

ARRANGEMENT OF SECTIONS

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An Act of Parliament to consolidate the law relating to the territorial waters and the continental shelf of Kenya; to provide for the establishment and delimitation of the exclusive economic zone of Kenya; to provide for the exploration and exploitation and conservation and management of the resources of the maritime zones; and for connected purposes.(1)

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1. This Act may be cited as the Maritime Zones Act.(2)

2. In this Act, unless the context otherwise requires--(3)

"exclusive economic zone" means the exclusive economic zone of Kenya established and delimited by section 5;

"fish" means fish as defined in section 2 of the Fisheries Act;(4)

"fishing craft" means a fishing vessel as defined in section 2 of the Fisheries Act and includes an air

point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial waters of each of respective states is measured.

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4. (1) There shall be an exclusive economic zone of Kenya.(6)

(2) Subject to subsections (3) and (4), the exclusive economic zone shall comprise those areas of the sea, seabed and subsoil that are beyond and adjacent to the territorial waters, having as their limits a line measured seaward from the baselines, low waterlines or low tide elevations described in the First Schedule, every point of which is 200 nautical miles from the point on the baselines, low water marks or low tide elevations.

(3) The southern boundary of the exclusive economic zone with Tanzania shall be on an easterly latitude north of Pemba Island obtained by the northern inter-section of two arcs one from the Kenya lighthouse at Mpunguti Ya Juu Island, and the other from Pemba Island lighthouse at Ras Kigomasha.

(4) The northern boundary of the exclusive economic zone with Somalia shall be delimited by notice in the Gazette by the Minister pursuant to an agreement between Kenya and Somalia on the basis of international law.

5. Kenya shall, within the exclusive economic zone, exercise sovereign rights with respect to the exploration and exploitation and conservation and management of the natural resources of the zone and without prejudice to the generality of the foregoing, the exercise of the sovereign rights shall be in respect of --(7)

- (a) exploration and exploitation of the zone for the production of energy from tides, water currents and winds;
- (b) regulation, control and preservation of the marine environment;
- (c) establishment and use of artificial islands and offshore terminals, installations, structures and other devices; and
- (d) authorization and control of scientific research.

6. Subject to any international convention and to any other written law for the time being in force making provisions with respect to transport and communications by sea or air, all states shall enjoy navigation and over-flight, laying of submarine cables and pipelines and other lawful uses recognized by international law in the exclusive economic zone.(8)

7. (1) Any offence against any written law constituted by, and any question or dispute of a civil nature concerning or arising out of, any act or omission which occurs within the exclusive economic zone in connection with the exploration and exploitation, or conservation and management, of the seabed and subsoil or natural resources shall be subject to the jurisdiction of the courts of Kenya as if the offence, or the questions or dispute, occurred in Kenya, and may be determined accordingly by any court of competent jurisdiction.(9)

(2) The jurisdiction conferred on any court by subsection (1) shall be in addition to, and not in derogation of, any jurisdiction exercisable apart from this section by that or any other court and any power afforded by any other written law.

8. (1) Subject to subsection (2), the provisions of the Fisheries Act and rules and regulations made thereunder

shall apply to the exclusive economic zone.(10)

(2) Notwithstanding any provision of the Fisheries Act, a foreign fishing craft may be used for fishing within the exclusive economic zone for the purpose of fisheries research or of experimentation or sport, subject to the prior consent in writing of the Minister to such activity and in accordance with such conditions (if any) as the Minister may impose in giving his consent.

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9. (1) Where no other provision is for the time being made by any other written law, the Minister may make regulations to regulate the exploration and exploitation and conservation and management of the maritime zones that may be necessary or expedient for carrying out the objects and purposes of this Act, and without prejudice to the generality of the foregoing, for all or any of the following purposes --(11)

- (a) regulating the conduct of scientific research;
- (b) prescribing measures for the protection and preservation of the marine environment;
- (c) regulating the construction, maintenance, operation, and use of, and establishment of safety areas around artificial islands (whether permanent or temporary), offshore terminals, installations and other structures;
- (d) regulating the exploration and exploitation of the maritime zones for the production of energy from the tides, water currents and winds, and for any other economic uses;
- (e) providing for the passage of warships or other military vessels through the exclusive economic zone and the conduct of any military manoeuvres therein;
- (f) providing for such other matters as are necessary to give full effect to the sovereign rights of Kenya in the exclusive economic zone;
- (g) in consultation with the Minister for the time being responsible for finance, providing for the levying of customs and excise duties;
- (h) prescribing the fees to be paid in respect of any matter or thing prescribed by this Act or the regulations;
- (i) prescribing all matters that are authorized by this Act or the regulations to be prescribed.

(2) All regulations may impose conditions, require acts or things to be performed or done to the satisfaction of the Minister, empower the Minister to issue orders either orally or in writing requiring acts to be performed or done and may prescribe periods or dates upon, within or before which such acts or things shall be performed or done or such conditions shall be fulfilled.

(3) The Minister may provide that a breach of any regulation shall be punishable with a fine not exceeding two hundred thousand shillings:

Provided that any warship or other military vessel which contravenes regulations made pursuant to paragraph (e) of subsection (1) shall be liable to be ordered, orally or in writing, by or on behalf of the Minister to leave the zone.



thence by the low water line to Mpunguti Ya Chini Island;

thence westerly by a straight base line for about 18 km. to the terminal of the Kenya/Tanzania land boundary at Ras Jimbo.

6 of 1989

Short title

Interpretation

Cap. 378

Breadth of territorial waters

Establishment and delimitation of exclusive and economic zone

Exercise of sovereignty

Rights of other states

Jurisdiction

Application of Fisheries Act.

Cap. 378

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