

THE TERRITORIAL WATERS ACT, 1972

No. 2 of 1972

Date of Assent: 16th May, 1972

Date of Commencement: 16 May, 1972

An Act of Parliament to make provision for the delimitation of the territorial waters of Kenya, and for purposes incidental thereto

ENACTED by the Parliament of Kenya, as follows:—

Short title.

1. This Act may be cited as the Territorial Waters Act, 1972.

Breadth of the territorial waters.

2. (1) Except as provided in subsection (4) of this section the breadth of the territorial waters of the Republic of Kenya shall be twelve nautical miles.

(2) The breadth of such territorial sea shall be measured in the manner set out in the Schedule to this Act calculated in accordance with the provisions of the Convention on the Territorial Sea and the Contiguous Zone done at Geneva on 29th April, 1958.

(3) For the purposes of Article 7 of the aforesaid Convention Ungwana Bay (sometime known as Formosa Bay) shall be deemed to be and always to have been an historic bay.

(4) On the coastline adjacent to neighbouring States the breadth of the territorial sea shall extend to a Median Line 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.

Evidence.

3. If, in any proceedings before any court in Kenya, a question arises as to whether an act or omission takes place within or without the territorial waters of Kenya, a certificate to that effect signed by or on behalf of the Minister for the time being responsible for foreign affairs shall be received in evidence and be deemed to be so signed without further proof, and any such certificate shall constitute prima facie proof of the facts certified therein.

1972

Territorial Waters

No. 2

4. (1) Any reference occurring in any written law to the territorial waters shall be construed subject to the provisions of this Act.

Modification
of laws.

(2) Subsection (1) of section 3 of the Interpretation and General Provisions Act is amended by the deletion of the definition of "territorial waters" and the substitution therefor of the following—

Cap. 2.

"the territorial waters" means any part of the open sea within twelve nautical miles of the coast of Kenya measured in accordance with the provisions of the Territorial Waters Act, 1972, and includes any inland waters of Kenya;

No. 2 of 1972.

SCHEDULE

(s. 2)

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 northernmost point of Ras Ngomeni;

SCHEDULE—(Contd.)

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.