

Abstract:

This paper argues that effective application of the port state control in Kenya has faced numerous challenges resulting from the lack of appropriate legal and institutional framework in the country's maritime sector. This has denied Kenya the benefits accruing from the effective application of the Port state control regime thereby resulting to the degradation of the country's maritime resources by the substandard shipping vessels. The first chapter consists of the introduction and background of the study. This chapter sets out the statement of the problem, the objective of the study, the hypothesis and the research questions, which the project seeks to address. This chapter further gives an analysis of the body of the literature reviewed and the theoretical framework that forms the basis of the present study together with the research. The second chapter outlines the global problem of substandard shipping vessels and its adverse effect on the marine environment. We will then expound on the nature and origin of port state control and the concept of flags of convenience, and evaluate the necessity of relying on the PSC to combat this menace. An analysis of the specific mechanisms employed in the operation of port state control will then be undertaken. Chapter Three discusses the existing global regime on the PSC and the role of IMO and the regional initiatives in the PSC regime. Chapter four focuses on the national legislative and institutional maritime regime and its suitability in facilitating the operation of the PSC. This will also involve determining the extent to which Kenya has ratified and domesticated the global marine conventions relevant to the PSC regime. Further, the recommendations of the Task Force on Maritime Laws in Kenya will be evaluated in the context of how far they succeed in providing the framework for the operation of the port state control. The fifth chapter consists of the conclusion and recommendations.