

3. The United Republic of Tanzania and Kenya

Agreement between the United Republic of Tanzania and the Republic of Kenya on the delimitation of the maritime boundary of the exclusive economic zone and the continental shelf, 23 June 2009³

PREAMBLE

The United Republic of Tanzania and the Republic of Kenya (hereinafter referred to as "the Parties").

Recalling the exchange of notes between the United Republic of Tanzania and the Republic of Kenya concerning the delimitation of the territorial waters boundary between the two States which constituted an agreement that entered into force on 9th July 1976;

Cognisant of the continuous co-operation of the Parties within the framework of the East African Community as Partner States and the principles contained in the Constitutive Act of the African Union

Conscious of the provisions of the United Nations Convention on the Law of the Sea that binds States with adjacent coasts to conclude agreements on the delimitation of their maritime boundaries.

Considering the proclamation made by the President of the Republic of Kenya on the Exclusive Economic Zone of the Republic of Kenya, deposited at the United Nations and published in the United Nations Law of the Sea Bulletin Number 61 of 7006:

Further Noting that the southern part of the proclaimed Exclusive Economic Zone of the Republic of Kenya shares a common boundary with the northern part of the Exclusive Economic Zone of the United Republic of Tanzania;

Considering Further that the coordinates of points in the 1976 Agreement have been transformed from the Clarke 1880 Modified System to the WGS84 System;

Desirous of reaching an amicable and equitable agreement pertaining to the maritime boundary between the Parties:

The Parties hereto agree as follows:

Article 1

Scope of Agreement

1.1 The Parties reaffirm the agreement that entered into force on 9th July, 1976 between them which determines the Maritime Boundary up to 12 nautical miles (the Territorial Waters).

1.2 This Agreement shall define the maritime boundary from the limits of the Territorial Waters as defined in the 1976 Maritime Boundary Agreement starting at Point C (4° 40' 52" S, 39° 36' 18" E) which is the Northern intersection of arcs from Ras Kigomasha lighthouse and Mpunguti ya Juu as described under paragraph 2(b) of the 1976 Agreement.

1.3 The Points described in the 1976 Agreement as A, B and C are in this Agreement referred to as Points T-A, T-B and T-C.

Article 2

Basis of Delimitation of the Maritime Boundary

The Parties confirm that the basis of maritime boundary delimitation shall be the parallel of latitude as established in the 1976 Maritime Boundary Agreement. To this extent and in furtherance of the objectives of this Agreement, the Parties agree that the boundary line extends eastwards to a point where it intersects the outermost

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limits of the continental shelf and such other outermost limits of national jurisdiction as may be determined by international law.

Article 3
Agreed Coordinates

The boundary line of the Exclusive Economic Zone and the Continental Shelf between the Parties is hereby delimited along the parallel of latitude from Point T-C eastwards to a point that it intersects the outermost limits of the Continental Shelf.

The agreed coordinates in World Geodetic System (WGS84) are as follows:

<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
T-A	4° 50' 04.242" S	39° 21' 01.142" E
T-B	4° 53' 39.222" S	39° 28' 43.151" E
T-C	4° 41' 00.291" S	39° 36' 21.160" E
T-D	4° 41' 00.291" S	39° 38' 44.844" E
T-E(TZ)	4° 41' 00.291" S	43° 13' 04.800" E
E-C (KE)	4° 41' 00.291" S	43° 20' 36.204" E

These transformed coordinates of the points from the 1976 Agreement under Clarke 1880 Modified system to WGS84 system and Kenya's Exclusive Economic Zone proclamation to the United Nations in 2006, have not changed the physical location of the points on the ground.

The agreed coordinates are to be reviewed by the parties upon establishment of a homogeneous geodetic reference frame for the region.

The marine chart indicating the maritime boundary line shall form an integral part of this Agreement (attached as Annex 1).⁴

Article 4
Inherent Rights of the Parties over the Maritime Zones

The maritime boundary as defined in this Agreement shall not affect or prejudice in any manner either Party's position with respect to the rules of international law relating to the law of the sea, including those concerned with the exercise of sovereignty, sovereign rights or jurisdiction with respect to the airspace, waters, seabed and subsoil

For the purpose of this Agreement, "Coastal State jurisdiction" refers to the sovereignty, sovereign rights, or any other form of jurisdiction with respect to the airspace, waters, seabed and subsoil that may be exercised by a coastal State in accordance with international law.

Article 5
Dispute Resolution

Any dispute concerning the interpretation or application of this Agreement shall be resolved by mediation, negotiations or other peaceful means agreed by the Parties in accordance with provisions of the United Nations Convention on the Law of the Sea (UNCLOS).

⁴ Marine chart not reproduced for technical reasons.

Article 6
Amendments

Any amendments or modifications of this Agreement shall be in writing and shall come into effect upon confirmation through an exchange of notes.

Article 7
Entry into Force

This Agreement shall enter into force upon signature by the two Parties.

TANZANIA/KENYA MARITIME BOUNDARY

