

INTERNATIONAL COURT OF JUSTICE

YEAR 2018

**2018
2 February
General List
No. 161**

2 February 2018

MARITIME DELIMITATION IN THE INDIAN OCEAN

(SOMALIA v. KENYA)

ORDER

Present: *President* ABRAHAM; *Vice-President* YUSUF; *Judges* OWADA, TOMKA, CANÇADO TRINDADE, GREENWOOD, XUE, DONOGHUE, GAJA, BHANDARI, ROBINSON, GEVORGIAN; *Judge ad hoc* GUILLAUME; *Registrar* COUVREUR.

The International Court of Justice,

Composed as above,

After deliberation,

Having regard to Article 48 of the Statute of the Court and to Articles 31, 44, 45, paragraph 2, 48 and 49 of the Rules of Court,

Having regard to the Application filed in the Registry of the Court on 28 August 2014, whereby the Federal Republic of Somalia instituted proceedings against the Republic of Kenya concerning a dispute in relation to “the establishment of the single maritime boundary between Somalia and Kenya in the Indian Ocean delimiting the territorial sea, exclusive economic zone . . . and continental shelf, including the continental shelf beyond 200 nautical miles”,

Having regard to the Order of 16 October 2014, whereby the President of the Court fixed 13 July 2015 as the time-limit for the filing of the Memorial of the Federal Republic of Somalia and 27 May 2016 as the time-limit for the filing of the Counter-Memorial of the Republic of Kenya,

Having regard to the Memorial of the Federal Republic of Somalia filed within the time-limit thus fixed,

Having regard to the preliminary objections to the jurisdiction of the Court and to the admissibility of the Application raised by the Government of the Republic of Kenya on 7 October 2015,

Having regard to the Judgment dated 2 February 2017, whereby the Court found that it had jurisdiction to entertain the Application filed by the Federal Republic of Somalia on 28 August 2014 and that the Application was admissible,

Having regard to the Order of 2 February 2017, by which the Court fixed 18 December 2017 as the new time-limit for the filing of a Counter-Memorial by the Republic of Kenya,

Having regard to the Counter-Memorial duly filed by the Republic of Kenya within that time-limit;

Whereas, at a meeting held between the President of the Court and the representatives of the Parties on 30 January 2018, the Co-Agent of the Federal Republic of Somalia indicated that a Reply was necessary in order to respond, in particular, to certain new legal issues raised in the Counter-Memorial, and requested a period of three to four months for the preparation of the Reply, from the date of filing of the Counter-Memorial; whereas the Co-Agent of the Republic of Kenya stated that her Government was also of the opinion that a second round of written pleadings was necessary but that longer time-limits should be fixed, referring to the fact that sufficient time would be needed for the preparation by the Republic of Kenya of its Rejoinder, in order to gather relevant additional documents in response to any new documents submitted by the Federal Republic of Somalia in its Reply; and whereas the Co-Agent of the Republic of Kenya accordingly requested a period of six to eight months for the preparation by each Party of its respective pleading;

Taking into account the views of the Parties and the circumstances of the case,

Authorizes the submission of a Reply by the Federal Republic of Somalia and a Rejoinder by the Republic of Kenya;

Fixes the following time-limits for the filing of those pleadings:

18 June 2018 for the Reply of the Federal Republic of Somalia;

18 December 2018 for the Rejoinder of the Republic of Kenya; and

Reserves the subsequent procedure for further decision.

Done in English and in French, the English text being authoritative, at the Peace Palace, The Hague, this second day of February, two thousand and eighteen, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of the Federal Republic of Somalia and the Government of the Republic of Kenya, respectively.

(Signed) Ronny ABRAHAM,
President.

(Signed) Philippe COUVREUR,
Registrar.
