

**No. 15603**

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**KENYA  
and  
UNITED REPUBLIC OF TANZANIA**

**Exchange of notes constituting an agreement on the territorial sea boundary (with annexed map). Nairobi, 17 December 1975, and Dar es Salaam, 9 July 1976**

*Authentic text: English.*

*Registered by Kenya on 18 April 1977.*

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**KENYA  
et  
RÉPUBLIQUE-UNIE DE TANZANIE**

**Échange de notes constituant un accord relatif à la délimitation des eaux territoriales (avec carte annexe). Nairobi, 17 décembre 1975, et Dar es-Salam, 9 juillet 1976**

*Texte authentique : anglais.*

*Enregistré par le Kenya le 18 avril 1977.*

# EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE REPUBLIC OF KENYA AND THE UNITED REPUBLIC OF TANZANIA ON THE TERRITORIAL SEA BOUNDARY

## I

December 17th, 1975

MFA.273/430/001A/120

Your Excellency,

I have the honour to refer to the meetings held between officials of the United Republic of Tanzania and of the Republic of Kenya on 8th May 1972 at Mombasa, Kenya, and from 6th to 8th August 1975 at Arusha, Tanzania, and on 4th September 1975 at Dar es Salaam, Tanzania, on the delimitation of the territorial waters boundary between our two countries and to state that, as a result of the said meetings, the following points were agreed:

### 1. *Boundary*

#### *Base Lines*

- (a) Ras Jimbo beacon–Kisite Island (rock);
- (b) Ras Jimbo–Mwamba-wamba beacon;
- (c) Mwamba-wamba beacon–Fundo Island beacon (rock);
- (d) Fundo Island beacon (rock)–Ras Kigomasha lighthouse;
- (e) Kisite Island (rock)–Mpunguti ya Juu lighthouse.

### 2. *The Description of the Boundary*

(a) *On the West.* The median line between the Ras Jimbo beacon–Kisite Island/Ras Jimbo–Mwamba-wamba beacon base lines to a point 12 nautical miles from Ras Jimbo, up to a point hereinafter referred to as “A”, located at 4° 49' 56" S and 39° 20' 58" E.

(b) *On the East.* The median line derived by the Intersection of two arcs each being 12 nautical miles drawn from Mpunguti ya Juu lighthouse and Ras Kigomasha lighthouse respectively, hereinafter referred to as point “B”, located at 4° 53' 31" S and 39° 28' 40" E and point C, located at 4° 40' 52" S and 39° 36' 18" E.

(c) *On the South.* An arc with the centre as the Northern Intersection of arcs with radii 6 nautical miles from point “A”, as described in paragraph 2 (a) above, and point “B” which is the Southern Intersection of arcs from Ras Kigomasha lighthouse and Mpunguti ya Juu lighthouse.

(d) The eastward boundary from point “C”, which is the Northern Intersection of arcs from Ras Kigomasha lighthouse and Mpunguti ya Juu lighthouse as described under paragraph 2 (b) above, shall be the latitude extending eastwards to a point where it intersects the outermost limits of territorial water boundary or areas of national jurisdiction of two States.

(e) The marine charts of 1:250,000 describing the co-ordinates of the above points shall form an integral part of this Agreement.

### 3. *Fishing and Fisheries*

(a) It was agreed that indigenous fishermen from both countries, engaged in fishing for subsistence, be permitted to fish within 12 nautical miles of either side of the territorial sea boundary in accordance with existing regulations.

<sup>1</sup> Came into force on 9 July 1976, the date of the note in reply, in accordance with the provisions of the said notes.

(b) It was agreed that there be reciprocal recognition of fisheries' licences, regulations and practices of either State applicable to indigenous fishermen aforesaid. The fishing within the area specified in paragraph 3 (a). [*Sic.*]

After due consideration of the said points of agreement, including the attached map<sup>1</sup> describing the co-ordinates of the boundary as delimited, the Government of the Republic of Kenya hereby confirms that it accepts the above recommendations, having been fully convinced that they are for the mutual benefit of our two countries.

If the Government of the United Republic of Tanzania is of the same view, then it is suggested that this Note and your reply thereto in the affirmative shall constitute an agreement for the territorial waters boundary between our two States and other related matters referred to above, and the same shall enter into force on the date of the receipt of your said Note in reply.

Accept, Your Excellency, the assurances of my highest consideration.

Yours,

Dr. MUNYUA WAIYAKI  
Minister for Foreign Affairs

H.E. Mr. Ibrahim Kaduma, M.P.  
Minister for Foreign Affairs  
United Republic of Tanzania  
Dar es Salaam, Tanzania

## II

THE UNITED REPUBLIC OF TANZANIA  
MINISTRY OF FOREIGN AFFAIRS  
DAR ES SALAAM

9th July 1976

FAC/B.70.13/110

Your Excellency,

I have the honour to acknowledge receipt of your letter Ref. No. MFA.273/430/001A/120 of 17th December 1975, which reads as follows:

[*See note I*]

I have the honour to confirm that the foregoing is acceptable to the Government of the United Republic of Tanzania.

Please accept, Your Excellency, the assurances of my highest consideration.

IBRAHIM M. KADUMA  
Minister for Foreign Affairs

H.E. Dr. Munyua Waiyaki  
Minister for Foreign Affairs  
Office of the Minister  
Nairobi, Kenya

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<sup>1</sup> See insert in a pocket at the end of this volume.