



**TOWARDS THE FORMULATION OF  
KENYA'S INTEGRATED OCEAN  
MANAGEMENT POLICY INCLUDING  
INSTITUTIONAL FRAMEWORK**

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# I Background information on Kenya

- Kenya is located on the Eastern African Coast between latitudes  $5^{\circ} 40' N$  and  $4^{\circ} 04' N$  and longitudes  $33^{\circ} 50' E$  and  $41^{\circ} 45' E$
- It covers a total area of  $582,646 \text{ km}^2$  (land- $571,416 \text{ km}^2$ ) while the coastline is  $536 \text{ km}$  long
- The country is bordered by Tanzania to the South; Uganda to the West; Sudan and Ethiopia to the North; and Somalia and Indian Ocean to the East
- Total population is estimated at  $33,400,000$  (2005 estimates).

# **Kenya's marine jurisdiction**

- Kenya claims the territorial sea area, contiguous zone, Exclusive Economic Zone (EEZ) and continental shelf.
- The delineation of the country's outer limits of the extended continental shelf is currently underway and at an advanced stage

# Map of Kenya



(Source <<http://www.nema.go.ke/FACTS.ASP>> )

## **II** **Introductory remarks**

### **What is an integrated national ocean policy?**

- It refers to the structures and processes that govern the resources and uses of the coastal and ocean areas under the jurisdiction of a coastal state in a holistic manner.
- This approach recognises the interrelationships among the various coastal and marine ecosystems and associated multiple uses

# **Objectives of a national ocean policy** **(also applicable in Kenya's case)**

- To harmonise/improve the existing sectoral management structures and laws
- Improve coordination amongst government agencies involved in ocean affairs
- To protect ocean and coastal ecosystems and promote sustainable use of available resources and opportunities for the present and future generations
- To catalyse increased investment in marine education, research and technology; use of credible data and full information in decision making
- To boost maritime intelligence, surveillance and ultimately security and safety at sea
- Develop a vision for the ocean space

# Conventions and agreements advocating for cross sectoral approach in Ocean management

## International front

- Agenda 21 of the United Nations Conference on Environment and Development (UNCED)
- Global Programme of Action (GPA) for the Protection of the Marine Environment from Land-Based Sources
- Convention on Biological Diversity (CBD)
- FAO Code of Conduct for Responsible Fishing

**Cont..**

## **Regional perspective**

- The Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region, also known as the Nairobi convention of 1985
- The Arusha Resolution of 1993 on integrated coastal management

# **Broad stages in the development of a national ocean policy**

- Preparatory stage – Involves informal processes in preparation for a formal policy development; wide consultations
- Formulation stage – Involves a well defined and formal process; identification of policies, legal and institutional frameworks, tools needed to achieve it
- Implementation stage – Involves actual creation of tools, legal and institutional frameworks earlier identified (activities, programmes)

# III Integrated ocean policy formulation process in Kenya

## Main triggers

- Fragmented ocean and coastal management policies and practices which lack coordination
- Degradation/decline of marine ecosystems and resources
- Conflicts among various marine users, uses and institutions (e.g., in Marine Protected Areas)
- Archaic laws which do not recognise new management concepts and the participation of important players such as the local communities

# Key statutes that relate to the coastal and ocean spaces

Decree /Law No.	Decree /Law No.	Year Enacted/Revised
Continental Shelf Act	312	1975
Kenya Ports Authority Act	391	1979
Wildlife Conservation and Management Act	376	1985
Petroleum (Exploration and Production Act)	308	1986
Mining Act	306	1987
Maritime Zones Act	371	1989
Fisheries Act	378	1991
Local Government Act	265	1998
Environmental Management and Coordination Act	8	1999

# **Integrated Ocean policy formulating mechanism**

- The task of policy formulation is being undertaken by a multidisciplinary national taskforce whose other mandate is to delineate the country's outer limits of the continental shelf and subsequent preparation of a submission to the Commission on the Limits of the Continental Shelf (CLCS)
- Initiated by the executive arm of government

# **Lessons from other experiences in the formulation of integrated ocean policy**

- Most approaches seek to harmonise rather than replace the existing sectoral policies
- Successful policies require full support from the executive, legislative and interest groups
- At the initial stages of the process, it is important to fully involve sector specific agencies
- Most approaches take into account sustainable development, ecosystem protection as the key guiding principles

## Cont..

- There is need to link governance of the various maritime zones
- The need for transparency, public involvement and a national oceans office with clear responsibilities and a separate sufficient budget
- Institutional mechanism to coordinate the implementation of the policy strategy should have the capacity to do so

# Management approaches and tools to address cross sectoral issues

- Integrated Coastal (Zone, Area) Management
- Zonation
- Protected Area e.g., Marine PA
- Special area planning e.g., In bays and estuaries, ports and harbours
- Large Marine Ecosystem e.g., Somali coastal current

# **Main coastal and ocean opportunities and resources in Kenya**

- Tourism (45%)
- Fisheries (6%)
- Industry-Non agriculture (15%)
- Maritime industry (15%)
- Mining (2%)
- Forestry (4%)
- Industry-Agriculture (8%)
- Agriculture (5%)



# Main elements of the policy

- Vision statement for the coastal and ocean areas
- Guiding values
- Guiding principles. General principles include sustainable development, ecosystem approach, collaboration, transparency, precautionary, polluter pays and adaptive management among others

# **Principles related to the special nature of Ocean and coastal areas**

- Those related to public nature of oceans
- Those related to biophysical nature of coastal zone and
- Those related to use of coastal and ocean space and resources



# Other issues for consideration

- Alternative energy sources associated with ocean (wind, tidal, wave, ocean thermal and currents)
- Maritime pollution (Shipping spills)
- Effects of land based activities on marine ecosystems – Persistent organic pollutants (POPs), sewage, eutrophication, erosion
- Global climate change

# Key ocean policy support elements

- Coordinating/Implementing agency/mechanism (need for a lead agency?)
- Funding – Government, others e.g., GEF
- Monitoring, evaluation and adjustments (use of indicators)
- Maritime Security (Surveillance, intelligence), safety at sea
- Compliance/enforcement
- Maritime education, training and research; Innovation, technology
- Ocean data

# Implementing mechanism

## Critical attributes

- It must have the appropriate legal/legislative authority
- It should be in a position to influence other levels of government and stakeholders
- It must have access to appropriate scientific and technical expertise and data to facilitate the making of informed and responsive decisions.

# Functions of the implementing mechanism/agency

- Coordination of interagency activities
- Acts as a focal point for other agencies dealing with ocean affairs
- Coming up with ocean plans
- Briefing the lead agency/Government on state of the ocean

# Governance levels and their roles

The need for coordinated vertical and horizontal functions among the agencies

- Central government-Formulation of policies, development of legislations and enforcement, funding, acts as a link to global and regional conventions and agreements
- Local Government-Provision of infrastructure, services and other public amenities in cities, towns and local councils; support coastal user groups and local communities

## Cont..

- Non Governmental Organizations (NGOs) and Community Based Organizations (CBOs) - Awareness raising, assist in organizing communities, provision of education and training
- Private sector-Provision of capital for investments, Assist in enhancing operational efficiencies

# International and regional conventions and agreements that Kenya is party to

- United Nations Convention on the Law of the Sea (UNCLOS)-Kenya ratified it on 02 March, 1989
- Convention on Biological Diversity- Kenya ratified it on 26 July 1994
- Rio Declaration on Environment and Development of 1992
- United Nations Framework Convention on Climate Change (UNFCCC) – Kenya ratified it on 30 August 1994
- Convention for the Protection; Management and Development of the Coastal Environment of the Eastern African Region (The Nairobi Convention) of 1985
- International Convention for the Safety of Life at Sea (SOLAS)
- The Ramsar Convention on wetlands – Entered into force in Kenya on 5 October 1990
- International Convention for the Prevention of Pollution from Ships (MARPOL 73/78), London. Kenya ratified it on 12 September 1975
- Convention on Persistent Organic Pollutants (POPs). Kenya ratified it on 24 September 2004

# IV Conclusion and way forward

- Articulation of the policy should be done within the existing plans and policies
- Planning aspect for integrated management should be captured in the national development planning
- Implementation of programmes set out to be carried out alongside other initiatives such as those aimed at poverty reduction
- Importance of the government to take the leading role in the process and the need of involving all relevant stakeholders at all stages
- Learning from MPA and ICZM initiatives already tried in the country

## Cont..

- Realisation of the vision and objectives of the policy require investment of time, adequate resources (funding and manpower), political goodwill, dedication by all stakeholders and a competent coordinating agency/mechanism
- Need to collaborate with other international and regional initiatives e.g., in LME
- Proper domestication of international conventions and agreements that the country is party to

A tropical beach scene with a boat on the sand and palm trees. The image shows a white sandy beach with a small boat on the shore. Several people are standing near the boat. In the background, there are palm trees and a blue sky with some clouds. The water is clear and blue. The text "Thank You All" is overlaid on the image in white.

Thank You All

Q&A