

KENYA

SUMMARY OF CLAIMS

TYPE	DATE	SOURCE	LIMITS	NOTES
TERRITORIAL SEA	Aug 89	Maritime Zones Act	12nm	
ARCHIPELAGIC, STRAIGHT BASELINES, & HISTORIC CLAIMS	Aug 89	Maritime Zones Act		Established straight baseline system; claimed Ungwana (Formosa) Bay as an historic bay. <i>This historic bay claim is not recognized by the U.S. U.S. conducted operational assertions in 1990 and 1998.</i>
CONTINENTAL SHELF	Jun 69		1958 DEF	Accession to the 1958 Continental Shelf Convention.
FISHING ZONE/EEZ	Aug 89	Maritime Zones Act	200nm	Claims the right to regulate passage of warships and military exercises in EEZ, but does not set forth any regulation. <i>The U.S. does not recognize the claimed right.</i>
	1989	Amendments to the Fisheries Act		Aligns the Fisheries Act to the newly proclaimed EEZ.
MARITIME BOUNDARIES	Jul 76	Diplomatic Notes		Maritime boundary agreement with Tanzania EIF.
LOS CONVENTION	Dec 82			Signed Convention.
	Mar 89			Ratified Convention.
	Jul 94			Bound by Part XI Agreement.

STRAIGHT BASELINE LEGISLATION

Following are excerpts from the Maritime Zones Act, August 1989, in which the Government of Kenya specified straight baselines and historic waters claims:

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. This Act may be cited as the Maritime Zones Act...

3. (1) Except as provided in subsection (4), the breadth of the territorial waters of Kenya shall be twelve nautical miles.

(2) The breadth of such territorial sea shall be measured in the manner set out in the First Schedule calculated in accordance with the provisions of the United Nations Convention on the Law of the Sea done at Montego Bay on 10th December, 1982.

(3) For the purpose of Article 7 of that Convention, Ungwana Bay (formerly known as Formosa Bay) shall be deemed to be and always to have been an historic bay; and the Minister may, by notice published in the Gazette, declare any other bays or waters to be historic bays or waters.

(4) On the coastline adjacent to neighbouring States the breadth of the territorial sea shall extend to every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial waters of each of the respective States is measured.

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

(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 intersection of two arcs one from the Kenya lighthouse at Mpunguti Ya Juu Island, and the other from Pemba Island lighthouse at Ras Kigomasha....

9. (1) Where no other provision is for the time being made by any other written law, the Minister may make regulations to regulate...for all or any of the following purposes:....

(e) providing for the passage of warships or other military vessels through the exclusive economic zone and the conduct of any military manoeuvres therein;....

First Schedule

**TABLE C1.T142.
KENYA TERRITORIAL SEA**

KENYA TERRITORIAL SEA
The area of the territorial waters of the Republic of Kenya extends on the coastline adjacent to the High Seas to a line twelve International Nautical Miles seawards from the straight baselines, low water lines or low tide elevations, hereinafter described as follows:--
Commencing on the straight line joining Diua Damasciaca Island and Kiungamwina Island at the point at which this line is intersected perpendicularly by the Median straight line drawn from Boundary Pillar 29 (being the terminal pillar of the Kenya-Somalia land boundary),
thence continuing south westerly by a straight base line to Kiungamwina Island;
thence south westerly by a straight base line for about 7 km. to an unnamed island;
thence south westerly by a straight base line for about 25 km. to Little Head;
thence south westerly by a straight base line for about 11 km. to Boteler Island;
thence south westerly by a straight base line for about 45 km. to Ras Takwa;
thence south westerly by a straight base line for about 18 km. to Kinyika Island;
thence south westerly by a straight base line for about 9 km. to Tenewi Ya Juu Island;
thence south westerly by a straight base line for about 26 km. to Ziwaiu Island;
thence south westerly by a straight base line across Ungwana Bay for about 56 km. to the northermost point of Ras Ngomeni;
thence continuing generally along the low water line to Ras Wasini (provided that the following bays are internal waters and the inner boundary of the territorial sea shall follow the closing lines across their entrances
Sabaki River, Mida Creek, Kilifi Creek, Takaungu Creek, Mtwapa Creek, Mombasa and Kilindini Harbours, Mwachema River, Maftaha (Gazi) Bay, Funzi Bay);
thence southerly across the Wasini Channel to Ras Kisinga Mkoni;
thence by the low water line to Mpunguti Ya Chini Island;
thence southerly by a straight base line for about 3 km. to Mpunguti Ya Juu Island;
thence westerly by a straight base line for about 5 km. to Kisite Island;
thence westerly by a straight base line for about 18 km. to the terminal of the Kenya/Tanzania land boundary at Ras Jimbo.

MARITIME BOUNDARY AGREEMENTS**KENYA - TANZANIA**

The following is extracted from an exchange of notes (dated 17 December 1975 and 9 July 1976) constituting an agreement between Kenya and Tanzania concerning the Delimitation of the Territorial Waters Boundary between the two States.

1. The Boundary:

**TABLE C1.T143.
KENYA - TANZANIA MARITIME BOUNDARY BASELINES**

BASELINES
(a) Ras Jimbo beacon-Kisite Island (rock)
(b) Ras Jimbo-Mwamba-wamba beacon
(c) Mwamba-wamba beacon-fundo Island beacon (rock)
(d) Fundo Island beacon (rock)-Ras Kigomasha lighthouse
(e) Kisite Island (rock)-mpunguti ya Juu-lighthouse

2. The description of the boundary:

**TABLE C1.T144.
KENYA - TANZANIA: DESCRIPTION OF BOUNDARY**

DESCRIPTION OF BOUNDARY
(a) On the West: The median line between the Ras Jimbo beacon - Kisite Island/Ras Jimbo - Mwamba-wamba beacon base lines to a point 12 nautical miles from Ras Jimbo up to a point hereinafter referred to as 'A', located at 4° 49' 56" S and 39° 20' 58" E;
(b) On the East: The median line derived by the Intersection of two arcs each being 12 nautical miles drawn from Mpunguti ya Juu lighthouse and Ras Kigomasha lighthouse respectively hereinafter referred to as point 'B', located at 4° 53' 31" S and 39° 28' 40" E and point C, located at 4° 40' 52" S and 39° 36' 18" E;
(c) On the South: An arc with the centre as the Northern Intersection of arcs with radii 6 nautical miles from point 'A' as described in paragraph 2 (a) above and point 'B' which is the Southern Intersection of arcs from Ras Kigomasha lighthouse and Mpunguti ya Juu lighthouse.
(d) The eastward boundary from point C, which is the Northern Intersection of arcs from Ras Kigomasha lighthouse and Mpunguti ya Juu lighthouse as described under paragraph 2 (b) above, shall be the latitude extending eastwards to a point where it intersects the outermost limits of territorial water boundary or areas of national jurisdiction of two States.
(e) The marine charts of 1:250,000 describing the co-ordinates of the above points shall form an intergral part of this agreement.