we are putting forward this proposal is because we consider that determination of extent of outer limits of coastal states continental shelf also impacts on the work of the International Seabed Authority.

Mr. President,

As my country engages in preparing the submission to the Commission, issues have arisen on the application of some aspects of the Convention. The particular issue of concern to my delegation is in respect to application of the Statement of Understanding Concerning Specific Method to be used in Establishing the Outer Edge of the Continental Margin contained in Annex II of UNCLOS.

My delegation appreciates that the purpose of the Statement of Understanding is to provide an alternative to article 76 para 4 a (i) and (ii) where application of this article would occasion an inequity. My delegation notes the contents of paragraph 8.1.12 on pg 57 of the Scientific and Technical Guidelines and finds difficulty in understanding the interpretation given therein to the effect that this particular provision is only applicable to a particular region. In this regard, we would be interested to hear the views of other delegations, as well as those of the Secretariat on the matter, in particular as to whether the Statement is applicable outside the region described in the final paragraph of Annex II of the Statement of Understanding.

Mr. President, in the wake of the fast approaching deadline my delegation would appreciate clarification on this issue from the Secretariat preferably by the end of this meeting.

Mr. President,

We note the increased work load of the Commission. Considering that States are spending enormous resources in terms of finances and personnel to prepare submission to the Commission, it is crucial that the outcome of this process is timely. In this respect, we urge State Parties to support measures that will enhance the capacity of the Commission to consider data and other material submitted by coastal states in a timely manner.

Mr. President,

We appreciate the report by the President of the International Tribunal on the Law of the Sea. We in particular welcome establishment of the Trust Fund to assist States Parties in the settlement of disputes through the Tribunal. We further welcome the internship programme and the regional workshops and hope to have officers from Kenya in this programme in the future. I take this opportunity to congratulate all the Judges for their election. We assure you of our country's support to the work of the Tribunal

Mr. President,

We welcome the information reported by the Secretary General of the International Sea bed Authority. I take this opportunity to sincerely thank and congratulate the outgoing SG for the formidable work he has done at the Authority. My delegation wishes him well in his future undertakings. We also would like to congratulate Mr. Odunton on his election and to assure him of my country's support as he takes up office in January.

Mr. President,

We appreciate the current efforts to finalize discussions on the formulation of regulations on prospecting for poly-metallic sulphides.

We wish to recall the provisions of article 140 which stipulates that the activities of the Area be carried out for the benefit of mankind as a whole irrespective of the geographical location of states. In this regard, we would like to urge that activities in the Area be conducted in such a way that enhances opportunities for all states, irrespective of their social and economic system and geographical location. Further, Mr. President, efforts must be put in place to ensure that there is no monopolization of activities within the Area.

Mr. President,

We commend the Secretary General for the comprehensive report on oceans and the law of the sea, issued pursuant to Article 319 of the Convention. The Report highlights issues of a general nature that have arisen with respect to the Convention on the Law of the Sea.

Mr. President,

Issues of piracy and armed robbery against ships have become a challenge and a threat to my country. It continues to threaten maritime security, security of navigation, scientific research and commerce. My delegation appreciates that maritime security and safety are issues which will form the basis of discussions in the forthcoming Informal Consultative Forum. We look forward to receive recommendations from these discussions.

Mr. President,

We welcome international efforts geared towards addressing this menace and urge all states in the spirit of Article 100 to co-operate to the fullest possible extent in the suppression of piracy.

Mr. President

My Country, like many other developing coastal states, faces challenges and constraints in addressing illegal unreported and unregulated fishing. It is well known that continued lack of effective control by states over fishing vessels flying their flag creates an environment that enables IUU fishing to flourish.

My delegation identifies with the statement of the Secretary-General contained in Part F of his Report urging States Parties to implement the FAO Code on responsible fishing and other initiatives in order to address the challenges posed by illegal unreported and unregulated fishing.

Mr. President

Lack of capacity and technical know how have immensely contributed to the inability of developing countries to utilize marine resources found within their national jurisdictions. We appreciate the assistance extended to Kenya from DOALOS and the Voluntary Trust Fund for the purpose of facilitating the preparation of submissions to the CLCS for developing states, in particular the least developed countries and small island developing states, and compliance with article 76 of the UNCLOS. We also appreciate the opportunity granted by the UN- Nippon Foundation of Japan Fellowship programme to a Kenyan scientist to undertake advanced academic research. This assistance will go a long way towards enhancing capacity to prepare our submission. We urge States with the ability to contribute to the Fund, to do so.

And finally, Mr. President

My delegation reassures you of its support, and looks forward to fruitful deliberations of this meeting under your guidance.

Thank You.