



REPUBLIC OF KENYA

**Submission**  
on the  
**Continental Shelf beyond 200 nautical miles**  
to the  
**Commission on the Limits of the  
Continental Shelf**

in accordance with requirement of the United Nations Convention  
on the Law of the Sea

Part 1  
**Executive Summary**

April 2009

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## ANNEXES

Table listing the points defining the outer limit of Kenya's extended continental shelf (Degrees, Minutes and Seconds).....**KEN-ES-DOC-ANNEX 1**

Table listing the points defining the outer limit of Kenya's extended continental shelf (Decimal Degrees)..... **KEN-ES-DOC-ANNEX 2**

## MAPS

(A0 Executive Summary map supplied separately)

The outer limit of the continental shelf of Kenya.....**KEN-ES-DOC-MAP 1**

The outer limit of the continental shelf of Kenya showing Article 76 fixed points.....**KEN-ES-DOC-MAP 2**

## 1. INTRODUCTION

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- 1-1** This Executive Summary document has been prepared as part of the Submission by the Republic of Kenya to the Commission on the Limits of the Continental Shelf ('the Commission') pursuant to paragraph 8 of Article 76 of the 1982 United Nations Convention on the Law of the Sea ('the Convention') in support of the establishment by Kenya of the outer limits of the continental shelf beyond 200 nautical miles (M) from the baselines from which the breadth of the territorial sea of Kenya is measured (hereinafter referred to as 'the territorial sea baseline').
- 1-2** Kenya is a coastal State in East Africa bound by latitudes 5° 40' north and 4° 40' south and longitudes 33° 50' and 41°45' east. It is bordered by Ethiopia to the north, Somalia to the northeast, Tanzania to the south, Uganda to the west, and Sudan to the northwest. The country's population is estimated at 33,400,000 (2005 estimates) and covers a total area of 582,646 km<sup>2</sup> with land covering approximately 571,416 km<sup>2</sup>. The coastline of Kenya extends approximately 536 km in a south-westerly direction commencing from the border with Somalia in the north at 1° 41' S, to the border with Tanzania in the south at 4° 40' S. The coastal region is dominated by coral reefs, sea grass beds and mangroves with large expanses of sandy substrates and river inputs from Kenya's two largest rivers, the *Tana* and *Athi*, which flow into the South West Indian Ocean.
- 1-3** Kenya is a Party to the Convention, which it signed on the day it was opened for signature on 10 December 1982 and later ratified it on 2 March 1989. The maritime space over which Kenya exercises sovereignty, sovereign rights and jurisdiction has been determined on

the basis of the provisions of the Convention, as implemented by the following legislation and proclamations: the *Territorial Waters Act*, 1972; the *Maritime Zones Act, 1989, Cap. 371*; and, the *Presidential Proclamation* of 9 June 2005 published in the Kenya Gazette Notice No. 55 of 22 July 2005 in respect of Kenya's territorial sea and exclusive economic zone (Legal Notice No. 82 (Legislative Supplement No. 34). This proclamation, which was deposited with the United Nations and reproduced in *Law of the Sea Bulletin No. 61*, contains an illustrative map number SK 90 (edition 4) and two lists of geographical coordinates of points, specifying the straight baselines from which the breadth of the territorial sea is measured and the outer limits of the Exclusive Economic Zone (EEZ).

- 1-4** The Government of Kenya intends to proclaim the outer limits of the continental shelf following the making of recommendations by the Commission pursuant to paragraph 8 of Article 76. The proclaimed outer limits will be established on the basis of those recommendations.
- 1-5** Under Article 4 of Annex II to the Convention, as supplemented by the decisions of the Eleventh (SPLOS/72) and Eighteenth (SPLOS/183) Meetings of the States Parties to the Convention respectively regarding the ten-year period established by article 4 of Annex II to the Convention, a coastal State for which the Convention entered into force before 13 May 1999 is requested to submit particulars of the outer limits of the continental shelf to the Commission, together with supporting scientific and technical data by 13 May 2009. This Submission by Kenya satisfies that request.

- 1-6** The Government of Kenya has for the purposes of preparing this Submission applied the following: the relevant provisions of Article 76 of the Convention; the *Statement of Understanding Concerning a Specific Method to be Used in Establishing the Outer Edge of the Continental Margin*, contained in Annex II to the Final Act of the Third United Nations Conference on the Law of the Sea (hereinafter referred to as 'the Statement of Understanding'); the relevant provisions of the *Rules of Procedure of the Commission on the Limits of the Continental Shelf* (CLCS/40/Rev. 1) adopted by the Commission on 17 April 2008 (hereinafter referred to as 'the Rules of Procedure'); and, the recommendations contained in the *Scientific and Technical Guidelines of the Commission on the Limits of the Continental Shelf* (CLCS/11) adopted by the Commission on 13 May 1999 (hereinafter referred to as 'the Guidelines').
- 1-7** In accordance with the specifications of the Commission set out in Annex III to the Rules of Procedure and paragraphs 9.1.3 to 9.1.6 of the Guidelines, the Submission by Kenya consists of three separate parts comprising an Executive Summary; a core analytical and descriptive part of the submission ('the Main Body'); and, a part containing the required supporting scientific and technical data, arranged in a series of annexes ('supporting scientific and technical data').
- 1-8** The part of the continental shelf lying beyond 200M from the territorial sea baseline of Kenya is referred to in this submission as the 'extended continental shelf'.

**2. DETERMINATION OF THE OUTER LIMITS OF THE CONTINENTAL SHELF OF KENYA**

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**2-1** As provided for under paragraph 1 of Article 76 of the Convention, Kenya has a continental shelf comprising the seabed and subsoil of the submarine areas that extends beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, up to the limits provided for in Article 76 of the Convention.

**2-2** Both article 76 and the Statement of Understanding contain provisions setting out the manner in which a coastal State may establish the outer edge of its continental margin wherever it extends beyond 200 M measured from the territorial sea baselines.

**2-3** Article 76 of the Convention contains provisions setting out the modalities in which a coastal State may establish its extended continental shelf.

**2-4** The data submitted by Kenya in support of this Submission establish that the outer edge of the continental margin appurtenant to Kenya's land territory extends beyond 200 M measured from the territorial sea baseline.

**2-5** For the purposes of establishing the outer edge of the continental margin, Kenya has applied the specific method contained in the Statement of Understanding. In this regard, the Government of Kenya is firmly of the view that the application of the specific method set out in the Statement of Understanding is consistent with the terms of the Statement of Understanding having regard to the particular and special

characteristics of the continental margin of Kenya and recognizing the inequity that would arise in the event that Kenya were to be required to apply the provisions of paragraph 4 of Article 76 under these circumstances. To the extent that a coastal State applying the terms of the Statement of Understanding is required to furnish scientific and technical material to the Commission for the purpose of demonstrating that the conditions for the application of the specific method have been satisfied, Kenya has done so in the Main Body of the Submission.

- 2-6** As set out in paragraph 7 of Article 76 of the Convention, a coastal State is to delineate the outer limits of the extended continental shelf by straight lines not exceeding 60 M in length, connecting fixed points ('fixed points') defined by coordinates of latitude and longitude.
- 2-7** **Part 8** of this Executive Summary document provides an overview of the extended continental shelf, including an outline of the Article 76 fixed points used to construct the outer limit line.



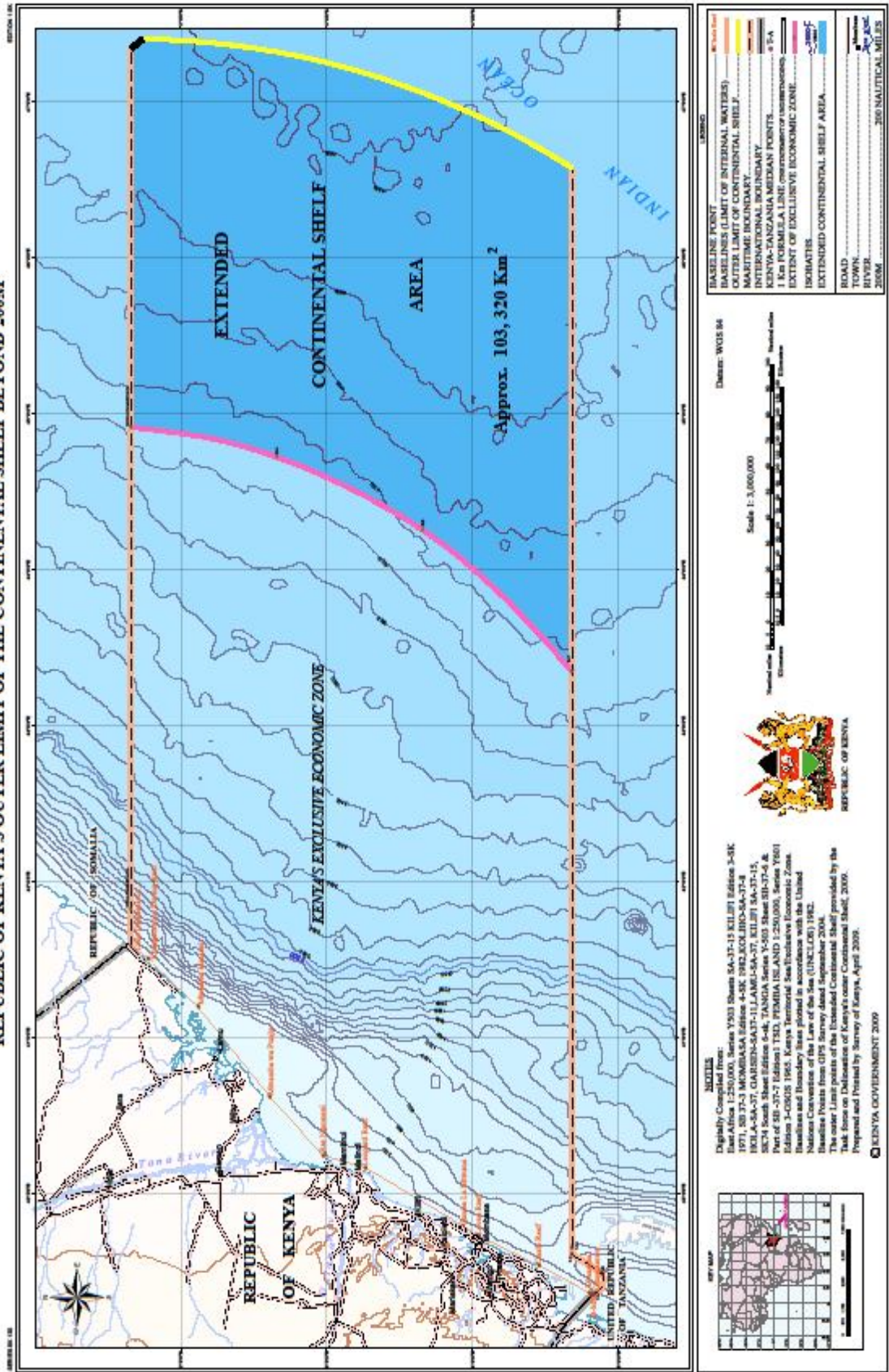
### 3. **MAPS AND COORDINATES**

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**3-1** Two maps at an appropriate scale are included in this Executive Summary as **KEN-ES-DOC-Map 1** and **KEN-ES-DOC-Map 2** respectively, and as separate A0-size maps (see: list of maps and figures on page 3). The first map provides an overview of the area of extended continental shelf. The second map provides an overview of the area of extended continental shelf, together with the location of the Article 76 fixed points that define the outer limit of the extended continental shelf.

**3-2** Lists of coordinates of the Article 76 fixed points that define the outer limit of the extended continental shelf of Kenya are supplied in two annexes. The first (**KEN-ES-DOC-ANNEX 1**) lists the fixed points defining the outer limit in degrees, minutes and seconds. The second (**KEN- ES-DOC-ANNEX 2**) lists the same points in decimal degrees. The provision of Article 76 invoked to define each fixed point, as well as the distance between adjacent points, is indicated in both annexes. In the event of any discrepancy between the two formats of the coordinates for a particular Article 76 fixed point, Kenya relies upon the coordinates farthest seaward from its territorial sea baseline, subject to compliance with the requirements of the relevant provisions of Article 76 of the Convention.

REPUBLIC OF KENYA'S OUTER LIMIT OF THE CONTINENTAL SHELF BEYOND 200M



KEN-ES-DOC-MAP 1: Map depicting the outer limit of the extended continental shelf of Kenya

**4. PROVISIONS OF ARTICLE 76 AND THE STATEMENT OF UNDERSTANDING INVOKED**

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Kenya invokes the specific method for the establishment of the outer edge of the continental margin set out in the Statement of Understanding, together with paragraphs 5, 6 and 7 of Article 76 of the Convention in support of this Submission.

**5. COMMISSION MEMBERS WHO PROVIDED ADVICE ON THE SUBMISSION**

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Kenya was assisted by Mr. Harald Brekke, a Member of the Commission (1997-present) and Dr Karl Hinz, a former Member of the Commission (1997-2002) during the preparation of this Submission.

**6. INSTITUTIONS AND ADVISORS THAT CONTRIBUTED TO THIS SUBMISSION**

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This Submission by the Republic of Kenya to the Commission on the Limits of the Continental Shelf was prepared by the Taskforce on Kenya's Outer Continental Shelf that had membership drawn from the following Government institutions:

- Office of the President
- Ministry of Foreign Affairs
- State Law Office
- Ministry of Environment and Mineral Resources
- Ministry of Higher Education, Science and Technology

- Ministry of Lands
- National Oil Corporation of Kenya
- Ministry of Energy
- University of Nairobi

The following advisor and institutions provided assistance to the Government of Kenya during the preparation of this Submission:

- Mr Joshua Brien, Legal Adviser, Commonwealth Secretariat, London
- The Commonwealth Secretariat, London
- UNEP/GRID-Arendal, the coordinators of UNEP Shelf Programme
- United Nations Division for Ocean Affairs and the Law of the Sea (UN DOALOS)

## 7. MARITIME DELIMITATIONS

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**7-1** Kenya has overlapping maritime claims with the adjacent coastal States of Somalia to the north and with the United Republic of Tanzania to the south.

**7-2** An agreement is in place between Kenya and Tanzania concerning the delimitation of maritime boundaries between the two countries through an *Exchange of Notes between the United Republic of Tanzania and Kenya concerning the Delimitation of the Territorial Waters Boundary between the Two States*, which was established by an exchange of notes on 17 December 1975 and 9 July 1976 respectively (‘the

Exchange of Notes'). Through the Exchange of Notes, the two countries have agreed to a single line delimiting the territorial sea and exclusive economic zone boundary between the two countries.

In addition the two countries have agreed to a maritime boundary extending from the 1976 agreement to the continental shelf.

- 7-3** Section 4(4) of the *Maritime Zones Act, 1989* provides that the exclusive economic zone boundary between Kenya and Somalia shall be delimited by notice in the Gazette by the Minister pursuant to an agreement between Kenya and Somalia on the basis of international law. Subsequently, the two countries have signed a Memorandum of Understanding (MOU) dated 7 April 2009 granting each other no objection in respect of submissions on the outer limits of the continental shelf to the Commission on Limits of the Continental Shelf.

## **8. OVERVIEW OF THE EXTENDED CONTINENTAL SHELF OF KENYA**

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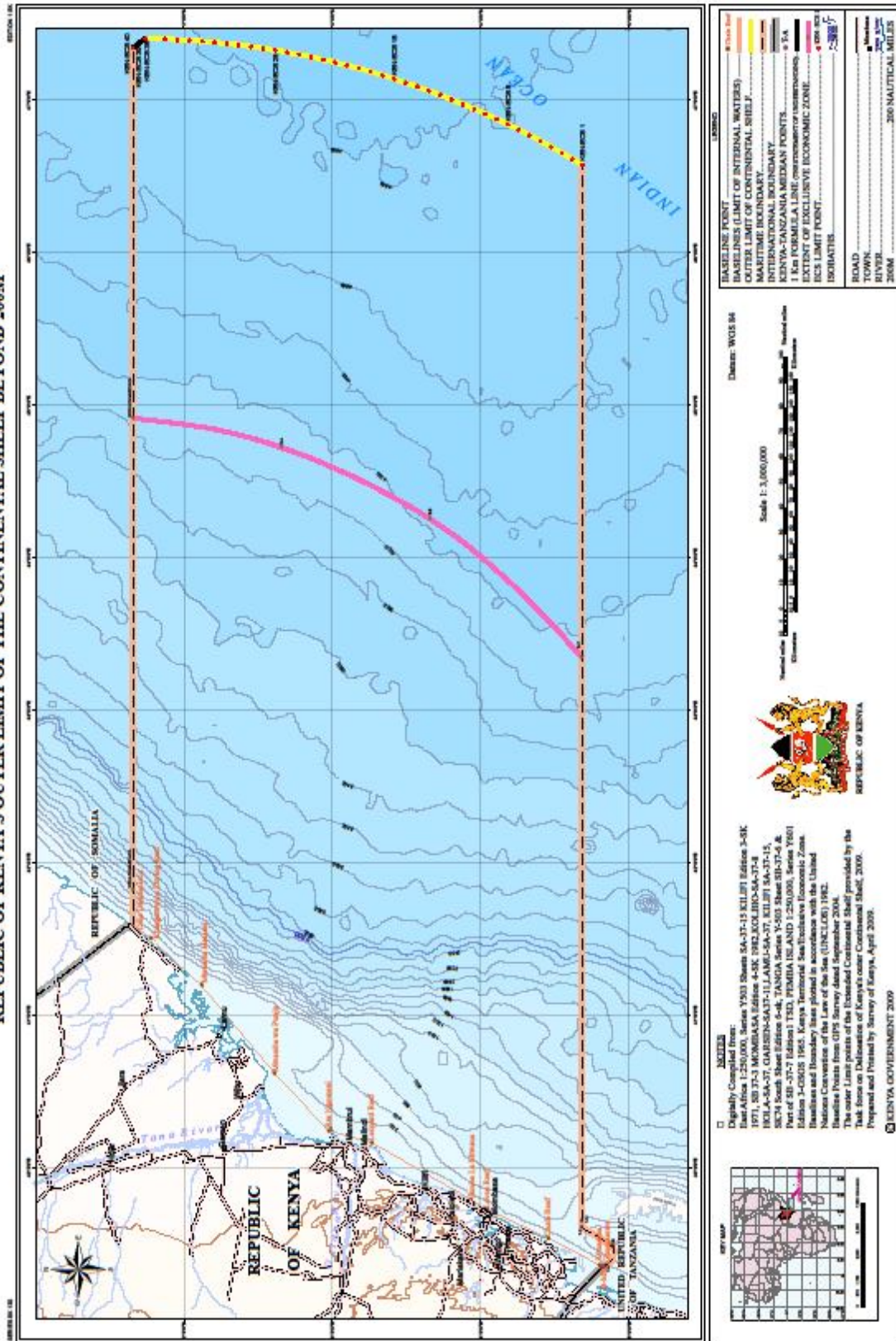
- 8-1** The extended continental shelf of Kenya is composed of the submerged prolongation of the landmass of Kenya extending seaward in a south-easterly trend toward Seychelles in the Western Somali basin—a large oceanic basin which is believed to have been created as a result of a process of seafloor spreading associated with the Bajocian to Aptian separation of the Madagascar-India-Antarctica plate from Africa—and extends into the northern part of the Madagascar Basin. The Davie Fracture Zone, an approximately 1,200km long north-south trending morphological feature, which intersects with the coast of Kenya, also features prominently and marks the western boundary of the Western Somali Basin and the Madagascar Basin in this area.

- 8-2** The continental margin appurtenant to the landmass of Kenya is a typical passive margin, exhibiting rifted and transform sections and is characterised by a narrow continental shelf, a steep slope (particularly in the rifted part of the margin), an extensive and indistinct rise (particularly in the transform part of the margin) and, a thick and extensive sequence of sedimentary rocks.
- 8-3** The outer limit of the extended continental shelf of Kenya encloses an area of approximately **103,320 km<sup>2</sup>** extending beyond 200 M from the territorial sea baseline of Kenya.
- 8-4** Kenya has determined the outer limits of the extended continental shelf by constructing an outer limit line composed of **40** fixed points, of which:
- 1 point (**KEN-ECS-1**), where the outer limit line delineating the extended continental shelf of Kenya (350 M constraint) intersects a hypothetical line constructed as an extension of the existing boundary line agreed between Kenya and Tanzania;
  - 37 points (**KEN-ECS-2—KEN-ECS-38**) are defined by the constraint line 350 M from Kenya's territorial sea baseline (Article 76, paragraph 5 of the Convention);
  - 1 point (**KEN-ECS-39**) defined by fixed point (FP-Sed6) at which the thickness of the sedimentary rock is not less than 1 km (Statement of Understanding, paragraph 3);
  - 1 point (**KEN-ECS-40**), where the outer limit line delineating the outer edge of the continental margin of Kenya intersects

a hypothetical line constructed as an extension of the unsettled boundary line between Kenya and Somalia.

- 8-5** Each successive pair of fixed points defining the outer limit of the extended continental shelf of Kenya is connected by geodesics not exceeding 6 M in length, drawn in accordance with paragraph 5 of Article 76 of the Convention.
- 8-6** The list of fixed points delineating the outer limits of the extended continental shelf of Kenya is supplied at **KEN-ES-DOC-ANNEX 1** and **KEN-ES-DOC-ANNEX 2** to this Executive Summary document.

REPUBLIC OF KENYA'S OUTER LIMIT OF THE CONTINENTAL SHELF BEYOND 200M



KEN-ES-DOC-Map 2: Map depicting the outer limit of the extended continental shelf of Kenya showing the provisions of article 76 and the Statement of Understanding invoked.



**9. NOTE OF AUTHENTICATION**

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All maps, figures, charts and databases forming part of the Submission by Kenya were prepared by Taskforce on Kenya's Outer Continental Shelf and the Survey of Kenya, the latter being the institution entrusted by the Government of Kenya with the responsibility for preparing such materials and for certifying their quality and reliability.

**KEN-ES-DOC-ANNEX 1: Table Listing the Fixed Points Delimiting the Outer Limits of the Extended Continental Shelf of Kenya (degrees, minutes, seconds)**

Point ID	Longitude (East)			Latitude (South)			Distance to next Point (M)	UNCLOS Criterion
	Deg	Min	Sec	Deg	Min	Sec		
KEN-ECS 1	46	34	36.02	4	41	00.29	-	350 M constraint line
KEN-ECS 2	46	36	57.97	4	36	51.32	4.78	350 M constraint line
KEN-ECS 3	46	39	26.81	4	32	29.46	5	350 M constraint line
KEN-ECS 4	46	41	51.89	4	28	05.48	5	350 M constraint line
KEN-ECS 5	46	44	13.19	4	23	39.45	5	350 M constraint line
KEN-ECS 6	46	46	30.65	4	19	11.42	5	350 M constraint line
KEN-ECS 7	46	48	44.30	4	14	41.44	5	350 M constraint line
KEN-ECS 8	46	50	54.06	4	10	09.58	5	350 M constraint line
KEN-ECS 9	46	52	59.94	4	05	35.88	5	350 M constraint line
KEN-ECS 10	46	55	01.90	4	01	00.40	5	350 M constraint line
KEN-ECS 11	46	56	59.92	3	56	23.21	5	350 M constraint line
KEN-ECS 12	46	58	53.96	3	51	44.35	5	350 M constraint line
KEN-ECS 13	47	00	44.03	3	47	03.89	5	350 M constraint line
KEN-ECS 14	47	02	30.10	3	42	21.87	5	350 M constraint line
KEN-ECS 15	47	04	12.15	3	37	38.36	5	350 M constraint line
KEN-ECS 16	47	05	50.14	3	32	53.43	5	350 M constraint line
KEN-ECS 17	47	07	24.07	3	28	07.11	5	350 M constraint line
KEN-ECS 18	47	08	53.92	3	23	19.47	5	350 M constraint line
KEN-ECS 19	47	10	19.67	3	18	30.57	5	350 M constraint line
KEN-ECS 20	47	11	41.31	3	13	40.48	5	350 M constraint line
KEN-ECS 21	47	12	58.81	3	08	49.25	5	350 M constraint line
KEN-ECS 22	47	14	12.18	3	03	56.93	5	350 M constraint line
KEN-ECS 23	47	15	21.39	2	59	03.59	5	350 M constraint line
KEN-ECS 24	47	16	26.44	2	54	09.29	5	350 M constraint line
KEN-ECS 25	47	17	27.27	2	49	14.08	5	350 M constraint line
KEN-ECS 26	47	18	23.93	2	44	18.04	5	350 M constraint line
KEN-ECS 27	47	19	16.41	2	39	21.21	5	350 M constraint line
KEN-ECS 28	47	20	04.64	2	34	23.66	5	350 M constraint line
KEN-ECS 29	47	20	48.66	2	29	25.45	5	350 M constraint line
KEN-ECS 30	47	21	28.45	2	24	26.64	5	350 M constraint line
KEN-ECS 31	47	22	04.00	2	19	27.29	5	350 M constraint line
KEN-ECS 32	47	22	35.30	2	14	27.46	5	350 M constraint line
KEN-ECS 33	47	23	02.38	2	09	27.21	5	350 M constraint line

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KEN-ECS 34	47	23	25.18	2	04	26.61	5	350 M constraint line
KEN-ECS 35	47	23	43.72	1	59	25.70	5	350 M constraint line
KEN-ECS 36	47	23	58.01	1	54	24.56	5	350 M constraint line
KEN-ECS 37	47	24	08.04	1	49	23.25	5	350 M constraint line
KEN-ECS 38	47	24	13.79	1	44	21.82	5	350 M constraint line
KEN-ECS 39	47	20	38.46	1	39	52.79	5.74	Statement of Understanding, paragraph 3
KEN-ECS 40	47	20	38.46	1	39	34.25	0.31	Statement of Understanding, Paragraph 3

**KEN-ES-DOC-ANNEX 2: Table Listing the Fixed Points Delimiting the Outer Limits of the Extended Continental Shelf of Kenya (Decimal Degrees)**

Point ID	Longitude (decimal deg)	Latitude (decimal deg)	Distance (M)	UNCLOS Criterion
KEN-ECS 1	46.576672	-4.683413	-	350 M constraint line
KEN-ECS 2	46.616104	-4.614256	4.78	350 M constraint line
KEN-ECS 3	46.657448	-4.541517	5	350 M constraint line
KEN-ECS 4	46.697746	-4.468189	5	350 M constraint line
KEN-ECS 5	46.736996	-4.394292	5	350 M constraint line
KEN-ECS 6	46.775181	-4.319839	5	350 M constraint line
KEN-ECS 7	46.812305	-4.244845	5	350 M constraint line
KEN-ECS 8	46.848351	-4.169327	5	350 M constraint line
KEN-ECS 9	46.883316	-4.093300	5	350 M constraint line
KEN-ECS 10	46.917194	-4.016779	5	350 M constraint line
KEN-ECS 11	46.949978	-3.939781	5	350 M constraint line
KEN-ECS 12	46.981655	-3.862320	5	350 M constraint line
KEN-ECS 13	47.012230	-3.784413	5	350 M constraint line
KEN-ECS 14	47.041695	-3.706075	5	350 M constraint line
KEN-ECS 15	47.070042	-3.627323	5	350 M constraint line
KEN-ECS 16	47.097260	-3.548174	5	350 M constraint line
KEN-ECS 17	47.123352	-3.468641	5	350 M constraint line
KEN-ECS 18	47.148312	-3.388742	5	350 M constraint line
KEN-ECS 19	47.172131	-3.308493	5	350 M constraint line
KEN-ECS 20	47.194809	-3.227912	5	350 M constraint line
KEN-ECS 21	47.216335	-3.147013	5	350 M constraint line
KEN-ECS 22	47.236717	-3.065814	5	350 M constraint line
KEN-ECS 23	47.255943	-2.984331	5	350 M constraint line
KEN-ECS 24	47.274010	-2.902580	5	350 M constraint line
KEN-ECS 25	47.290909	-2.820579	5	350 M constraint line
KEN-ECS 26	47.306648	-2.738344	5	350 M constraint line
KEN-ECS 27	47.321224	-2.655892	5	350 M constraint line
KEN-ECS 28	47.334621	-2.573239	5	350 M constraint line
KEN-ECS 29	47.346851	-2.490404	5	350 M constraint line
KEN-ECS 30	47.357903	-2.407400	5	350 M constraint line
KEN-ECS 31	47.367779	-2.324247	5	350 M constraint line
KEN-ECS 32	47.376472	-2.240961	5	350 M constraint line
KEN-ECS 33	47.383995	-2.157558	5	350 M constraint line
KEN-ECS 34	47.390327	-2.074057	5	350 M constraint line
KEN-ECS 35	47.395477	-1.990473	5	350 M constraint line
KEN-ECS 36	47.399448	-1.906823	5	350 M constraint line

1982 United Nations Convention on the Law of the Sea

KEN-ECS 37	47.402233	-1.823125	5	350 M constraint line
KEN-ECS 38	47.403831	-1.739395	5	350 M constraint line
KEN-ECS 39	47.344017	-1.664664	5.74	Statement of Understanding, paragraph 3
KEN-ECS 40	47.344017	-1.659514	0.31	Statement of Understanding, paragraph 3