



REPUBLIC OF KENYA

**STATEMENT ON THE REPORT BY THE SECRETARY
GENERAL**

**DELIVERED BY MS. JUSTER NKOROI, CBS
HEAD, KENYA DELEGATION**

**DURING THE 28TH SESSION OF THE ASSEMBLY OF
THE INTERNATIONAL SEABED AUTHORITY,
KINGSTON, JAMAICA**

25 JULY 2023

Thank you Mr. President

1. As this is the first time Kenya is taking the floor, allow me to congratulate you and your bureau on your election. My delegation looks forward to working with you towards achieving desirable outcomes from this meeting under your able leadership. We align with the Statement of the African Union Group delivered by the representative of Ghana. We warmly congratulate Rwanda for becoming a member of the Authority. We are happy that most partner States of East African Community are now members of the Authority.
2. Kenya thanks the Secretary-General for his annual report. We commend the Authority for the significant progress made towards making the Enterprise operational. We welcome establishment of the position of an Interim Director-General. My delegation believes that the Enterprise is critical in contributing to equitable and efficient utilization of ocean resources. We hope that once the Enterprise is fully operational, it will greatly contribute to the achievements of our aspirations, especially those of us from developing and landlocked countries. These aspirations include realization of a just and equitable economic order which takes into account the needs of mankind as whole as we seek to utilize ocean resources.
3. We therefore look forward to speedy conclusion of the process of enabling the Interim Director-General assume Office. We welcome the request by the Council to the Secretary-General to submit a supplementary budget proposal for the financial period 2023–2024 to cover the costs associated with the establishment of the position of Interim Director General. We hope to see more practical steps undertaken to fully implement the Statute establishing the Enterprise within the shortest time possible.

Mr. President

4. My delegation notes with appreciation the progress made in advancing discussions on the draft regulations on exploitation of mineral resources in the Area. Kenya welcomes the statement by the President of the Council that the Regulations shall hopefully be adopted in 2025 during the 30th session of the Council.

5. My Delegation takes note of paragraph 15(c) of the Agreement Relating to Implementation of Part XI of the Convention that envisages approval for exploitation of mineral resources in the Area in the absence of rules, regulations and procedures in the event that an application for approval of a plan of work for exploitation is made before such rules, regulations and procedures are completed.
6. Our grave concern with this provision is twofold: 1. Proceeding to exploitation of mineral resources without clear rules, regulations and procedures on environmental conservation is a threat to the entire mankind. The environmental damage that may be caused by mining in the area without relevant rules, procedures and regulations may portend grave danger to the mankind, and particularly to developing coastal states.
7. Secondly Mr. President, undertaking exploitation of mineral resources within the Area without the regulations defeats the very essence of Part XI of the UNCLOS. Such an action would mean proceeding to exploitation without stipulating the benefits that are supposed to accrue to mankind as envisioned in the Convention. **It is our sincere hope that the Assembly may consider to defer any approval by the Council of plans of work for exploitation of minerals in the Area until the Regulations are adopted in 2025.**

Mr. President

8. Article 154 of the Convention provides that *“Every five years from the entry into force of this Convention, the Assembly shall undertake a general and systematic review of the manner in which the international regime of the Area established in this Convention has operated in practice. In the light of this review the Assembly may take, or recommend that other organs take, measures in accordance with the provisions and procedures of this Part and the Annexes relating thereto which will lead to the improvement of the operation of the regime.*
9. The last review concluded in 2017 resulted in some notable improvements in the operations of the regime of the Area. Our expectation is that the Assembly shall seek to implement the provisions of this Article in order to ensure that we keep track of the operations

within the Area.

10. Our collective responsibility as the Assembly is to cooperate in ensuring that that vision of the common heritage of mankind is realized.

I thank you

