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**STATEMENT**

**BY**

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**ALT. HEAD OF THE KENYA DELEGATION**

**AT THE 26<sup>TH</sup> MEETING OF STATES PARTIES TO THE UNITED  
NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS)**

**23<sup>RD</sup> JUNE 2016**

**UNITED NATIONS HEADQUARTERS,  
NEW YORK**

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**Madam President,**

My delegation wishes to thank you again and the members of your Bureau for the professional manner in which you have continued to steer this meeting.

Kenya welcomes, with appreciation, the timely and comprehensive reports prepared for this Meeting by the Secretary General of the United Nations, which gives a detailed account on developments and issues relating to ocean affairs and the law of the sea pursuant to Article 319 of the Convention; the Chair of the Commission on the Limits of the Continental Shelf (CLCS), on the progress of work of the Commission; and reports by the President of the International Tribunal for the Law of the Sea (ITLOS) and the Secretary General of the International Seabed Authority (ISA) on the activities of their respective bodies.

**Madam President**

The Commission on the Limits of the Continental Shelf is a creation of UNCLOS like the other treaty bodies created therein. Its mandate is critical, as it will eventually help determine the limits of States jurisdiction over the continental shelf and the Area administered by the International Seabed Authority. Kenya notes with concern that every time State Parties discuss issues regarding CLCS, the bigger part of our discussions are about the numerous challenges facing the Commission: either in conditions and terms of service for the Commissioners, funding to the Commission, or lack of full membership or participation of members.

Kenya is gravely concerned by the information reported to the meeting by the Director of DOALOS regarding the status of the trust fund established to defray the cost of participation in the meetings of the Commission. The purpose and objective of establishing the Fund was to ensure and guarantee that the Commission would be representative when considering submissions. This indeed reflects the practice of the United Nations and underscores the principle of participation of all states in decision-making.

The trend of dwindling resources requires to be reviewed urgently to avoid a situation where the Commission makes resolutions without full participation of its membership.

Kenya remains committed to ensure our nominee is available to the Commission as required. It is Kenya's expectation that States Parties will deeply explore the challenges facing the Commission and agree on measures to address them. My country is committed to participate and continue coordinating the open-ended working group on the conditions of service of members of the Commission until the challenges are addressed.

### **Madam President**

Kenya notes and welcomes the comprehensive Report by the President of ITLOS. My Delegation appreciates the advisory opinion of the Tribunal for the Law of the Sea. Kenya, like other developing coastal States, continues to contend with the problem of illegal, unreported and unregulated (IUU) fishing. We note the obligations of the flag States in cases where IUU fishing activities are conducted within the exclusive economic zones of third party States.

My delegation appreciates the advisory that flag States have the obligation to undertake due diligence when registering vessels. We urge flag States to put measures in place to ensure that vessels registered within their jurisdiction do not participate in carrying out IUU fishing activities. This will support interventions by developing coastal and small island states in addressing the threat posed by IUU fishing.

Regarding peaceful resolution of maritime boundary disputes, Kenya recalls Articles 74 and 83 of the Convention that provides for States Parties to delimit their respective boundaries through agreements. For agreements to be reached, States, have to enter into negotiations in good faith, and with a view to reaching agreements regarding delimitation of their maritime boundaries. It is Kenya's opinion that judicial settlement of disputes comes after this obligation is fully complied with and States have exhausted negotiations.

Having said that Madam President, my Delegation fully supports the important work of the Tribunal, which enables countries to settle disputes arising in the ocean peacefully.

**Madam President,**

On the report of the Secretary General of the International Seabed Authority, my Delegation notes the large number of plans of work for exploration in the Area that have been approved by the Authority. We also take cognizance of the continuation of work on draft framework for the regulation of exploitation in the Area and also adoption by the Council of a decision relating to the procedures and criteria for the extension of an approved plan of work for exploration. While we commend these efforts, Kenya's position is that the ability of developing States and Small Island States to participate in these activities should be considered and guaranteed in line with the spirit of the Convention.

Similarly, we welcome and commend the Assembly for making a decision to finally undertake, pursuant to article 154 of the Convention, a general and systematic review of the manner in which the international regime of the Area has operated in practice. We expect the review exercise will demonstrate the extent to which developing and small island States have benefitted from the activities so far undertaken by the International Seabed Authority.

**Madam President,**

My delegation appreciates reduction in cases related to piracy and armed robbery at sea off the coast of Somalia as stated in the report of the Secretary General.

Maritime security in this area continues to pose an existential threat to Kenya and the other countries within the Horn of Africa region. Kenya continues to bear the burden of monitoring, surveillance and patrolling the waters off the coast of Somalia and intercepting vessels engaged in transnational organized crimes. In this respect, Kenya has intercepted a number of vessels engaged in these illegal activities. These actions continue to secure the sea-lanes for international communication as well as secure not only the country but also the region as a whole.

The cost attendant to these activities is immense. Kenya therefore calls upon the international community to support regional and country efforts to secure these waters.

In conclusion Madam President, Kenya remains committed to full realization of the objectives of the Convention. My delegation looks forward to fruitful resolutions from this meeting.

**I thank you, Madam. President.**