

Governance of the forgotten province: a critical appraisal of the policy, legal and institutional frameworks for the control and management of marine resources within Kenya's maritime zones

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This research merges the study of certain aspects of two broad disciplines, namely Law and Governance. The approach of the study is to interrogate the interplay between the two disciplines within the parameters of control, management and sustainable exploitation of the marine resources within Kenya's maritime zones.

The study starts by giving an introduction to the research problem to be interrogated and investigated, the theoretical and conceptual links between law and governance, the appropriate methodology to be adopted in discussing the research problem, the major hypothesis to be tested, the literature review, objectives of the study and the broad chapter breakdown. Building on the introduction to the traditional notions and critical aspects of governance such as good governance, the pillars of good governance, corporate governance, performance contracting and the underlying theory of policy formulation and implementation, the study then seeks to explain the aforementioned notions and concepts insofar as they are applicable to the management of marine resources. The aim of the exposition is to forum-set the discussion of governance of marine resources which constitutes the core of the study.

A basic challenge of control and management of the maritime zones of any coastal state is the delimitation of these zones. The study thus seeks to offer an appraisal of the efforts made in the delimitation of Kenya's maritime zones highlighting the challenges faced by the country.

A critical appraisal of the policy, legal and institutional frameworks put in place by Kenya for the management, conservation, control and sustainable exploitation of the marine resources is then undertaken. Eventually the study shows that the current policy, legal and institutional frameworks for the control and management of Kenya's marine resources are ineffective and need to be reformed and made more viable on the basis of proper interplay between law and governance. Kenya lacks clear policy, legal and institutional frameworks for the governance of the living and non-living resources within her maritime zones. This major set back is reflected by the failure to implement international conventions which Kenya has ratified. The Conventions are negotiated by the Executive (officials of the relevant Ministries) without consultation with other relevant agencies and without considering how the provisions of such Conventions fit in with the State's national agenda.

The study therefore calls for the establishment of functional, effective, comprehensive and integrated policy, legal and institutional frameworks for the governance of Kenya's maritime zones. The creation of a new governance regime in Kenya to control and manage the sustainable exploitation of the marine resources present within Kenya's maritime zones is envisaged. In the end, the study seeks to discern the emergent trends and in the premise, proffer recommendations aimed at achieving harmonious, integrated and sustainable policy, legal and institutional frameworks for the control and management of Kenya's maritime zones.