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MAPS

(A0 Executive Summary map supplied separately)

The outer limit of the continental shelf of
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1. INTRODUCTION

1-1

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

- 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

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

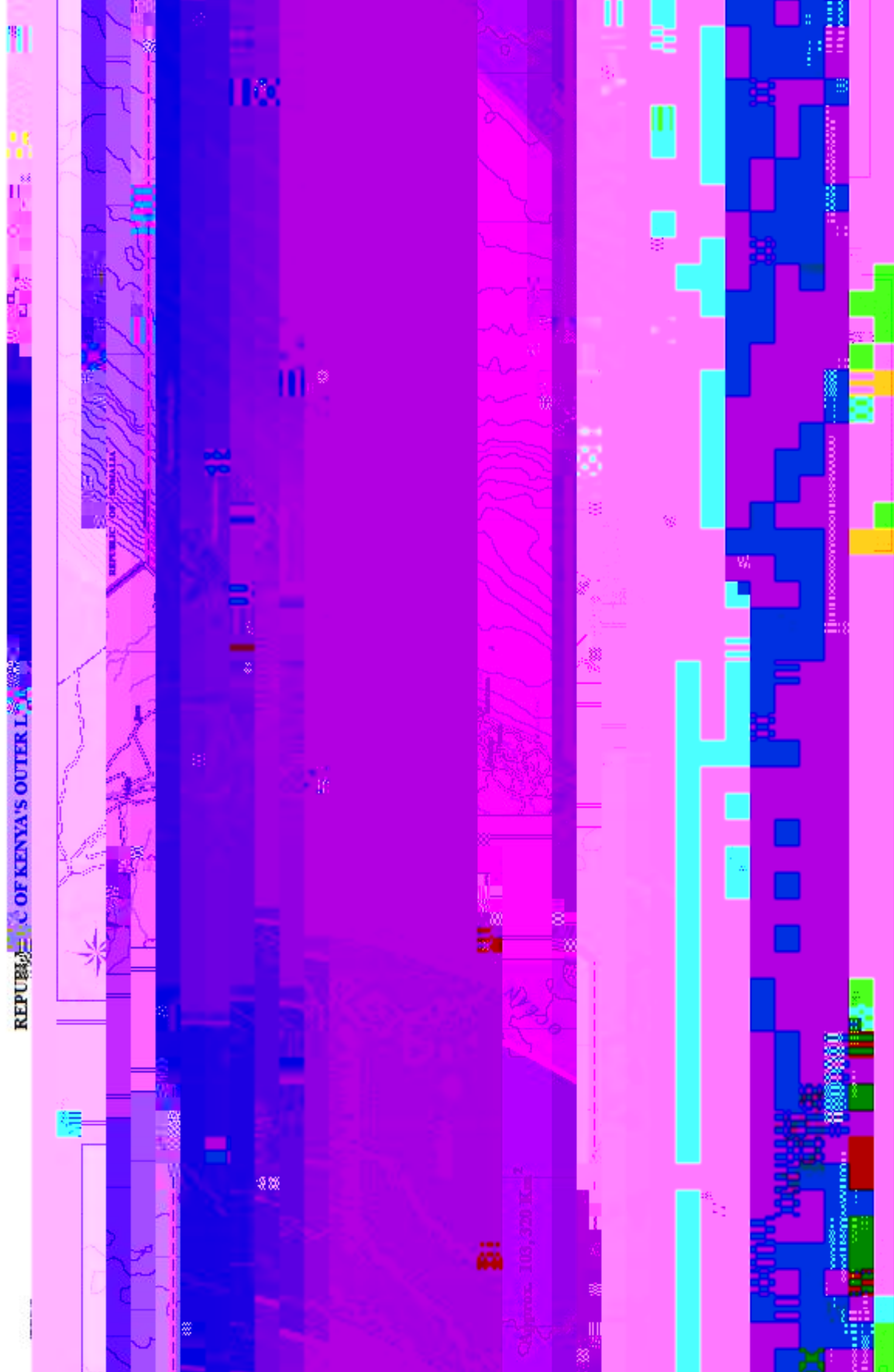
2-1 As provided for under paragraph 1 of Article 76 of the Convention, Kenya has a continental shelf comprising the seabed and subsoil of the submarine areas that extends beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin,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

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.



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

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

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

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

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

- 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.

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.

KEN-ES-DOC-Map 2

9. NOTE OF AUTHENTICATION

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.

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