

Proclamation by the President of the Republic of Kenya of
28 February 1979

Whereas the Law of Nations is in the process of development by the Third United Nations Conference on the Law of the Sea, to recognize the right of a coastal state to establish beyond and adjacent to its territorial sea an area commonly referred to as an Exclusive Economic Zone, and to exercise thereon sovereign rights for the purpose of exploring, exploiting, conserving and managing the natural resources whether renewable or non-renewable, of the water column, sea-bed and sub-soil.

And whereas, it is already recognized by the said Law of the Sea Conference that the extent of the area referred to as the Exclusive Economic Zone, aforesaid, shall not exceed two hundred nautical miles measured from the same base line as the territorial sea.

And whereas, it is necessary that a declaration be made establishing the extent of the said Exclusive Economic Zone of the Republic of Kenya.

Now, therefore, I, Daniel Arap Moi, PRESIDENT AND COMMANDER-IN-CHIEF of the Armed Forces of the Republic of Kenya, do hereby declare and proclaim in accordance with the Constitution of the Republic of Kenya:

Article 1. - That notwithstanding any rule of law or any practice which may hitherto have been observed in relation to Kenya or the waters beyond or adjacent to the territorial Sea of Kenya, the Exclusive Economic Zone of the Republic of Kenya extend across the sea to a distance of two hundred nautical miles measured from the appropriate base line from where the territorial sea is measured as indicated in the Map annexed to this Proclamation. Without prejudice to the foregoing, the Exclusive Economic Zone of Kenya shall:

- (a) in respect of its southern territorial waters boundary with the United Republic of Tanzania be an eastern latitude north of Pemba island to start at a point obtained by the northern intersection of two arcs one from the Kenya Light-house at Mpunguti ya Juu, and the other from Pemba island Light-house at Ras Kigomasha.
- (b) in respect of its northern territorial waters boundary with Somali Republic be on eastern latitude South of Diua Damasciace Island being latitude 1° 38' degrees South.

Article 2. - That this Proclamation shall not affect or be in derogation of the vested rights of the Republic of Kenya over the Continental Shelf as defined in the Continental Shelf Act 1973.

Article 3. - All states, shall subject to the applicable laws and regulations of Kenya, enjoy in the Exclusive Economic Zone the freedom of navigation and overflight and of the laying of sub-marine cables and pipelines and other internationally lawful/recognized uses of the sea related to navigation and communication.

Article 4. - That the scope and regime of the Exclusive Economic Zone shall be as defined in the schedule attached to this Proclamation.

SCHEDULE: THE SCOPE AND REGIME OF EXCLUSIVE
ECONOMIC ZONE

1. - In and throughout the zone Kenya exercises the following:

- (a) Sovereign rights for the purpose of exploring, exploiting, conserving and managing the natural resources, whether renewable or non-renewable of the water column, the sea-bed and the sub-soil thereof.
- (b) Sovereign rights with regard to other activities for the economic exploration and exploitation of the zone, such as the production of energy from the water currents, and winds.
- (c) (i) Jurisdiction with respect to regulation control and preservation of marine environment including pollution control and abatement.
- (ii) Exclusive jurisdiction with respect to authorization and control of scientific research.
- (iii) Exclusive jurisdiction with respect to the establishment and use of artificial islands, installations, structures and other devices including customs, fiscal, health, public order and immigration regulations pertaining thereto.
- (iv) Other rights and duties compatible with international conventions or protocols to which Kenya is or may become party.

2. - Kenya may permit other States or Nationals of such states to fish in the zone on such terms and conditions and subject to compliance with such regulations as it may prescribe. In particular and without prejudice to the generality of the foregoing these may inter alia relate to the following:

- (a) Licensing of fishermen, fishing vessels and gear including payment of fees and other forms of remuneration.
- (b) Conservation measures to preserve and manage the exploitation of fisheries resources including measures relating to and determining the species which may be caught and fixing quotas per vessel over a period of time or to the catch by nationals of any State during a specified period.
- (c) Regulating seasons and areas of fishing, the types, sizes and amount of gear, and the numbers, sizes and types of fishing vessels that may be used in the zone.
- (d) Fixing the age and size of fish and other species that may be caught.
- (e) Specifying information required of fishing vessels, including catch and effort statistics and vessel position reports.

- (f) Requiring under the authorization and control of Kenya, the conduct of specified fisheries research programmes and regulating the conduct of such research, including the sampling of catches, disposition of samples and reporting of associated scientific data.
- (g) The placing of Kenyan observers or trainees on board such vessels.
- (h) The landing of all or any part of the catch by such vessels in the ports of Kenya.
- (i) Terms and conditions relating to joint ventures or other co-operative arrangements.
- (j) Requirements for training personnel and transfer of fisheries technology including enhancement of Kenya's capability of undertaking fisheries research, management and development of the living resources of the zone.
- (k) Measures for the enforcement of Law and regulations in accordance with this Proclamation.