



INTERNATIONAL COURT OF JUSTICE

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Press Release

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

The Court determines the course of the maritime boundary between the Federal Republic of Somalia and the Republic of Kenya

THE HAGUE, 12 October 2021. The International Court of Justice, the principal judicial organ of the United Nations, has today delivered its Judgment in the case concerning *Maritime Delimitation in the Indian Ocean (Somalia v. Kenya)*.

In its [Judgment](#), which is final, without appeal and binding on the Parties, the Court:

(1) Unanimously,

Finds that there is no agreed maritime boundary between the Federal Republic of Somalia and the Republic of Kenya that follows the parallel of latitude described in paragraph 35 [of the Judgment];

(2) Unanimously,

Decides that the starting-point of the single maritime boundary delimiting the respective maritime areas between the Federal Republic of Somalia and the Republic of Kenya is the intersection of the straight line extending from the final permanent boundary beacon (PB 29) at right angles to the general direction of the coast with the low-water line, at the point with co-ordinates 1° 39' 44.0" S and 41° 33' 34.4" E (WGS 84);

(3) Unanimously,

Decides that, from the starting-point, the maritime boundary in the territorial sea follows the median line described at paragraph 117 [of the Judgment] until it reaches the 12-nautical-mile limit at the point with co-ordinates 1° 47' 39.1" S and 41° 43' 46.8" E (WGS 84) (Point A);

(4) By ten votes to four,

Decides that, from the end of the boundary in the territorial sea (Point A), the single maritime boundary delimiting the exclusive economic zone and the continental shelf up to 200 nautical miles between the Federal Republic of Somalia and the Republic of Kenya follows the geodetic line starting with azimuth 114° until it reaches the 200-nautical-mile limit measured from the baselines from

which the breadth of the territorial sea of the Republic of Kenya is measured, at the point with co-ordinates 3° 4' 21.3" S and 44° 35' 30.7" E (WGS 84) (Point B);

IN FAVOUR: *President* Donoghue; *Vice-President* Gevorgian; *Judges* Tomka, Bennouna, Xue, Sebutinde, Robinson, Iwasawa, Nolte; *Judge ad hoc* Guillaume;

AGAINST: *Judges* Abraham, Yusuf, Bhandari, Salam;

(5) By nine votes to five,

Decides that, from Point B, the maritime boundary delimiting the continental shelf continues along the same geodetic line until it reaches the outer limits of the continental shelf or the area where the rights of third States may be affected;

IN FAVOUR: *President* Donoghue; *Vice-President* Gevorgian; *Judges* Tomka, Bennouna, Xue, Sebutinde, Iwasawa, Nolte; *Judge ad hoc* Guillaume;

AGAINST: *Judges* Abraham, Yusuf, Bhandari, Robinson, Salam;

(6) Unanimously,

Rejects the claim made by the Federal Republic of Somalia in its final submission number 4 [concerning the allegation that the Republic of Kenya, by its conduct in the disputed area, had violated its international obligations].

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President DONOGHUE appends a separate opinion to the Judgment of the Court; Judges ABRAHAM and YUSUF append separate opinions to the Judgment of the Court; Judge XUE appends a declaration to the Judgment of the Court; Judge ROBINSON appends an individual, partly concurring and partly dissenting, opinion to the Judgment of the Court; Judge *ad hoc* GUILLAUME appends a separate opinion to the Judgment of the Court.

Annex: Sketch-map No 13 of the Judgment: Course of the maritime boundary as determined by the Court.

History of the proceedings (see also [press releases](#) Nos. 2014/27, 2017/5, 2020/13, 2021/13 and 2021/22 available on the Court's website)

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

In its Application, Somalia requested 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]”.

As basis for the Court’s jurisdiction, the Applicant invoked the provisions of Article 36, paragraph 2, of the Statute, and referred to the declarations recognizing the Court’s jurisdiction as compulsory made under those provisions by Somalia on 11 April 1963 and by Kenya on 19 April 1965.

On 7 October 2015, Kenya raised preliminary objections to the jurisdiction of the Court and the admissibility of the Application.

On 2 February 2017, the Court rendered its Judgment on the preliminary objections raised by Kenya. The Court rejected those objections, finding that “it ha[d] jurisdiction to entertain the Application filed by the Federal Republic of Somalia on 28 August 2014 and that the Application [was] admissible”.

Public hearings on the merits of the case, initially scheduled to be held from 9 to 13 September 2019, were successively postponed to November 2019, June 2020 and March 2021, following requests for postponements made by Kenya. The hearings were held in a hybrid format between 15 and 18 March 2021, with the participation of the delegation of Somalia. Kenya did not participate in the hearings.

A summary of the Judgment appears in the document entitled “Summary 2021/3”, to which summaries of the opinions and declarations are annexed. This press release, the summary and the full text of the Judgment are available on the Court’s website under the heading [Cases](#).

Note: The Court’s press releases are prepared by its Registry for information purposes only and 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 Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. The seat of the Court is at the Peace Palace in The Hague (Netherlands). The Court has a twofold role: first, to settle, in accordance with international law, through judgments which have binding force and are without appeal for the parties concerned, legal disputes submitted to it by States; and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system.

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— Sketch-map No. 13: Course of the maritime boundary

