

3. Kenya

Proclamation by the President of the Republic of Kenya, 9 June 2005<sup>1</sup>

Annex

Kenya Gazette Supplement No. 55

22 July 2005

(Legislative Supplement No. 34)

Legal Notice No. 82

Whereas the Third United Nations Convention on the Law of the Sea recognizes the right of a coastal state to establish beyond and adjacent to its territorial sea, the exclusive economic zone, and to exercise thereon sovereign rights for the purposes of exploring, exploiting, conserving and managing the natural resources whether renewable or non-renewable, of the water column, sea-bed and subsoil.

And whereas, it is already recognized by the said convention 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 baseline 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, Mwai Kibaki, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, do declare and proclaim in accordance with the Constitution of the Republic of Kenya:

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 shall extend across the sea to a distance of two hundred nautical miles measured from the appropriate baseline 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 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 Ras Kigomasha.
  - b. In respect of its northern territorial waters boundary with Somali Republic be on eastern latitude South of Diua Damascian Island being latitude 1°39'34" degrees south.
2. That this Proclamation replaces the earlier Proclamation by Kenya but 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.
3. All States shall, subject to the applicable laws and regulation of Kenya, enjoy in the Exclusive Economic Zone the freedom of navigation and over flight and of the laying of submarine cables and pipelines and other internationally lawful recognized uses of the sea related to navigation and communication.

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<sup>1</sup> Text transmitted through note verbale dated 11 April 2006 from the Permanent Mission of the Republic of Kenya to the United Nations addressed to the Secretary-General of the United Nations. The text of the Presidential Proclamation was published in Kenya Gazette No. 55 of 22 July 2005 (Legal Notice No. 82 (Legislative Supplement No. 34)). The First and Second Schedules, together with the illustrative Map, constitute an adjustment to and are in replacement of the Proclamation made by the President of the Republic of Kenya on 28 February 1979.

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

#### FIRST SCHEDULE

The area of the territorial waters of the Republic of Kenya extends to a point twelve international nautical miles from the straight baseline, hereinafter described as follows:

Diua Damasciaca	1°39'34.25344" S	41°34'44.19626" E
Kiungamwina Drying	1°46'39.55824" S	41°30'09.02159" E
Mwamba Haasani	2°07'04.15178" S	41°11'50.25051" E
Mwamba wa Punju	2°36'51.85347" S	40°37'01.06070" E
Ras Ngomeni	2°58'46.46191" S	40°14'24.69583" E
Leopard Reef	3°16'18.11141" S	40°09'42.26120" E
Jumba la Mtwana	3°56'23.60363" S	39°47'18.81358" E
Leven Reef	4°03'03.42975" S	39°43'21.75929" E
Chale Reef	4°27'37.64311" S	39°32'01.50853" E
Mwamba Kitungamwe	4°48'25.43385" S	39°21'32.85192" E

#### SECOND SCHEDULE

The Exclusive Economic Zone of the Republic of Kenya is the area described by the following points and 200 nautical miles wide as measured from the baseline.

Diua Damasciaca	1°39'34.253" S	41° 34'44.196" E
E- Diua Damasciaca	1°39'36.000" S	44°54'47.520" E
E- Diua Damasciaca	1°39'36.000" S	44°54'47.520" E
E-A	2°39'36.000" S	44°43'19.092" E
E-B	3°39'36.000" S	44°15'13.896" E
E-C	4°40'53.004" S	43°20'36.204" E
T-C	4°40'55.740" S	39°36'30.240" E
T-B	4°40'52.000" S	39°36'18.000" E
T-A	4°49'56.000" S	39°20'58.000" E
B-MK	4°49'51.636" S	39°20'59.244" E

The baseline is as described under the First Schedule.

Signed and sealed with the Public Seal for the Republic of Kenya at Nairobi this 9<sup>th</sup> day of June, two thousand and five.

Mwai Kibaki

President of the Republic of Kenya