

Translated from French

Democratic Republic of the Congo

Law delimiting the maritime areas of the Democratic Republic of the Congo

Kinshasa 2009

Statement of reasons

The United Nations Convention on the Law of the Sea of 10 December 1982, ratified by the Democratic Republic of the Congo, at that time the Republic of Zaire, by decree-law No. 88/036 of 28 September 1988, enshrines the fundamental right of every coastal State to the following maritime areas: internal waters, territorial sea, contiguous zone, exclusive economic zone and continental shelf.

The coastal State either exercises its sovereignty, or has sovereign rights over, the areas concerned, notwithstanding other established rights enjoyed by all States, whether coastal States or otherwise over the high seas, or the Area, the common heritage of mankind, which are more or less international.

The Democratic Republic of the Congo, which has a coastline of about 40 kilometres, has never fully determined its maritime borders.

Law No. 74-009 of 10 July 1974 established the outer limit of the territorial sea of the Republic of Zaire at 12 nautical miles.

However, that law did not specify the points used for drawing the lateral borders and did not delimit the contiguous zone or the exclusive economic zone, and still less the continental shelf. It merely established the guidelines that should govern the delimitation of the maritime borders of the country.

The purpose of the law was the exploitation of the continental shelf to the extent that the Geneva Conventions of 29 April 1958, from which the law derived, recognized the right of a coastal State to engage in exploration for, and exploitation of, oil along its coast and offshore. Those conventions also enshrined the right of a coastal State over its continental shelf, albeit in imprecise terms.

On the basis, in particular, of article 9, paragraph 1, of the Constitution of 18 February 2006 which asserts the permanent sovereignty of the Democratic Republic of the Congo over its maritime areas, and on the basis of the relevant provisions of the United Nations Convention on the Law of the Sea of 1982, the present law establishes the maritime borders and enshrines the country's fundamental right to those maritime areas.

It is true that, with respect to the delimitation of maritime areas, international law leaves scope for negotiations between States having opposite or adjacent coasts.

The delimitation takes account of the principle of equity and of the special regional circumstances set forth in the Montego Bay Convention. It relies on the application of the method of perpendiculars to the general line of the coasts of the Gulf of Guinea.

That method enables the Democratic Republic of the Congo to have access to the high seas.

In order to establish the baseline, reference was made to the following charts:

- The chart comprising Banda Point, from the river Coanza on a scale of 1/1,103,366 (lat. 6°45') published by SHOM, Paris, 1874;
- The chart from Cape Lopex to Luanda, on a scale of 1/1,000,000 at latitude 15°00' published in December 1959 and republished in 2005 by the Admiralty;

- The chart of the sea coast from Sierra Leone to Luanda, on a scale of 1/3,500,000, published by SHOM, 1987, updated for the production of chart INT 209 published by the United Kingdom of Great Britain and Northern Ireland, 986th edition;
- The chart of the Bay of Loango at Rio Lucunga on a scale of 1/300,000 at latitude 6°00', No. 8, edition of January 2008, published by the Admiralty;
- The chart showing the mouth of the River Congo, Admiralty edition of May 2008, WGS 84.

The Caris Lots software approved by the United Nations for the digitalization and calculation of the baselines and boundaries of maritime areas of any coastal country was also used.

Such is the overall scope of the present law.

Law No. 09/002 of 7 May 2009 delimiting the maritime areas of the Democratic Republic of the Congo

After adoption by the National Assembly and the Senate:

The President of the Republic promulgates the law, the substance of which is as follows:

Article 1

The present law delimits the maritime areas of the Democratic Republic of the Congo in accordance with article 9, paragraph 1, of the Constitution and the United Nations Convention on the Law of the Sea of 10 December 1982.

Article 2

The baseline from which the breadth of those areas is measured is the low-water line along the Congolese coast of geodetic points 1 to 22 and a straight line between the latter point and point 23.

The baseline is oriented north-north-west/south-south-west (NNW-SSE) and east-south-south/south (ESS-S).

It is established by straight lines linking the geodetic points defined by the following geographical coordinates:

<i>Number</i>	<i>Latitude</i>	<i>Longitude</i>
1	5°46'22,83703"S	12°12'09,11244"E
2	5°47'39,68602"S	12°13'04,83724"E
3	5°47'54,60931"S	12°13'12,36477"E
4	5°48'16,20841"S	12°13'20,62390"E
5	5°48'32,00255"S	12°13'28,85866"E
6	5°49'09,10201"S	12°13'59,05817"E
7	5°49'31,82376"S	12°14'21,87648"E
8	5°50'53,06962"S	12°15'34,33904"E
9	5°51'34,60305"S	12°16'07,31056"E
10	5°51'42,19815"S	12°16'09,75741"E
11	5°52'07,90568"S	12°16'22,95903"E
12	5°52'50,93534"S	12°17'01,37703"E
13	5°53'24,28553"S	12°17'25,11393"E
14	5°54'26,62127"S	12°18'48,15242"E
15	5°54'32,93776"S	12°18'54,16793"E
16	5°55'39,61784"S	12°20'07,71979"E
17	5°56'44,14689"S	12°20'38,00872"E
18	5°57'58,63590"S	12°21'39,39136"E
19	5°59'02,79412"S	12°22'33,05950"E
20	5°59'59,54425"S	12°23'29,96302"E

<i>Number</i>	<i>Latitude</i>	<i>Longitude</i>
21	6°00'36,89930"S	12°23'50,74906"E
22	6°01'25,67138"S	12°24'05,95856"E
23	6°03'10,56013"S	12°21'46,47991"E

Article 3

The lateral northern limit from point 1 of the baseline perpendicular to the general direction of the coast is oriented north-east-east/south-west-west (NEE-SWW).

It is established by a geodetic line linking points 1, 42, 43 and 57 defined by the following geographical coordinates:

<i>Number</i>	<i>Latitude</i>	<i>Longitude</i>
1	5°46'22,83703"S	12°12'09,11244"E
42	5°50'00,74050"S	12°00'41,73422"E
43	5°53'35,89325"S	11°49'11,98231"E
57	6°46'11,53265"S	9°00'26,36735"E

Article 4

The lateral southern limit from point 23 of the baseline perpendicular to the general direction of the coast is oriented north-east-east/south-west-west (NEE-SWW).

It is established by a geodetic line linking points 23, 24, 56 and 65 defined by the following geographical coordinates:

<i>Number</i>	<i>Latitude</i>	<i>Longitude</i>
23	6°03'10,56013"S	12°21'46,47991"E
24	6°06'45,70692"S	12°10'16,45161"E
56	6°10'20,85377"S	11°58'46,34202"E
65	7°03'54,18242"S	9°06'49,49873"E

Article 5

The territorial sea shall extend as far as an outer limit established at 12 nautical miles from the baseline.

That limit is established by a line linking the geodetic points having the following geographical coordinates:

<i>Number</i>	<i>Latitude</i>	<i>Longitude</i>
24	6°06'45,70692"S	12°10'16,45161"E
25	6°05'28,47982"S	12°09'56,99873"E
26	6°03'48,29394"S	12°09'44,74822"E

<i>Number</i>	<i>Latitude</i>	<i>Longitude</i>
27	6°02'38,44878"S	12°09'40,56988"E
28	6°01'55,79015"S	12°08'54,09596"E
29	6°00'59,50730"S	12°08'03,50061"E
30	6°00'11,98787"S	12°07'25,55409"E
31	5°59'13,06509"S	12°06'38,34043"E
32	5°58'07,55616"S	12°05'51,65516"E
33	5°57'21,07433"S	12°05'09,43275"E
34	5°56'36,90295"S	12°04'31,07165"E
35	5°55'57,33750"S	12°03'59,48207"E
36	5°55'05,94436"S	12°03'22,89311"E
37	5°54'33,64593"S	12°03'03,13133"E
38	5°53'55,76296"S	12°02'42,68671"E
39	5°53'26,52405"S	12°02'24,21745"E
40	5°52'15,33785"S	12°01'39,23929"E
41	5°50'55,59324"S	12°01'01,29277"E
42	5°50'00,74050"S	12°00'41,73422"E

Article 6

The contiguous zone shall extend to a distance of 12 nautical miles from the outer limit of the territorial sea.

The outer limit of that zone is established by a line linking the geodetic points having the following geographical coordinates:

<i>Number</i>	<i>Latitude</i>	<i>Longitude</i>
43	5°53'35,89325"S	11°49'11,98231"E
44	5°55'49,62129"S	11°50'00,90308"E
45	5°57'21,18014"S	11°50'43,47504"E
46	5°58'27,77309"S	11°51'19,53561"E
47	5°59'53,45669"S	11°52'12,94362"E
48	6°00'56,85425"S	11°52'49,97155"E
49	6°02'00,77056"S	11°53'30,59253"E
50	6°03'22,51427"S	11°54'29,84535"E
51	6°04'37,50871"S	11°55'30,59392"E
52	6°05'34,27339"S	11°56'20,70153"E
53	6°06'18,05817"S	11°56'53,47796"E
54	6°07'52,31287"S	11°58'07,97279"E
55	6°09'00,10436"S	11°58'23,73506"E
56	6°10'20,85377"S	11°58'46,34202"E

Article 7

The exclusive economic zone shall extend to a distance of 200 nautical miles from the baseline.

The outer limit of that zone is established by a line linking the geodetic points having the following geographical coordinates:

<i>Number</i>	<i>Latitude</i>	<i>Longitude</i>
57	6°46'11,53265"S	9°00'26,36735"E
58	6°48'58,18154"S	9°01'25,01862"E
59	6°51'55,51400"S	9°02'20,28006"E
60	6°54'16,25527"S	9°03'07,10353"E
61	6°56'40,37205"S	9°03'59,17025"E
62	6°58'02,54255"S	9°04'30,10137"E
63	7°00'18,33917"S	9°05'20,61544"E
64	7°02'05,86231"S	9°05'58,42376"E
65	7°03'54,18242"S	9°06'49,49873"E

Article 8

The continental shelf shall extend to 350 nautical miles from the baseline or to 100 nautical miles from the 2,500 metre isobath.

Article 9

The geodetic points defined in articles 2, 3, 4, 5, 6 and 7 are established by reference to the world geodetic system of 1984 (WGS 84).

Article 10

Law No. 74-009 of 10 July 1974 delimiting the territorial sea of the Republic of Zaire is hereby abrogated.

Article 11

The present law shall enter into force on the date of its promulgation.

Done at Kinshasa on 7 May 2009

(Signed) Joseph **Kabila Kabange**
