



INTERNATIONAL COURT OF JUSTICE

Peace Palace, Carnegieplein 2, 2517 KJ The Hague, Netherlands

Tel.: +31 (0)70 302 2323 Fax: +31 (0)70 364 9928

Website: www.icj-cij.org

Press Release

Unofficial

No. 2015/27

12 October 2015

Maritime Delimitation in the Indian Ocean (Somalia v. Kenya)

Fixing of time-limit for the filing by Somalia of a written statement of its observations and submissions on the preliminary objections raised by Kenya

THE HAGUE, 12 October 2015. By an Order of 9 October 2015, the International Court of Justice (ICJ), the principal judicial organ of the United Nations, has fixed 5 February 2016 as the time-limit within which the Federal Republic of Somalia may present a written statement of its observations and submissions on the preliminary objections raised by the Republic of Kenya on 7 October 2015 in the case concerning Maritime Delimitation in the Indian Ocean (Somalia v. Kenya).

The subsequent procedure has been reserved for further decision.

History of the proceedings

On 28 August 2014, the Federal Republic of Somalia filed an Application instituting proceedings against the Republic of Kenya with regard to a dispute concerning the delimitation of maritime spaces claimed by both States in the Indian Ocean.

In its Application, Somalia contends that both States “disagree about the location of the maritime boundary in the area where their maritime entitlements overlap”, and asserts that “[d]iplomatic negotiations, in which their respective views have been fully exchanged, have failed to resolve this disagreement”.

In consequence, Somalia requests the Court “to determine, on the basis of international law, the complete course of the single maritime boundary dividing all the maritime areas appertaining to Somalia and to Kenya in the Indian Ocean, including the continental shelf beyond 200 [nautical miles]”. The Applicant further asks the Court “to determine the precise geographical co-ordinates of the single maritime boundary in the Indian Ocean”.

As a basis for the Court’s jurisdiction, the Applicant relies on the provisions of Article 36, paragraph 2, of the Statute and refers to the declarations recognizing the compulsory jurisdiction of the Court made by Somalia and Kenya on 11 April 1963 and 19 April 1965, respectively.

Somalia further maintains that “[t]he jurisdiction of the Court under Article 36, paragraph 2, of its Statute is underscored by Article 282 of UNCLOS [the United Nations Convention on the Law of the Sea]”, both the Parties having ratified that Convention in 1989.

By an Order of 16 October 2014, the President of the International Court of Justice fixed 13 July 2015 and 27 May 2016 as the respective time-limits for the filing of a Memorial by Somalia and a Counter-Memorial by Kenya.

The Memorial of Somalia was filed within the time-limit thus fixed.

On 7 October 2015, Kenya raised certain preliminary objections to the jurisdiction of the Court and to the admissibility of the Application. In accordance with Article 79, paragraph 5, of the Rules of Court, the proceedings on the merits have been suspended.

The full text of the Court’s Order will be available shortly on the Court’s website (www.icj-cij.org), in the case documents under “Cases”/“Pending Cases”.

Note: The Court’s press releases do not constitute official documents.

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The seat of the Court is at the Peace Palace in The Hague (Netherlands). Of the six principal organs of the United Nations, it is the only one not located in New York. The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States (its judgments have binding force and are without appeal for the parties concerned); and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. Independent of the United Nations Secretariat, it is assisted by a Registry, its own international secretariat, whose activities are both judicial and diplomatic, as well as administrative. The official languages of the Court are French and English. Also known as the “World Court”, it is the only court of a universal character with general jurisdiction.

The ICJ, a court open only to States for contentious proceedings, and to certain organs and institutions of the United Nations system for advisory proceedings, should not be confused with the other — mostly criminal — judicial institutions based in The Hague and adjacent areas, such as the International Criminal Tribunal for the former Yugoslavia (ICTY, an ad hoc court created by the Security Council), the International Criminal Court (ICC, the first permanent international criminal court, established by treaty, which does not belong to the United Nations system), the Special Tribunal for Lebanon (STL, an international judicial body with an independent legal personality, established by the United Nations Security Council upon the request of the Lebanese Government and composed of Lebanese and international judges), or the Permanent Court of Arbitration (PCA, an independent institution which assists in the establishment of arbitral tribunals and facilitates their work, in accordance with the Hague Convention of 1899).

Information Department:

Mr. Andrey Poskakukhin, First Secretary of the Court, Head of Department (+31 (0)70 302 2336)

Mr. Boris Heim, Information Officer (+31 (0)70 302 2337)

Ms Joanne Moore, Associate Information Officer (+31 (0)70 302 2394)

Ms Genoveva Madurga, Administrative Assistant (+31 (0)70 302 2396)