

## **ATTACHMENTS**

1. Agreed Minutes of the Joint Technical Committee Meeting on the Tanzania/Kenya Maritime Boundary held in Nairobi, Kenya, 02<sup>nd</sup> April, 2009.
2. ANNEX 4 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.
3. Agreed Minutes of the Meeting of the Extended Continental Shelf (ECS) between the Republic of Seychelles and the United Republic of Tanzania.

**AGREED MINUTES OF THE JOINT TECHNICAL COMMITTEE MEETING  
ON THE TANZANIA/KENYA MARITIME BOUNDARY HELD IN  
NAIROBI, KENYA, 02<sup>ND</sup> APRIL, 2009**

**MIN 1/2009: OPENING OF THE MEETING**

The meeting was called to order at 09.25 a.m. The head of the Kenyan delegation Mr. Ephantus M. Murage informed the meeting that this is a follow up to the Meeting held in Dar es Salaam from 19<sup>th</sup> – 21<sup>st</sup> February, 2009, where the Parties deliberated on the coordinates, transformation parameters, reaffirmation of the Kenyan/Tanzanian inland boundary, estimated budget and the recommendations thereof.

Mr. Zabron Y. Masele, the head of the Tanzania delegation reiterated the sentiments of his co - chair and added that the two previous meetings paved a way to the conclusion of a draft maritime agreement between the two States.

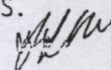
**MIN 2/ 2009: ADOPTION OF THE AGENDA**

The meeting discussed the proposed agenda and adopted it without amendments (**Annex 3**).

**MIN 3/2009: CONSIDERATION OF THE DRAFT AGREEMENT**

The meeting considered the earlier initialed draft Agreement and adopted it as a working document. Both delegations discussed the draft Agreement Article by Article and adopted it with amendments as reflected in **Annex 4**.

The discussions were held in a friendly and cordial atmosphere reminiscent of the good relations between the two sister States.



**MIN 4/ 2009: A.O.B**

The meeting noted that there are great concerns posed by the unmarked boundaries between the two States and therefore agreed to take up the matter with the authorities. In this regard, it was agreed that each Party submits to the authorities for approval to reaffirm the boundaries and conclude boundary Agreements.

Further, it was proposed that the two States should form a *Joint Boundary Commission* under the auspices of the *Joint Commission of Cooperation/ Joint Permanent Commission* to deal with this issue.

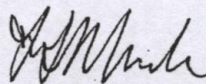
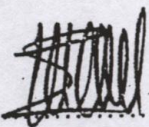
**MIN 5/ 2009: WAY FORWARD**

The Parties recognized the fast approaching deadline of 13<sup>th</sup> May, 2009 for the submission of outer limits of the continental shelf beyond 200M to the *UN Commission on the Limits of the Continental Shelf*.

**The meeting underlined the utmost urgency to have the maritime boundary Agreement signed on or before 09<sup>th</sup> April, 2009.**

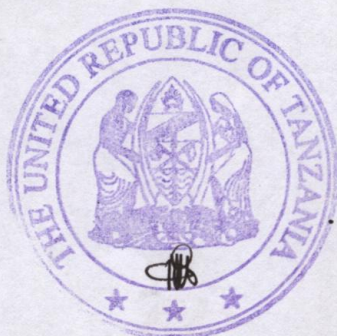
The names of delegations of both Parties are attached as **Annex 1 and 2** respectively.

The meeting was closed at 15.30hrs



Ephantus M. Murage  
Director of Surveys  
Kenya co-chairperson  
Date:.....2nd April 2009

Zabron Y. Masele  
Director of Surveys and Mapping  
Tanzania Co-chairperson  
Date: 02-04-2009

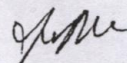


## Annex 1

### Tanzanian Delegation

1. Zabron Y. Masele - Director of Surveys and Mapping,  
Ministry of Lands, Housing and Human Settlements  
Development,  
Secretary, Technical Committee of TCSD  
**Head of Tanzanian Delegation**
2. Justo N. Lyamuya - Assistant Director,  
Hydrographic Surveys,  
Ministry of Lands, Housing and Human Settlements  
Development,  
Secretary, Technical Core Group of TCSD
3. John A. Msemwa - Assistant Director,  
Topographic and Geodetic Surveys,  
Ministry of Lands, Housing and Human  
Settlements Development  
Member, Technical Core Group of TCSD
4. Donald L. Chidowu - Principal State Attorney,  
Attorney General's Office,  
Ministry of Constitutional Affairs and Justice,  
Member, Technical Core Group of TCSD
5. Haji A. Haji - Director of Survey and Urban Planning,  
Revolutionary Government of Zanzibar,  
Chairperson, Technical Committee of TCSD
6. Richard A. Maridadi - Second Secretary,  
Legal Affairs Unit,  
Ministry of Foreign Affairs and  
International Cooperation,  
Member, Technical Core Group of TCSD
7. Victoria L. Moller - Minister Plenipotentiary,  
Tanzanian High Commission in Nairobi,
8. Issa A. Hemed - Lecturer- Hydrographic Surveying,  
Ardhi University, Dar es Salaam  
Member, Technical Core Group of TCSD

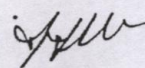
- TCSD Project: Tanzania Continental Shelf Delineation Project



## Annex 2

### Kenyan Delegation

1. Ephantus M. Murage - Director of Surveys,  
Ministry of Lands,  
**Head of Delegation**
2. Juster Nkoroi - Chairperson,  
National Task Force on Delineation  
of the Continental Shelf,
3. James Kihwaga - Director of Legal Affairs,  
Ministry of Foreign Affairs
4. Julius Rotich - Principal Surveyor,  
Ministry of Lands
5. George Arogo - Under Secretary,  
Office of the President,
6. Robert Kibiwot - Joint Secretary,  
National Task Force on Delineation  
of the Continental Shelf,
7. Joseph K. Rotich - Hydrographer,  
National Task Force on Delineation  
of the Continental Shelf
8. John Mugendi - Hydrographer,  
National Task Force on Delineation  
of the Continental Shelf,
9. Charles G. Kiruma - Chief Cartographer,  
Ministry of Lands,
10. Kaitikei Rotiken - Third Secretary,  
Legal Affairs,  
Ministry of Foreign Affairs,



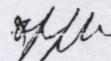
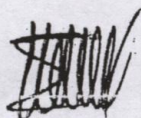
## Annex 3

### **KENYA/TANZANIA BILATERAL NEGOTIATIONS ON THE MARITIME BOUNDARY AGREEMENT, K.I.C.C 2<sup>ND</sup> FLOOR AT 9:00A.M ON 2<sup>ND</sup> APRIL, 2009 IN NAIROBI**

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#### **Provisional Agenda**

1. Opening of the meeting
2. Adoption of the Agenda
3. Consideration of the draft text: Kenya/Tanzania Maritime Agreement
4. A.O.B



ANNEX 4

AGREEMENT

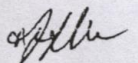
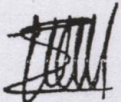
BETWEEN

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



**AGREEMENT BETWEEN THE UNITED REPUBLIC OF TANZANIA AND THE REPUBLIC OF KENYA ON THE DELIMITATION OF THE MARITIME BOUNDARY OF THE EXCLUSIVE ECONOMIC ZONES AND THE CONTINENTAL SHELF**

**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 9<sup>th</sup> 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 2006;

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 THEREFORE AGREE AS FOLLOWS:**

**Article 1**

**Scope of Agreement**

- 1.1 The Parties reaffirm the agreement that entered into force on 9<sup>th</sup> 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**

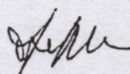
**Basis of Delimitation of the Maritime Boundary**

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 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:

Point	Latitude	Longitude
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.

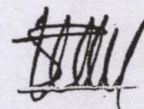
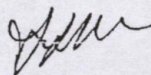
The marine chart indicating the maritime boundary line shall form an integral part of this Agreement (**attached as Annex 1**).

#### 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).

**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.

**IN WITNESS WHEREOF**, the duly authorized representatives of the Parties have signed the present Agreement at Nairobi this.....day of.....2009.

FOR

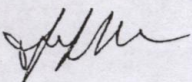
FOR

THE UNITED REPUBLIC OF TANZANIA

THE REPUBLIC OF KENYA

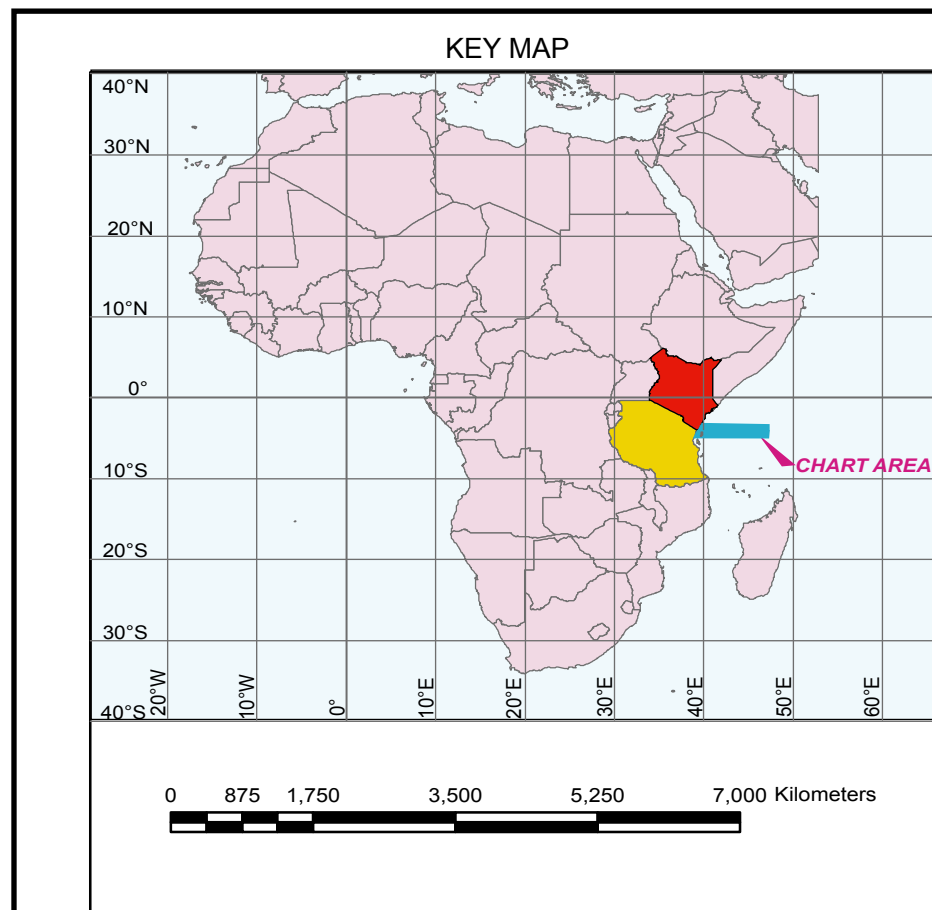
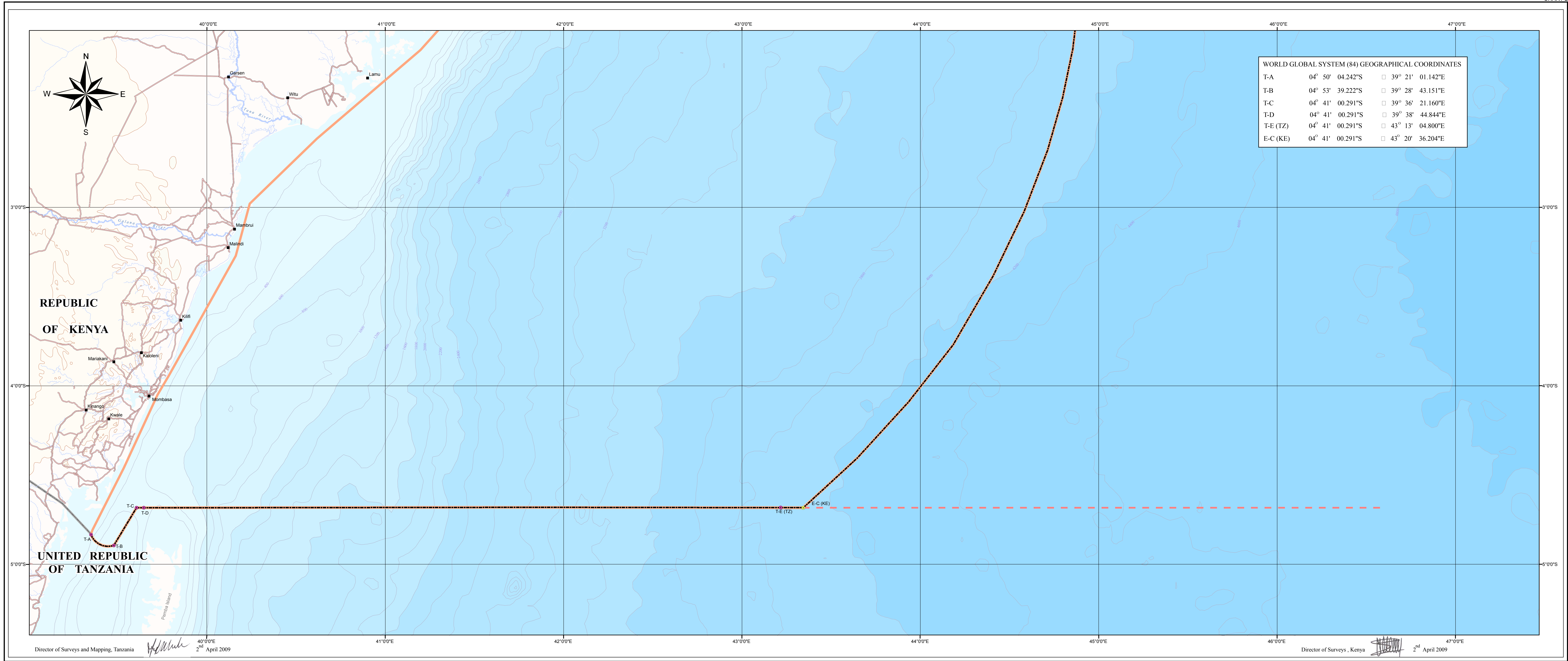
.....  
HON. BERNARD KAMILLIUS MEMBE, MP  
MINISTER FOR FOREIGN AFFAIRS  
AND INTERNATIONAL COOPERATION

.....  
HON. MOSES WETANGULA, EGH, MP  
MINISTER FOR FOREIGN AFFAIRS



# TANZANIA/KENYA MARITIME BOUNDARY

CHART 2



**NOTES**

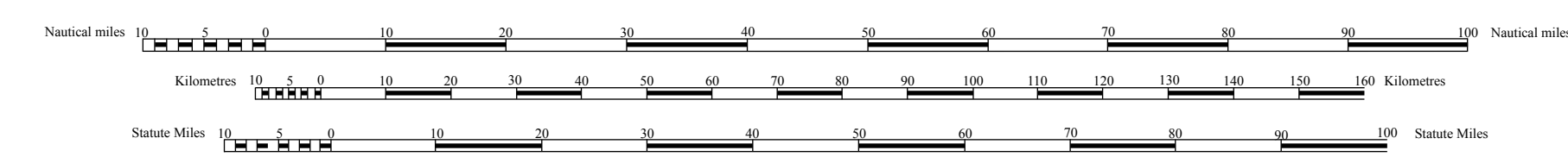
Projection □ WGS 84 Datum  
 □ WGS 84 Ellipsoid

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 Edition 3-C/S/S 1965.  
 Compiled, Drawn and Printed by the Surveys and Mapping Division  
 Ministry of Lands, Housing and Human Settlement Development.



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Scale 1 : 1,000,000



**LEGEND**

BASELINES ( LIMIT OF INTERNAL WATERS )	
EXTENT OF ECONOMIC ZONE LINE ( BETWEEN STATES )	
INTERNATIONAL BOUNDARY	
KENYA-TANZANIA MEDIAN POINTS	
CONTOUR	
ROADS	
TOWN	
RIVER	

**AGREED MINUTES OF THE MEETING ON THE EXTENDED CONTINENTAL  
SHELF (ECS) BETWEEN THE REPUBLIC OF SEYCHELLES AND THE  
UNITED REPUBLIC OF TANZANIA**

**VICTORIA, MAHE, SEYCHELLES**

**22<sup>ND</sup> – 23<sup>RD</sup> APRIL, 2009**

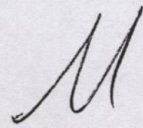
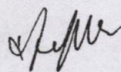
Discussions on the Extended Continental Shelf (ECS) between the Republic of Seychelles and United Republic of Tanzania held in Victoria, Mahe, Seychelles on 22<sup>nd</sup> – 23<sup>rd</sup> April, 2009.

**1. Delegations**

The meeting was co- chaired by Mr. Raymond F. Chang-Tave, Special Adviser, Ministry of National Development, heading the Seychelles delegation, and Mr. Zabron Y. Masele, Director of Surveys and Mapping, Ministry of Lands, Housing and Human Settlements Development heading the Tanzanian delegation. The list of delegates is attached as Annex 1.

**2. Opening Remarks**

- 2.1 The meeting was opened at 10.00 am by Mr. Chang-Tave who welcomed the Tanzanian delegation and wished them a pleasant stay in Seychelles. He extended a special welcome to those members of the Tanzanian delegation visiting Seychelles as part of the delegation for the first time. He expressed the wish that these discussions will continue to take place in the spirit of friendship and collaboration which had characterized the previous meetings.
- 2.2 Mr. Chang-Tave stated that the last time Seychelles and Tanzania met on Boundary Negotiations was in January 2002, when the two sides established the bilateral boundary of their EEZ. He added that some members of the Tanzanian side came to Seychelles between 14<sup>th</sup> – 21<sup>st</sup> February 2008 for the Geocap Software Training and this was in connection with the Submission for an Extended Continental Shelf, which has kept the link alive.



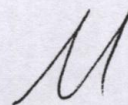
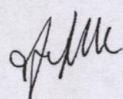
- 2.3 Mr. Chang-Tave stated that the main issue that is being put across is the Potential Area of Interest for the Extension of the Tanzanian Continental Shelf. Owing to the impending deadline of 13<sup>th</sup> May 2009, in 3 weeks time, we plan to address this issue together with you as expeditiously as possible.
- 2.4 He expressed his gratitude for the effort made by the Tanzanian side that has travelled all the way (in fact the round about route) to Seychelles to enable the two sides to look closer at this issue. He expressed the wish that the issue is addressed in the same spirit of friendship and cooperation that has all the time existed between the Republic of Seychelles and the United Republic of Tanzania.
- 2.5 On behalf of the Tanzanian delegation, Mr. Masele thanked Seychelles for her warm welcome and hospitality for acceptance to convene this meeting on a short notice amidst a tight schedule of the Government activities. He underscored the importance of the meeting in view of the short time left before the deadline date of making submission to the UN, 13<sup>th</sup> May 2009. He pinpointed that although it is evident that we are moving towards the right direction, much work still has to be done as regards the tri-junction point common to Tanzania, Comoros and Seychelles. He concluded his remarks by hoping that these discussions will be held in the same spirit of cooperation and collaboration as in the previous meetings.

### **3. Adoption of Agenda and Organisation of Work**

- 3.1 Mr. Chang-Tave tabled a draft Agenda at Annex 2 and organization of work at Annex 4.
- 3.2 The Tanzania delegation agreed to the draft Agenda and organization of work.

### **4. Potential Area of Interest for the Extension of the Continental Shelf (Tanzania) and Technical Discussions**

- 4.1. The Tanzania experts presented its case for a potential area of claim for an extended Continental Shelf as illustrated in Annex 3.



4.2. The Seychelles delegation further sought clarification on the Tanzanian "Potential Area of Claim" in particular about the baselines, data and the foot of slope points.

4.3. The Tanzania experts gave an explanation on the scientific methodologies applied in order to arrive at the conclusion on the potential area of claim for the extension of the Continental Shelf.

**5. Consideration of the proposed Draft Agreement between Tanzania and Seychelles on the Delimitation of the Maritime Boundary of the Extended Continental Shelf**

5.1. With regard to the Tanzania proposal to consider and conclude the above draft Agreement, the Seychelles delegation stated that the current practice is for States to comment by way of a *Note Verbale* once a submission has been circulated by the United Nations, therefore, an agreement is not required.

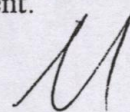
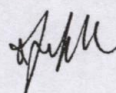
5.2. The Tanzania delegation agreed with the above clarification.

5.3. The Seychelles delegation explained that it will consider positively the Submission of Tanzania notably where it concerns the EEZ boundary from point 'a' to point T-S referred to in Annex 3 when it is circulated by the United Nations, without prejudice to future negotiations on the delimitation of international maritime boundary between the two States.

**6. A.O.B**

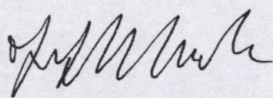
6.1. Both delegations agreed that progress has to be made with regard to negotiations on the tri-junction point common to Tanzania, Seychelles and Comoros so as to work towards the establishment of the maritime boundary among the three States.

6.2. The Seychelles delegation inquired as to whether Tanzania has ratified the Maritime Bilateral Agreement between Tanzania and Seychelles which was concluded in 2002. The Tanzania delegation explained that its law does not require ratification for such bilateral agreement.

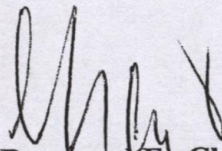


6.3 Furthermore, the Tanzania delegation informed the Meeting that Tanzania had submitted her baselines to the United Nations and that she is in the process of updating the same.

7. The meeting took place in a cordial and constructive atmosphere.



**Zabron Y. Masele**  
**Director of Surveys and Mapping**  
**Ministry of Lands, Housing and Human**  
**Settlements Development**  
**For the United Republic of Tanzania**



**Raymond F. Chang-Tave**  
**Special Adviser**  
**Ministry of National Development**  
**For the Republic of Seychelles**

23<sup>rd</sup> April 2009

Victoria, Mahe, Seychelles





## Annex 1

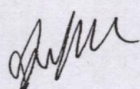
### FIRST ROUND (YEAR 2009) OF MARITIME BOUNDARY DELIMITATION MEETING OF THE TECHNICAL COMMITTEE OF THE REPUBLIC OF SEYCHELLES AND THE REPUBLIC OF TANZANIA

VICTORIA, MAHE, SEYCHELLES

22<sup>nd</sup> – 23<sup>rd</sup> April 2009

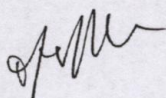
#### List of Seychelles Delegation

- |                           |   |   |
|---------------------------|---|---|
| Mr. Raymond F. Chang-Tave | - | Special Adviser, Ministry of National<br>Development<br><b>Head of Delegation</b> |
| Mr. Michael Rosette       | - | Hydrographer (MENRT)  |
| Mr. Selby Pillay          | - | Director General- Multilateral Affairs (MFA)                                      |
| Mrs. Fiona Robinson       | - | Principal Legislative Draftsperson (AG's<br>Chambers)                             |
| Mr. Patrick Joseph        | - | Exploration Manager, SEYPEC   |
| Mr. Patrick Samson        | - | Senior Geologist, SEYPEC  |
| Mr. Francis Coeur de Lion | - | Director Geographic Information System and<br>IT Support Services (MND)           |



**List of Tanzanian Delegation**

- |                         |   |   |
|-------------------------|---|---|
| Mr. Zabron Y. Masele    | - | Director of Survey and Mapping -<br><b>Head of Delegation</b> |
| Mr. Donald L. Chidowu   | - | Principal State Attorney, Attorney<br>General's Office        |
| Mr. Richard A. Maridadi | - | Foreign Service Officer                                       |
| Mr. Haji Adam Haji      | - | Director of Survey (Zanzibar)                                 |
| Mr. Issa A. Hemed       | - | Lecturer (Ardhi University)                                   |
| Mr. John A. Msemwa      | - | Assistant Director (Geodesy)                                  |
| Mr. Justo Lyamuya       | - | Assistant Director (Hydrography)                              |



**Annex 2**

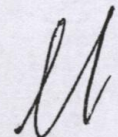
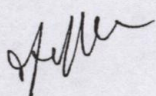
**AGENDA**

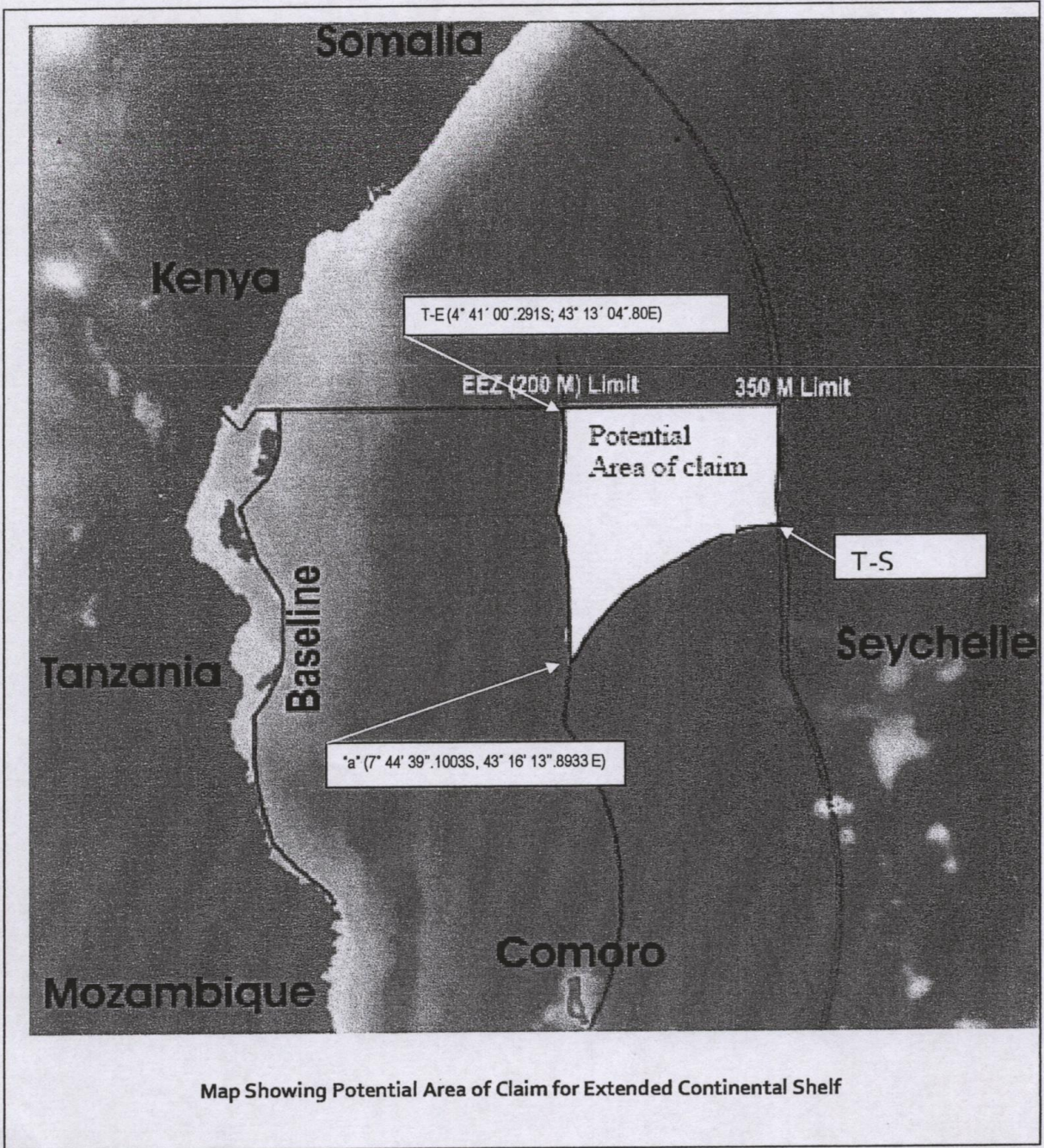
**FIRST ROUND (YEAR 2009) OF MARITIME BOUNDARY DELIMITATION  
MEETING OF THE TECHNICAL COMMITTEE OF THE REPUBLIC OF SEYCHELLES  
AND THE REPUBLIC OF TANZANIA**

**22<sup>nd</sup> – 23<sup>rd</sup> April 2009**

1. Opening of the Meeting
2. Adoption of Agenda
3. Potential Area of Interest for the Extension of the Continental Shelf
4. Consideration of the proposed Draft Agreement between Tanzania and Seychelles on the Delimitation of the Maritime Boundary of the Extended Continental Shelf

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*Speller*

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