

Mozambique and Tanzania

Maritime Boundaries Delimitation Agreement between Mozambique and Tanzania

Preliminary remarks

The Maritime Boundaries Delimitation Agreement between the People's Republic of Mozambique and the United Republic of Tanzania entered into force on 29 July 1993 after the two countries exchanged their instruments of ratification in Dar es Salaam, the capital of Tanzania. This Agreement was signed in Maputo, the capital of Mozambique on 28 December 1988. The coming into effect of this agreement was subject to ratification and exchange of instruments of ratification by the two states.¹

The exchange of the instruments of ratification took a long time, taking into consideration the fact that the said agreement was signed in 1988. Records available at the Ministry of Foreign Affairs and International Co-operation indicate that the President of Tanzania, Ali Hassan Mwinyi, signed the Tanzanian instrument of ratification on 17 June 1993. There is no explanation on the part of Tanzania as to why it took so long to sign the said instrument, thereby delaying the coming into force of the agreement. It is my view that two reasons could be ascribed to this delay. The first relates to the general *laissez faire* attitude on the part of the Tanzanian authorities in signing or ratifying agreements dealing with marine affairs which the country has taken an active part in negotiating.² It seems to me that although Tanzania is a coastal state, matters relating to marine affairs rank low among the priorities of that country.

The other reason relates to the cordial relationship existing between these two states. Owing to the fact that Mozambique and Tanzania are good neighbours, and since the said Agreement was not motivated by the desire to solve any crisis, probably the two states did not see any urgency in effecting this agreement, which not only delimits maritime boundaries but also the land boundary.³

The delimitation of maritime boundaries between coastal states is not a new

¹ See Article VIII of the Agreement between the Government of the United Republic of Tanzania and the Government of the People's Republic of Mozambique Regarding the Tanzania/Mozambique Boundary, reprinted in the Appendix below.

² Tanzania has not ratified a number of conventions dealing with the marine environment. For example, it participated in the negotiations for the adoption of MARPOL 73/78 and it even signed the Final Act, but has not up to now ratified the same. Tanzania also actively participated in the adoption of the Nairobi Convention 1985 on the Protection and Preservation of the Marine Environment in the Eastern African Region but has not ratified this important regional instrument.

³ Article I of the Agreement describes the land boundary between the two states.

practice in the law of the sea, particularly where the territorial sea and fishery zones are concerned. The conclusion of the 1982 LOS Convention, (hereinafter referred to as the Convention), did not alter the existing rules of international law dealing with delimitation of maritime boundaries between opposite and adjacent states. Tanzania is a party to this Convention which is due to come into force on 16 November 1994, whereas Mozambique has only signed the said Convention.⁴ By signing the Convention the two states had committed themselves to respect its provisions and to be guided by its principles when dealing with matters relating to the law of the sea. It is therefore not surprising to find out that the preamble to the Maritime Boundaries Delimitation Agreement between Mozambique and Tanzania states, *inter alia*, that in concluding this agreement the two states were inspired by the principles of the Convention which they were both signatories.

Analysis of the Agreement

The Agreement between the two governments regarding the Tanzania/Mozambique boundary has eight articles, each of which deals with a particular subject. This agreement provides for delimitation of three maritime zones, i.e., internal waters, territorial waters and the EEZ. The delimitation of internal waters boundary between the two states is provided for by a straight line. Article II of the said agreement stipulates that:

“The outer limit of the internal waters of the two countries is delimited by means of a straight line drawn across the mouth of the Ruvuma Bay from Ras Matunda, located at latitude 10° 21' 32"S and longitude 40° 27' 35"E to Cabo Suafo, located at latitude 10° 28' 14"S and longitude 40° 31' 33"E.

All waters on the landward side of this line constitute the internal waters of the two countries.

The internal waters are apportioned by means of a straight line drawn across the Ruvuma Bay from a point hereinafter referred to as point B, located at latitude 10° 24' 53"S and longitude 40° 29' 34"E which is the mid-point of the line demarcating the outer limit of such waters, that is to say, between Ras Matunda and Cabo Suafo to point A, the mid-point of the line drawn across the mouth of the Ruvuma River between Ras Mwambo and Ras Ruvuma.

The waters bounded by points A, B and Ras Matunda belong to the United Republic of Tanzania, and the waters bounded by points A, B and Cabo Suafo belong to the People's Republic of Mozambique.” [see map 1]

⁴ The Convention has already received sixty ratifications and in accordance with the provisions of Article 308, it “shall enter into force 12 months after the date of the deposit of the sixtieth instrument of ratification or accession.” See *The Law of the Sea: Official Text of the United Nations Convention on the Law of the Sea with Annexes and Index* (United Nations, New York, 1983). Tanzania ratified the Convention on 30 September 1985.