

**INTERNATIONAL COURT OF JUSTICE**

*Maritime Delimitation in the Indian Ocean*

*(Somalia v Kenya)*

**PRELIMINARY OBJECTIONS OF THE  
REPUBLIC OF KENYA**

**Pursuant to Article 79 of the Rules of Court**

**VOLUME II  
(Annexes)**

**7 OCTOBER 2015**

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**Annex 1** Memorandum of Understanding between the Government of the Republic of Kenya and the Transitional Federal Government of the Somali Republic to Grant Each Other No-Objection in Respect of Submissions on the Outer Limits of the Continental Shelf beyond 200 Nautical Miles to the Commission on the Limits of the Continental Shelf (7 Apr. 2009, entered into force 7 Apr. 2009)



**MEMORANDUM OF UNDERSTANDING**

**BETWEEN**

**THE GOVERNMENT OF THE REPUBLIC OF KENYA  
AND**

**THE TRANSITIONAL FEDERAL GOVERNMENT OF THE  
SOMALI REPUBLIC**

**TO GRANT TO EACH OTHER NO- OBJECTION IN RESPECT  
OF SUBMISSIONS ON THE OUTER LIMITS OF THE  
CONTINENTAL SHELF BEYOND 200 NAUTICAL MILES TO  
THE COMMISSION ON THE LIMITS OF THE CONTINENTAL  
SHELF.**

*A.A.W*





**Memorandum of Understanding between the Government of the Republic of Kenya and the Transitional Federal Government of the Somali Republic to grant to each other No- Objection in respect of submissions on the Outer Limits of the Continental Shelf beyond 200 Nautical Miles to the Commission on the Limits of the Continental Shelf.**

The Government of the Republic of Kenya and the Transitional Federal Government of the Somali Republic, in the spirit of co-operation and mutual understanding have agreed to conclude this Memorandum of Understanding:

The delimitation of the continental shelf between the Republic of Kenya and the Somali Republic (hereinafter collectively referred to as "the two coastal States") has not yet been settled. This unresolved delimitation issue between the two coastal States is to be considered as a "maritime dispute". The claims of the two coastal States cover an overlapping area of the continental shelf which constitutes the "area under dispute".

The two coastal States are conscious that the establishment of the outer limits of the continental shelf beyond 200 nautical miles is without prejudice to the question of delimitation of the continental shelf between states with opposite or adjacent coasts. While the two coastal States have differing interests regarding the delimitation of the continental shelf in the area under dispute, they have a strong common interest with respect to the establishment of the outer limits of the continental shelf beyond 200 nautical miles, without prejudice to the future delimitation of the continental shelf between them. On this basis the two coastal States are determined to work together to safeguard and promote their common interest with respect to the establishment of the outer limits of the continental shelf beyond 200 nautical miles.

Before 13 May 2009 the Transitional Federal Government of the Somali Republic intends to submit to the Secretary-General of the United Nations preliminary information indicative of the outer limits of the continental shelf beyond 200 nautical miles. This submission may include the area under dispute. It will solely aim at complying with the time period referred to in article (4) of Annex II to the

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A.A.W



United Nations Convention on the Law of the Sea (UNCLOS). It shall not prejudice the positions of the two coastal States with respect to the maritime dispute between them and shall be without prejudice to the future delimitation of maritime boundaries in the area under dispute, including the delimitation of the continental shelf beyond 200 nautical miles. On this understanding the Republic of Kenya has no objection to the inclusion of the areas under dispute in the submission by the Somali Republic of preliminary information indicative of the outer limits of the continental shelf beyond 200 nautical miles.

The two coastal States agree that at an appropriate time, in the case of the Republic of Kenya before 13 May 2009, each of them will make separate submissions to the Commission on the Limits of the Continental Shelf (herein referred to as "the Commission"), that may include the area under dispute, asking the Commission to make recommendations with respect to the outer limits of the continental shelf beyond 200 nautical miles without regard to the delimitation of maritime boundaries between them. The two coastal States hereby give their prior consent to the consideration by the Commission of these submissions in the area under dispute. The submissions made before the Commission and the recommendations approved by the Commission thereon shall not prejudice the positions of the two coastal States with respect to the maritime dispute between them and shall be without prejudice to the future delimitation of maritime boundaries in the area under dispute, including the delimitation of the continental shelf beyond 200 nautical miles.

The delimitation of maritime boundaries in the areas under dispute, including the delimitation of the continental shelf beyond 200 nautical miles, shall be agreed between the two coastal States on the basis of international law after the Commission has concluded its examination of the separate submissions made by each of the two coastal States and made its recommendations to two coastal States concerning the establishment of the outer limits of the continental shelf beyond 200 nautical miles.

This Memorandum of Understanding shall enter into force upon its signature.

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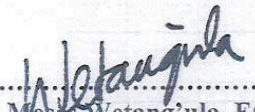


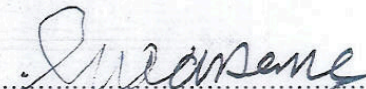
IN WITNESS WHEREOF, the undersigned being duly authorized by their respective Governments, have signed this Memorandum of Understanding.

DONE in Nairobi this 7<sup>th</sup> day of April.....Two Thousand and Nine, in duplicate, in the English Language, both texts being equally authentic.

FOR THE GOVERNMENT  
OF THE REPUBLIC OF KENYA

FOR THE TRANSITIONAL FEDERAL  
GOVERNMENT OF THE SOMALI  
REPUBLIC

  
.....  
Hon. Moses Wetang'ula, EGH, MP  
MINISTER FOR FOREIGN AFFAIRS

  
.....  
Hon. Abdirahman Abdishakur Warsame  
MINISTER FOR NATIONAL PLANNING  
AND INTERNATIONAL COOPERATION

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**Annex 2** Article from the website of the United Nations Human Rights Commissioner on Refugees (UNHCR) “Dadaab – World’s Biggest Refugee Camp 20 Years Old” (21 Feb. 2012)

## Dadaab - World's biggest refugee camp 20 years old

Making a Difference, 21 February 2012

GENEVA, 21 February (UNHCR) – This year is the 20th anniversary of the world's biggest refugee camp, Dadaab in north-eastern Kenya.

UNHCR, which manages the Dadaab complex, set up the first camps there between October 1991 and June 1992. This followed a civil war in Somalia that in 1991 had culminated in the fall of Mogadishu and overthrow of the central government.

"The original intention was for the three Dadaab camps to host up to 90,000 people," said UNHCR spokesman Andrej Mahecic. "However today they host more than 463,000 refugees, including some 10,000 third-generation refugees born in Dadaab to refugee parents who were also born there."

During last year's famine in Somalia, arrival rates frequently exceeded 1,000 people a day. Around 30,000 arrived in June, 40,000 in July and 38,000 in August. This has placed additional strain on existing resources. Together with the local authorities and humanitarian agencies, UNHCR managed to address the influx by establishing reception centres and rapid response assistance for new arrivals.

"That Dadaab has been able to provide refuge for so many years and to so many people is thanks first and foremost to the Government and people of Kenya," the UNHCR spokesman said.

UNHCR, together with the Government of Kenya and working with other aid agencies has provided protection, shelter and humanitarian assistance, often under difficult and complex circumstances. Chronic overcrowding, risk of disease, and seasonal floods are among the challenges.

"On the occasion of this anniversary UNHCR is renewing its appeal to the international community to ensure continued support to the approximately 1 million Somali refugees in the region, and to Kenya and the other countries that are hosting them," Mahecic said.

A third of this refugee population left Somalia in 2011 in the face of crippling conditions of drought, famine, and violence.

The 20 years that have passed since the camps opened also underline the need for peace in Somalia, an end to the violence there, and the possibility of refugees being able to return home.

"UNHCR hopes that deliberations during the London Somalia Conference, which starts on February 23, will act as a catalyst for a permanent solution to the perennial issue of the Somali situation – something that UNHCR has long pressed for," the UNHCR spokesman said.

Currently, the situation at Dadaab is extremely challenging. The kidnapping of three aid workers last autumn and more recently, the killing of two refugee leaders and several Kenyan policemen, as well as threats against humanitarian staff have forced UNHCR and its partners to rethink the way that aid is delivered.

Since October and until recently, there were security restrictions on movement around the camp. However, life-saving assistance such as the provision of food, water and health care never stopped and has always been UNHCR's priority. In addition, schools run mostly by refugee teachers have been open and managed to conduct Kenyan national exams at the end of 2011 despite the insecure environment.

Since the end of last year, humanitarian actors have looked at various ways to resume activities, using different methodologies and most importantly, shifting more responsibilities to the refugee communities.

As such, the crisis also presents an opportunity to more actively empower refugees to manage the day-to-day aspects of camp life. This includes the engagement of youth in providing informal education to new arrivals in Kambioos, water committees coordinating and ensuring sufficient water per household, refugee reporters publishing their own newspaper, and women forming groups for livelihood opportunities for mothers.

Services in the areas of health, water and sanitation have also been scaled up. On a typical day, some 1,800 refugees now get outpatient treatment in hospitals and health posts in the camps. Service provision in Kambioos has also improved. However, UNHCR is still seeing new measles cases (11 in the last week) and is focusing on vaccinating all new arrivals over 30 years of age.

UNHCR teams are involved in protection and community-services work including carrying out regular protection monitoring and livelihoods projects. Refugee teachers are receiving training on child-centred approaches, classroom management and psycho-social support. Activities focused on youth, women and refugees with disabilities are running again.

Earlier this month, UNHCR also resumed the relocation of refugees from the less secure outskirts of Dagahaley camp to Ifo 2 camp, where they receive family tents and basic assistance and services. Some 2,000 refugees have been moved so far, with another 3,500 set to join them in the coming weeks. By the



UNHCR set up the first camps in the Dadaab complex in 1991 to host up to 90,000 people. Today they host more than 463,000 refugees.

### Making a Difference

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- [Resettlement offers hope to ailing Syrian refugees in need of treatment](#)
- [In Niger, gas project to support refugees and save trees](#)
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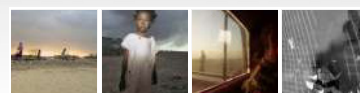
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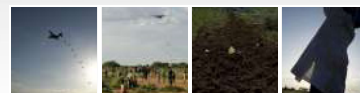
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### Crossing the Gulf of Aden



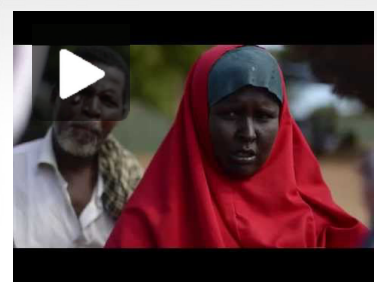
### Somalia/Ethiopia



### Flood Airdrop in Kenya

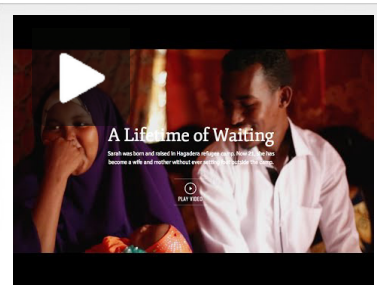
end of the exercise, the entire camp of Ifo 2, with a capacity for 80,000 people, will be filled.

More than 968,000 Somalis live as refugees in countries neighbouring Somalia primarily in Kenya (520,000), Yemen (203,000) and Ethiopia (186,000). A third of them fled Somalia in the course of 2011. Another 1.3 million people are internally displaced within Somalia.



#### Kenya: High Commissioner Visits Dadaab Refugee Camp

Last week the UN High Commissioner for Refugees, António Guterres completed a visit to Kenya and Somalia where he met with the Presidents of the two countries, as well as Somali refugees and returnees.



#### Kenya: A Lifetime of Waiting

Sarah was born and raised in Hagadera refugee camp in Dadaab, Kenya. Now 21, she has become a wife and mother without ever setting foot outside the camp.



#### Somalia: UN High Commissioner For Refugees In Mogadishu

UN High Commissioner for Refugees António Guterres visits Mogadishu, expresses solidarity with Somali people on eve of Ramadan.

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**UNHCR**

United Nations High Commissioner for Refugees  
Haut Commissariat des Nations Unies pour les réfugiés

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**Annex 3** 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 (28 Dec. 1988)

**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  
28 December 1988**

The Government of the United Republic of Tanzania and the Government of the People's Republic of Mozambique.  
Mindful of the principles of International Law, in particular the principle of sovereign equality of States;  
Mindful further of the aims and principles of the Charter of the Organisation of African Unity;  
Animated by the desire to draw closer the friendship, solidarity and good neighbourliness existing between their two countries;

Convinced that the strengthening of their traditional relations will contribute to the consolidation of peace and security on the African Continent;

Desiring to conclude an agreement for the purpose of reaffirming the land boundary and delimiting the maritime boundary between their respective countries;

Inspired by the principles of the 1982 United Nations Convention on the Law of the Sea; and

Bearing in mind that the two Governments are signatories to the said Convention;

Have agreed as follows:

**Article 1**

**Land boundary**

The land boundary line between the United Republic of Tanzania and the People's Republic of Mozambique follows the course of the Ruvuma River from a point hereinafter referred to as point "A", located at latitude 10°28'04"S and longitude 40°26'19"E being a point at the mouth of the Ruvuma River which is equidistant from Ras Mwambo located at latitude 10°27'48"S and longitude 40°25'50"E, and Ras Ruvuma located at latitude 10°28'21"S, and longitude 40°26'48"E to the confluence of the River Msinje and thence runs westerly along the parallel of latitude to the shore of Lake Nyasa as established in the relevant agreements between Germany and Portugal and between Great Britain and Portugal to which the Governments of the United Republic of Tanzania and the People's Republic of Mozambique consider themselves bound.

**Article 2**

**Maritime boundary**

**Internal Waters:**

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.

Article 3  
Territorial sea

The territorial sea boundary line between the two countries is delimited by application of the equidistance method by drawing a median straight line from point "B" to a point 12 nautical miles, located at latitude 10° 18' 46" S and longitude 40° 40' 07" E, hereinafter referred to as point "C".

Article 4  
Exclusive Economic Zone

The delimitation of the Exclusive Economic Zone between the two countries is delimited in conformity with the equidistance method by prolonging the median straight line used for the delimitation of the territorial sea from point "C" to a point 25.5 nautical miles, located at latitude 10° 05' 29" S and longitude 41° 02' 01" E, hereinafter referred to as point "D". From this point, the Exclusive Economic Zone is delimited by application of the principle of equity, by a line running due east along the parallel of point "D". The point to termination of this line will be established through exchange of notes between the United Republic of Tanzania and the People's Republic of Mozambique at a future date.

Article 5  
Description of maritime boundary

The description of the maritime boundary line and the points through which it passes is as follows:

This line commences at the mouth of the Ruvuma River from point "A", located at latitude 10°28'04"S and longitude 40°26'19"E, that is to say, the mid-point of the straight line drawn between Ras Mwambo, located at latitude 10°27'48"S and longitude 40°25'50" E and Ras Ruvuma, located at latitude 10°28'21"S and longitude 40°26'48"E, and from point "A" the line runs across the Ruvuma Bay in a north easterly direction in a straight line to point "B", located at latitude 10°24'53"S and longitude 40°29'34"E, that is to say, the mid-point of the base line demarcating the out limit of the internal waters between Ras Matunda, located at latitude 10°21'32"S and longitude 40°27'35"E and Cabo Suafo, located at latitude 10°28'14"S and longitude 40°31'33"E.

From point "B" the boundary line follows the median straight line derived by application of the equidistance method between Ras Matunda, located at latitude 10°21'32"S and longitude 40°27'35"E and Cabo Suafo, located at latitude 10°28'14"S and longitude 40°31'33"E and runs in a northeasterly direction in a straight line to point "C", located at latitude 10°18'46"S and longitude 40°40'07"E. From there it follows the same median line as far as point "D" located at latitude 10°05'29"S and longitude 40°02'0"E. Thence it runs due east along the parallel of point "D" to a point established pursuant to article IV.

Article 6  
Schedule of geographical co-ordinates

The Schedule of geographical co-ordinates attached hereto as Annex "A", including the hydrographic chart of 1:200,000, number 42620-Manager (Channel of Mozambique - Mejumbe Island to Ruvuma Bay - 1986 publication) and the hydrographic chart of 1:2,000,000 number 40120-Manager (channel of Mozambique - 1984 publication) attached hereto as Annex "B" AND "C" describing the co-ordinates of the boundary line as delimited, shall form as integral part of this Agreement.

Article 7  
Co-operation

The two Governments shall co-operate with each other whenever necessary in order to maintain the existing marks and other such points of reference, including such marks or other points of reference as may from time to time be established.

Article 8  
Ratification

This Agreement shall be subject to ratification and shall come into force on the date of exchange of instruments of ratification.

Done in Maputo on 28th DECEMBER, 1988, in two original copies in the English and Portuguese language, both texts being equally authentic.

FOR AND ON BEHALF OF THE GOVERNMENT  
OF THE UNITED REPUBLIC OF TANZANIA

FOR AND ON BEHALF OF THE GOVERNMENT  
OF THE PEOPLE'S REPUBLIC OF MOZAMBIQUE

Signed: MINISTER FOR FOREIGN AFFAIRS Signed: MINISTER FOR FOREIGN AFFAIRS

ANNEX A

POINT	CO-ORDINATES	
	LATITUDE (Southly)	LONGITUDE (Eastings)
1. Ras Mwambo	10° 27' 48"S	40° 25' 50"E
2. Ras Ruvuma	10° 28' 21"S	40° 26' 48"E
3. Ras Matunda	10° 21' 32"S	40° 27' 35"E
4. Ras Suafo	10° 28' 14"S	40° 31' 33"E
5. Point "A"	10° 28' 04"S	40° 26' 19"E
6. Point "B"	10° 24' 53"S	40° 29' 34"E
7. Point "C"	10° 18' 46"S	40° 40' 07"E
8. Point "D"	10° 05' 29" S	41° 02' 01"E

**Annex 4** Note Verbale from the Permanent Mission of Norway to the United Nations to the Secretariat of the United Nations (17 Aug. 2011)



**PERMANENT MISSION OF NORWAY  
TO THE UNITED NATIONS**

The Permanent Mission of Norway to the United Nations presents its compliments to the Secretariat of the United Nations, and, with reference to the latter's note verbale of 25 May 2011 (ref: DPA/Africa 1 Division) concerning the report to be submitted by the Secretary-General to the Security Council, in accordance with Security Council resolution 1976 (2011), no later than 15 October 2011, "on the protection of Somali natural resources and waters, and alleged illegal fishing and illegal dumping, including of toxic substances, off the coast of Somalia", has the honour to provide the following information and observations:

Norway supports a comprehensive and integrated United Nations strategic approach to peace and security in Somalia. Such an approach should include efforts to promote the well-being and sustainable development of the coastal fishing communities in Somalia, lay the foundation for the protection and future exploitation by Somalia of its natural resources, and thus safeguard important interests of future Somali generations.

The Security Council, in paragraph 6 of its resolution 1976 (2011), emphasizes "the importance of the earliest possible delimitation of Somalia's maritime spaces in accordance with the Convention" (the United Nations Convention on the Law of the Sea of 10 December 1982, hereinafter referred to as UNCLOS). It is noted that Somalia ratified UNCLOS on 24 July 1989, and that UNCLOS entered into force for Somalia on 16 November 1994.

In the view of the Norwegian Government the establishment, in accordance with UNCLOS, of the outer limits of the continental shelf beyond 200 nautical miles and of an exclusive economic zone in the waters beyond and adjacent to the territorial sea of Somalia will contribute to legal clarity, and may thus facilitate the restoration of international peace and security in the region, and will also lay the foundation for the protection and future exploitation by Somalia of its own natural

resources. Furthermore, the establishment of such an exclusive economic zone will provide the necessary legal basis for measures to regulate fisheries in these waters, taking duly into account the economic needs of the coastal fishing communities in Somalia, and to prohibit and combat the dumping of toxic waste in these waters. It may thus contribute to the elimination of some of the underlying causes of the present problem of piracy and armed robbery at sea off the coast of Somalia.

One should be aware, however, of the existence of unresolved issues of maritime delimitation between Somalia and neighbouring States with opposite or adjacent coasts to that of Somalia. It is of the utmost importance that the issues related to the establishment of the outer limits of the continental shelf of Somalia beyond 200 nautical miles, and of an exclusive economic zone in the waters beyond and adjacent to the territorial sea of Somalia, are handled in such a way that it will not lead to new tensions concerning maritime delimitation between Somalia and neighbouring coastal States, and thus further undermine international peace and security in the region.

It should also be noted that according to article 1, paragraph 1 of Somali Law No. 37 on the Territorial Sea and Ports, of 10 September 1972, “The Somali territorial sea includes the portion of the sea to an extent of 200 nautical miles within the continental and insular coasts, delimited according to the provisions of articles 2 and 3 of this Law”. This provision contravenes article 3 of UNCLOS, which reads: “Every State has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baselines determined in accordance with this Convention”. To take formal steps to bring Somali internal law on this point in conformity with Somalia’s obligations under UNCLOS, although laudable, may not be easy to communicate and explain in precise terms to the various political communities, and may give rise to political sensitivities both in Somalia and in the Somali diaspora.

In October 2008 the SRSG for Somalia, Mr. Ahmedou Ould Abdallah, initiated the preparation on behalf of Somalia of preliminary information indicative of the outer limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, in accordance with the decision contained in document SPLOS/183 from the eighteenth Meeting of States Parties to UNCLOS. In the preparation of this material the SRSG accepted an offer of assistance from the Norwegian Government. On 8 April 2009 the Transitional Federal Government of the Somali Republic (TFG) submitted the Preliminary Information Note to the Secretary-General of the United Nations.

On 5 April 2009, in a bilateral meeting in Mogadishu, the TFG requested Norwegian assistance in preparing the establishment by Somalia of an exclusive economic zone in the maritime areas off Somalia. This request was later confirmed by the President of the TFG, His Excellency Sheikh Sharif Sheikh Ahmed, in a bilateral meeting in Istanbul on 22 May 2010, and also by the then Minister of Foreign Affairs of the TFG when he visited Oslo in January 2011. At the request of the TFG the project was put on the Needs Assessment Matrix of the Contact Group on Piracy off the Coast of Somalia (CGPCS), and at the 6<sup>th</sup> Plenary of the CGPCS on 10 June 2010 Norway confirmed its readiness to implement and finance the project.

To follow up these requests from the TFG, the Norwegian Ministry of Foreign Affairs sought the assistance of the Norwegian Mapping Authority. Based on satellite photos the Norwegian Mapping Authority has now determined in accordance with the pertinent provisions of UNCLOS in all 608 baseline points along the coast of Somalia from the Djibouti border to the Kenya border. A list of geographical coordinates of these 608 baseline points in geodetic datum WGS84 has been established. These baseline points represent a normal baseline in accordance with UNCLOS. The coastline of Somalia, computed as the sum of distances between these 608 baseline points from the Djibouti border to the Kenya border, is 3050 km long. The outer limit line of the exclusive economic zone is computed as a line between points that are in a distance of 200 nautical miles from the baseline. In areas where this 200 nautical miles border is a curved circle, the distance between the points is listed with 5 km's distance. Based on this material Somalia would now be ready to deposit with the Secretary-General of the United Nations lists of geographical coordinates of points employed in drawing the outer limit line of the exclusive economic zone, specifying the geodetic datum, in accordance with UNCLOS article 75, paragraph 2.

There are, however, some requirements which will have to be fulfilled by the TFG before Norway will be ready to make the material provided by the Norwegian Mapping Authority available to the competent Somali authorities. The issues involved are politically delicate both in Somalia and in the Somali diaspora. Patience may therefore be required in order to achieve positive results.

The politically most sensitive issues involved may be the unresolved issues of maritime delimitation between Somalia and neighbouring coastal States. Norway takes no position on these issues other than laying as a premise for its assistance that such issues of maritime delimitation with other States not be prejudiced. Pending agreements on maritime delimitation as provided for in UNCLOS article



74, paragraph 1 and article 83, paragraph 1, Norway recommend that the parties enter into provisional arrangements of a practical nature in accordance with UNCLOS article 74, paragraph 3 and article 83, paragraph 3. The good offices of Norway are available to both Somalia and its neighbouring States with a view to facilitating the entering into such provisional arrangements of a practical nature. It should be underlined that Norway is - and will remain - entirely neutral as regards the interests of the States concerned.


With the good offices of Norway, and after consultations between the two sides, on 7 April 2009 Somalia and Kenya signed in Nairobi a “Memorandum of Understanding between the Government of Kenya and the Transitional Federal Government of the Somali Republic granting each other No-objection in respect of submissions on the Outer Limits of the Continental Shelf beyond 200 nautical miles to the Commission on the Limits of the Continental Shelf”. In the Memorandum of Understanding (MoU) the Parties agree that at an appropriate time each of them will make separate submissions to the Commission on the Limits of the Continental Shelf (CLCS) that may include areas under dispute between the two countries, without prejudice to the delimitation of maritime boundaries between them. In this MoU the two coastal States grant their prior consent to the consideration by the CLCS of these submissions in the areas under dispute. Furthermore it is stipulated that the submissions made before the CLCS and the recommendations approved by the CLCS thereon shall not prejudice the positions of the two coastal States with respect to the maritime dispute between them and shall be without prejudice to the future delimitation of maritime boundaries in the areas under dispute, including the delimitation of the continental shelf beyond 200 nautical miles. In its final paragraph it is stipulated that: “This Memorandum of Understanding shall enter into force upon its signature”. The MoU was registered with the Secretariat of the United Nations in accordance with article 102 of the Charter of the United Nations on 11 June 2009.

On 2 March 2010 the Permanent Mission of the Somali Republic to the United Nations forwarded to the Secretary-General of the United Nations a letter dated 10 October 2009 from the then Prime Minister of Somalia informing “that the above mentioned MoU between Somalia and Kenya was considered by the Transitional Federal Parliament of Somalia and that the members voted to reject the ratification of that MoU on August 1<sup>st</sup>, 2009”, and requesting “the relevant offices of the U.N. to take note of the situation and treat the MoU as non-actionable”.

Article 46 of the Vienna Convention on the Law of Treaties reads: “A State may not invoke the fact that its consent to be bound by a treaty has been expressed in

violation of a provision of its internal law regarding competence to conclude treaties as invalidating its consent unless that violation was manifest and concerned a rule of its internal law of fundamental importance". Irrespective of whether and if so to what extent this provision is expressive of customary international law, Norway considers both Somalia and Kenya to remain bound by the provisions of the MoU. It is on this basis that Norway has decided to continue its assistance to Somalia both in preparing a submission by Somalia to the CLCS regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles and in preparing the establishment by Somalia of an exclusive economic zone in the maritime areas off Somalia.

While the above mentioned letter from the Prime Minister of Somalia appears to be without legal effects, it has created a new political situation casting doubt on the commitment of the TFG to the MoU between Somalia and Kenya, and creating doubt as to the capability of the TFG to enter into legally binding international commitments. Notwithstanding the political sensitivity of the issue, it is therefore to be hoped that at an appropriate time it will be possible to find a way to reaffirm the legally binding nature of the MoU.

The Permanent Mission of Norway to the United Nations avails itself of this opportunity to renew to the Secretariat of the United Nations the assurances of its highest consideration. 



New York, 17 August 2011

Department of Political Affairs  
of the United Nations  
NEW YORK

**Annex 5** Press Release of the Norwegian Ministry of Foreign Affairs, “Somalia submits preliminary information indicative of the outer limits of its continental shelf with Norwegian assistance” (17 Apr. 2009)



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## HISTORICAL ARCHIVE

Published under: Stoltenberg's 2nd Government  
Publisher Ministry of Foreign Affairs

# Somalia submits preliminary information indicative of the outer limits of its continental shelf with Norwegian assistance

Press release | Published: 2009-04-17  
| No: 026/09

Somalia is the first African country to submit such information. The submission was prepared with the assistance of the Government of Norway in consultation with the Special Representative of the Secretary-General (SRSG) for Somalia, acting on behalf of the Transitional Federal Government of the Somali Republic.

**Somalia is the first African country to submit such information. The submission was prepared with the assistance of the Government of Norway in consultation with the Special Representative of the Secretary-General (SRSG) for Somalia, acting on behalf of the Transitional Federal Government of the Somali Republic.**

“Somalia has submitted preliminary information indicative of the outer limits of its continental shelf to the UN within the deadline required under the UN Convention on the Law of the Sea. This is a historic step, both in terms of Somalia’s national development and with regard to the international legal order,” said Foreign Minister

Jonas Gahr Støre.

“This clarification of responsibility and authority in maritime areas in accordance with international law is decisive for potential future resource management and thus for the welfare of future generations. The Somali submission therefore also sends an important signal to other States that developing countries where there is protracted armed conflict can comply with the requirements of international law,” said Minister of the Environment and International Development Erik Solheim.

Somalia was given until May 2009 to submit documentation of the extent of its continental shelf beyond 200 nautical miles from its coastline. Developing countries that face particular challenges in collecting data may submit preliminary information indicative of the outer limits of their continental shelf – thereby meeting the deadline. Somalia is the first country to do so.

No final position is taken on the outer limits of the continental shelf in the information submitted. However, the documentation provided is indicative of a continental shelf beyond 200 nautical miles from the coastline. It establishes that submissions made by neighbouring States shall be without prejudice to the future delimitation of maritime boundaries, which must be subject to negotiations.

“The Transitional Federal Government of the Somali Republic has taken a significant step towards safeguarding the interests of future generations of Somalis,” said Foreign Minister Støre.

Neither the Norwegian Government nor Norwegian companies have interests of their own in the area. The assistance provided by Norway to the SRSR for Somalia and the Transitional Federal Government of the Somali Republic must be seen in the context of Norway’s commitment to a comprehensive and lasting settlement of the situation in the country, and as an expression of Norway’s support to the SRSR in carrying out his mandate in accordance with Security Council resolutions.

Somalia, which has one of the longest coastlines of all the African countries, has been plagued by civil war and widespread human suffering for nearly two decades. Moreover, the waters off the coast of Somalia have been the scene of piracy against international shipping since 2007.

The submission has been prepared with the assistance of international law experts in the Norwegian Ministry of Foreign Affairs, experts in the geosciences in the Norwegian Petroleum Directorate and experts from the UNEP Shelf Programme, represented by GRID-Arendal. Norway has a similar assistance programme in the West African countries, in cooperation with the Economic Community of West African States (ECOWAS).

The Transitional Federal Government of the Somali Republic and the President gave their final approval on 6 April 2009 following meetings in Mogadishu attended by Ambassador Hans Wilhelm Longva of the Norwegian Ministry of Foreign Affairs.



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**Annex 6** E-mail from Mr. Hans Wilhelm Longva to Ms. Juster Nkoroi (Mar. 2009)

---

Dear Ms. Juster Nkoroi,

I thank you very much for your e-mail from Washington which I received just before leaving Nairobi. On my side I would like to update you on my contacts in Nairobi after your departure for Washington.

On 10 March 2009 I met twice in Nairobi with the Deputy Prime Minister and Minister of Fisheries and Marine Resources of the new Transitional Federal Government of the Somali Republic, Professor Abdurahman Haji Adan Ibbi. The Deputy Prime Minister was accompanied by Mr. Abdullahi Sheikh Mahamed, who is Special Advisor to the President for African and Arab Affairs.

At the meetings I presented to the Deputy Prime Minister the draft submission of preliminary information indicative of the outer limits of the continental shelf of Somalia beyond 200 nautical miles which has been prepared at the initiative of the Special Representative of the Secretary-General for Somalia, Mr. Ahmedou Ould Abdallah, with the assistance of the Government of Norway. Furthermore, I presented to the Deputy Prime Minister the Draft Memorandum of Understanding which we discussed when we met in Nairobi.

The reaction of the Deputy Prime Minister to both documents was very positive. He subsequently informed me that on Saturday 14 March 2009 the Somali Council of Ministers had been convened for an extraordinary meeting in Mogadishu in order to discuss this issue. So far I have not heard anything about the outcome of this meeting.

The Deputy Prime Minister and myself tentatively agreed to meet again in Nairobi during the week starting on Monday 30 March 2009. The purpose of such a meeting would be to finalize the Somali submission of preliminary information, which the Deputy Prime Minister hoped that could be submitted to the Secretary-General already during the first half of April. Furthermore, the Deputy Prime Minister hoped to be able to meet with Kenyan representatives in order to discuss the Draft Memorandum of Understanding. I hope that such meetings will be possible, and that you will be in Nairobi during the week starting on 30 March 2009.

I will keep you informed on any new developments and send you my very best regards

Hans Wilhelm Longva

PS I will revert to the "Bengali issue" after consultations with colleagues here in Oslo.



**Annex 7** E-mail exchange between Ms. Rina Kristmoen, Prof. Abdirahman Ibbi, Mr. Hans Wilhelm Longva, and Ms. Juster Nkoroi (10–22 Mar. 2009)

Dear Ms. Juster Nkoroi,

I have now received confirmation from the Somali Deputy Prime Minister and Minister of Fisheries and Natural Resources that the Somali Council of Ministers has approved the submission to the Secretary-General of the United Nations of preliminary information indicative of the outer limits of the continental shelf beyond 200 nautical miles. The Memorandum of Understanding between Kenya and Somalia is also approved by the Somali Council of Ministers. I will be in Nairobi during the week starting 30 March 2009 and look forward to see you again.

I send you my best personal regards

Hans Wilhelm Longva

---

**From:** abdurahman aden [mailto:ibbismp@yahoo.com]  
**Sent:** Sunday, March 22, 2009 6:23 PM  
**To:** Longva Hans Wilhelm  
**Cc:** Kristmoen Rina  
**Subject:** RE: Documents re Continental Shelf

H.E Hans,

Dear Ambassador, I am very pleased to see you again what I would like to inform you is that The Council of Minister of somalia have approved the Re-Submission of the preliminary information indicative of the outer limits of the continental shelf beyond 200 nautical miles, which we suppose to submit to the Secretary-General of the United Nations before 13 May 2009.

As we have agreed yes I am ready to meet with you again but My Prime minister would like to invite you and H.E Rina to come to Mogadishu one day trip that you will also see our Prime Minister who would like to thank you and your Government for their unreserved endeavours towards this issue. The Cabinet became very happy to know that The Norwegian Government has done all the work that we supposed to do without any interest than wanting only to help the newly born Somali Government and as well wants to see Somalia to stand again its feet.

Third Point, if you remember The paragraph that you asked me to mention what to be written we agreed to let you know these points:-

- 1- Yemen and Kenya we must have the memorandum of understanding that you have prepared.
  2. mentioning that the Council of Minister have approved with many thanks to the Norwegian Government and SRSG whom have been doing.
  3. Somalia wants to submit its submission before any one else.
- and so on.

the Signatories of this submission will be the Prime Minister and his 1st Deputy PM, Minister of Fisheries and Marine Resources.

Thanks please give me your feed back

Prof Ibbi  
the Minister

--- On **Fri, 3/20/09, Longva Hans Wilhelm** <[hans.wilhelm.longva@mfa.no](mailto:hans.wilhelm.longva@mfa.no)> wrote:

From: Longva Hans Wilhelm <[hans.wilhelm.longva@mfa.no](mailto:hans.wilhelm.longva@mfa.no)>

Subject: RE: Documents re Continental Shelf

To: [ibbismp@yahoo.com](mailto:ibbismp@yahoo.com)

Cc: "Kristmoen Rina" <[rina.kristmoen@mfa.no](mailto:rina.kristmoen@mfa.no)>

Date: Friday, March 20, 2009, 3:55 PM

Dear Minister,

It was a pleasure to meet you in Nairobi on 10 March 2009, and I look forward to see you again in the near future. I have the pleasure to confirm that I am ready to meet with you again in Nairobi during the week which starts on Monday 30 March 2009 as tentatively agreed at our last meeting. The purpose of our forthcoming meeting would be to finalize the submission by Somalia of preliminary information indicative of the outer limits of the continental shelf beyond 200 nautical miles, which has to be submitted to the Secretary-General of the United Nations before 13 May 2009. I would be grateful to receive your confirmation of our meeting in Nairobi during the week starting on 30 March 2009.

I send you my best personal regards

Yours sincerely

Hans Wilhelm Longva

---

**From:** abdurahman aden [<mailto:ibbismp@yahoo.com>]

**Sent:** Thursday, March 12, 2009 11:09 PM

**To:** Kristmoen Rina

**Cc:** Longva Hans Wilhelm

**Subject:** Re: Documents re Continental Shelf

Dear Rina,

many Thanks. I have seen the documents and I am in Mogadishu. 12th Saturday the Council of ministers been called for extraordinary meeting in order ti discuss this issue and I will send you the decision of the cabinet.

We wil also thank your Government and Amb Hans as well as you yourself as great freind of Somalia.

My Prime Minister was so happy to know about what your Government is doing for Africa particularly Somalia.

Again many thanks

Give my wishes to Amb. Hans.

Prof. Ibbi

--- On **Tue, 3/10/09, Kristmoen Rina** <[rina.kristmoen@mfa.no](mailto:rina.kristmoen@mfa.no)> wrote:

From: Kristmoen Rina <[rina.kristmoen@mfa.no](mailto:rina.kristmoen@mfa.no)>

Subject: Documents re Continental Shelf

To: [ibbismp@yahoo.com](mailto:ibbismp@yahoo.com), [abdullahico@yahoo.com](mailto:abdullahico@yahoo.com)

Cc: "Longva Hans Wilhelm" <[hans.wilhelm.longva@mfa.no](mailto:hans.wilhelm.longva@mfa.no)>

Date: Tuesday, March 10, 2009, 12:15 PM

Dear Minister,

Enclosed, please find the documents regarding the Continental Shelf - as promised.

Have a nice day

- With my kindest regards,

Rina

*Rina Kristmoen*

Counsellor - Somali Affairs

Royal Norwegian Embassy

Nairobi

Embassy: 44 51510

Mobile: 0733 62 1978

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**Annex 8** E-mail exchange between Mr. Hans Wilhelm Longva, Prof. Abdirahman Ibbi and Ms. Juster Nkoroi (27 Mar. 2009)

---

For your information. I am arriving in Nairobi as planned tomorrow (29 March 2009) in the evening. I will contact Prof Ibbi early Monday morning.. I am flexible concerning my planned visit to Mogadishu. If necessary it is also possible for me to postpone my return to Norway (planned for 5 April 2009) for a few days.

With my best regards

Hans Wilhelm Longva

---

**From:** abdurahman aden [mailto:ibbismp@yahoo.com]  
**Sent:** Friday, March 27, 2009 7:18 PM  
**To:** Longva Hans Wilhelm  
**Subject:** Re: Somalia/Kenya. Draft Memorandum of Understanding.

Dear Longva,

Excellency,

Many thanks, I have copied all the documents and the letter I will write the letterhead of the Prime Minister signed by both of us. Is that Ok with the Commission or you will suggest other form of signing. The Memorandum is ok no problem with it .

I told the PM that you are coming to Nairobi 1st week of April, but from our side that time is the time the President is out of the Country and the PM can not go out of the Country until the President come back 5th of April will that effect your time table. if it so Please why dont you come 1st to Somalia and see The PM and the cabinet who would like to thank you and Rina.

Please advice these issues

Yours

Prof. Ibbi

The Deputy PM

--- On **Fri, 3/27/09, Longva Hans Wilhelm <hans.wilhelm.longva@mfa.no>** wrote:

From: Longva Hans Wilhelm <hans.wilhelm.longva@mfa.no>

Subject: Somalia/Kenya. Draft Memorandum of Understanding.

To: ibbismp@yahoo.com, "mwalim nkoroi" <mwalimnkoroi@yahoo.com>

Cc: aouldabdallah@aol.com, Ahmedou.Ould-Abdallah@unon.org, "Shenaj Shala" <Shenaj.Shala@unon.org>

Date: Friday, March 27, 2009, 12:26 PM

Dear Mr Minister, dear Ms Juster Nkoroi,

I have the honour to send you enclosed an updated text of the draft Memorandum of understanding. The text is identical to the previous one with two exeptions:

First, the names of the "Somali Republic" and the "Transitional Federal Government of the Somali



Republic" are used in accordance with article 1 of the Transitional Federal Charter of the Somali Republic.

Second, it is suggested to make it clear that the expression "maritime dispute" is used "within the meaning of the applicable rules of the Commission on the Limits of the Continental Shelf".

I send you both my best personal regards.

Yours sincerely

Hans Wilhelm Longva

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**Annex 9** E-mail exchange between Ms. Edith K. Ngungu and Mr. Hans Wilhelm Longva (30 Mar. 2009)

Dear Ms Edith K. Ngungu

Thank you very much for your draft. Your draft is good. I have only a few comments.

In my original draft I also used "the Republic of Somalia" as the official name of the country. However, my attention was drawn to the "Transitional Federal Charter For the Somali Republic" from 2004. According to article 1 of this document the official name of the country is "the Somali Republic" and the official name of its government "The Transitional Federal Government of the Somali Republic".

In the fifth paragraph of your draft there is a printing error. It says 2000 nautical miles instead of 200 nautical miles. In the next sentences some words have fallen out. These sentences should read: "The two coastal states hereby give their prior consent to the consideration by the Commission of these submissions in the area (under dispute. The submissions made before the Commission and the recommendations) approved by the the Commission thereon ....". The words within parenthesis should be added in your text.

I find the rest of your text good.

Could you please send me your corrected text so I can forward it to our Somali friends?

I send you my best regards.

Hans Wilhelm Longva

-----Original Message-----

From: Edith ngungu [mailto:[edithkaki@yahoo.co.uk](mailto:edithkaki@yahoo.co.uk)]

Sent: Monday, March 30, 2009 6:25 PM

To: Longva Hans Wilhelm; Holmelid Vegard

Cc: [jkihwaga@yahoo.com](mailto:jkihwaga@yahoo.com); [edithkaki@yahoo.co.uk](mailto:edithkaki@yahoo.co.uk)

Subject: MOU

Attached hereto is the MOU between Kenya and Somalia for your consideration and comments.

Kindly, let us know whether the clauses inserted are acceptable.

We would appreciate receiving your comments tomorrow morning. ( 31st March, 2009)

Edith K. Ngungu  
Ministry of Foreign Affairs

**Annex 10** E-mail exchange between Ms. Edith K. Ngungu and Mr. Hans Wilhelm Longva (30–31 Mar. 2009)

Dear Ms. Edith K. Ngungu,

Thank you very much for your revised draft. In reading it through again I have found two more minor errors. I apologize for not having seen them the first time.

In the third paragraph of the draft the second sentence should read: "While the two coastal States have differing interests regarding the delimitation of the continental shelf.....". The words "the delimitation of" should be deleted immediately after the word "While".

At the very end it should read: "FOR THE TRANSITIONAL FEDERAL GOVERNMENT OF THE SOMALI REPUBLIC". The words "GOVERNMENT OF THE" in the first line should be deleted.

Could you please send me the corrected text so I can forward it to our Somali friends?

I send you my best regards

Hans Wilhelm Longva

-----Original Message-----

From: Edith ngungu [mailto:[edithkaki@yahoo.co.uk](mailto:edithkaki@yahoo.co.uk)]

Sent: Tuesday, March 31, 2009 1:24 PM

To: Longva Hans Wilhelm

Cc: [mwalimnkoroi@yahoo.com](mailto:mwalimnkoroi@yahoo.com); [jkihwaga@yahoo.com](mailto:jkihwaga@yahoo.com); Holmelid Vegard; [edithkaki@yahoo.co.uk](mailto:edithkaki@yahoo.co.uk)

Subject: RE: Revised MOU

Dear Mr. Longva,

Please find herewith the revised draft text incorporating all the comments.

We are still yet to confirm the date of signing since the Minister is expected back in the office from 1st April, 2009.

Edith K. Ngungu  
Ministry of Foreign Affairs

- On Tue, 31/3/09, Longva Hans Wilhelm <[hans.wilhelm.longva@mfa.no](mailto:hans.wilhelm.longva@mfa.no)> wrote:

> From: Longva Hans Wilhelm <[hans.wilhelm.longva@mfa.no](mailto:hans.wilhelm.longva@mfa.no)>

> Subject: RE: MOU

> To: "Edith ngungu" <[edithkaki@yahoo.co.uk](mailto:edithkaki@yahoo.co.uk)>, "Holmelid Vegard" <[vegard.holmelid@mfa.no](mailto:vegard.holmelid@mfa.no)>, "Kristmoen Rina" <[rina.kristmoen@mfa.no](mailto:rina.kristmoen@mfa.no)>

> Cc: "[jkihwaga@yahoo.com](mailto:jkihwaga@yahoo.com)" <[jkihwaga@yahoo.com](mailto:jkihwaga@yahoo.com)>, "mwalim nkoroi" <[mwalimnkoroi@yahoo.com](mailto:mwalimnkoroi@yahoo.com)>

> Date: Tuesday, 31 March, 2009, 9:21 AM

> Dear Ms Edith K. Ngungu

>

> Thank you very much for your draft. Your draft is good. I have only a few comments.

>

> In my original draft I also used "the Republic of Somalia" as the official name of the country. However, my attention was drawn to the "Transitional Federal Charter For the Somali Republic" from 2004. According to article 1 of this document the official name of the country is "the Somali Republic" and the official name of its government "The

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> Transitional Federal Government of the Somali Republic".  
>  
> In the fifth paragraph of your draft there is a printing  
> error. It says 2000 nautical miles instead of 200 nautical  
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> The submissions made before the Commission and the  
> recommendations) approved by the the Commission thereon  
> ....". The words within parenthesis should be added in your  
> text.  
>  
> I find the rest of your text good.  
>  
> Could you please send me your corrected text so I can  
> forward it to our Somali friends?  
>  
> I send you my best regards.  
>  
> Hans Wilhelm Longva  
>  
>  
>  
> -----Original Message-----  
> From: Edith ngungu [mailto:[edithkaki@yahoo.co.uk](mailto:edithkaki@yahoo.co.uk)]  
>  
> Sent: Monday, March 30, 2009 6:25 PM  
> To: Longva Hans Wilhelm; Holmelid Vegard  
> Cc: [jkihwaga@yahoo.com](mailto:jkihwaga@yahoo.com);  
> [edithkaki@yahoo.co.uk](mailto:edithkaki@yahoo.co.uk)  
> Subject: MOU  
>  
>  
> Attached hereto is the MOU between Kenya and Somalia for  
> your consideration and comments.  
>  
> Kindly, let us know whether the clauses inserted are  
> acceptable.  
>  
> We would appreciate receiving your comments tommorrow  
> morning. ( 31st March, 2009)  
>  
> Edith K. Ngungu  
> Ministry of Foreign Affairs  
>  
>  
>

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**Annex 11** E-mail from Mr. Hans Wilhelm Longva to Mr James Kihwaga

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Dear Mr James Kihwaga,

We have been in touch with the Prime Minister of Somalia who informs us that he will be arriving in Nairobi on Thursday 2 April 2009 and plans to sign the MoU during his stay in Nairobi. As far as I understand he will be in Nairobi until after the week-end.

With my best personal regards

Hans Wilhelm Longva

**Annex 12** E-mail from Mr. Hans Wilhelm Longva to Prof. Abdirahman Ibbi (2 Apr. 2009)

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H.E. Professor Abdirahman Haji Adan Ibbi  
Deputy Prime Minister and Minister of Fisheries and Marine Resources  
Transitional Federal Government of the Somali Republic  
Mogadishu

Dear Mr Minister,

I have the honour to forward to you a message I have just received from the Head of the Legal Division of the Ministry of Foreign Affairs of Kenya, Mr James Kihwaga, confirming that the Minister of Foreign Affairs of Kenya, Hon Wetang'ula, will be available to sign the Memorandum of Understanding with Somalia on Friday, 3rd April 2009 at 9.00 am.

I would highly appreciate your early confirmation that the Prime Minister of the Transitional Federal Government of the Somali Republic, Hon Omar Abdirashid Ali Sharmarke, will be available in Nairobi on Friday, 3rd April 2009 to sign the Memorandum of Understanding. I would also be grateful if you could inform me about who will accompany the Prime Minister.

Should the Prime Minister not be able to travel to Nairobi as planned, I would suggest that the Minister of National Planning and International Cooperation, Hon Abdirahman Abdishakur Warsame, who is currently in Nairobi, receive the necessary authorisation to sign the Memorandum of Understanding in order to be able to proceed with the signing on 3 April 2009. The authorisation should be written and we should receive it in Nairobi in the course of the day to-day, 2 April 2009.

Should the Prime Minister not be able to travel to Nairobi as planned, I will travel to Mogadishu as soon as practically possible after the signature of the Memorandum of Understanding. I will be accompanied by Mrs Rina Kristmoen, Counsellor at the Royal Norwegian Embassy in Nairobi.

I send you my best personal regards,

Yours sincerely

Hans Wilhelm Longva

**Annex 13** Press release issued by former Somali Minister of National Planning and International Cooperation, Dr. Abdirahman Adbishakur, reported by Network Al Shahid (7 July 2012)

# NETWORK ALSHAHID

News and Analysis from the Horn & East Africa

## Press release by Somali Presidential Candidate Dr Abdirahman Abdishakur

By [Mohamed Abdi](#) / July 7, 2012 / [No Comments](#)

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[customerid=6274&lang=en\\_us&readid=rspeak\\_read\\_30036&url=http%3A%2F%2Fenglish.alshahid.net%2Farchives%2F30036&title=Press release by Somali Presidential Candidate Dr Abdirahman Abdishakur](http://app.eu.readspeaker.com/cgi-bin/rsent?customerid=6274&lang=en_us&readid=rspeak_read_30036&url=http%3A%2F%2Fenglish.alshahid.net%2Farchives%2F30036&title=Press+release+by+Somali+Presidential+Candidate+Dr+Abdirahman+Abdishakur))



(<http://english.alshahid.net/archives/30036/dr-abdirahman>) **Clarification on the Memorandum of Understanding (MoU) between Somalia and Kenya**

Ladies and Gentlemen, fellow Somalis

Today I want to clearly share with you an incident that has repeatedly emerged recently and which is misleadingly reported by some media houses. In this press release, I want to clarify myself instead of others doing so on my behalf. It is about a Memorandum of Understanding on Continental Shelves between Somalia and Kenya that I signed on behalf of Transitional Federal Government (TFG) as the Minister of Planning and International Cooperation.

## How the incident happened

On 6<sup>th</sup> April 2009, the then TFG cabinet discussed the issue of continental shelves of Somalia at the request of Minister for fisheries and marine resources Prof. Abdirahman Ibbi. The cabinet listened reports by experts from the United Nation and Norwegian government and afterwards decided to sign the MoU, then passed the issue to the President who met with the experts and endorsed the cabinet's decision.

It is worth noting that all cabinet ministers were alive at that time and it was before the Shamo blast and the assassination of Minister Omar Hashi.

I am not sure whether all the 39 cabinet ministers attended the session, because I myself was in Nairobi, back from a conference I attended in Botswana.

After the decision by the TFG cabinet and minister, I was called by the then Prime Minister Omar Abdirashid who told me to sign the MoU with Kenya adding that there was a deadline to beat (07.04.2009) which if Somalia misses, it can lose the continental shelf.

The Premier explained for me how they decision was made and when I asked him whether they consulted any legal experts on the issue, he mentioned to me Abdikawi Yussuf- a Somali judge at the International Court in Hague, whom he said was consulted and recommended the signing of the MoU.

I requested the Premier to make a formally written document on the job he wants me to do on behalf of the TFG, in which he agreed (**Read it here.**)

I also called the President and he confirmed to me that he met with the experts from UN and Norway and is ok with MoU.

After all those efforts, I signed the MoU which was tabled before the national parliament that rejected it all together.

## What happened next?

What I signed was not a binding agreement, but a mere MoU, because I believe a binding agreement needs a functional Somalia governments that has a legal jurisdiction all over the country and can defend its territory. On the other hand, the MoU I signed was about continental shelves and not the demarcation of the sea border between Somalia and Kenya, which can only be talked about by a full time Somali government with the consent of her people and not an interim one.

I read the MoU several times before I put the pen to it, because I am a lawyer even though I didn't specialize in maritime law. I am sure I didn't sign a MoU on sea border or one that I saw as to be committing mistake by the TFG leadership. ([http://www.un.org/Depts/los/clcs\\_new/submissions\\_files/ken35\\_09/som\\_re\\_ken\\_clcs35.pdf](http://www.un.org/Depts/los/clcs_new/submissions_files/ken35_09/som_re_ken_clcs35.pdf) ([http://www.un.org/Depts/los/clcs\\_new/submissions\\_files/ken35\\_09/som\\_re\\_ken\\_clcs35.pdf](http://www.un.org/Depts/los/clcs_new/submissions_files/ken35_09/som_re_ken_clcs35.pdf)) )

Ladies and Gentlemen, respected fellow Somalis

I assured you that I never for a second intended to be part of something that will harm my Country and People and history is on my side.

I tried my best to be sure of what I was signing, consulted with several people. I always acknowledge that I am a human being, prone to errors and so is the government. That is why we have the parliament to check on the decisions by the

government, to rectify the wrong ones. The Somali people also have the same obligations to stop the wrong decisions of the government. I never joined politics to harm my country and people. I don't think the whole government of that time had that intention too.

The rightness or wrongness of the MoU is something we have to leave to the experts and legal practitioners in maritime laws. If it was wrong, I am ready to take responsibility of it, but with the government of that time and the president, because it was a unanimous decision.

I raised this issue in many forums some of which the former PM and a group of his ministers were present. For example the London Somali Diaspora meeting with TFG delegations. ([http://www.youtube.com/watch?v=LtRIRwd-Cc&feature=player\\_embedded](http://www.youtube.com/watch?v=LtRIRwd-Cc&feature=player_embedded) ([http://www.youtube.com/watch?v=LtRIRwd-Cc&feature=player\\_embedded](http://www.youtube.com/watch?v=LtRIRwd-Cc&feature=player_embedded))).

But that issue shouldn't be used as slandering, defaming and false accusation. History has that slandering was used to target prominent people among the society, for example the slandering of Prophet Muhammad's (P.B.U.H) wife Aisha, which was later solved by a revelation from Allah (S.W.T), also that false accusation of Prophet Yusuf.

Ladies and Gentlemen, fellow Somalis

Now that I have explained in details how the incident happened, I kindly expect you to acknowledge it. I know there are many people who are honest but mislead about the truth of the incident and my reason for this press release it to clear their doubts.

I am grateful to those who spoke truthfully about the matter due to their knowledge of the reality of the issue or their personal knowledge to me and I urge them to continue that way. ([http://wardheernews.com/Articles\\_09/September/Hosh/10\\_MOU\\_between\\_Somalia\\_%26\\_Kenya.html](http://wardheernews.com/Articles_09/September/Hosh/10_MOU_between_Somalia_%26_Kenya.html) ([http://wardheernews.com/Articles\\_09/September/Hosh/10\\_MOU\\_between\\_Somalia\\_%26\\_Kenya.html](http://wardheernews.com/Articles_09/September/Hosh/10_MOU_between_Somalia_%26_Kenya.html)))

I forgave all those who talked bad about me due to their misinformation about the matter.

I am confident of my history and the assessment by those whom we learnt together, worked together, lived together or interacted in one way or the other.

I pray to Allah to make our hearts close to each other, shower us with His mercy and forgiveness and make us those who ascertain things before they act.

Source: <http://aawarsame.com/?p=385>



**Annex 14** E-mail from Mr. Hans Wilhelm Longva to Mr. James Kihwaga

Dear Mr James Kihwaga,

As I just informed you by telephone, the President of the Somali Republic has now approved the signing of the Memorandum of Understanding between Kenya and Somalia. From the Somali side the MoU will be signed by the Minister of National Planning and International Cooperation Hon Abdirahman Abdishakur Warsame.

The Somali side wants the title of the MoU to be as follows: Memorandum of Understanding between the Government of Kenya and the Transitional Federal Government of the Somali Republic to grant to each other No-Objection in respect of submissions on the Outer Limits of the Continental Shelf beyond 200 Nautical Miles to the Commission on the Limits of the Continental Shelf. As you see the words "to each other" have been added.

As I mentioned to you on the telephone the last sentence in paragraph four should read: "On this understanding the Republic of Kenya has no objection to the inclusion of the areas under dispute in the submission by the Somali Republic of preliminary information indicative of the outer limits of the continental shelf beyond 200 nautical miles". (The word "of" is added between the words "Somali Republic" and the words "preliminary information").

With my best regards

Hans Wilhelm Longva

**Annex 15** Transcript of a Meeting of the Somali Diaspora in London with Somali Prime Minister Omar Abdirashid Ali Sharmarke and Dr Abdirahman Adishakur Warsame.

**Somali PM in London:****The reporter:**

The Prime Minister of Somalia Omar Abdirashid Sharmarke, in this first official of his to the UK, as a prime minister, (he) was accompanied by ministers in his government and some members of Somalia's National Assembly. After he was through with the inararies of his official visit, which included meeting with the high ranking British officials, like the British Foreign Ministers, he got the opportunity to meet the Somali community living in London. The event which was held in central London was attended by about 1000 of Somalis. The venue was filled to its capacity, till some people were seen returned from the venue since they could not find a space outside.

Before the Prime Minister was invited to the stage to give his speech, the podium was taken by representatives Somali intellectuals, Civil Society groups, Activists and others from the Somali Community living in different parts of the UK.

Later on, the Ministers who accompanied the prime minister gave detailed reports members of the UK Somali community.

**Cabdiraxmaan Cabdishakuur:**

Oh Messenger of Allaah! I hear (people accusing us) "you sold out the Ocean." We did not sell, by Allah we didn't! Let's tell each other the truth! The backbiting and endless malicious talks aren't good ..... the good that we say about each other is a friction of the accusations we peddle about each other.

**The reporter:** Cabdiraxmaan Cabdishakuur is one highranking officials who accompanied the prime minister in his UK visit. He used to be planning minister what ignited the rumour that he was involved in the signing of the agreement that allowed selling Somalia's maritime territory to a foreign country.

**Another man:**

As the minister said, you have all the right to be pained and perturbed by anything that affects the somali people in a negative way; their wealth; their sovereignty. I am really pleased to see took the issue, the concern you have shown, the agitation... people should agitate for the common good and defend their land. I shall be brief, I am a minister, a cabinet member, I signed the said agreement following the orders of Prime Minister Omar Abdirashid, who is now sitting right before, any query or concern you have about the signed agreement, he will address, and thank you all.

**Reporter:** The minister clearly explained that he signed the agreement following the orders of Prime Minister Omar Sharmaake.

Addressing the issue, the PM said:

**PM:**

I think the ministers gave all the necessary briefing, I shall give a comment about maritime territorial dispute that Abdi Farah raised. The issue, the way it begun, on its outset, the man in charge of the UN, Weled Abdallah, accompanied by another man, a maritime expert, paid us a visit. He told us: are you aware that in May 12th you have a deadline? A deadline of which if we don't ask for its extension, due to this the so-called 'continental shelf' that our ocean is likely be taken over by an organization by the name: International Sea Board. Following that we verily requested for an extension, another thing we requested.... under us presently is 200 miles refered to as exclusive economic zone. Kenya, it is true, it intention is to wrongfully change the maritime map. Kenya has trully violated international law. Legally, the maritime boundary go together with the land boundary, and if we adhere that we shall go 90 degree into their direction, but they want to lay a straight line, and if the law is followed, we are on the right side. One thing I want to assure you, so long as we are still alive or in this office, an inch of Somalia's territory would not be taken.

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intentionally blank**

**Annex 16** Kenya Statement in the Nineteenth Meeting of States Parties to the United Nations [Convention] on the Law of the Sea (22–26 June 2009)

**KENYA STATEMENT IN THE  
NINETEENTH MEETING OF STATES  
PARTIES TO THE UNITED NATIONS  
ON THE LAW OF THE SEA,**

**22<sup>TH</sup> TO 26<sup>TH</sup> JUNE 2009**

**UNITED NATIONS HEADQUARTERS  
NEW YORK, U.S.A.**



**Mr. President,**

My delegation wishes to congratulate you and other members of the bureau for your election. Kenya wishes to assure you of full support during your term

**Mr. President,**

We have noted with appreciation reports prepared for this meeting by the Chairman of the Commission on the Limits of the Continental Shelf (CLCS), the annual report of the International Tribunal for the Law of the Sea (ITLOS) by the President and the comprehensive report on the oceans and the law of the sea by the Secretary General and wish to comment on a few issues of interest to Kenya arising from these reports.

**Mr. President,**

As reported in document SPLOS/., 50 countries including Kenya, in observance of the just past 13<sup>th</sup> May 2009 deadline, have already submitted, to the CLCS, the outer limits of the continental shelf beyond 200M, of their respective coastal states.

In this regard this delegation wishes to recall a previously raised issue on the workload of the commission and for which no clear way was charted. This delegation wishes to remember the enormous resources that have been employed to complete the delineation of the outer limits of the continental

shelf beyond 200 M, particularly by the developing and small Island states. Such resources have been utilized, among other things, in training of manpower, data acquisition and analysis, as well as in putting forth the just submitted reports.

The delegation further observes the enormous pending work by the commission and that long period may lapse before commission is able to examine these submissions. If the waiting period is too long the respective teams that compiled submission may no longer be available for queries or issues that the commission may raise. Additionally, too long a waiting period may result in the not too obvious aspects of the delineation being forgotten. Ideally, the Commission should engage and make recommendations when the aspects of the respective reports are still fresh in the minds of the preparing team(s).

This view has inspired this delegation to urge fellow State parties to seek an urgent solution to reduce the waiting period. The open options include;

- increasing the number of sessions for the commissioners
- Reducing the number of commissioners in the sub-commissions to result in more sub commissions
- Increasing the number of commissioners
- A combination of any of the above

This delegation favour the later option and proposes doubling of the number of commissioner and doubling the sessions as well. This would increase the

output of the commission four fold and consequently reducing the waiting period three times

**Mr. President,**

The process of preparing credible submission in accordance with article 76 is an enormous one as could be attested by coastal states who have undergone through the process. The complexity, scale and the cost involved in such programme, though varying from state to state according to the different geographical and geophysical circumstances require enormous amounts of resources.

In line with this observation, my delegation wishes to thank all the bodies that have come to the aid of the developing and small Island states in completing this States. In particular, my delegation wishes to acknowledge the efforts of the UNEP Shelf Programme in Arendal- Norway, DOALOS and Common Wealth Secretariat in assisting Kenya to meet the submission timeline. My delegation urges these bodies and other to continue with this onerous duty and assist the countries that are in similar situation

It was on this basis that my delegation proposed last year that the meeting of states parties keeps in view the ability of developing coastal states to make submission within the set time limit. This situation has not changed and my delegation welcomes discussions to address this challenge.

**Mr. President,**

My delegation wishes to recall a statement it made during the state parties meeting relating last year pertaining to issues that had arisen on some aspects in application of the Convention. In particular the concern was, and still is, in respect of application of the Statement of Understanding Concerning Specific Method to be used in Establishing the Outer Edge of the Continental Margin contained in Annex II of UNCLOS.

My delegation had requested for a clarification on this issue from the Secretariat. In view of the finding that no such clarification has come forth, this delegation remains unclear of the official position of the Commission on this issue.

In an attempt to provide a way forward, this delegation observes that the subject issue in the SOU is special geomorphological characteristics of a continental margin combined with inequity that would be occasioned by application of the formula in article 76 (para 4a i and ii), that is being addressed. Kenya has not been able to look at the issue as that of geographical location of the margin

**Mr. President,**

We welcome the information reported by the Secretary General of the International Sea bed Authority. We appreciate the current efforts to finalize discussions on the formulation of regulations on prospecting for poly-metallic sulphides.

In observance of the provisions of exploration and exploitations of resources in the area the Kenyan delegation observes that monopolistic tendencies, in all its forms should be discouraged. One entity under the sponsorship of different countries and/or use of different names could in itself be a means to monopolization.

**Mr. President,**

We commend the Secretary General for the comprehensive report on oceans and the Law of the sea, issued pursuant to Article 319 of the Convention. The Report highlights issues of a general nature that have arisen with respect to the Convention on the Law of the Sea.

**Mr. President,**

On issues of piracy and armed robbery against ships my delegation notes with appreciation the international efforts in reducing the menace off the Somalia waters through deployment naval vessels. It is, however, regrettable that despite such concerted efforts the number of incidences has been on a steady rise for the last one year. My country notes while stop gap measures continue to be necessary, long lasting solution will be found in assisting Somalia to have a stable and functioning government.

**Mr. President,**

Like my delegation did last year, we welcome international efforts geared towards addressing this menace and urge all states in the spirit of Article 100 to co-operate to the fullest possible extent in the suppression of piracy.

Mr. President,

My delegation also wishes to recall the unresolved issue on allocation of the revolving seats in ITLOS and CLCS. Recalling the discussion in this plenary last year, this delegation requests its colleagues to be guided by the spirit under which this adhoc arrangement was arrived at. In the spirit of consensus building and the course for this arrangement and minding the need for such arrangement in the future my delegation wishes the contestants to relinquish the seats

**Mr. President**

My Country, like many other developing coastal states, faces challenges and constraints in addressing illegal unreported and unregulated fishing. It is well known that continued lack of effective control by states over fishing vessels flying their flag creates an environment that enables IUU fishing to flourish.

My delegation identifies with the statement of the Secretary-General contained in Part F of his Report urging States Parties to implement the FAO

Code on responsible fishing and other initiatives in order to address the challenges posed by illegal unreported and unregulated fishing.

**Mr. President**

My delegation reassures of its support, and looks forward to fruitful deliberations of this meeting under your guidance.

Thank You.

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**Annex 17** Message from Jacqueline K. Mosei to the Legal Division, Ministry of Foreign Affairs regarding “Registration of Memorandum of Understanding between GOK and the Transitional Federal Government of the Somali Republic” (20 Aug. 2009) attaching Note Verbale from the UN Secretariat (14 Aug. 2009) and Certificate of Registration (stating registration of Memorandum of Understanding on 11 June 2009)

14

**KMUN/LAW/MSC/23 (18)**

20<sup>th</sup> August 2009

The Permanent Secretary  
Ministry of Foreign Affairs  
**NAIROBI**

**Attn: H/Legal Division**

**REGISTRATION OF MEMORANDUM OF UNDERSTANDING BETWEEN GOK  
AND THE TRANSITIONAL FEDERAL GOVERNMENT OF THE SOMALI  
REPUBLIC**

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Attached herewith is Note Verbale reference: LA41 TR/11062009/I-46230 dated August 14, 2009 from the Secretariat of the United Nations, informing the Government that the abovementioned Memorandum of Understanding was registered on June 11, 2009.

The MOU is in respect of submissions on the outer limits of the continental shelf beyond 200 nautical miles to the Commission on the Limits of the Continental Shelf.

Forwarded for information and records.

**JACQUELINE K. MOSETI**  
**FOR: AMBASSADOR/PERMANENT REPRESENTATIVE**

Cc. The Solicitor General  
State Law Office  
**NAIROBI**

The Chairperson  
Task Force on Delineation of Kenya's  
Outer Continental Shelf  
Office of the President, Cabinet Office  
Kencom House - 2<sup>nd</sup> Floor Wing "A"  
**NAIROBI**

Encls.

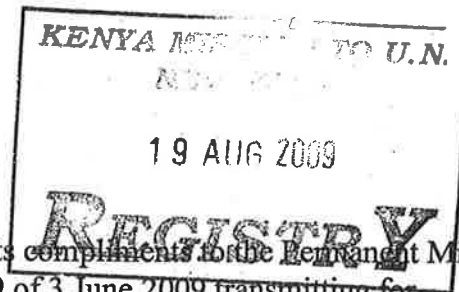
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NATIONS UNIES

POSTAL ADDRESS—ADRESSE POSTALE: UNITED NATIONS, N.Y. 10017  
CABLE ADDRESS—ADRESSE TELEGRAPHIQUE: UNATIONS NEWYORK

Reference: LA41 TR/11062009/I-46230



The Secretariat of the United Nations presents its compliments to the Permanent Mission of Kenya and has the honour to refer to note No. 259/09 of 3 June 2009 transmitting for registration, under Article 102 of the Charter, one certified true copy and two additional copies of the following international agreement concluded by Kenya:

Memorandum of Understanding between the Government of the Republic of Kenya and the Transitional Federal Government of the Somali Republic to grant to each other no-objection in respect of submissions on the outer limits of the continental shelf beyond 200 nautical miles to the Commission on the Limits of the Continental Shelf. Nairobi, 7 April 2009.

The Memorandum of Understanding has been registered on 11 June 2009. In accordance with the Secretariat's practice contained in note LA 41 TR/230 of 14 April 1999, the information on its registration is attached.

14 August 2009

A handwritten signature in dark ink, appearing to be the initials "DR".

No. 58096

**Certificate of registration**

The Secretary-General of the United Nations

hereby certifies that the following international agreement has been registered with the Secretariat, in accordance with Article 102 of the Charter of the United Nations:

**No. 46230. Kenya and Somalia**

Memorandum of Understanding between the Government of the Republic of Kenya and the Transitional Federal Government of the Somali Republic to grant to each other No-Objection in respect of submissions on the Outer Limits of the Continental Shelf beyond 200 Nautical Miles to the Commission on the Limits of the Continental Shelf. Nairobi, 7 April 2009

Registration with the Secretariat of the United Nations:  
Kenya, 11 June 2009

Done at New York on 14 August 2009

For the Secretary-General

**Certificat d'enregistrement**

Le Secrétaire Général de l'Organisation des Nations Unies

certifie par la présente que l'accord international indiqué ci-après a été enregistré au Secrétariat, conformément à l'Article 102 de la Charte des Nations Unies :

**No. 46230. Kenya et Somalie**

Mémoire d'accord entre le Gouvernement de la République du Kenya et le Gouvernement fédéral de transition de la République de Somalie, afin d'accorder à chacun non-objection à l'égard des communications sur les limites extérieures du plateau continental au-delà de 200 milles marins à la Commission sur les limites du plateau continental. Nairobi, 7 avril 2009

Enregistrement auprès du Secrétariat des Nations Unies :  
Kenya, 11 juin 2009

Fait à New York le 14 août 2009

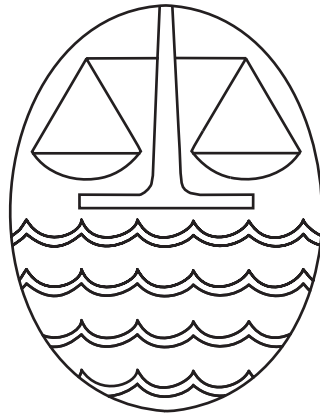
Pour le Secrétaire Général



**Annex 18** United Nations Law of the Sea Bulletin No 70 (2010)

Division des affaires maritimes et du droit de la mer  
Bureau des affaires juridiques

# **Droit** *de la mer*



*Bulletin n° 70*



Nations Unies  
New York, 2010

#### AVERTISSEMENT

Les appellations employées dans la présente publication et la présentation des données qui y figurent n'impliquent de la part du Secrétariat de l'Organisation des Nations Unies aucune prise de position quant au statut juridique des pays, territoires, villes ou zones, ou de leurs autorités, ni quant au tracé de leurs frontières ou limites.

En outre, la publication dans le *Bulletin* d'informations concernant des événements relatifs au droit de la mer qui résultent de mesures et décisions adoptées par les États n'implique, de la part de l'Organisation des Nations Unies, aucune reconnaissance de la validité des mesures et décisions en question.

LES INFORMATIONS PUBLIÉES DANS LE PRÉSENT *BULLETIN* PEUVENT ÊTRE RE-  
PRODUITES EN TOUT OU EN PARTIE, MAIS AVEC INDICATION DE SOURCE.

## 2. Kenya et Somalie

### *Mémorandum d'accord entre le Gouvernement de la République du Kenya et le Gouvernement fédéral de transition de la République de Somalie visant à s'assurer mutuellement de l'absence d'objection au sujet des demandes concernant les limites extérieures du plateau continental au-delà de 200 milles marins soumises à la Commission des limites du plateau continental<sup>2</sup>*

Le Gouvernement de la République du Kenya et le Gouvernement fédéral de transition de la République de Somalie, dans un esprit de coopération et de compréhension mutuelles, sont convenus de conclure le présent Mémorandum d'accord :

La délimitation du plateau continental entre la République du Kenya et la République de Somalie (ci-après dénommés collectivement « les deux États côtiers ») n'a pas encore été réglée. Cette question de la délimitation non réglée entre les deux États côtiers doit être considérée comme « un différend maritime ». Les revendications des deux États côtiers concernent une zone de chevauchement du plateau continental qui constitue la « zone contestée ».

Les deux États côtiers sont conscients que l'établissement des limites extérieures du plateau continental au-delà de 200 milles marins ne peut porter atteinte à la délimitation du plateau continental entre États ayant des côtes adjacentes ou se faisant face. S'ils ont des intérêts divergents en ce qui concerne la délimitation du plateau continental dans la zone contestée, ils ont un puissant intérêt commun en ce qui concerne l'établissement des limites extérieures du plateau continental au-delà de 200 milles marins, sans préjudice de la future délimitation du plateau continental entre eux. Les deux États côtiers sont donc déterminés à travailler ensemble pour préserver et promouvoir leur intérêt commun dans l'optique de l'établissement des limites extérieures du plateau continental au-delà de 200 milles marins.

Avant le 13 mai 2009, le Gouvernement fédéral de transition de la République de Somalie a l'intention de présenter au Secrétaire général de l'Organisation des Nations Unies des informations préliminaires concernant les limites extérieures du plateau continental au-delà de 200 milles marins. Cette présentation peut couvrir la zone contestée. Elle vise seulement à respecter la période mentionnée à l'article 4 de l'annexe II de la Convention des Nations Unies sur le droit de la mer. Elle ne porte atteinte ni aux positions des deux États côtiers dans le différend maritime qui les oppose ni à la délimitation des frontières maritimes futures dans la zone contestée, y compris la délimitation du plateau continental au-delà de 200 milles marins. Cela étant entendu, la République du Kenya n'a pas d'objection à l'inclusion de la zone contestée dans la présentation par la République de Somalie des informations préliminaires concernant les limites extérieures du plateau continental au-delà de 200 milles marins.

Les deux États côtiers conviennent que, le moment venu, avant le 13 mai 2009 dans le cas de la République du Kenya, chacun présentera des demandes séparées à la Commission des limites du plateau continental (ci-après « la Commission »), qui pourront couvrir la zone contestée, en priant la Commission de faire des recommandations sur les limites extérieures du plateau continental au-delà de 200 milles marins sans porter atteinte à la délimitation des frontières maritimes entre eux. Ils donnent par les présentes leur consentement préalable à l'examen par la Commission de ces demandes couvrant la zone contestée. Les demandes présentées à la Commission et les recommandations approuvées par la Commission à ce sujet ne portent atteinte ni aux positions des deux États côtiers dans le différend maritime qui les oppose ni à la délimitation des frontières maritimes dans la zone contestée, y compris la délimitation du plateau continental au-delà des 200 milles marins.

La délimitation des frontières maritimes dans la zone contestée, y compris la délimitation du plateau continental au-delà de 200 milles marins, sera déterminée par accord entre les deux États côtiers sur la base du droit international une fois que la Commission aura terminé son examen des demandes présentées séparément par chacun de ces États et leur aura transmis ses recommandations concernant

<sup>2</sup> Enregistré auprès du Secrétariat de l'Organisation des Nations Unies le 11 juin 2009. Numéro d'enregistrement : I-46230. Entré en vigueur : 7 avril 2009



l'établissement des limites extérieures du plateau continental au-delà de 200 milles marins. Le présent Mémorandum d'accord entre en vigueur dès sa signature.

EN FOI DE QUOI, les soussignés, à ce dûment autorisés par leurs gouvernements respectifs, ont signé le présent Mémorandum d'accord.

FAIT à Nairobi, ce 7<sup>e</sup> jour d'avril deux mille neuf, en deux exemplaires en langue anglaise, les deux textes faisant également foi.

Pour le Gouvernement  
de la République du Kenya  
*Le Ministre des affaires étrangères*  
Moses WETANG'ULA, EGH, MP

Pour le Gouvernement fédéral de transition  
de la République de Somalie  
*Le Ministre de la planification nationale  
et de la coopération internationale*  
M. Abdirahman Abdishakur WARSAME

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**Annex 19** Article from *The Somaliland Times*, “Somalia–Kenya Sign MoU for Maritime ‘Area under Dispute’: Exclusive”, Issue 376 (11 Apr. 2009)

**Somalia-Kenya Sign Mou For Maritime 'Area Under Dispute': Exclusive**

Issue 376

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NAIROBI, Kenya Apr 11, 2009 - The governments of Somalia and Kenya inked a Memorandum of Understanding last week that has stirred socio-political controversy across Somalia, re-igniting memories from half a century ago when Kenya was "awarded" Somali territory by withdrawing European colonizers.

A copy of the MoU, obtained by independent Somali news agency Garowe Online, indicated that the Somali and Kenyan governments will pose "no objection in respect of submissions on the Outer Limits of the Continental Shelf beyond 200 Nautical Miles" to a United Nations body tasked with enforcing the 1982 UN Convention on the Law of the Sea. The two-page document noted that the "maritime dispute" between Somalia and Kenya "has not been settled yet," adding: "While the two coastal States have differing interests regarding the delimitation of the continental shelf in the area under dispute, they have a strong common interest with respect to the establishment of the outer limits of the continental shelf beyond 200 nautical miles, without prejudice to the future delimitation of the continental shelf between them."

The document went on to mention that the two States will "work together to safeguard and promote their common interests" and that the Somali Transitional Federal Government (TFG) will submit to the UN "preliminary information" regarding continental shelf limits on May 13, 2009.

But the MoU warns: "This submission may include the area under dispute," which was defined earlier in the document as "an overlapping area of the continental shelf."

However, the MoU notes that "the submissions made before the [UN] Commission and the recommendations approved by the Commission thereon shall not prejudice the positions of the two coastal States with respect to the maritime dispute between them and shall be without prejudice to the future delimitation of maritime boundaries in the area under dispute."

Confusion

The MoU between the governments of Somalia and Kenya regarding the continental shelf has stirred public debate among the Somali people, who are already weary of foreign agendas.

The document, however, provides the legal framework for a future agreement between these two neighbors in East Africa, who share a coastline and a history of contradictions.

The UN Commission on the Limits of the Continental Shelf, which reviews submissions, defines the continental shelf as comprising "...the submerged prolongation of the land territory of the coastal state" or to a distance not exceeding 200 nautical miles from the baseline of the coastal state's territorial sea.

Further, the Law of the Sea treaty stipulates that the "coastal State exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources."

The MoU signed between the governments of Somalia and Kenya leaves room for different interpretations, as the document openly admits that upcoming submissions to the UN body may allow the two countries to lay claim over the so-called "area of dispute."

This vague clause throws into question Somalia's sovereign rights over natural resources found on the continental shelf, as the long-standing "maritime dispute" between Somalia and Kenya has been placed on hold to allow Kenya to lay claim over the so-called "area of dispute" within the 10-year submission deadline period.

The document does not provide any information on longitude, but repeatedly states that the MoU does not impact the positions of Somalia and Kenya on the future delimitation of the maritime boundary.

However, there is the sense that since Somalia is a weaker nation-state, the MoU was written to empower Kenya to lay claim over an area of ownership that has apparently been in "maritime dispute" for years.

The signing of this MoU comes at a time when Kenya is intensifying its search for oil, especially in offshore blocks, with Swedish and Chinese firms leading the effort.

Concern

Rebels opposed to the TFG in the Somali capital Mogadishu have spread information and accused the Somali government of "selling the sea" to the neighboring Republic of Kenya.

This information, rightly or wrongly, has largely been accepted at face-value by a Somali public reeling from nearly 20 years of civil war, gross abuse of public trust and a legacy inherited from the colonial years.

In the 1950s, the Northern Frontier District (NFD) was given to Kenya, although the territory's Somali-speaking population wanted to be part of the Somali Republic after gaining independence from Great Britain.

The TFG in Mogadishu, first created in Oct. 2004 following a conference of Somali clan leaders in Kenya, was radically transformed in Jan. 2009 when the TFG Parliament was

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tations in Kenya, was radically transformed in Jan. 2009 when the TFG Parliament was doubled to include Islamist MPs and Islamist leader Sheikh Sharif Ahmed was elected President of Somalia at a peace conference in the neighboring Republic of Djibouti. Currently, the TFG controls very little territory outside of Mogadishu, where Islamist rebels control key neighborhoods and have openly defied the government's orders. Most regions in southern Somalia are controlled by Al Shabaab hardliners and their Islamist allies, including the key towns of Kismayo, Baidoa and Marka. The central regions of Somalia fall under the control of various groups, including clan militias and Islamist fighters. Support for Sheikh Sharif's government in these regions is very fluid and uncertain. In the northwest, the unrecognized breakaway republic of Somaliland has refused to recognize President Sheikh Sharif's government, strictly following a separatist policy since the early 1990s. The Puntland regional authority, in northeastern Somalia, has adopted a wait-and-see approach, although the region's leader has repeatedly supported federalism as the only acceptable system of government for Somalia. It is not clear what impact the MoU between Somalia and Kenya will have on the rest of the country, but the document has stirred debate across the country as Somalis largely view such agreements hidden from the public with suspicion. Source: Garowe Online

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**Annex 20** Mr. Aburahman Hosh Jibril, *WardheerNews.Com*, “The MOU between Somalia and Kenya: A Big Fat Fact Check” (10 Sept. 2009)



## THE MOU BETWEEN SOMALIA AND KENYA: A BIG FAT FACT CHECK

By Aburahman Hosh Jibril  
September 10 , 2009

***"Analysts and activists such as Sadia Aden, a Virginia-based human rights advocate and Prof. Abdi Ismail Samatar (sic), a Somali advocate at the Univ. of Minn., say the UN has engaged in leading Western nations in an attempt to control Somali resources. The foreign navies that patrol Somali seas against pirates are really there to exploit the resources of Somalia, mainly its oil reserves and natural gas; and have been given permission to do so by the UN Security Council, Ms. Aden told The Final Call. "Somalis know that these navies did not come to hunt and prosecute pirates but to divide the Somali seas, and to protect their interests as they hope to divide up our resources—not just in the ocean, but also on land," Ms. Aden added. Prof. Samatar (sic) told The Final Call that the MOA caused uproar in Mogadishu; and that the 245-member Somali Parliament voted unanimously against it. "This is not a real government, so they lack the authority to implement or enter into agreements," the professor insisted."***

The above quote is from an excerpt in an article dated September 7, 2009 in the \_\_\_\_\_, the voice of Louis Farrakhan's Nation of Islam. The article is about the May 2009 signing of a Memorandum of Understanding between Somalia and Kenya, concerning Kenya's submission of its possible claim to an extended continental shelf to the United Nations Commission on the Limits of the Continental Shelf (CLCS) on its proscribed deadline of May 13, 2009. The article further damns Norway for assisting Kenya on technical and legal matters during its preparation of its submission, and also for assisting Somalia to meet its legal obligations in the face of Kenya's claim submission. It does not stop there but continues to impute a sinister motive to the UN Special Envoy to Somalia, Ahmed Ould Abdalla for Norway's forays into the deliberations of these matters.

I hate to rain on the party of Sadia Aden, Prof. Abdi Samatar, Innercity Press and the Final Call, but this whole "expose" is the stuff of conspiracy theorists. First, Inner City Press which first claimed this scoop is an ultra far left organization that, while working on housing and poverty issues in inner city areas such Harlem and the Bronx did a good job of putting the agenda of poor people on the front burner, but when it turned its agenda to global issues (following the left's "correct" mantra that all struggles are interconnected), they became reductionist; hence their penchant for conspiracy theory. Likewise, the Final Call (where this article originated) is the mouthpiece of the ultra Black Nationalist/Fascist outfit, the Nation of Islam of Farrakhan whose views are universally not given much credence.

I hope people will read the MOU carefully and also read the history and evolution of the United Nations Convention on the Law of the Sea (UNCLOS) and all the important legal and customary instruments contained therein, which I am sure the good professor and activist Sadia Aden have not read. Having perused these documents myself, I see nothing sinister about the recent MOU between Kenya and Somalia. As for Norway advising Somalia on technical matters about a potential claim on the continental shelf beyond its 200EEZ, it is a routine matter as we will see later from the experience of other African jurisdictions. Moreover, the UNCLOS regime itself has expertise that will be available to Somalia or any other coastal state whose submissions are due. It is equally false that Norway has an economic interest in this as it does not have any licenses with Kenya on offshore drilling on the contested waters. Rather, it has a long standing agreement for Diamond exploration close to the rift valley. The Migori Archaean Greenstone Belt as it is called is where the Lolgorien license area is located at the Lake Victoria Goldfields in South West Kenya. Not close to Waryaa (Somali) territory.

As for the Somali people crying foul over this MOU, it is mind boggling. The whole brouhaha was picked up by simpleton Somali websites who have done no research on the subject but kept going at it ad nauseam. Where in the rest of the world, the internet and the blogosphere are being utilized by citizen journalism community to empower the disenfranchised masses, the Somali e-citizen journalists are spaced in ignorant polemics. To add to this, reputable media outlets such as the



journalists are engaged in ignorant polemics. To add to this, reputable media outlets such as the Voice of America and BBC Somali services parroted the same nonsense, instead of putting the bogus claims of the proponents of the conspiracy theory to a transparent smell test. If they did, the public would have been enlightened for the better.

Fact is, this MOU is part of harmonizing the UNCLOS regime that has been evolving since the third protocol of 1982 that came into legal force in 1994, with a supplementary appendix added in 1996 and it applied to all coastal states with a potential claim. Anything beyond the EEZ is contestable among coastal states, but the ultimate arbiter will be the UN Commission on the Limits of the Continental Shelf (CLCS) composed of lawyers, oceanographers, geophysicists, economists and a

host of specialized experts. And of course, coastal states will be allowed to make their own submissions and counter-submissions. Note also that this particular MOU between Somalia and Kenya includes a "without Prejudice" clause, meaning that nothing in the MOU will have a negative impact on the interests of the two states until the matter is fully arbitrated.

Furthermore, a close reading of the history and evolution of UNCLOS will demonstrate that this convention was arrived at in a very sensitive manner that took into account the interests of Developed and technologically advanced countries with a countervailing concerted effort to preserve the rights and interests of coastal states in the South. It was Harry Truman who expanded the age old notion of the Freedom of the Sea Doctrine which was in force since ancient Egypt. But his attempt to do so set the motion for the evolution of the UNCLOS. If you follow the trajectory of this evolutionary process, the territorial water boundary of coastal states was initially limited to 3 miles and the Superpowers and developed countries wanted to keep it that way so that they could encroach on resources close to the coasts of less developed countries. At the outset, coastal states fought to extend the territorial waters to 12 miles and that is where it stays today. The 12 mile is a juridical line in that a coastal state can enforce its own laws on encroaching states but also guarantees others country's ships what is known as "Right of innocent passage". Now, as the UNCLOS evolved, the less developed countries insisted on the 200 EEZ -which would accede to all coastal states sovereign rights in a 200 nautical mile exclusive economic zone over which they could extract natural resources, carry other economic activities and have jurisdiction over marine research as well as environmental protection- while developed countries wanted to limit coastal states to the 12 mile territorial waters. The rationale is obvious: Rich countries with better technologies have the ability to send their ships all over and extract resources, which means they can come close to the coasts of poor countries, but poor countries do not have the technological wherewithal to reciprocate and encroach on the coasts of say, Russia or the USA. It will be a one-way highway robbery. The South countries banded together and forced UNCLOS to include a 200 EEZ clause. It did help that during these negotiations, the Non-Aligned Nations, born out of the post colonial stigma of differential power equations were actively relevant and therefore, the collective guilt of North countries helped adjust their moral compass accordingly and agreed reluctantly to this revolutionary legal instrument. Why is the 200 EEZ important? That is where over 85 percent of resources lie, from fish and plant life to minerals and gas.

Now, about the MOU. The MOU only agrees to Kenya submitting a claim on a "without prejudice basis". It is silent on any delimitation or any other tangible matter. FYI, Omar Sharmarke also submitted on a "without prejudice basis". This is only a sort of a motion and the deliberations will be at a later date, probably from 5 , 7 to 10 years. The deliberations will be technical and legal in nature and all parties will be allowed to make submissions. Mind you, both Kenya and Somalia as well as many countries in the Least Developed Countries (LDC) do not have the requisite technical expertise to frame their claims on their own. For that matter, UNCLOS has had the sagacity to create a specialized and technical advisory body that will be available to all coastal states. Bear in mind also that Norway, far from playing an exploitative role here, created a special trust fund and forced other North countries to contribute to this fund, which fund will essentially be used to extend technical, financial, legal etc assistance to poor coastal states in the event that they want to put forth their claim as to how far their geophysical landscape extends to the continental shelf. It should also be noted that this MOU is part of a greater harmonization of the law of the sea and its focal point was not meant to focus on Somalia. In other words, the universe does not revolve around Somalia, as conspiracy theorists would have us believe, because many of the coastal states and Small Island Developing States (SIDS) among the 142 countries that are signatories to the United Nations Convention on The Law of the Sea were also grabbing with submission and counter submission issues right before or on may 13, 2009, the proscribed deadline date for submission.

On February 13, 2009, a two day ministerial meeting was held by ECOWAS member states in Abuja on the "Outer limits of the continental shelf". The purpose of the meeting, among other things, was to bring these disparate countries with conflicting and adverse claims on the same continental shelf, in order to map out collaborative strategies and share information, both technical and diplomatic. Here are the countries represented in that meeting: Cape Verde, Benin, Cote d'Ivoire, the Gambia, Liberia, Nigeria, Ghana, Sierra Leone, Guinea Bissau and Guinea. For the benefit of the conspiracy theorists, I am happy to report that the Deputy Minister of International Development of the government of Norway, Honorable Hakon Arald Gulbrandsen was also present in that meeting, and he advised ECOWAS Ministers that his government (Norway) would be willing to assist member states with

technical matters so that they can meet their May 13, 2009 submission deadline. Before the meeting was over, the then President of ECOWAS, Dr. Mohamed Ibn Chambas expressed ECOWAS's gratitude to the government of Norway for its professed willingness to help member states through the process.

The reason I bring the ECOWAS episode up is because as I enunciated earlier above, the current hysteria wrapped around the MOU between Somalia and Kenya is much ado about nothing. It was borne out of ignorance. Educated people who were supposed to vet the substance of the allegations either chose the easy way out and dozed off, or they deliberately chose to use their political axe to grind the Transitional Federal Government of Somalia ( Read Samatar). The Somali websites, with no research capability and capacity, went along with the story and gave it a life of its own. And reputable media outlets such as the Voice of America and the BBC engaged in a dereliction of duty that could potentially bring disrepute to the otherwise honorable profession of journalism. I also bring it up because, I have not detected any whiff of paranoia in West Africa about the white Norwegian Minister helping write the submissions of ECOWAS member states in February of 2008. Following the logic of

**Annex 21** Article from *Reuters*, “Norway embassy in Kenya threatened with attack”  
(27 May 2009)



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World | Wed May 27, 2009 2:16pm EDT

# Norway embassy in Kenya threatened with attack

May 27 Norway's embassy in Nairobi and two Kenyan media organisations have received emails threatening attacks, the Norwegian ambassador and one of the media groups said on Wednesday.

Two bomb attacks in the last 12 years have killed 240 people in Kenya. Both were blamed on al Qaeda.

"Yes it is true we have received an email with some threats," said Elisabeth Jacobson, Norwegian ambassador to Nairobi. "Of course it's a reason for concern and we have informed the Kenyan police," she said.

The email, seen by Reuters, said Norway had backed what it said was a Kenyan bid to claim waters of the coast of neighbouring Somalia for oil exploration and that Kenya had detained Somali "mujahideen".

"(Kenya) became the enemy of Islam ... and must (be) ready (for) Alqaeda attacks and revenge any time," the message said.

Jacobson declined further comment on the threats.

In a separate email, the Standard Group and Nation Media Group were also told they would be targeted for being "the enemy of Islam".

Kenya is under heightened alert of attacks as new fighting rages in Somalia between hardline and moderate Islamists.

Western states fear the country, which has been mired in civil war for 18 years, could become a haven for militants linked to al Qaeda.

Kenya has agreed with several countries whose navies are patrolling the Somali coast to take in Somalis arrested at sea on suspicion of trying to hijack ships.

An al Qaeda truck bomb killed at least 225 people at the U.S. Embassy in Nairobi on Aug. 7, 1998.

Four years later, suicide bombers struck again, killing 15 people at the Israeli-owned Paradise Hotel resort near Mombasa on Kenya's coast on Nov. 28, 2002.

At almost the same time, attackers tried to shoot down an Israeli jetliner as it left Mombasa airport, but both missiles missed their target. (Reporting by [Helen Nyambura-Mwaura](#);



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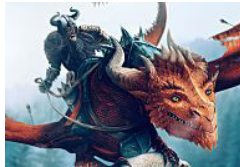
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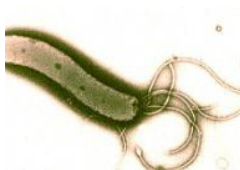
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**Annex 22** Mr. Rolleiv Solholm, *The Norway Post*, “Norway’s Nairobi Embassy re-Opened” (29 May 2009)



## Norway's Nairobi Embassy re-opened

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The Norwegian Embassy in Nairobi, Kenya, which was closed following a bomb threat last Wednesday, has been re-opened, after security precautions have been stepped up.

Norway has refuted categorically allegations made in the threatening letter, that Norway had allegedly contributed NOK 250,000 to Kenya, in order that Kenya could secure a claim to a considerable section of the Somali continental shelf.

- What we have done is to assist Somalia in this very complicated process, says Ambassador Hans Wilhelm Longva to Aftenposten.

(NRK/Aftenposten)

**Rolleiv Solholm**

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WRITTEN BY ROLLEIV SOLHOLM



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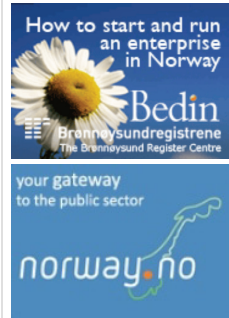
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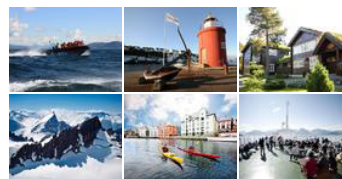
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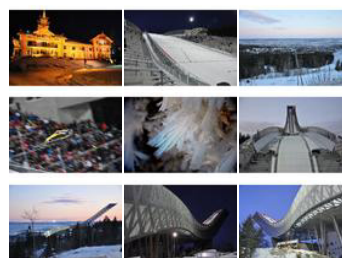


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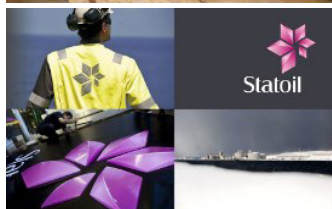
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In Southern Norway, several mountain crossings are closed to traffic, due to heavy snowfall and strong wind. Flood warnings are issued for the South East, including the Oslo area, where heavy rain is forecast for Tuesday. [Read more...](#)

**Annex 23** Report and Transcript on Vote on a Motion in connection with the 2009 Memorandum of Understanding in Parliamentary Session of Transitional Federal Parliament of Somalia (Aug. 2009)

The Somalia's Transitional Federal Parliament has today discussed and voted on a motion about a Memorandum of Understanding which the Somali Transitional Federal Government to have signed with the Kenyan Government. The motion ignited a heated debate among the 342 lawmakers who were in attendance. Several lawmakers who contributed to the debate criticised the MoU and urged the fellow parliamentarians to throw it out. The lawmakers said the MoU did not have legal basis emphasizing that voting for the motion was tantamount to giving out Somalia maritime territory as present to a neighbouring country.

MP 1:

.... its article 1 and 2, it (the constitution) states.... I want the MPs to remember/ note this, that article reads: "the territorial integrity of the Somali Republic is inviolable and indivisible." it is indivisible, simple and clear untouchable, so, this means no-one can annex or give out any part of the territory of this country, not even a dot nor a slice as tiny as a needle's point.

MP 2:

In the signed pact, in the format it was shared with us, there are elements that are likely to arouse suspicions, and suspicion deserves nothing but clarity. That is one. In the signed agreement I am seeing the letter bears the Coat of arms of Kenya and not of Somalia.

MP 3:

... If he's insane to the extent of dishing out parts of Somalia, in retail and wholesale, may God protect us from becoming of his ilk? In the colonial time, there was this story of a man from Berbera, who was sent by the British, with pact to be signed and a cloth bag of money, to bride the council of elders. He was to persuade them to sign the pact. But the man could not do it. He went back to the British and told them: Berbera is too big a ware to be bought with content of a cloth bag. And this a similar case, you all know, the British, Ethiopia, Kenya, birds of feathers, they divided our land, long time ago and took some part of it, and in the 18/19 years of instability, we are put in perpetual confusion, to confound us enough never to reclaim what was taken from us.

MP 4:

As the Members of the parliament of the Republic of Somalia, we are required to either agree to or reject (this MOU), there is no third option for us. If we agree to it, it should be for the good of our Republic, and if we reject it, we must propound valid reasons that it is <sup>1</sup>102<sup>00</sup>ood for our country. The matter before us

today is to accept this pact or turn it down, in this session. Nothing is postponed. In the case that we are to turn it down, the parliament settles issues by voting. We will need to vote. It transpired that, this pact isn't not to our advantage; that it isn't in our interest; laden with ambiguities and suspicion, it was found wanting and decried by many of our intellectuals. It is 38,000 KM2 of our ocean that Kenya wants to annex. There was never an agreed upon demarcated maritime boundary between us and Kenya, these boundaries were marked by colonial countries that partition Africa. This is a clear violation. Such transgression we must all reject. I call on you to reject and vote against this.....

Hon: Sheikh Aadan Nuur Madobe the Speaker of the Somalia's Transitional Federal Parliament, who in the course of the debate had to, severally, urge the members to get better of their emotions and scrutinize and look over the MOU (Memorandum Of Understanding) signed with Kenya more objectively, for sober voting on the matter before them. At the end, the speaker gave the lawmakers 3 items to vote for:

Formations of a commission of intellectuals deliberate on the demarcation agreement.

To postponed the voting on the motion.

Rejection of the motion

At length, the TFP voted for the third point.

The result as read by the speaker was:

347 voted.

29 voted for commission.

24 voted for postponement.

The rest voted against the motion.

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**Annex 24** Note Verbale from the Permanent Mission of Kenya to the United Nations to the UN Secretary-General (24 Oct. 2014)



PERMANENT MISSION OF THE REPUBLIC OF KENYA  
TO THE UNITED NATIONS

No.

586/14

The Permanent Mission of the Republic of Kenya to the United Nations presents its compliments to the Secretary General of the United Nations and with reference to the submission by Republic of Kenya to the Commission on the Limits of the Continental Shelf, (hereinafter the Commission) in accordance with Article 76, paragraph 8, of the United Nations Convention on the Law of the Sea, on information on the limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured and the communications from the Transitional Federal Government of the Somali Republic, thereafter known as the Somali Federal Republic, and has the honour to express the position of the Government of the Republic of Kenya with regards to these aforementioned communications.

Kenya confirms that prior to the filing of her Submission to the Commission on 6 April 2009, which submission was acknowledge and published by the United Nations vide Continental Shelf Notification, reference, CLCS.35.2009.LOS dated 11<sup>th</sup> May 2009, and the subsequent presentation to the Commission on 3<sup>rd</sup> September 2009, Kenya had, in the spirit of understanding and cooperation, negotiated arrangements of a practical nature with the Transitional Federal Government of the Republic of Somalia in accordance with Article 83, paragraph 3, of the Convention. These arrangements were contained in a Memorandum of Understanding (hereinafter MOU) signed on 7<sup>th</sup> April 2009, whereby both parties, undertook not to object to the examination of their respective submission. At the time, Kenya indicated to the Commission that pending further negotiations, a mechanism will be established to finalise the maritime boundary negotiations with Somalia.

Kenya confirms that thereafter, the Commission decided to revert to the consideration of the submission by way of a sub commission to be established at a future session. The consideration of the Submission was included the provisional agenda of the 24<sup>th</sup> session of the Commission held in New York from 10 August to 11 September 2009. In this regard reference is made to the Statement by the Chairman of the Commission on the Limits of the Continental Shelf contained in document CLCS/64 dated October 1 2009.

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In a letter to the United Nations Secretary General referenced XRW/00506/08/09 dated August 19 2009, the Transitional Federal Government of the Somali Republic confirmed the rationale, intent and legitimacy of the MOU and further reiterated her consent in accordance with R 5 (c) of the Rules of Procedure of the Commission, to the examination of Kenya's submission by the Commission and further reiterated that the delimitation of the maritime boundaries in the areas under dispute including the delimitation of the Continental Shelf beyond 200 nautical miles shall be agreed between the two coastal states on the basis of International law after the Commission has concluded its examinations of the separate submissions made by each of the two coastal states.

To Kenya's surprise, the Somali Federal Republic vide letter MOFA/SFR/MO/258/2014 dated February 4, 2014 informed the Secretary-General of the United Nations that the MOU dated 7 April 2009 should be removed from the registry of the United Nations as the same was declared null and void. The attempt, by the Somali Federal Republic, to reverse this common understanding and agreement was undertaken unilaterally and without consultation or the consent of the co-signatory to the MOU. The Somali Federal Republic further aggravates this change of mind in a communication reference, MOFA/SFR/MO/1258/14 dated February 4, 2014 by purporting to have nullified the previous MOU and replacing the same with an objection to consideration of Kenya's submission owing to the existence of a maritime boundary dispute between the Somali Federal Republic and Kenya.

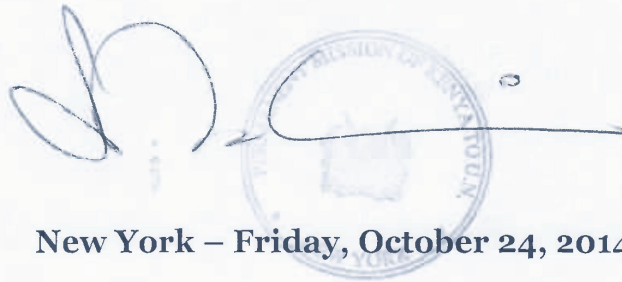
In light of this communication, the Commission did not consider Kenya's submission at the Session of the Commission held in July 2014 or at any other Session thereafter to date. Kenya's position in respect of objections to consideration of submissions by the Commission remain that these are unnecessary actions because the Convention ( Article 76 paragraph 10) pronounces that the actions of the Commission are without prejudice to delimitation of the outer limits of the Continental shelf. Kenya has stated and reiterated this position in several open international fora including the meeting to the State Parties to the Convention.

Kenya finds the action of skipping consideration of the submissions on the basis of objection stemming from unresolved delimitation between States is not founded on the Convention. The Commission should therefore consider the submission by Kenya as soon as is practical. Kenya remains committed and continues to pursue more legitimate avenues to have the delimitation of the maritime boundary amicably resolved, most preferably through a bilateral agreement with the Somali Federal Republic and in this regard wishes to inform that notwithstanding the aforementioned actions by Somalia, bilateral diplomatic negotiations, at the highest levels possible, are ongoing with a view to resolving this matter expeditiously and with a view to continuing peaceful cooperation, security and stability in the region.

From the foregoing, Kenya wishes to object to the actions by the Somali Federal Republic and affirms that these aforementioned actions are not only regrettable and unfortunate but are also not in the best interests of either State. Kenya is of the opinion that it would be in the best interests of both States as well as good international order that the Commission proceeds to consider Kenya's submission at the earliest opportunity; precisely to allow the two States to carry on with their delimitation of the continental shelf beyond 200 NM in the manner originally envisioned in the 7 April 2009 MOU and the 19 August 2009 communication.

The Permanent Mission of Kenya to the United Nations requests that this note verbale be circulated to the members of the Commission and member States of the United Nations and be posted on the websites of the Commission on the Limits of the Continental Shelf and the Division of Ocean Affairs and the Law of the Sea (DOALOS) of the Secretariat of the United Nations.

The Permanent Mission of the Republic of Kenya to the United Nations avails itself of this opportunity to renew to the Secretary General of the United Nations the assurances of its highest consideration.

The image shows a handwritten signature in blue ink over a circular official seal. The seal contains the text 'PERMANENT MISSION OF KENYA TO THE UNITED NATIONS' around the perimeter and a map of Kenya in the center. The signature is a stylized, cursive script.

**New York – Friday, October 24, 2014**

**H.E. Mr. Ban Ki-moon,  
Secretary General  
United Nations  
New York**

**Fax: (212) 963-2155**

**Annex 25** Prepared Remarks by Mr. Hans Wilhelm Longva at Pan African Conference on Maritime Boundary Delimitation and the Continental Shelf, Accra (9–10 Nov. 2009)

## Pan African Conference on Maritime Boundary Delimitation and the Continental Shelf

Accra, 9 – 10 November 2009

Intervention by:

Mr Hans Wilhelm Longva

*Ambassadeur en Mission Spéciale*

Royal Norwegian Ministry of Foreign Affairs

My intervention here to-day will deal with the establishment of the outer limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured. The issue is a crucial element in the implementation of the United Nations Convention on the Law of the Sea (UNCLOS), the instrument which sets out the legal framework for all activities in the world's seas and oceans. It is therefore of importance to the international community as a whole. For African coastal States it may also have important development implications.

I want to stress from the outset that the establishment of the outer limits of the continental shelf is a different and separate issue from the delimitation of the continental shelf between States with opposite or adjacent coasts. The establishment of the outer limits of the continental shelf is without prejudice to, *i.e.* it does not affect, matters relating to the delimitation of the continental shelf between States. Consequently it is not necessary to solve issues of maritime delimitation between neighbouring States before embarking on the establishment of the outer limits of the continental shelf. A large number of African coastal States have unresolved issues of delimitation of maritime boundaries with neighbouring States. The handling of such issues in the context of the establishment of the outer limits of the continental shelf will therefore be one of the topics I will deal with in my present intervention. Another topic I will raise is the case for regional or sub-regional cooperation in the preparation of submissions to the Commission on the Limits of the Continental Shelf (CLCS). But first I will outline the assistance that my country, Norway, has been providing to African coastal States who wish to establish the outer limits of their continental shelves beyond 200 nautical miles.

According to UNCLOS article 76, paragraph (1), "(T)he continental shelf of a coastal State comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance". In other words, the outer limits of the continental shelf may either be up to 200 nautical miles or when the outer edge of the margin is beyond 200 nautical miles, up to the outer edge of the continental margin. The rules relating to the establishment of the outer limits of the continental shelf beyond 200 nautical miles are laid down in UNCLOS article 76, paragraphs (4) to (10) and in its Annex II. The implementation of these provisions require in-depth knowledge in several scientific disciplines, notably geology, geophysics and hydrography, as well as interdisciplinary scientific and technical cooperation.

The procedure which leads up to the establishment by a coastal State of the outer limits of the continental shelf is based on the interplay between the coastal State and the CLCS. According to article 4 of Annex II of UNCLOS, when a coastal State intends to establish the outer limits of its continental shelf beyond 200 nautical miles, it shall submit particulars of such limits to the CLCS along with supporting scientific and technical data. Such a submission is to be made as soon as possible after the entry into force of UNCLOS for that State, but in any case within 10 years from that date. The CLCS shall consider the data and other material submitted by the coastal State and make recommendations to the coastal State on matters related to the establishment of the outer limits of the continental shelf, notably the delineation. It is then up to the coastal State to establish the outer limits of the continental shelf. If this is done on the basis of the recommendations of the CLCS, the outer limits of the continental shelf thus established shall be final and binding. The coastal State which has made a submission may send its representatives to participate in the relevant proceedings of the CLCS without the right to vote.

On 13 May 1999 the CLCS adopted its Scientific and Technical Guidelines. The Guidelines are primarily intended to assist coastal States in preparing their submissions. They are also designed to provide an important scientific and technical reference for the consideration of the submissions and the preparation by the CLCS of its own recommendations. Thus, the Guidelines are a key document in all stages of the establishment of the outer limits of the continental shelf beyond 200 nautical miles. Another key document is the Rules of Procedure of the CLCS. In the context of my present intervention I would in particular like to draw attention to Annex I to the Rules of Procedure relating to submissions in case of a dispute between States with opposite or adjacent coasts or in other cases of unresolved land or maritime disputes.

Given the importance of the Scientific and Technical Guidelines to the preparation of submissions to the CLCS, and the fact that the Guidelines were adopted as late as 13 May 1999, four and a half years after the entry into force of UNCLOS on 16 November 1994, the Eleventh Meeting of States Parties to UNCLOS in 2001 decided that in the case of a State Party for which UNCLOS entered into force before 13 May 1999, the ten-year period referred to in article 4 of Annex II to UNCLOS shall be taken to have commenced on 13 May 1999 (document SPLOS/72, paragraph (a)). The Eleventh Meeting of States Parties also decided that the general issue of the ability of States, particularly developing States, to fulfil the requirements of the above mentioned article 4 be kept under review (document SPLOS /72, paragraph (b)).

As a matter of fact many developing countries, including African coastal States, are facing particular challenges to fulfil these requirements, due to lack of financial and technical resources and relevant capacity and expertise, or other similar constraints. In June 2008 the Eighteenth Meeting of States Parties therefore decided that the ten-year time period may be satisfied by submitting preliminary information indicative of the outer limits of the continental shelf beyond 200 nautical miles, and a description of the status of preparation and intended date of making a submission (document SPLOS/183, paragraph 1 (a)).

On 5 December 2008 the General Assembly of the United Nations adopted its resolution A/RES/63/111 on "Oceans and Law of the Sea" which in its paragraph 19 called upon "States to assist developing States, and especially the least developed countries and small island developing States, as well as coastal African States, at the bilateral and, where appropriate, at the multilateral level, in the

preparation of submissions to the Commission regarding the outer limits of the continental shelf beyond 200 nautical miles, including the assessment of the nature and extent of the continental shelf of a coastal State through a desktop study, and the delineation of the outer limits of the continental shelf as well as in the preparation of preliminary information to be submitted to the Secretary-General in accordance with the decision contained in SPLOS/183”.

In accordance with paragraph 19 of resolution A/RES/63/111 of the United Nations General Assembly, the Government of Norway has provided assistance and advice to a number of African coastal States in connection with their efforts to prepare submissions to the CLCS. In all ten coastal African States, namely Benin, Cape Verde, The Gambia, Guinea-Bissau, Guinea, Mauritania, São Tomé and Príncipe, Senegal, Somalia and Togo, did submit to the Secretary-General of the United Nations before the expiring of their deadline on 13 May 2009 the required preliminary information, prepared with assistance from Norway. In the preparation of the preliminary information documents in question, we relied heavily on initial desktop studies based on open and accessible sources and modern Geographical Information System technology (GIS) provided by UNEP Shelf Programme, represented by GRID-Arendal. We had a close and fruitful cooperation with the ECOWAS Commission concerning the assistance to Member States of ECOWAS. Norway attended the Meeting of ECOWAS Ministers on the outer limits of the continental shelf, held in Abuja on 11 and 12 February 2009, as well as the sub-regional meetings of experts held here in Accra on 25 and 26 February 2009 and in Praia from 7 to 9 September 2009. Furthermore, we received valuable advice from the United Nations Office for West Africa (UNOWA). The preparation of the Somali preliminary information document was initiated by the Special Representative of the Secretary-General (SRS) for Somalia, Mr Ahmedou Ould Abdallah. During the preparation of the document we had a close and fruitful cooperation with both the SRS and the Transitional Federal Government of the Somali Republic which was sworn in on 22 February 2009.

Norway also provided advice to the Governments of Sierra Leone and Côte d’Ivoire. Within the framework of our development cooperation with Tanzania, Norway has provided substantive financial support to the Tanzania Continental Shelf Delineation Project, including financial support to the collection of seismic data. Norway has also provided a more limited financial support to similar projects in Mozambique, Mauritius and the Seychelles.

The data contained in the preliminary information documents prepared by African coastal States with assistance from Norway, show that all these coastal States pass the test of appurtenance as described in the Scientific and Technical Guidelines of the CLCS. This means that prima facie evidence has been provided indicating that their continental shelves extend beyond 200 nautical miles from the baselines. However, the outer limits of their continental shelves remain to be delineated by means of the complex set of rules contained in UNCLOS article 76, paragraphs 4 to 10. The next challenge facing the coastal States in this process is the preparation of full submissions to the CLCS of particulars of the outer limits of the continental shelf along with supporting scientific and technical data. Norway is now studying the possibility of providing African coastal States with technical and financial assistance in order to prepare full submissions to the CLCS. We have not yet drawn any conclusions, and there are issues which will have to be clarified further before we are in a position to do so.



I shall now turn to the issue of how to handle unresolved issues of maritime delimitation between States with opposite or adjacent coasts in the context of the establishment of the outer limits of the continental shelf beyond 200 nautical miles.

UNCLOS article 76, paragraph (10) establishes that the provisions of article 76 “are without prejudice to the question of delimitation of the continental shelf between States with opposite or adjacent coasts”. According to article 9 of Annex II to UNCLOS: “The actions of the Commission shall not prejudice matters relating to delimitation of boundaries between States with opposite or adjacent coasts”. The issue of how to handle unresolved issues of maritime delimitation between States with opposite or adjacent coasts in the context of the establishment of the outer limits of the continental shelf beyond 200 nautical miles is regulated in Annex I of the Rules of Procedure of the CLCS.

Rule 1 of the Annex establishes that “the competence with respect to matters regarding disputes which may arise in connection with the establishment of the outer limits of the continental shelf rests with States”. In other words: the CLCS has no competence with respect to such disputes.

Rule 4 of the Annex provides that:

“Joint or separate submissions to the Commission requesting the Commission to make recommendations with respect to delineation may be made by two or more coastal States by agreement:

- (a) Without regard to the delimitation of boundaries between those States; or
- (b) With an indication, by means of geodetic coordinates, of the extent to which a submission is without prejudice to the matters relating to the delimitation of boundaries with another or other States Parties to this Agreement”.

Rule 5, paragraph (a) of the Annex provides that: “In cases where a land or maritime dispute exists, the Commission shall not consider and qualify a submission made by any of the States concerned in the dispute. However, the Commission may consider one or more submissions in the areas under dispute with prior consent given by all States that are parties to such a dispute”. According to Rule 5, paragraph (b): “The submissions made before the Commission and the recommendations approved by the Commission thereon shall not prejudice the position of States which are parties to a land or maritime dispute”.

The essence of these provisions is as follows: If a coastal State wants to establish the outer limits of the continental shelf beyond 200 nautical miles in an area under dispute, it will have to cooperate with the other State or States that are parties to the dispute. All the States that are parties to a maritime dispute must give their prior consent if the CLCS is to consider one or more submissions in the areas under dispute. If not, the CLCS shall not consider and qualify submissions made by any of the States concerned in the dispute. Thus, any party to the dispute may block the consideration by the CLCS of submissions with respect to the area under dispute made by any other party to the dispute. And last, but not least, the parties to a maritime dispute may cooperate in the preparation of joint or separate submissions to the CLCS and give their prior consent to the consideration by the CLCS of such submissions without prejudice to their own positions on issues relating to the future delimitation of the continental shelf in the areas under dispute. I would like to add that while the States that are parties to a maritime dispute will always have conflicting interests regarding the

delimitation of the continental shelf in the areas under dispute, they will also always have a strong common interest with respect to the establishment of the outer limits of the continental shelf beyond 200 nautical miles, without prejudice to the future delimitation of the continental shelf between them. To illustrate this point, I would like to draw a parallel with the sharing of a cake by siblings. While the siblings may disagree on how to share the cake, it will always be in their common interest that the cake they are to share is as big as possible. The same applies to the sharing of the continental shelf between neighbouring coastal States.

The United Kingdom, France, Ireland and Spain were the first coastal States to make a joint submission with respect to an area under dispute between them in the Bay of Biskaya. In Africa, Mauritius and the Seychelles have made a joint submission with respect to an area under dispute between them in the Indian Ocean. On 7 April 2009 Kenya and Somalia signed a Memorandum of Understanding where they agree that each of them will make separate submissions to the CLCS, that may include areas under dispute, without regard to the delimitation of maritime boundaries between them, and where they give their prior consent to the consideration by the CLCS of these submissions in the areas under dispute. Furthermore, it is stipulated that the submissions made before the CLCS and the recommendations approved by the CLCS thereon shall not prejudice the positions of the two coastal States with respect to the maritime dispute between them and shall be without prejudice to the future delimitation of maritime boundaries in the areas under dispute, including the delimitation of the continental shelf beyond 200 nautical miles.

I would also like to recall that at the sub-regional meeting held here in Accra on 25 and 26 February 2009, under the auspices of the ECOWAS Commission, representatives of Benin, Côte d'Ivoire, Ghana, Nigeria and Togo reached a common understanding that: "Issues of the limit of adjacent/opposite boundaries shall continue to be discussed in a spirit of cooperation to arrive at a definitive delimitation even after the presentation of the preliminary information/submission. Member States would therefore write 'no objection' Note to the submission of their neighbours".

Finally, at the invitation of the Government of Cape Verde, a Sub-Regional Workshop on the Extension of the Outer Limits of the Continental Shelf Beyond 200 Nautical Miles was held in Praia from 7 to 9 September 2009. It was attended by representatives of Cape Verde, The Gambia, Guinea-Bissau, Guinea, Mauritania and Senegal. In the Praia Action Plan the participants call for the establishment of a sub-regional Cooperation Framework Agreement among the countries concerned in order to carry out the projects for the extension of the continental shelf. According to the Action Plan one of the aims of this Agreement will be: "once the concerted extension projects have been concluded, to give their assurance of no objection regarding the continental shelf extension requests formulated by neighbouring coastal countries participating in the Agreement".

Both the joint submission made by Mauritius and the Seychelles, and the Memorandum of Understanding signed by Kenya and Somalia, as well as the understandings reached at the sub-regional meetings of West African coastal States in Accra and Praia represent important breakthroughs in the handling of unresolved issues of maritime delimitation between neighbouring States in the context of the establishment of the outer limits of the continental shelf beyond 200 nautical miles. The approach chosen by these African coastal States undoubtedly will provide guidance for, and serve as an example to, other coastal States, in Africa and elsewhere.

The regional or sub-regional approach and cooperation chosen by most of the West African coastal States with respect to the establishment of the outer limits of the continental shelf beyond 200 nautical miles should also provide an example to other coastal States both in Africa and elsewhere. We have already seen that unresolved issues of maritime delimitation and the possibility of overlap between the areas beyond 200 nautical miles claimed by neighbouring States, provide strong arguments in favour of a regional or sub-regional approach and cooperation. Efficiency and cost-effectiveness provide other strong arguments in the same direction. This applies to all steps in the process of preparing a submission to the CLCS, but notably to the possible collection of data through seismic surveys. The first step in the preparation of a submission to the CLCS, will be to prepare a desktop study. For this purpose open and accessible sources will play an important role. In most cases the desktop study will show a need for collecting additional seismic and bathymetric data in order to provide robust evidence of the outer limits of the continental shelf. Seismic surveys are expensive. The expenses of separate seismic surveys for each coastal State in a region or sub-region may easily be prohibitive. Through a programme for seismic surveys covering a whole region or sub-region the cost of seismic surveys could be reduced considerably. The African Union, the ECOWAS Commission, the United Nations Office for West Africa and similar regional or sub-regional organisations may have important roles to play in promoting regional or sub-regional cooperation as suggested.

To sum up I would like to stress the following points:

- The establishment of the outer limits of the continental shelf beyond 200 nautical miles is an important issue both for the international community as a whole and for African coastal States. The process contributes to the establishment of legal clarity, thus promoting peace and security and laying the foundation for future exploitation by the coastal State of its natural resources. It may have important development implications. It should therefore be given high priority.
- States with the necessary financial and technical resources and relevant capacity and expertise, should assist developing States in the preparation of submissions to the CLCS regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles.
- It is not necessary to solve issues of maritime delimitation between neighbouring States before embarking on the establishment of the outer limits of the continental shelf. The establishment of the outer limits of the continental shelf is without prejudice to the delimitation of maritime boundaries between States.
- In Africa there is a strong case for regional or sub-regional cooperation with respect to the establishment of the outer limits of the continental shelf. Such an approach will facilitate the handling of unresolved issues of maritime delimitation in this context. Through a regional or sub-regional approach one may also achieve higher efficiency and cost-effectiveness. This is of particular importance in cases where there is a need to collect additional seismic data. Seismic surveys are expensive. Through a programme for seismic surveys covering a whole region or sub-region the costs of seismic surveys could be reduced considerably.

THANK YOU

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**Annex 26** Webpage on Somalia on the website of the UN Division of Ocean Affairs and the Law of the Sea (DOALOS) (updated 16 Dec. 2014)

## SOMALIA

Updated 16 December 2014

### SUBMISSION IN COMPLIANCE WITH THE DEPOSIT OBLIGATIONS PURSUANT TO THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS)

- [M.Z.N. 106. 2014. LOS of 3 July 2014](#): Deposit of a list of geographical coordinates of points

[Originals of deposited geographical coordinates of points](#)

Relevant articles of UNCLOS: 75(2), 84(2)  
*Law of the Sea Bulletin: No. 85*

Communications received by the Secretary-General in connection with the deposit of charts and/or lists of geographical coordinates of points

- [Yemen: Communication dated 25 July 2014](#)
- [Yemen: Communication dated 10 December 2014](#)

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### OTHER INFORMATION

#### Legislation

- [Law No. 37 on the Territorial Sea and Ports, of 10 September 1972 \(transmitted by a letter dated 20 December 1973 from the Permanent Representative of Somalia to the United Nations addressed to the Secretary-General\)](#)
- [Law No. 5 dated 26 January 1989 approving the Somali Maritime Law of 1988 \(not available\)](#)
- [Law No. 11 dated 9 February 1989 relating to the ratification of the United Nations Convention on the Law of the Sea \(not available\)](#)
- [Decree No. 14 dated 9 February 1989 relating to the instrument of ratification of the United Nations Convention on the Law of the Sea](#)
- [Proclamation by the President of the Federal Republic of Somalia, dated 30 June 2014](#)
- [Outer Limit of the Exclusive Economic Zone of the Federal Republic of Somalia, dated 30 June 2014](#)

#### Maritime boundary delimitation agreements and other material

##### with [Kenya](#)

- [Memorandum of Understanding between the Government of the Republic of Kenya and the Transitional Federal Government of the Somali Republic to Grant to Each Other No-Objection in Respect of Submissions on the Outer Limits of the Continental Shelf beyond 200 Nautical Miles to the Commission on the Limits of the Continental Shelf \(entry into force: 7 April 2009, registration #: I-46230; registration](#)

date: 11 June 2009; [link to UNTS](#)) (see also *Law of the Sea Bulletin* No. 70) \*

\* By a note verbale dated 2 March 2010, the Permanent Mission of the Somali Republic to the United Nations informed the Secretariat that the MOU had been rejected by the Parliament of the Transitional Federal Government of Somalia, and "is to be hence treated as non-actionable."

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**Annex 27** Ms. Elisabeth Rodum, Mr. Anders Nordstoga, and Mr. John Harbo, *Aftenposten*, “Norway Drawn into a Somali Conspiracy” (16 Oct. 2011)

Aftenposten, 16 October 2011

<http://www.aftenposten.no/nyheter/uriks/--Norge-er-trukket-inn-i-en-somalisk-konspirasjonsteori-5577035.html>

## **Norway drawn into a Somali conspiracy**

**‘Baseless allegations, and they know who is spreading them’, Norwegian ambassador says.**

By Elisabeth Rodum, Anders Nordstoga, and John Harbo

Dissatisfaction with Norway’s alleged role in the division of the continental shelf between Somalia and Kenya is reported to be the background for the terrorist threat made to the Norwegian Embassy in Nairobi yesterday. The threat created panic in the high-rise where the embassy is located. Norway is accused by certain Somali groups of having contributed \$ 200 million to Kenya in order that Kenya pay Somalia to refrain from parts of the latter’s rights to the continental shelf in the Indian Ocean. This claim was partly taken up by the hitherto unknown group, ‘Warrier Brave’ [*sic*], which yesterday threatened Norwegian interests in Kenya. The claim has been categorically rejected by the Norwegian Ministry of Foreign Affairs.

### **Norway pulled into the conspiracy theory**

At an information meeting for journalists today at the Foreign Ministry this was flatly rejected. ‘The claims that we have participated in a scheme to undermine Somalia’s claims are totally unfounded, and those who are spreading the rumours know that. Those who are behind this are looking to undermine the Somali government and we have been drawn into this conspiracy theory’, said Ambassador Hans Wilhelm Longva to Aftenposten.no. Longva has been following the case for the Norwegian Foreign Ministry. Amongst other things, he worked closely with the Somali government as it brought forward its claim to an extended continental shelf. ‘What we have done is to assist Somalia, as well as many other countries in Africa, in promoting their claim to a continental shelf that extends beyond 200 nautical miles’, he explained to Aftenposten.no.

### **Rumors about oil**

Norwegian–Somali sources have told Aftenposten.no that in Somalia

rumours abound to the effect that there is oil in the area where maritime boundaries have yet to be fixed, and that this is the reason for Norway's involvement. In March of this year the Ministry of Foreign Affairs arranged an information meeting for Somalis in Oslo with a view to explaining Norway's role in the mapping of the continental shelf in the Indian Ocean. Nonetheless, according to Longva, Norway, Kenya, and Somalia have never joined forces in order to refute the false allegations. 'No, not together, but there have been statements from both Kenya and Somalia. What we have done on the Norwegian side is to present all the facts of the case in a meeting with representatives of the Somali community in Norway. That way we know that our views will be channeled through to Somalia', said Longva.

### **Ideological 'empty threats'**

Norwegian-Somali Bashe Musse, who has held several positions in various Norwegian and Somali associations, attended the MFA information meeting in March. He believes the meeting helped to clarify ambiguities. 'Many of the doubts we had were removed after this meeting. Most were very reassured, and we had a clear understanding that Norway has nothing to hide. Norway has assisted Somalia in submitting documentation on the continental shelf to the UN by the deadline. Several of the Somali meeting participants saw this as a victory, and that we will get more than what we had before', said Musse to *Aftenposten.no*. He has never heard of the organization 'Warrior Brave' and thinks ideologically motivated individuals are behind the threat to Norwegian interests in Kenya. 'I do not think there is an organization behind the letter containing the threats, but that there are individuals who give expression to "empty threats". It is a matter of some very few individuals who are spreading rumors. There may be an ideological aspect to this, and that we are dealing with people who want a conflict with the Western world', he said.

### **Keeping a low profile**

According to the MFA, Norway has no oil interests in the area. Norwegians have simply contributed with international law and geoscience expertise to assist Kenya and Somalia in documenting their claims. Precisely because Norway's assistance is controversial in civil war ridden Somalia, Norwegian authorities have, as far as *Aftenposten* understands, been keeping a low profile in terms of its contribution to the mapping of the shelf. International maritime boundaries will the next few years will be drawn by the UN continental shelf programme, based on the documentation produced and according to the law of the sea, which<sup>123</sup> was established in the 1980s. Norway

is playing a key role in this process, contributing funding and legal expertise. The deadline for coastal states to submit claims to the UN expires out in May of this year. For several years now, states have been collecting information with a view to proving their claims. It is in this context that Russia last year sent a submarine to plant the flag under the North Pole.



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5 ÅRS GARANTI

# - Norge er trukket inn i en somalisk konspirasjonsteori

ELISABETH RODUM | ANDERS NORDSTOGA | JOHN HARBO

OPPDATERT: 16.OKT. 2011 00:14

as prisons of war in Kenya territory who are agai  
piracy(NATO , EU and etc) who attacked Somalia Co  
Resources and dumping nuclear waste and when Keny  
some parts of Somalia coast become the enemy of I  
events are not enemy, and must ready Alqaeda atta

Time

Kenyans are dreaming and can't get 103,000sq km o  
 Somalia and its dream to get benefit the potentia  
 petroleum and gas, iron-manganese, nodules and cr  
 copper, cobalt and nickel), polymetallic sulphide  
 deposit. Many danger things that harmful and lost  
 Kenyans in front of these sources before reach it

Also we are targeting the interests of Norwegian  
 globe including hunting their diplomacies and tou  
 using suicide bomb attack to their embassy in Lio  
 Westland , their residence and their cars by usin

Dette brevet ble sendt til den norske ambassaden i Nairobi i går.

FOTO: SCANPIX

## - Grunnløse påstander, og det vet de som sprer dem, sier norsk ambassadør.



» «De som står bak

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*[ryktene], er ute etter å undergrave de somaliske myndighetene, og vi er blitt trukket inn i denne*

*konspirasjonsteorien.»*

*Ambassadør Hans Wilhelm Longva*

 Tweet

 Del

” *«De fleste ble veldig beroliget [etter møtet med UD], og vi hadde en klar forståelse av at Norge ikke skjulte noe.»*

*Bashe Musse, engasjert i det somaliske miljøet i Norge*

 Tweet

 Del

Misnøye med [Norsk bistand kan være trussel-grunn](#) skal være bakgrunnen for terrortrusselen mot den norske ambassaden i Nairobi i går. Trusselen [Terrortrussel mot Norges ambassade i Kenya](#) . **Norge anklages av enkelte somaliske grupper for å ha bidratt med 200 millioner dollar til Kenya for at de skulle betale Somalia for å avstå fra deler av deres rettmessige kontinentalsokkel i Det indiske hav.** Denne påstanden ble blant annet fremstatt av den hittil ukjente gruppen «Warrier Brave», som i går [Worrier brave: "Ready for revenge"](#) . Den avvises kategorisk av norsk UD.

## **- Norge trukket inn i konspirasjonsteori**

På et informasjonsmøte for journalister i Utenriksdepartementet i dag ble dette kategorisk avvist. - **Påstandene om at vi har deltatt i et opplegg for å svekke Somalias krav, er helt grunnløse, og det vet de som sprer dem. De som står bak, er ute etter å undergrave de somaliske myndighetene, og vi er blitt trukket inn i denne konspirasjonsteorien, sier ambassadør Hans Wilhelm Longva til Aftenposten.no.** Longva har fulgt saken for norsk UD. Han har blant annet arbeidet nært sammen med den somaliske regjeringen da de skulle fremsette krav til en utvidet kontinentalsokkel. - Det vi har gjort, er å bistå Somalia, og flere andre land i Afrika, i å fremme deres krav til en kontinentalsokkel som



går ut over 200 nautiske mil fra land, forklarer han til Aftenposten.no.

## - Rykter om olje

Fra norsk-somaliske kilder får Aftenposten.no opplyst at det lokalt verserer rykter om at det finnes olje i et område der havgrensen ikke er fastlagt, og at dette er motivasjonen bak Norges interesse. **I mars i år avholdt UD et informasjonsmøte for somaliere i Oslo for å forklare Norges rolle i kartleggingen av kontinentalsokkelen i Det indiske hav.** Men Norge, Kenya og Somalia har ifølge Longva aldri gått sammen om å tilbakevise de uriktige påstandene. - Nei, ikke samlet, men det er kommet uttalelser fra både Kenya og Somalia. Det vi har gjort fra norsk side, er å legge frem alle fakta i saken i et møte med representanter for det somaliske miljøet i Norge. Og på den måten vet vi at våre synspunkter også går videre til Somalia, sier Longva.

## - Ideologiske «tomme trusler»

Norsk-somaliske Bashe Musse, som har innehatt en rekke verv i ulike norske og somaliske foreninger, deltok på UD's informasjonsmøte i mars. Han mener møtet bidro til å oppklare uklarheter. - Veldig mye av den tvilen vi hadde, ble fjernet etter dette møtet. De fleste ble veldig beroliget, og vi hadde en klar forståelse av at Norge ikke skjulte noe. Norge har hjulpet Somalia med å legge frem dokumentasjon om kontinentalsokkelen til FN innen fristen. Flere av de somaliske møtedeltagerne så på dette som en

seier, og at vi vil få mer enn det vi hadde fra før, sier Musse til Aftenposten.no. Han har aldri hørt om organisasjonen «Warrier Brave», og tror ideologisk motiverte enkeltpersoner står bak trusselen mot norske interesser i Kenya. - Jeg tror ikke det er noen organisasjon som står bak trusselbrevet, men at det er enkeltpersoner som fremmer «tomme trusler». Det er noen få som sprer slike rykter. Det kan nok være et ideologisk element her, og at vi har å gjøre med folk som ønsker konflikt med den vestlige verden, sier han.

## Holder en lav profil

Norge har ifølge Utenriksdepartementet ingen oljeinteresser i området. Nordmenn har bare bidratt med folkerettslig og geovitenskapelig ekspertise for å hjelpe Kenya og Somalia å dokumentere deres krav. **Nettopp fordi Norges bistand er kontroversiell i det borgerkrigshjerede Somalia, har norske myndigheter, etter det Aftenposten får opplyst, holdt en lav profil med sin medvirkning til kartleggingen av sokkelen.** Internasjonale havgrenser vil de neste årene bli trukket av FNs kontinentalsokkelprogram, på grunnlag av frembragt dokumentasjon og i henhold til havretten, som ble etablert på 1980-tallet. Norge spiller en sentral rolle i dette arbeidet, med finansiering og juridisk ekspertise. Fristen for kyststater å melde inn krav til FN går ut i mai i år. I flere år har stater samlet inn informasjon for å kunne dokumentere kravene. Det er i denne forbindelsen at Russland i fjor sendte en ubåt for å

## plante flagg under nordpolen. **Aftenposten TV:**

PUBLISERT: 28.MAI. 2009 20:41

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**Annex 28** Mr. Mohamud M. Uluso, *Hiraan Online*, “Somali Parliament warned K-  
TFG leaders against committing treason” (22 Oct. 2011)


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## Somali Parliament warned K-TFG leaders against committing treason

Mohamud M Uluso  
Saturday, October 22, 2011

On October 8, 2011, the Transitional Federal Parliament of Somalia (TFP) passed a law (resolution) that made crime the implementation of one of the priority tasks of the Roadmap adopted by the selected Somali Stakeholders -- Kampala Transitional Federal Government (K-TFG), faction of Ahlu Sunna Wal Jama (ASWJ), Regional States of Puntland and Galmudug. K-TFG leaders have been prohibited from the adoption of the Exclusive Economic Zone (EEZ) regime that diminishes the breadth of Somali sovereignty over its territorial water from 200 to 12 nautical miles (nm=1.852 km) by December 19, 2011.

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The President and the Speaker, leaders of the K-TFG coalition, have yet to assent to the Parliament's law. It is also doubtful if the decision of parliament will bind other stakeholders.

Article 2 of 2004 Transitional Federal Charter (TFC) affirms that the Somali territory is inviolable and indivisible and that the territorial sovereignty shall extend to the land, the islands, territorial sea, the subsoil, the air space and the continental shelf. The 1960 Constitution repeats the same description of article 2. Law no. 37 of 1972 specifies the limits of the territorial sea mentioned in the TFC and the 1960 Constitution. Therefore, nowhere in both Constitutions and in the law, it is mentioned EEZ. The Outer Continental Shelf which extends 150 nm is beyond the 200 nm.

TFP unanimously voted for the complete cessation of all activities intended to revise the legally defined Somali maritime border and it has retroactively nullified all "illegal and secret agreements" crafted after 1<sup>st</sup> January 1991. Some information indicates that EU awarded contracts on the Somali Sea to foreign contractors without the permission or knowledge of Somali Authority.

However, my prediction is that the invented "Somali Stakeholders" will go ahead with the EEZ declaration on schedule for three reasons. First, the earlier parliamentary rejection of the Memorandum of Understanding (MoU) signed between the D-TFG and Kenya did not stop the continuation of the activities started by the MoU. PM Abdiweli Ali Gas ignored that decision and went ahead with the signing of the Roadmap requiring EEZ declaration. Second, the role of the Parliament has been subverted by the provisions of the Kampala Accord and by the UN-Consultative Meeting (UN-CM) which gave birth to the Somali Stakeholders. Third, the Communiqué of the International Contact Group meeting in Denmark mandated immediate declaration of EEZ. Furthermore, K-TFG leaders are required to cooperate with the *super Technical Committee, the Regional Political Initiative* and the *International Coordination and Monitoring Group* all created to enforce the implementation of the Roadmap and to inaugurate the post transition arrangement after August 2012.

The difference between the 200 nm of territorial water and 200 nm of the EEZ defined in the UN Convention on the Law of Sea (UNCLOS) also known as the Law of the Sea Treaty (LOST) is the span of the territorial sovereignty of the coastal states and the restrictions on the use of their marine



resource. EEZ is intended to restrict the territorial sovereignty of coastal States to 12 nm and to expand the sovereign rights of fishing, navigation and scientific research of the powerful maritime and industrial States within the 188 nm for their military and economic security. The strategic decision of each coastal state is influenced by its long term strategic interests, and the changes in technological innovation as well as the special features of its sea.

Somalia has been registered as one of the countries that have claimed 200 nm of territorial water since 1972. It signed the Law of the Sea on July 24, 1989 with the stipulation that Law no. 37 is the law of the land. Somalia did not sign the agreement for the conservation and management of straddling fish stocks and highly migratory fish stocks and the agreement for the implementation of the part XI of the Convention. The understanding of the scope, legal definitions and implications of UNCLOS and its addendums requires strategic thinking, legal and ocean expertise, discipline and political acumen that are presently absent in Somalia. Experts argued that the language of UNCLOS is deliberately obscure and open for legal litigation and misinterpretations.

Croatia which shares the Adriatic Sea with Italy and Slovenia has been denied the right to claim EEZ regime enshrined in UNCLOS. China accepted EEZ but claimed full territorial sovereignty over it. Japan and USA rejected China's claim.

Many countries like Ecuador, Eritrea, Peru, Venezuela, Israel, Turkey and Uzbekistan chose not to sign and ratify the UNCLOS. Others like Burundi, Libya, El Salvador, Colombia, Ethiopia, United States and United Arab Emirates signed but failed to ratify it. Other Countries signed and ratified with reservations.

The United States asked a renegotiation of UNCLOS in 1994. Nevertheless, the US Congress refused to ratify the renegotiated Convention because Article 2 (3) forces the surrender of national sovereignty to the UN. The opponents of UNCLOS have attacked the creation of the International Seabed Authority and the business company "Enterprise" for Deep Seabed Mining seen as an international structure that promotes wealth redistribution and unfair concessions.

The importance of the Sea for security, economic growth, environment, energy and scientific research purposes is immense. The control of pollution, submarine navigation, offshore oil drilling, illegal fishing and laying cables and pipelines under Sea is a great challenge to the sovereignty of the coastal States. Efforts by EU to expand the coastal state jurisdiction over EEZ to prevent environmental degradation and pollution have met stiff resistance from the powerful maritime countries.

The piracy issue cannot be an excuse for change of the limit of the Somali territorial water. Prof. Nurudin Farah has reported that initially "*piracy was in response to the illicit plunder of the country's sea resources by ships owned in Europe and Asia, but flying foreign flags of all sorts. Ships would arrive in Somali waters armed for battle, with speed boats, and they would employ fishing methods banned elsewhere, at times dumping nuclear, chemical and other wastes, and at times shooting at the Somalis fishing in the same area.*" Logically, the first step to address the piracy problem would be to stop the criminal activities and help re-establish the Somali State.

The K-TFG has no authority, capacity and credibility to engage on the revision of the territorial water of Somalia for the following considerations. First, K-TFG is one year stopgap government tasked to prepare for the transfer of political and legislative powers to a government to be legitimately elected by the Somali people. The feasibility of the goal is another matter.

Second, Somalia is a failed State that is ineligible to interact with other states as full member of the International Community. It lacks collective decision making authority and effective bureaucratic and judicial system. The United Nations Security Council (UNSC) and the Inter-Governmental Authority (IGAD-Ethiopia and Uganda) control K-TFG. Thus, K-TFG leaders are subordinates to external powers.

Third, about half of the Somali population, which means 4 million people, needs life saving humanitarian assistance. About 750,000 people are close to die for starvation. So far, K-TFG leaders failed to protect and secure the distribution and delivery of the humanitarian assistance to the needy people. Therefore, K-TFG leaders' first priority is to doggedly focus on saving those three quarters of million lives before anything else. Matt Bryden, Coordinator of UN Monitoring Group on Somalia argues that "*Somalia's famine is less a symptom of conflict and climate than of callous and criminal conduct-including crimes against humanity that demand consequences anchored in international justice*". He adds that "*the scale of the TFG's financial hemorrhaging is so immense that the term 'corruption' seems barely adequate.*"

Fourth, the PM promised a national reconciliation plan that will lead to a national consensus and trust among Somali society on the urgent need to re-establish a national State. This pre-empts the draft of new constitution and the declaration of EEZ regime because both tasks will divide the Somali people rather than unite them.

The public statements and the interviews given by the Prime Minister, Dr. Abdiweli M Ali Gas and former and current Ministers of fisheries have confirmed public suspicion about their candor on the reasons behind the EEZ push. The PM chose to give provocative and accusatory answers that did not address the EEZ question. The Parliament dismissed the current Minister of Fisheries, Abdurahman Sheikh Ibrahim after he failed to disclose significant information and danced around fake words like "trust me." He said he knew nothing about his predecessor's legacy on the issue. This shows lack of institutional memory and coordination between K-TFG's dysfunctional Institutions.

K-TFG leaders should not compromise the long term strategic security, economic and environmental interests of the present and future generations of Somalia. The Somali parliament warned K-TFG leaders against committing treason if they endorse the EEZ regime. Will K-TFG leaders respect the parliament's decision on Somalia's territorial water or will they confirm my prediction? I wish I'm wrong.

Mohamud M Uluso  
mohamuduluso@gmail.com




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## Comments

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 **777777** @ 10/24/2011 7:46 AM EST

Uluso is one of the clan associated person and worship Qabyaalad and he involved civil war b/w Somali clans. As I know him, first of all he is not a doctor but he has some papers. Yes, indeed there is no Somali politics except if my clan is not President or PM no government" banad". I am not associated Abdiweli clan "PM" but he is not involved civil war and he is doing the right thing to track Somali peace and security in order your country become stable country. If you believe as you always be ciyaarta banad waaye , everybody knows you and drink "Ciirta" in USA.


 **danan70** @ 10/23/2011 5:52 PM EST

Uluso.

Why you are negative always, if that is not in your way. May be it is wrong the EEZ delimitation, but the question is your .... concerning Somalia or TFG.

 **Sool-boy** @ 10/23/2011 6:09 AM EST

Mr Culusow sababta kaliya ee ay uga hadlayeen "territorial sovereignty shall extend to the land, the islands, territorial sea, the subsoil, the air space and the continental shelf" waxay ahayd munaafaqad iyo xaasidnimo ku aadan Somaliland. Baarlamanka aad sheegayso iyo iyo dawladuba waxay ka iibsheen waddankiini shisheeye. Imikana sharciga laydiin dhoobdhoobayo mid idin kala saaraya maaha. Waxaad noqoteen dad aaminsan inaanay iyagu nabad dhisan karin ilaa loo dhiso mooyee, cid quudin karin ilaa raashin loo daadiyo mooyee. Dalkiinnii waxaad u gacan geliseen nimanka madaxda idiin ah ee Kenya ka dhista guryaha lacagtay qarankoodii ku xaraashteen.

 **PIS** @ 10/22/2011 11:50 PM EST

Culuso, Orgigu broorta ka weyn! Birrigii markii la xaalufinayey, oo tuubooyinkii biyaha iyo baalihii nalka lala baxayeyba umaadan brooraneyne yaa baaqaaga maqlaya? Save your energy, and stop singing the same old songs (TNG illusion).

 **Somali\_sax\_ah** @ 10/22/2011 7:15 AM EST

Waryaa Mr. ulusow, waxaad doontid sheeg, meeshaad doontid ka imow ama ka hadal, waxaa ku haysta maah-maahaddii ahayd : "in kastoo durdur iyo dabaal galo, doofar abidkii ma daahiro". Marka, kalsooniddadii Somaliyeed mar hore ayaad lumisay, siiba markii aad qabiilka iyo qabyaaladda dabadhilfka u ahayd, Fadlan iska illow arrimaha Somaliyeed, adigga iyo kuwa kula mid ah, ee aad hadda eedeynayso ayaa halkaas dhigay Somali iyo Somaliaba. Waxaan hubbaa, haddii sidoodda oo kale aad kursigga maanta ku

**Annex 29** “SRSB Statement on Piracy to ICG”, Copenhagen (29 Sept. 2011)

## **SRSB STATEMENT ON PIRACY TO ICG**

**Copenhagen, 29 September 2011**

Excellencies,

I welcome this opportunity to open this session on Piracy and I welcome the new Chair of the Contact Group for Piracy off the Coast of Somalia Henk Swarttouw and the Danish Chair of the CGPCS Working Group 2 Ambassador Thomas Winkler who will brief us on the important work of the Contact Group and how it relates to the ICG.

Before we hear from the experts I want to put Piracy in the political context. You have heard me say on previous occasions that solving the Piracy problem must be done in context of the overall solution to Somalia. Whilst previously we were perhaps a long way off, we have now moved forward with the Kampala Accord and the Road Map for ending the transitional period. You will have seen in the Roadmap some key targets on Piracy to be achieved in the transitional period:

- Appointment of a single minister to coordinate the TFG's counter piracy efforts, this is a cross cutting issue and involves several ministries and we look forward to see the TFG Counter Piracy task force re-invigorated. UNPOS will continue to support Focal point offices in the TFG and other administrations and we are looking for donor funding to capacities them.
- Developing a counter piracy strategy in common with other regions and administrations. There is absolutely no point in the TFG and the regional administrations going it alone with different strategies and capacity building projects (including commercial projects). We urge all administrations to cooperate under the Kampala Process and for a coordinated approach. We welcome the recent reconfirmation of the Galcayo Agreement and the March 2010 MOU between the TFG and Puntland.
- The drafting and passage of a counter piracy law. Counter Piracy Laws exist in Somaliland and Puntland, the TFG needs to pass urgently its own law. A draft has been prepared and we look forward to its early passage through the TFP.

- The chapeau of these road map measures is the declaration of a Somali Exclusive Economic Zone. My Piracy Unit along with OLA and our friends from Norway have been working to assist the government prepare their case. The case is ready and we expect to see it presented before December to the UNCLOS. But there is still work to be done to win the hearts and minds of many Somali's (particularly MPs) who believe that declaring the EEZ will in some way give away Somali sovereignty. This is just not true, what is true is that the Continental Shelf issue and its mineral rights issues is significantly disputed by Djibouti, Yemen and Kenya and will take many years to iron out. We have sought and have agreement to delink the EEZ case from the Continental shelf case. We need the EEZ case now – the UNCLOS mechanism allows for disputes to be recorded but doesn't detract from declaring and putting into place the protection measures that the EEZ will provide – most particularly in protecting Somalia's natural resources critical to the countries future. Once declared this EEZ will have to be Policed and this brings me to my next point....
- There is a growing need to deliver Somali capacity to deal with its own piracy problem. We are capacitating Somalis National Security and Police Forces, but as yet the International Community has been reluctant to build anti piracy capacity – this is partly based on previous experience where some Coastguards trained by a private company became pirates themselves. But in my view we have moved beyond this. In essence this comes down to stopping pirates going to sea in the first place, the trick is how and where.
  - To me the how is not as difficult as we may think. The problem of piracy is essentially criminal stemming from hardship and economic necessity. Stopping it has to be a combination of police capacity in the coastal area primarily but not limited to the land environment. And secondly offering an alternative...this could very well be training and employing local capacity as Maritime Police/Coastguards as an alternative to joining the pirate gangs. The local elders and leaders are warm to this idea and many communities recognize the evil that piracy brings to them – but they need something to replace the money that they currently get. Re-generating

local industry and livelihoods can come later when we have a higher level of security.

- The where is also interesting: the pirate gangs operate in essentially two centres of activity in the North around Hobyo and Haradheere and then in the south, south of Kismayo to the Kenyan border. Countering this threat will require completely different approaches primarily because the southern sector remains in Al Shabaabs hands and piracy flourishes there with Al Shabaabs consent and approval (and of course payment of dews to allow it to continue unhindered). A very good example of this is the recent kidnapping of Judith Tebbit following her husband's murder on a beach in northern Kenya. The speed and safe passage given to the pirate gang by Al Shabaab that allowed her to be rapidly moved from the southern sector to the safer area of the northern pirate gangs is clear linkage between piracy and terrorism. Addressing the problem therefore requires two types of approaches:

- In the northern area we need to reinforce the security forces in the regions most directly affected. This means building capacity in Galmadug with their embryonic Maritime Police Force who face one of the biggest pirate strongholds in Hobyo. It means engaging with the administration in Heeb and Hiraan who face the other stronghold of Haradheere and of course with Puntland to reinforce the success they have had in shifting the pirates further south and their new policy against piracy. I welcome the strong stance that President Farole has taken against these criminals in Puntland.
- In the Southern area it is more difficult. Al Shabaab occupies the land and therefore the solution must be sea born for the time being until such time as Kismayo is retaken by the government. I commend the TFG for investigating commercial options to create and train a maritime police force to look after the immediate maritime area out to 12 nautical miles. Whilst this is happening I believe the international naval forces need to play a more robust role and take on the pirate encampments and their logistic dumps.

As we come to the end of the monsoon season we are expecting a deluge of pirate action groups going to sea (possibly up to 70 groups). As these groups prepare to deploy they are at their most vulnerable stage, whilst they are still on land with their stockpiles of arms ammunition fuel and boats. The problem can be dealt with pre-emptively at this point.

- The other tool we have is to go after those who organise and benefit from these activities. The Somalia Eritrea Sanctions Group are looking closely at maritime activities (not just piracy) that are fuelling the war in Somalia. The leaders of this activity whether Somalia based or abroad need to be targeted. We welcome the work the new CGPCS Working Group 5 led by Italy in this area. The Sanctions regime is also a tool we can use to allow the naval forces to carry out more intelligence led and focussed operations against the pirates – enforcing the sanctions regime could become a new task for the naval forces and would allow more proactive operations to take place with existing (not new) forces to undermine the income Al Shabaab gains from un regulated use of certain ports as this funding is used to sustain the fight against the TFG and AMISOM, making our job significantly more difficult

In all of this we must remember that Pirates kidnap people and the human misery that is caused to individuals and their families is very significant. We have seen significant use of violence against hostages in order to speed up ransom processes and my human rights team are monitoring this very carefully. At the moment, 333 innocent crew from 15 ships are held for ransom by pirates. This is unacceptable; I implore the TFG, Puntland and the regional administration in Galmadug to use their best efforts to bring an end to this process of kidnapping.

Excellencies,

The payment of ransoms remains a serious issue. The continued payment of ransoms and the use of force to speed up that process has to come to an end. Whilst I fully understand the difficulties the shipping industry face, ultimately it is putting more lives at risk as the business model continues to flourish – that is the lives of other seamen in the region and potentially the lives of the naval forces. The spate of kidnappings from Yachts and now with the attack on the holiday resorts of the region make the imperative to stop this whole process more urgent. Ransom payments are wrong and the money that flows in to the economy from them is making the whole business of a solution in Somalia more difficult for us to achieve.

Lastly the UN is tasked with coordinating Counter Piracy initiatives not just amongst the UN agencies but through the Kampala Process we are assisting the Somalis themselves and through our Nairobi cluster and Piracy technical working groups the counter piracy work of regional organisations and bi lateral donors to achieve economy of effort and coordination. I commend the excellent work which UNODC is doing on the ground in the region with capacitating prosecution, trials and imprisonment back in Somalia by building prison capacity. UNDP is taking the lead in training in the justice sector and developing police capacity. IMO is building training capacity in Djibouti for maritime security needs of the region and IOM is assisting with capacity and training as their migration mission meets the requirement for maritime policing and coast guard capacity. UNEP and FAO (along with other agencies) have helped us complete a report for the Secretary General into alleged Toxic Waste Dumping, Illegal and Unregulated fishing and protecting Somalis natural resources – this will be published in October and will go a long way to addressing the root causes of piracy and what needs to be done to protect Somalis rich natural resources. This is a unique team effort, my piracy team remains one single post and I welcome your continued support to assist us in our key role as coordinator.

Thank You - I would now like to invite the CGPCS Chair to make his statement.



**Annex 30** Statement by Mr. Warsame, *Mareeg.com*, “Ex somalia minister Clarify [*sic*] on the Memorandum of Understanding between Somalia and Kenya”



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## Ex somalia minister Clarify on the Memorandum of Understanding between Somalia and Kenya

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Muqdisho (Mareeg.com)-Ladies and Gentlemen, fellow Somalis Today I want to clearly share with you an incident that has repeatedly emerged recently and which is Misleadingly reported by some media houses. In this press release, I want to clarify myself instead of others doing so on my behalf. It is about a Memorandum of Understanding on Continental Shelves between Somalia and Kenya that I signed on behalf of Transitional Federal Government (TFG) as the Minister of Planning and International Cooperation. How the incident happened? On 6th April 2009, the then TFG cabinet discussed the issue of continental shelves of Somalia at the request of Minister for fisheries and marine resources Prof. Abdirahman Ibbi. The cabinet listened reports by experts from the United Nation and Norwegian government and afterwards decided to sign the MoU, then passed the issue to the President who met with the experts and endorsed the cabinet's decision. It is worth noting that all cabinet ministers were alive at that time and it was before the Shamo blast and the assassination of Minister Omar Hashi. I am not sure whether all the 39 cabinet ministers attended the session, because I myself was in Nairobi, back from a conference I attended in Botswana. After the decision by the TFG cabinet and president, I was called by the then Prime Minister Omar Abdirashid who asked me to sign the MoU with Kenya adding that there was a deadline to meet (07.04.2009) which if Somalia misses, it can lose the continental shelf. The Premier explained for me how the decision was made and when I asked him whether he consulted any legal experts on the issue, he mentioned to me Abdikawi Yussuf- a Somali judge at the International Court in Hague, whom he said was consulted and recommended the signing of the MoU. I requested the Premier to make a formally written document on the job he wants me to do on behalf of the TFG, in which he agreed (Read it here.) I also called the President and he confirmed to me that he met with the experts from UN and Norway and he is ok with MoU. After all those efforts, I signed the MoU which was tabled before the national parliament that rejected it all together. What happened next? What I signed was not a binding agreement, but a mere MoU, because I believe a binding agreement needs a functional Somalia governments that has a legal jurisdiction all over the country and can defend its territory. On the other hand, the MoU I signed was about continental shelves and not the demarcation of the sea border between Somalia and Kenya, which can only be talked about by a full and permanent Somali government with the consent of its people and not an interim one. I read the MoU several times before I put the pen to it, because I am a lawyer even though I didn't specialize in maritime law. I am sure I didn't sign a MoU on sea border or one that I saw as to be committing mistake by the TFG leadership. Ladies and Gentlemen, respected fellow Somalis I assured you that I never for a second intended to be part of something that will harm my Country and People and history is on my side. I tried my best to be sure of what I was signing, consulted with several people. I always acknowledge that I am a human being, prone to errors and so is the government. That is why we have the parliament to check on the decisions by the government, to rectify the wrong ones. The Somali people also have the same obligations to stop the wrong decisions of the government. I never joined politics to harm my country and people. I don't think the whole government of that time had that intention too. The rightness or wrongness of the MoU is something we have to leave to the experts and legal practitioners in maritime laws. If it was wrong, I am ready to take responsibility of it, but with the government of that time and the president, because it was a collective decision. I raised this issue in many forums some of which the former PM and a group of his

ministers were present. For example the London Somali Diaspora meeting with TFG delegations. But that issue shouldn't be used as slandering, defaming and false accusation. History has that slandering used to target prominent people among the society, for example the slandering of Prophet Muhammad's (P.B.U.H) wife Aisha, which was later solved by a revelation from Allah (S.W.T), also that false accusation of Prophet Yusuf. Ladies and Gentlemen, fellow Somalis Now that I have explained in details how the incident happened, I kindly expect you to acknowledge it. I know there are many people who are honest but mislead about the truth of the incident and my reason for this press release it to clear their doubts. I am grateful to those who spoke truthfully about the matter due to their knowledge of the reality of the issue or their personal knowledge to me and I urge them to continue that way. I have forgiven all those who talked bad about me due to their misinformation about the matter. I am confident of my history and the assessment by those whom we learnt together, worked together, lived together or interacted in one way or the other. I pray to Allah to make our hearts close to each other, shower us with His mercy and forgiveness and Make us those who ascertain things before they act.

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**Annex 31** Joint Press Release by Kenyan Cabinet Secretary for Foreign Affairs (Hon. Amina Mohamed) and Somali Deputy Prime Minister, Minister of Foreign Affairs & International Cooperation (Hon. Fawzia Yusuf H. Adam) (31 May 2013)



### KENYA – SOMALIA JOINT PRESS RELEASE

The Cabinet Secretary of Foreign Affairs Kenya, Amb, Amina Mohamed, and the Deputy Prime Minister and Minister for Foreign Affairs of the Federal Republic of Somalia, H.E. Fawzia Yusuf H. Adam met today, 31<sup>st</sup> May, 2013 in Nairobi.

This meeting was convened on the instruction of H.E President Uhuru Kenyatta and H.E President Hassan Sheikh Mohamud directing the two Foreign Ministers to meet urgently and prepare the ground for a working visit of President Hassan Sheikh Mohamud to be hosted by President Uhuru Kenyatta.

The two Ministers discussed and agreed on a range of issues including the need to cooperate and strengthen border security to address the threats posed by Al Qaeda/Al Shabaab insurgents and other armed groups.

The Ministers discussed the question of Somali refugees in Kenya and agreed on jointly convening an international conference on Somalia in Nairobi, during which, modalities for the safe and orderly return of Somali refugees will be discussed.

In this regard, the two Foreign Ministers underscored the sense of urgency in providing livelihoods for the Somali refugees to enable them to return home. They called on the international community to provide resources to support the repatriation of Somali refugees.

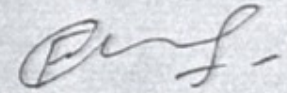
They discussed and agreed on a number of measures to encourage dialogue between the Federal Government and the local leaders in the Juba regions that would pave the way for the resolution of outstanding issues in accordance with the IGAD Communiqué of the 22<sup>nd</sup> Extra-Ordinary Session of the IGAD Heads of State and Government on 24<sup>th</sup> May, 2013 in Addis Ababa, Ethiopia, as well as on the basis of the Constitution of the Federal Republic of Somalia.

The two Ministers underlined the need to work on a framework of modalities for embarking on maritime demarcation.

The Ministers reviewed previous Agreements and MoUs signed between Kenya and Somalia, and their level of implementation. In particular, they underlined the need for technical cooperation in the areas of capacity building and skills transfer. To that end, they decided on a Joint Commission for Cooperation (JCC) as the principal framework for engagement in the identified priority areas. In conclusion, the two ministers agreed to formally launch the JCC on 2<sup>nd</sup> June, 2013 at 4.00p.m.



**Hon. Ambassador Amina Mohamed**  
Cabinet Secretary of Foreign Affairs  
Republic of Kenya



**H.E. Fawzia Yusuf H. Adam**  
Deputy Prime Minister,  
Minister of Foreign Affairs &  
International Cooperation  
Federal Republic of Somalia

**ISSUED ON THIS 31<sup>ST</sup> DAY OF MAY, 2013, IN NAIROBI**

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**Annex 32** Article from *Hiraan*, “Somalia Cabinet rejects appeal for talks on border dispute with Kenya” (10 June 2013)



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## Somalia Cabinet rejects appeal for talks on border dispute with Kenya

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Somalia has turned down request from Kenya to re-open talks to demarcate maritime boundaries.

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This is the second time the issue is raising diplomatic rift between the two neighbours.

The decision by Somalia's Cabinet has the potential of discouraging oil companies from conducting offshore oil and gas explorations in contested waters. Some of the offshore exploration blocks that have been identified in the area include Block L5.

Dr. Ali Mao Always MD Private Surgery German-Somali Doctor

In 2009, former Foreign Affairs minister Moses Wetangula and then Somalia Minister for International Cooperation Abdirahman Warsame signed a demarcation agreement. But the agreement ignited a heated debate about its legality among lawmakers in Somalia, who finally threw it out.

On May 31, Foreign Affairs Cabinet Secretary Amina Mohamed raised the issue with her Somali counterpart Fausia Yusuf Adam in the hope of winning approval of the current, internationally recognised government.

According to a joint statement signed by Mohamed and Adam, "the two ministers underlined the need to work on a framework of modalities for embarking on maritime demarcation."

### Cast aspersions

"The ministers reviewed previous agreements and Memorandum of Understandings (MoU) signed between Kenya and Somalia, and their level of implementation," the press release said.

In an interview with the BBC Somali Service last week, however, Ms Adam denied Somalia had signed any agreement on maritime demarcation with Kenya.

"They requested if talks can be reopened on this issue but I declined," she said, noting that she told Kenya the issue will remain as rejected by Somalia parliament in 2009.

Somalia's Foreign Affairs ministry failed to provide answers even after The Standard sent a list of questions through its communication division.

The maritime border issue raised a lot of outcry in Somalia in 2009 after it emerged that the country has ceded land to Kenya. Somali language satellite TV stations, websites and radio stations have cast aspersions on the new understanding, accusing the current government of trying to dust up a failed agreement. The government finally gave in.

"Federal Government of Somalia does not consider it appropriate to open new discussions on maritime demarcation or limitations on the continental shelf with any parties," said the statement from the office of Premier Abdi Farah Shirdon.

Many Somalis saw Kenya's decision to venture into Somalia in October 2011 as informed by desire to secure the mainland that borders the waters between the countries believed to be rich of yet to be explored oil reserves.

Somalia has tried to downplay any row over the issue.

The Cabinet statement said: "The government is committed to strong bilateral relations with Kenya and looks forward to working with the government of President Uhuru Kenyatta on a number of issues, including the safe repatriation of Somali refugees in Kenya and improving border security for the benefit of both countries."

#### **Coastal states**

Many Somalis objected to some words in the 2009 MoU, such as "the claims of the two coastal States cover an overlapping area of the continental shelf, which constitutes the area under dispute".

They argued that Kenya has started explorations in its territorial waters, fears Mogadishu tried to allay in its Thursday statement that was arrived at after the country's council of ministers met.

"The government's position is Somali Law No 37 on the Territorial Sea and Ports, signed on September 10, 1972, which defines Somali territorial sea as 200 nautical miles and continental shelf," said the statement.

Somalia ratified the UN Convention on the Law of the Sea on July 24, 1989, the statement said.

The Somali government also said it supports an August 1, 2009 parliamentary decision that rendered "null and void" a MoU signed on April 7, 2009 between Warsame and Wetangula.

The UN stated on March 12, 2010 that the 2009 MoU was to be considered "non-actionable" because it had been rejected by the Somali parliament, said the statement.

The MoU, which was obtained by The Standard, reads in part: "While the two coastal States have differing interests regarding the delimitation of the continental shelf in the area under dispute, they have a strong common interest with respect to the establishment of the outer limits of the continental shelf beyond 200 nautical miles, without prejudice to the future delimitation of the continental shelf between them."

#### **Contested areas**

It went on: "On this basis, the two coastal States are determined to work together to safeguard and promote their interest with respect to the establishment of the outer limits of the continental shelf beyond 200 nautical miles."

Although the demarcation issue did not draw much attention locally, it has been a big national issue for Somalia.

Nairobi was afraid that if the maritime issue is not solved properly and in time, it could threaten Kenya's right to license exploration blocks and revenue collection after oil discovery in contested areas.

In 2010, according to the Commonwealth website, its secretariat's maritime boundary specialists held a workshop for government officials to prepare the country for its maritime boundary negotiations with Somalia because "establishing clear maritime boundaries will have important implications for security, shipping, environmental protection, fishing and offshore resource exploration in the region."

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**Tanadeh Tanaad** · Stanley, Falkland Islands

Somalia is in a coma state. Kenya and Ethiopia is trying their best to extract any Somali resouces at sea or in land. One of the main reasons why an ethnic Somali woman is given the post of foreign minister in Kenya is to settle the deal of the demarcation of the maritime boundary in favour of Kenya. She should know that blood is thicker than water. These waters are her blood which is a Somali blood. Therefore, she should not give it away to her falsely 'adopted' country by legalising the raping of her motherland of NFD. Please, Amina, note that your father and grandfather were SHIFTA in the e... See More

Like Reply 4 · Jun 10, 2013 4:11am

**jamajaf**

Tanadeh, M.

SINCE the civil war in Somalia, somallis they been through a lot. today Somalis are more divided then ever before due to current leadership in Mogadishu Hassan Culusow. so, now who to blame not Kenya or Ethiopia. and if this current regime in Mogadishu did accept the will of the people to establish own admin in regional affairs and not follow Somali federal constitution then Somalia will cease to exist

Dr Amina she was not appointed because kenya wants to use her for marine border issue it's nonsense. Dr Amina can not change the view of Somalis nor the Current admin in Mogadishu.

all these words that listed here, torture, displacement, treating women badly. Somalis done to each other ten times much worst then what colonial done to them, and also it looks Hassan sheikh will bring more destruction then good if he does not change his narrow minded policy.

To me you sound like northerner "Somalilander", probably hiding his/her name.

Like Reply 2 · Jun 10, 2013 4:58am

**abibnet**

jamajaf , Why did you say Tanadeh sounded like a Northerner(Somalilander) who is hiding his name? Please help me understand this. What did you see in Tanadeh's writing that sounded like a Somalilander? Or is this a Paranoia?

Like Reply 1 · Jun 10, 2013 5:24am

**Bashir Huss** · London, United Kingdom

jamajaf,

bro Hassan was not in to the office 2009 while Kenyan were pressurizing us into the signing of the demarcate maritime boundaries, after Kenya lost the deal and lawmakers in Somalia threw it out. their next step was INVASION ( the word invasion we all now is well used in IRAQ WAR and their is no argument) and stepped int to Somalian sole without UN or AU mandate, OK Hassan came to the office and he talked about jubbaland administration which Kenya was full engaged at that time what ever Hassan is or was, while the intention of Kenya is very clear what on earth you wanted Hassan ... See More

Like Reply 1 · Jun 10, 2013 6:44am

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**Tanadeh Tanaad** · Stanley, Falkland Islands

Somalis are still reeling with the annexation of NFD and now Kenya wants to loot the 200 nautical miles on top of that territory! Kenyan greed and our silence and our weakness! OHHH!

Culusow is obsessed with Jubland, Faroole is mad about Puntland election fraud, Siil-Yaanyo is dreaming of secession, Aden Madobe is busy in selling the charcoal, Basto and Hiiraale are competing to get the leftovers, Qeybdiid and Timo kalajeex are competing for a nonexistent regional autonomy. What a funny world.

Like Reply 1 · Jun 10, 2013 5:39am



**Hassan Warsame** · University of Hertfordshire - UK

Somalia should never accept Kenya request to re-open talks to demarcate maritime boundaries, simply because the so called Kenya is 3 nations compounded together (NDF-INDIGENOUS, THE COASTAL ARABS-EARLY COMES AND THE BANTU-LATE COMERS). The bantu-late comers are Folgers that indiscriminately discriminate both Somalis and the coastal people.

Somalia government should ask Kenya to address WAGALLA MASSACRE and other massacres in NDF and perpetrators to be executed for their crimes and questions the validity of colonial forced unification of NDF to so called Kenya, after NDF overwhelmingly voted to remain to be part of Somalia in 1960. If Somalia government wants to discuss any demarcate maritime boundaries they should talk with NDF LEADERS OR ELDERS on so called maritime boundaries issues.

Like Reply 2 · Jun 10, 2013 5:44am Edited



**Mohamed Sheikh Mukhtar** · Owner at My Own Business

The government of Kenya is trying to trick Somali government to sign a pact on maritime border demacation. They believe these fragile governments lack if proper experts on the issue. As they are more advanced than Somali currently this is opportunity for them.

Like Reply 1 · Jun 10, 2013 9:11am



**Abdillahi Sheikh**

Kenya is using some of us to steel our land. Guys be Somali first. What the heck is wrong with these people. Acuudu Bilaah. Everything is qabiil qabiil qabiil, Kenya is rapping somali women and they not asking their qabiil when they are doing that. South Afrika is killing us and never asked us our qabiil. America r jailing us and never asked us our qabiil..... list goes on and on. THis is happening because we are Somali. Everybody sit and drink class of water then think and think again, forget about what your adeer told you and keep tells you. Are we better of to support our New Government or we are better off to talk qabiil.

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 **kucadaye** @ 6/10/2013 3:36 PM EST  
Sonofsomalia,

The Cabinet Declaration is just a Press Release. It is not a legal document.

What the Gov should do is to immediately, through the Parliament, Bill clearly defining our maritime boundries as stated in the Press Release.  
Snafor, there was no 'maritime dispute' between Somalia and Kenya pre-1991. As I said Kenya is manufacturing it for their our self-interest.

 **sonofsomalia** @ 6/10/2013 12:04 PM EST

kucadaye, the legal basis exist, the previous TFP had voted down resolution on the subject. Its not for the cabinet to contravene a parliamentary decision, which is technically law of the land. Having said that I am glad the cabinet stated their position clearly and concisely. This should temporary stop the conspiratory media from fantasizing a conspiracy to sell parts of Somalia. The government of Somalia spends substantial time, energy and political assets fighting tabloid news from profiteers and clan media.

 **kucadaye** @ 6/10/2013 11:09 AM EST

Marwo Fawzia should do the right thing and resign. What she did borders on Treason.  
Furthermore, the Cabinet should enshrine their decision on the subject in legal instruments passed through the Parliament.

There is never was a 'maritime dispute' between Somalia and Kenya. It is now manufactured by Kenya for obvious reasons.

 **sonofsomalia** @ 6/10/2013 10:47 AM EST

Nomadic Man

Many of the ministers should not be in their position, but because Somalis pray to the god of Qabil, those men and women need to be given the post. Case in point Garowe is setting the house on fire because it did not get the position it deemed it was entitled to.

 **Nomadic Man** @ 6/10/2013 10:43 AM EST

That Warsame dude who signed the M.O.U back in 2009 should not ever serve in any Government positions.  
As for Kenya we said it before and we'll say it again, the contested area between Somalia and Kenya is on land

**Annex 33** Press Release of Somali Council of Ministers, posted on *Horseedmedia*, “Somalia: Somali Federal Government clarifies its position on territorial waters” (6 June 2013)



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# Somalia: Somali Federal Government clarifies its position on territorial waters

June 6, 2013

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council of ministers

### PRESS RELEASE

In its weekly meeting the council of ministers issued the following statement on the issue of Somali territorial waters:

The government reiterates its support for the Transitional Federal Government parliament's decision of 1 August 2009 calling "null and void" the Memorandum of Understanding (MOU) between the TFG Minister of International Cooperation and Kenyan Minister of Foreign Affairs signed in Nairobi on 7 April 2009.

On 12 March 2010, the UN stated that the 2009 MOU was to be considered "non-actionable" because it had been rejected by the Somali parliament.

The government's position is Somali Law No. 37 on the Territorial Sea and Ports, signed on 10 September 1972, which defines Somali territorial sea as 200 nautical miles and continental shelf. On 24th July 1989 Somali ratified the UN Convention on the Law of the Sea.

The Federal Government of Somalia does not consider it appropriate to open new discussions on

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maritime demarcation or limitations on the continental shelf with any parties.

The government is committed to strong bilateral relations with Kenya and looks forward to working with the government of President Kenyatta on a number of issues, including the safe repatriation of Somali refugees in Kenya and improving border security for the benefit of both countries.

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**Annex 34** Article on *Radio Kulmiye*, “Somali Federal Government clarifies its position on territorial waters” (6 June 2013)

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## Somali Federal Government clarifies its position on territorial waters.

June 6, 2013

**Mogadishu-KNN**– In its weekly meeting the council of ministers issued the following statement on the issue of Somali territorial waters:

1: The government reiterates its support for the Transitional Federal Government parliament's decision of 1 August 2009 calling "null and void" the Memorandum of Understanding (MOU) between the TFG Minister of International Cooperation and Kenyan Minister of Foreign Affairs signed in Nairobi on 7 April 2009.

2: On 12 March 2010, the UN stated that the 2009 MOU was to be considered "non-actionable" because it had been rejected by the Somali parliament.

3: The government's position is Somali Law No. 37 on the Territorial Sea and Ports, signed on 10 September 1972, which defines Somali territorial sea as 200 nautical miles and continental shelf. On 24th July 1989 Somali ratified the UN Convention on the Law of the Sea.

4: The Federal Government of Somalia does not consider it appropriate to open new discussions on maritime demarcation or limitations on the continental shelf with any parties.

5: The government is committed to strong bilateral relations with Kenya and looks forward to working with the government of President Kenyatta on a number of issues, including the safe repatriation of Somali refugees in Kenya and improving border security for the benefit of both countries

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**Annex 35** Mr. Malkhadir Muhumed, *Wardheer News*, “Somalia Cabinet Rejects Appeal for Talks on Border Dispute with Kenya” (9 June 2013)

Tuesday, September 22, 2015

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## SOMALIA CABINET REJECTS APPEAL FOR TALKS ON BORDER DISPUTE WITH KENYA

June 9, 2013

By **Malkhadir Muhumed**

**Somalia:** Somalia has turned down request from Kenya to re-open talks to demarcate maritime boundaries (<http://www.standardmedia.co.ke/?searchtext=maritime%20boundaries&searchbutton=SEARCH>).

This is the second time the issue is raising diplomatic rift between the two neighbours.

The decision by Somalia's Cabinet has the potential of discouraging oil companies from conducting offshore oil and gas explorations in contested waters. Some of the offshore exploration blocks that have been identified in the area include Block L5.

In 2009, former Foreign Affairs minister Moses Wetangula (<http://www.standardmedia.co.ke/?searchtext=Moses%20Wetangula&searchbutton=SEARCH>) and then Somalia Minister for International Cooperation Abdirahman Warsame (<http://www.standardmedia.co.ke/?searchtext=Abdirahman%20Warsame&searchbutton=SEARCH>) signed a demarcation agreement. But the agreement ignited a heated debate about its legality among lawmakers in Somalia, who finally threw it out.

On May 31, Foreign Affairs Cabinet Secretary Amina Mohamed raised the issue with her Somali counterpart Fauzia Yusuf Adam in the hope of winning approval of the current, internationally recognised government.

According to a joint statement signed by Mohamed and Adam, "the two ministers underlined the need to work on a framework of modalities for embarking on maritime demarcation."

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### Cast aspersions

“The ministers reviewed previous agreements and Memorandum of Understandings (<http://www.standardmedia.co.ke/?searchtext=Memorandum%20of%20Understandings&searchbutton=SEARCH>) (MoU) signed between Kenya and Somalia, and their level of implementation,” the press release said.

In an interview with the BBC Somali Service last week, however, Ms Adam denied Somalia had signed any agreement on maritime demarcation with Kenya.

“They requested if talks can be reopened on this issue but I declined,” she said, noting that she told Kenya the issue will remain as rejected by Somalia parliament in 2009.

Somalia’s Foreign Affairs ministry failed to provide answers even after The Standard sent a list of questions through its communication division.

The maritime border issue raised a lot of outcry in Somalia in 2009 after it emerged that the country has ceded land to Kenya. Somali language satellite TV stations, websites and radio stations have cast aspersions on the new understanding, accusing the current government of trying to dust up a failed agreement. The government finally gave in.

“Federal Government of Somalia does not consider it appropriate to open new discussions on maritime demarcation or limitations on the continental shelf with any parties,” said the statement from the office of Premier Abdi Farah Shirdon

Many Somalis saw Kenya’s decision to venture into Somalia in October 2011 as informed by desire to secure the mainland that borders the waters between the countries believed to be rich of yet to be explored oil reserves.

Somalia has tried to downplay any row over the issue.

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The Cabinet statement said: “The government is committed to strong bilateral relations with Kenya and looks forward to working with the government of President Uhuru Kenyatta on a number of issues, including the safe repatriation of Somali refugees in Kenya and improving border security for the benefit of both countries.”

### Coastal states

Many Somalis objected to some words in the 2009 MoU, such as “the claims of the two coastal States cover an overlapping area of the continental shelf, which constitutes the area under dispute”.

They argued that Kenya has started explorations in its territorial waters, fears Mogadishu tried to allay in its Thursday statement that was arrived at after the country’s council of ministers met.

“The government’s position is Somali Law No 37 on the Territorial Sea and Ports, signed on September 10, 1972, which defines Somali territorial sea as 200 nautical miles and continental shelf,” said the statement.

Somalia ratified the UN Convention on the Law of the Sea on July 24, 1989, the statement said.

The Somali government also said it supports an August 1, 2009 parliamentary decision that rendered “null and void” a MoU signed on April 7, 2009 between Warsame and Wetangula.

The UN stated on March 12, 2010 that the 2009 MoU was to be considered “non-actionable” because it had been rejected by the Somali parliament, said the statement.

The MoU, which was obtained by *The Standard*, reads in part: “While the two coastal States have differing interests regarding the delimitation of the continental shelf in the area under dispute,

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they have a strong common interest with respect to the establishment of the outer limits of the continental shelf beyond 200 nautical miles, without prejudice to the future delimitation of the continental shelf between them.”

**Contested areas**

It went on: “On this basis, the two coastal States are determined to work together to safeguard and promote their interest with respect to the establishment of the outer limits of the continental shelf beyond 200 nautical miles.”

Although the demarcation issue did not draw much attention locally, it has been a big national issue for Somalia.

Nairobi was afraid that if the maritime issue is not solved properly and in time, it could threaten Kenya’s right to license exploration blocks and revenue collection after oil discovery in contested areas.

In 2010, according to the Commonwealth website, its secretariat’s maritime boundary specialists held a workshop for government officials to prepare the country for its maritime boundary negotiations with Somalia because “establishing clear maritime boundaries

(<http://www.standardmedia.co.ke/?searchtext=maritime%20boundaries&searchbutton=SEARCH>) will have important implications for security, shipping, environmental protection, fishing and offshore resource exploration in the region.”

Source: Standard Digital

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**Annex 36** Statement from Somali Prime Minister’s Media Office, posted on *Somalitalk*, “Somali Federal Government clarifies its position on territorial waters” (6 June 2013)

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6 June, 2013

## **Somali Federal Government clarifies its position on territorial waters**

In its weekly meeting the council of ministers issued the following statement on the issue of Somali territorial waters:

1. The government reiterates its support for the Transitional Federal Government parliament's decision of 1 August 2009 calling "null and void" the Memorandum of Understanding (MOU) between the TFG Minister of International Cooperation and Kenyan Minister of Foreign Affairs signed in Nairobi on 7 April 2009.
2. On 12 March 2010, the UN stated that the 2009 MOU was to be considered "non-actionable" because it had been rejected by the Somali parliament.
3. The government's position is Somali Law No. 37 on the Territorial Sea and Ports, signed on 10 September 1972, which defines Somali territorial sea as 200 nautical miles and continental shelf. On 24th July 1989 Somali ratified the UN Convention on the Law of the Sea.
4. The Federal Government of Somalia does not consider it appropriate to open new discussions on maritime demarcation or limitations on the continental shelf with any parties.
5. The government is committed to strong bilateral relations with Kenya and looks forward to working with the government of President Kenyatta on a number of issues, including the safe repatriation of Somali refugees in Kenya and improving border security for the benefit of both countries.

ENDS

Ahmed Adan

Prime Minister's Media Office  
Mogadishu, Somalia

Email: [media@opm.gov.so](mailto:media@opm.gov.so)  
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**Annex 37** Statement by Kenya during the 24th Meeting of States Parties to the United Nations Convention on the Law of the Sea, New York (9–13 June 2014)



**REPUBLIC OF KENYA**

**STATEMENT BY**

**KENYA**

**DURING THE**

**24<sup>TH</sup> MEETING OF STATES PARTIES TO THE UNITED NATIONS  
CONVENTION ON THE LAW OF THE SEA (UNCLOS)**

**9<sup>TH</sup> – 13<sup>TH</sup> JUNE, 2014**

**New York**

**Mr. President,**

As this is the first time my delegation is taking the floor, we wish to congratulate you and other members of the Bureau on your election. Kenya assures you of full support and co-operation during your term.

My delegation also wishes to acknowledge with appreciation reports to this Meeting by the Secretary General of the United Nations, the Chair of the Commission on the Limits of the Continental Shelf, the President of the International Tribunal for the Law of the Sea and the Secretary General of the International Sea Bed Authority.

**Mr. President,**

My delegation turns its attention to a very pertinent issue touching on consideration of submissions by the Commission on the Limits of Continental Shelf. The timely consideration of submissions by CLSC continues to be of great interest to my country. This is in recognition that any slight delay in considering a country's submission results in huge human and material costs used to ensure that the country maintains her ability to defend the submission.

My country is therefore greatly concerned by the emerging trend of indefinitely deferring consideration of submissions on the basis of objections under Rule 46 and in particular, paragraph 5 (a) of annex I to the Rules of Procedure of the Commission.

To date, the Commission has deferred consideration of 7 submissions as at the 36<sup>th</sup> submission. Unfortunately, Kenya is one of those countries whose submission has been deferred. My delegation notes with concern, that none of the 7 submissions so far deferred has been able to overcome the challenges that led to their deferral. My delegation is concerned that this state of affairs presents an undesirable trend that requires attention by this Meeting.

We recognize that paragraph 5 (a) of annex I to the Rules of Procedure of the Commission provides the basis for the Commission to defer consideration of a submission. This is in instances where there exists a dispute in delimitation of the continental shelf between States. It should be appreciated that the same paragraph provides that the "*...Commission may consider one or more submissions in the areas under dispute with prior consent given by all States that are parties to such a dispute*".

My delegation fully aligns herself with the provisions of this paragraph.

However, Mr. President, our concern arises in instances where the principle of good faith does not seem to guide the actions of a member State. This may arise in situations where a State may simply refuse to grant consent for no apparent reason. The situation is further compounded where State Parties grant each other consent for the Commission to consider a submission and the consent is withdrawn shortly before or during the course of consideration of the submission.

Mr. President, the principle of good faith is well anchored in international law. The essence of the doctrine of rights is that although a state may have a strict right to act in a particular way, it must not exercise this right in such a manner as to constitute an abuse of it, it must exercise its right in good faith, and with a sense of responsibility, it must have bona fide reasons for what it does and not act arbitrarily or capriciously<sup>1</sup>.

Consequently Mr. President, it is our submission to this Meeting of States Parties that any emerging trend or practice that does not adhere to the principle of good faith need to be addressed. The States Parties may wish to consider establishing parameters that may guide further application of paragraph 5 of Annex 1 to the Rules of Procedure, without unduly inconveniencing another State.

It is in this regard that my delegation proposes that this matter be given due attention and consideration. We are aware that it may not be feasible to do so in this meeting. We therefore urge for the issue to be considered during the 25<sup>th</sup> Meeting of States Parties. Meanwhile, we recommend that informal consultations be held to receive and discuss practical proposals for consideration during the said meeting.

**Mr. President,**

We now turn our attention to the work of the Open-Ended Working Group on the conditions of service of the members of the Commission on the Limits of the Continental Shelf. My delegation wishes to thank the Group, and as Co Chair, we also wish to thank the delegations that have actively participated in the consultations thus far. We are still concerned about the inadequate medical coverage of the members of the Commission while on performance of their duties here in New York. This issue remains urgent and requires quick and prompt resolution in light of the gravity of the matter and its implications on the workload of the Commission.

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<sup>1</sup> G. Fitzmaurice. The law and procedure of ICJ: General Principles of substantive law.

To this end, we call upon all delegations to continue to support the work of the Working Group so as to ensure that this matter is resolved sooner than later. We further call on States to support the Draft decision of the Working Group and call upon the General Assembly to take all appropriate and necessary measures to ensure this and other matters touching on the conditions of service of the Commissioners are addressed in dispatch.

**Mr. President,**

My delegation notes with concern the report of the Chair of the Commission contained in SPLOS/270, in which the Chair, brings the issue of the extended absence of some members of the Commission to the attention of this Meeting. The Chair has in his report elaborated at length the impact that the extended absence of the members has had on the discharge of the functions of the Commission including increasing the workload of other members of the Commission. In regard to these issues, my delegation concurs with the decision of the Commission that the members may no longer be in a position to act as officers of the Commission, including the decision to have other members of the Commission take up their duties. This state of affairs jeopardizes the efficiency, effectiveness and the timely delivery of recommendations and should be addressed with urgency.

It is evident from the Chair's report that the Commission has reported the aggravation of these issues with a view that this Meeting will make binding decisions. The availability of all members of the Commission is crucial to the work of the Commission. In this regard, though it has never happened before since the establishment of the Commission in 1997, my delegation is of the opinion that there is an urgent need for this Meeting to make a resolution regarding this State of affairs.

We look forward to considering options to address the situation.

Thank you Mr. President and thank you all

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**Annex 38** “Progress of Work in the Commission on the Limits of the Continental Shelf. Statement by the Chair”, Commission on the Limits of the Continental Shelf (CLCS), thirty-seventh session, CLCS/88 (20 Apr. 2015)

**Commission on the Limits of the  
Continental Shelf**Distr.: General  
20 April 2015

Original: English

**Thirty-seventh session**  
New York, 2 February-20 March 2015**Progress of work in the Commission on the Limits of the  
Continental Shelf****Statement by the Chair***Summary*

The present statement provides information on the work carried out by the Commission on the Limits of the Continental Shelf and its subcommissions during the thirty-seventh session. In particular, it contains an overview of the work on the submissions made by the following: Uruguay; the Cook Islands, in respect of the Manihiki Plateau; Argentina; Iceland, in respect of the Ægir Basin area and the western and southern parts of the Reykjanes Ridge; Pakistan; Norway, in respect of Bouvetøya and Dronning Maud Land; South Africa, in respect of the mainland of the territory of the Republic of South Africa; jointly by the Federated States of Micronesia, Papua New Guinea and Solomon Islands, concerning the Ontong Java Plateau; jointly by France and South Africa, in the area of the Crozet Archipelago and the Prince Edward Islands; and Mauritius, in the region of Rodrigues Island. The statement also contains information about presentations made to the Commission by Pakistan pursuant to paragraph 15.1 bis. of annex III to the rules of procedure of the Commission, and by Tonga concerning its submission in respect of the western part of the Lau-Colville Ridge. The statement also addresses, inter alia, the issues of the conditions of service and attendance of the members of the Commission.

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1. Pursuant to the decision adopted at its thirty-fifth session (see [CLCS/85](#), para. 87), as endorsed by the General Assembly in paragraph 85 of its resolution 69/245, the Commission on the Limits of the Continental Shelf held its thirty-seventh session at United Nations Headquarters from 2 February to 20 March 2015. The plenary parts of the session were held from 9 to 13 February and from 9 to 13 March. The other periods were used for the technical examination of submissions at the geographic information system (GIS) laboratories of the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs of the Secretariat.

2. The following members of the Commission attended the session: Muhammad Arshad, Lawrence Folajimi Awosika, Galo Carrera, Francis L. Charles, Ivan F. Glumov,<sup>1</sup> Richard Thomas Haworth, Martin Vang Heinesen, Emmanuel Kalngui, Wenzheng Lyu,<sup>2</sup> Mazlan Bin Madon, Estevao Stefane Mahanjane, Jair Alberto Ribas Marques, Simon Njuguna, Isaac Owusu Oduro, Yong-Ahn Park, Carlos Marcelo Paterlini, Rasik Ravindra, Walter R. Roest, Tetsuro Urabe and Szymon Uścińowicz. Prior to the session, George Jaoshvili informed the Chair of the Commission, by a letter dated 16 January 2015, of his resignation as a member of the Commission.

3. The Commission had before it the following documents and communications:

- (a) Provisional agenda ([CLCS/L.38](#));
- (b) Statement by the Chair on the progress of work in the Commission at its thirty-fifth and thirty-sixth sessions ([CLCS/85](#) and [CLCS/86](#));
- (c) Submissions made by coastal States<sup>3</sup> pursuant to article 76, paragraph 8, of the United Nations Convention on the Law of the Sea;<sup>4</sup>
- (d) General Assembly resolution 69/245;
- (e) Communications received from Canada (29 December 2014), Côte d'Ivoire (17 and 19 November 2014), Federated States of Micronesia (21 November 2014), France (17 December 2014), Iceland (2 March 2015), Kenya (24 October 2014), Morocco (10 March 2015), Nigeria (12 March 2015), Norway (17 December 2014), Oman (10 November 2014), Pakistan (9 October 2014), Somalia (7 October 2014), Sri Lanka (12 February 2015), the United Republic of Tanzania (17 October 2014), the United States of America (two communications dated 12 November 2014) and Yemen (10 December 2014);
- (f) Letter from Mr. George Jaoshvili to the Chair of the Commission (16 January 2015).

## **Item 1**

### **Opening of the thirty-seventh session**

4. The Chair of the Commission, Mr. Awosika, opened the plenary of the thirty-seventh session of the Commission.

<sup>1</sup> Mr. Glumov attended the session from 9 February to 13 March 2015.

<sup>2</sup> Change of transcription of the last name, formerly transcribed as Lu.

<sup>3</sup> For a full list of the submissions made to the Commission, see [www.un.org/Depts/los/clcs\\_new/commission\\_submissions.htm](http://www.un.org/Depts/los/clcs_new/commission_submissions.htm).

<sup>4</sup> United Nations, *Treaty Series*, vol. 1833, No. 31363.

### **Statement by the Legal Counsel**

5. The Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, Miguel de Serpa Soares, made a statement. Noting the importance that States attach to the work of the Commission and the increased attention by the media and the public to its work, he encouraged the Commission and its subcommissions to continue engaging with submitting States in a comprehensive, substantive and transparent manner and providing them with clear scientific and technical guidance. He also encouraged the Commission to complete its examination of as many submissions under active consideration as possible by adopting recommendations before the end of the term of office of its current members, in June 2017, and to consider ways and means to ensure continuity in the work of the Commission after the end of its current term.

### **Item 2 Adoption of the agenda**

6. The Commission considered the provisional agenda (CLCS/L.38) and adopted it, as amended (CLCS/87).<sup>5</sup>

### **Item 3 Organization of work**

7. The Commission approved its programme of work and the schedule for deliberations, as outlined by the Chair.

### **Item 4 Workload of the Commission**

#### **Conditions of service of the members of the Commission**

8. The Commission recalled its decision taken at the thirty-fifth session (see CLCS/85, para. 87) that, in 2015, it would hold three sessions of seven weeks each, including plenary meetings, for a total of 21 weeks of meetings of the Commission and its subcommissions, on the understanding that that decision could be revisited during the thirty-seventh session, in the light of the progress made in the work of the subcommissions and other developments related to both the workload of the Commission and the conditions of service of its members.

9. In this regard, the Commission took note of relevant provisions of General Assembly resolution 69/245, in particular paragraphs 80 to 85, as well as of the

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<sup>5</sup> In response to an invitation by the Chair to present their submissions to the Commission at its thirty-seventh session, Sri Lanka; Denmark, in respect of the southern continental shelf of Greenland; Angola; Canada, in respect of the Atlantic Ocean; the Bahamas; France, in respect of the area of Saint-Pierre-et-Miquelon; Somalia; and, jointly, Cabo Verde, the Gambia, Guinea, Guinea-Bissau, Mauritania, Senegal and Sierra Leone, in respect of areas in the Atlantic Ocean adjacent to the coast of West Africa, indicated a preference to make their presentations at a subsequent session. This was done on the understanding that the deferral would not affect the position of the submissions in the queue.

information provided by the Secretariat with regard to medical insurance coverage and working space for the members of the Commission. The Commission emphasized its understanding that the reimbursement of the costs of medical travel insurance for those members who benefit from the trust fund established pursuant to General Assembly resolution 55/7 for facilitating the participation of members of the Commission from developing countries in the meetings of the Commission was an interim measure and that a more permanent solution would be presented in the future. The Commission reiterated its view (see [CLCS/83](#), para. 10, and [CLCS/85](#), para. 11) that, when matters pertaining to the conditions of service are addressed, no distinction should be made between members of the Commission from developing and developed States, and that the concerns of the Commission went well beyond adequate medical coverage.

10. With regard to the issue of working space, the Commission concluded that its members needed more adequate working space and facilities. The Commission requested the Chair to address a letter to the Director of the Division outlining those needs for the purpose of paragraph 84 of resolution 69/245.

11. Recalling relevant paragraphs of resolution 69/245, as well as the above-mentioned requests concerning the working space of its members, the Commission expressed strong expectations that its requirement related to the conditions of service of its members would be addressed by States parties and ultimately by the General Assembly as soon as possible, and well before the expiration of the term of office of its current members.

12. The Commission also discussed the pace of examinations of submissions. Upon reviewing its working arrangements, the Commission recognized that the increase in the number of weeks of work had not yet translated into a proportional increase in the number of recommendations approved. The Commission noted that the completion of the examination of submissions was directly impacted by the frequency, volume and complexity of the submission of additional data and information to the active subcommissions as well as by the promptness of such submissions on the part of delegations in response to requests for clarifications or questions posed by those subcommissions. However, the Commission also noted that its decision to form nine concurrently active subcommissions decreased the projected waiting period for submissions in the queue.

13. The Commission then decided that, for the remainder of the term of office of its current members, which expires in June 2017, it would maintain the current pattern of meetings, i.e., that the Commission and its subcommissions would continue to meet for a total of 21 weeks per year by holding three sessions of seven weeks each, and that four of those 21 weeks would be devoted to plenary meetings. Following further deliberations, the Commission then decided on its plan of work for the thirty-eighth session (see paras. 72-74 below).

## **Item 5**

### **Consideration of the submission made by Uruguay<sup>6</sup>**

#### **Report of the subcommission**

14. The Chair of the subcommission, Mr. Charles reported on the progress of its work during the intersessional period and at the thirty-seventh session of the Commission, noting that the subcommission had met from 2 to 6 February and from 16 to 20 February 2015.

15. The subcommission held two meetings with the delegation, which informed the subcommission of a new seismic survey which had been conducted by Uruguay and indicated that it would make the new processed seismic data and their interpretation available to the subcommission before 10 July 2015.

16. The subcommission decided that its members would continue to work on the submission during the intersessional period and that it would resume its consideration of the submission during the thirty-eighth session, including meetings with the delegation of Uruguay. The subcommission would consider the new data and information to be provided by the delegation of Uruguay during the thirty-eighth session. The subcommission might then be in a position to make its presentation pursuant to paragraph 10.3 of annex III to the rules of procedure (CLCS/40/Rev.1) during the thirty-ninth session of the Commission.

17. The Commission subsequently decided that the meetings of the subcommission during the thirty-eighth session would be held from 20 to 24 July and from 17 to 21 August 2015.

## **Item 6**

### **Consideration of the submission made by the Cook Islands in respect of the Manihiki Plateau<sup>7</sup>**

#### **Report of the subcommission**

18. The Chair of the subcommission, Mr. Carrera, reported on the progress of its work during the intersessional period and at the thirty-seventh session of the Commission, noting that the subcommission had met from 2 to 6 February 2015 and, following a decision taken by the Commission during the plenary of the thirty-seventh session to optimize the efficiency of the session and advance the work of the subcommission, also from 16 to 20 March. The subcommission worked on its draft recommendations.

19. The subcommission decided that, during the intersessional period, its members would continue to prepare the draft recommendations and the presentation to the plenary, and that it would resume its consideration of the submission during the thirty-eighth session, with a view to finalizing the draft recommendations for submission to the Commission and presentation thereof to its plenary during that session.

<sup>6</sup> Submission made on 7 April 2009; see [www.un.org/Depts/los/clcs\\_new/submissions\\_files/submission\\_ury\\_21\\_2009.htm](http://www.un.org/Depts/los/clcs_new/submissions_files/submission_ury_21_2009.htm).

<sup>7</sup> Submission made on 16 April 2009; see [www.un.org/Depts/los/clcs\\_new/submissions\\_files/submission\\_cok\\_23\\_2009.htm](http://www.un.org/Depts/los/clcs_new/submissions_files/submission_cok_23_2009.htm).

20. The Commission subsequently decided that the meetings of the subcommission during the thirty-eighth session would be held from 20 to 31 July 2015.

### **Item 7 Consideration of the submission made by Argentina<sup>8</sup>**

#### **Report of the subcommission**

21. The Chair of the subcommission, Mr. Carrera, reported on the progress of its work during the intersessional period and at the thirty-seventh session of the Commission, noting that the subcommission had met from 17 to 27 February 2015.

22. The subcommission held four meetings with the delegation of Argentina and received presentations by the delegation on new information and data provided in response to the request from the subcommission made at the thirty-fifth session. The subcommission gave a presentation with regard to the area in the northern extent of the Atlantic sector of the Argentine continental margin. It was agreed that the delegation would provide a complete response to that presentation at the beginning of the thirty-eighth session.

23. It was also agreed that the subcommission would subsequently give its presentation pursuant to paragraph 10.3 of annex III to the rules of procedure at the thirty-eighth session. Thereafter, the delegation would have an opportunity to provide its response pursuant to paragraph 10.4 of annex III to the rules of procedure. The subcommission would then proceed to draft recommendations with a view to presenting them to the plenary of the Commission during the thirty-eighth session.

24. The subcommission decided that its members would continue to prepare its presentation pursuant to paragraph 10.3 of annex III to the rules of procedure during the intersessional period, and that it would resume its consideration of the submission during the thirty-eighth session, including meeting with the delegation of Argentina.

25. The Commission subsequently decided that the meetings of the subcommission during the thirty-eighth session would be held from 10 to 21 August 2015.

### **Item 8 Consideration of the submission made by Iceland in respect of the Ægir Basin area and the western and southern parts of Reykjanes Ridge<sup>9</sup>**

#### **Consideration of draft recommendations**

26. The Commission resumed its consideration of the draft recommendations, which had been introduced to it by the subcommission at the thirty-fourth session (see CLCS/83, paras. 64-66). The Commission decided to continue further consideration of the draft recommendations at the thirty-eighth session.

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<sup>8</sup> Submission made on 21 April 2009; see [www.un.org/Depts/los/clcs\\_new/submissions\\_files/submission\\_arg\\_25\\_2009.htm](http://www.un.org/Depts/los/clcs_new/submissions_files/submission_arg_25_2009.htm).

<sup>9</sup> Submission made on 29 April 2009; see [www.un.org/Depts/los/clcs\\_new/submissions\\_files/submission\\_isl\\_27\\_2009.htm](http://www.un.org/Depts/los/clcs_new/submissions_files/submission_isl_27_2009.htm).

27. The Commission also considered a communication from Iceland dated 2 March 2015. The Commission took note of the communication and the views expressed therein and requested the Chair to respond to Iceland on behalf of the Commission.

## **Item 9**

### **Consideration of the submission made by Pakistan**

#### **Report of the subcommission**

28. The Chair of the subcommission, Mr. Urabe, reported on the progress of its work during the intersessional period and at the thirty-seventh session, noting that the subcommission had met from 2 to 6 March 2015. The subcommission prepared its presentation to the Commission on the draft recommendations.

#### **Consideration of draft recommendations**

29. On 10 March 2015, the subcommission introduced the draft "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by the Islamic Republic of Pakistan on 30 April 2009" to the Commission through a presentation delivered by the Chair of the subcommission, Mr. Urabe, together with Messrs. Heinesen, Mahanjane and Njuguna.

30. On the same day, a meeting was held between the delegation of Pakistan and the Commission, pursuant to paragraph 15.1 bis. of annex III to the rules of procedure. At that meeting, the presentation of Pakistan was made by the Permanent Representative of Pakistan to the United Nations, Head of Delegation, Maleeha Lodhi; the Judge Advocate General, Zafar Mansoor Tipu; the Principal Research Officer and Project Director, Asif Inam; and the Deputy Hydrographer, Salman Ahmed Khan. The delegation also included a number of advisers. In its presentation, the delegation stated its agreement with the conclusions of the subcommission.

#### **Approval of recommendations**

31. The Commission then continued its deliberations in private. On 13 March 2015, following a thorough consideration of the draft recommendations prepared by the subcommission and of the above-mentioned presentation made by the delegation, the Commission approved by consensus "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by the Islamic Republic of Pakistan on 30 April 2009", with amendments. Pursuant to article 6, paragraph 3, of annex II to the Convention, the recommendations, including a summary thereof, were submitted in writing to the coastal State and to the Secretary-General of the United Nations on 19 March 2015.

## **Item 10**

### **Consideration of the submission made by Norway in respect of Bouvetøya and Dronning Maud Land**

#### **Report of the subcommission**

32. The Chair of the subcommission, Mr. Haworth, reported on the progress of its work during the intersessional period and at the thirty-seventh session of the Commission, noting that the subcommission had met from 2 to 6 March 2015.



33. The subcommission held three meetings with the delegation of Norway, in the course of which additional information provided by the delegation was reviewed and discussed. The delegation of Norway indicated its intention to provide a revised executive summary.

34. The subcommission decided that its members would continue to work on the submission during the intersessional period and that it would resume its consideration of the submission during the thirty-eighth session, including meeting with the delegation of Norway.

35. The Commission subsequently decided that the meetings of the subcommission during the thirty-eighth session would be held from 27 to 31 July and from 31 August to 4 September 2015.

### **Item 11**

#### **Consideration of the submission made by South Africa in respect of the mainland of the territory of the Republic of South Africa**

##### **Report of the subcommission**

36. The Chair of the subcommission, Mr. Haworth, reported on the progress of its work during the intersessional period and at the thirty-seventh session, noting that the subcommission had met from 23 to 27 February 2015, and, following a decision taken by the Commission during the plenary of the thirty-seventh session to optimize the efficiency of the session and advance the work of the subcommission, also from 16 to 20 March.

37. The subcommission held three meetings with the delegation of South Africa, in the course of which the delegation gave a presentation providing additional data and information on the area of the Mozambique Ridge — Agulhas Plateau, and the subcommission gave a presentation on its views on the western margin. Subsequently, the delegation gave another presentation in response to that presentation by the subcommission. The subcommission also reviewed the additional information received and continued its analysis of the area of the Mozambique Ridge — Agulhas Plateau.

38. The subcommission decided that its members would continue to work on the submission during the intersessional period and that it would resume its consideration of the submission during the thirty-eighth session, including meeting with the delegation of South Africa.

39. The Commission subsequently decided that the meetings of the subcommission during the thirty-eighth session would be held from 10 to 14 August 2015.

### **Item 12**

#### **Consideration of the joint submission made by the Federated States of Micronesia, Papua New Guinea and Solomon Islands in respect of the Ontong Java Plateau**

##### **Report of the subcommission**

40. The Chair of the subcommission, Mr. Roest, reported on the progress of its work during the intersessional period and at the thirty-seventh session, noting that

the subcommission had met from 23 to 27 February 2015 and, following a decision taken by the Commission during the plenary of the thirty-seventh session to optimize the efficiency of the session and advance the work of the subcommission, also from 16 to 20 March. No meetings were held with the joint delegation during the thirty-seventh session.

41. The subcommission continued the main scientific and technical examination of the joint submission. The joint delegation transmitted to the subcommission a document that responded to the request for clarification made by the subcommission at the thirty-sixth session. Based on its deliberations, the subcommission then formulated requests for further clarifications, which were subsequently transmitted in writing to the joint delegation.

42. The subcommission decided that its members would continue to work on the joint submission during the intersessional period and that it would resume its consideration of the joint submission during the thirty-eighth session, including meeting with the joint delegation.

43. The Commission subsequently decided that the meetings of the subcommission during the thirty-eighth session would be held from 27 to 31 July and from 10 to 14 August 2015.

### **Item 13**

#### **Consideration of the joint submission made by France and South Africa in respect of the area of the Crozet Archipelago and the Prince Edward Islands**

##### **Report of the subcommission**

44. The Chair of the subcommission, Mr. Njuguna, reported on the progress of its work during the intersessional period and the thirty-seventh session of the Commission, noting that the subcommission had met from 2 to 6 February and from 17 to 20 February 2015.

45. The subcommission held three meetings with the joint delegation, during which the subcommission gave a presentation on a number of issues in the context of the main scientific and technical examination of the joint submission, and the joint delegation gave a presentation in response. Subsequently, the subcommission gave another presentation reflecting its views on outstanding issues.

46. The subcommission decided that its members would continue to work on the submission during the intersessional period and that it would resume its consideration of the submission during the thirty-eighth session, including meeting with the joint delegation.

47. The Commission subsequently decided that the meetings of the subcommission during the thirty-eighth session would be held from 20 to 24 July and from 17 to 21 August 2015.

**Item 14**  
**Consideration of the submission made by Mauritius in respect of the region of Rodrigues Island**

**Report of the subcommission**

48. The Chair of the subcommission, Mr. Madon, reported on the progress of its work at the thirty-seventh session of the Commission, noting that the subcommission had met from 2 to 6 March 2015. No meetings were held with the delegation during the thirty-seventh session.

49. The subcommission continued its consideration of the submission in greater detail, in anticipation of the additional data and information from Mauritius that will be received during the thirty-eighth session.

50. The subcommission decided that its members would resume their consideration of the submission during the thirty-eighth session, including meetings with the delegation of Mauritius.

51. The Commission subsequently decided that the meetings of the subcommission during the thirty-eighth session would be held from 31 August to 4 September 2015.

**Item 15**  
**Presentation of the submission made by:**

**Tonga in respect of the western part of the Lau-Colville Ridge**

52. The presentation of the partial submission of Tonga was made on 13 February 2015 by the head of the delegation, His Royal Highness Crown Prince Tupouto'a 'Ulukalala; the Minister for Lands and Natural Resources and Minister of Defence, Lord Ma'afu Tuku'i'aulahi; the Permanent Representative of Tonga to the United Nations, Mahe'uli'uli Sandhurst Tupouniua; the Acting Attorney General, 'Asipeli'Aminiasi Kefu; the Secretary for Foreign Affairs and Trade, Viliami Va'inga Tone; and the Deputy Secretary, Ministry for Lands and Natural Resources, Taaniela Kula. The delegation also included the Deputy Permanent Representative, Tevita Suka Mangisi.

53. In addition to elaborating on substantive points of the submission, Lord Ma'afu noted that the first partial submission by Tonga had been made on 11 May 2009 with respect to the outer limits of the continental shelf beyond 200 nautical miles in the eastern part of the Tonga-Kermadec Ridge. Mr. Tone indicated that the area of the continental shelf included in the submission was not the subject of any dispute and that no notes verbales had been received from other States. Furthermore, the submission was made without prejudice to the delimitation with Fiji and New Zealand, which may be conducted at a later date. Mr. Tone noted that one member of the Commission, Mr. Carrera, had provided Tonga with advice and assistance concerning the submission. In addition, assistance had been provided, in parts, by the Special Advisory Services Division of the Commonwealth Secretariat, and scientific and technical training had been received from the Division. Lord Ma'afu proposed that the partial submission could be considered in an expedited manner by the whole Commission, since it covered a region where the Commission had already

considered a previous submission and adopted recommendations, based on the same data and information, and where the same outer limits were proposed.

54. The Commission subsequently continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission, taking note of the request of Tonga for an expedited consideration of the submission, decided that, in keeping with its practice, and as provided in article 5 of annex II to the Convention and in rule 42 of its rules of procedure, the submission would be considered at a future session by a subcommission established in accordance with rule 51, paragraph 4 ter, of the rules of procedure. The Commission decided that it would establish a subcommission when the submission was next in line for consideration, as queued in the order in which it was received.

### **Item 16**

#### **Report of the Chair of the Committee on Confidentiality**

55. The Chair of the Committee on Confidentiality, Mr. Park, reported that since the thirty-fifth session, no issues that fell within the purview of the Committee had arisen and that, consequently, no meeting of the Committee had been required during the thirty-seventh session.

56. The Commission took note of the report.

### **Item 17**

#### **Report of the Chair of the Editorial Committee**

57. The Chair of the Editorial Committee, Mr. Haworth, reported that no meeting of the Committee had been required during the thirty-seventh session. He also informed the Commission that the Committee has been receiving additional comments with respect to the template for recommendations of the Commission in respect of a submission.<sup>10</sup> The Chair encouraged members of the Commission to continue reviewing the template in the light of further recommendations that were being prepared, and to forward any additional comments or suggestions for improvements to the Editorial Committee.

58. The Commission took note of the report.

### **Item 18**

#### **Report of the Chair of the Scientific and Technical Advice Committee**

59. The Chair of the Scientific and Technical Advice Committee, Mr. Urabe, reported that the Committee had held one meeting, and informed that no request for scientific and technical advice from a coastal State had been received. He also recalled the proposal concerning issues of a scientific and technical nature that had been brought to the attention of the Commission at the thirty-fifth session.<sup>11</sup>

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<sup>10</sup> See CLCS/62, para. 82; CLCS/78, paras. 41 and 42; CLCS/80, para. 72; and CLCS/83, para. 88.

<sup>11</sup> See CLCS/85, paras. 79 and 95.

60. The Commission took note of the report and invited members to bring any such issue to the attention of the plenary, as appropriate.

### **Item 19**

#### **Report of the Chair of the Training Committee and other training issues**

61. The Chair of the Training Committee, Mr. Carrera, reported that no meeting of the Committee had been required during the period under review. He informed that when approached by States interested in organizing future trainings he had advised them to address their requests to the Division.

62. The Commission took note of the report and of the information provided by the Division with regard to possible future training activities.

### **Item 20**

#### **Other matters**

##### **Matters pertaining to the participation by members in conferences and symposiums**

63. The Commission established an open-ended working group with Messrs. Carrera, Glumov, Marques, Oduro, Park and Roest as core members and Mr. Carrera as its Chair, to consider the issue of the participation by members in conferences and symposiums.

64. On 9 March 2015, the Chair of the open-ended working group reported on the outcome of its work. The Commission then approved, with modifications, the document drafted by the working group, namely guidelines pertaining to the participation of members of the Commission in conferences and symposiums, as an internal document of the Commission.

##### **Referral by a subcommission to the plenary of the Commission of issues of a general nature encountered during the examination of a submission**

65. The members of the Commission exchanged views on the circumstances in which a subcommission could refer to the plenary of the Commission issues of a general nature encountered during the examination of a submission.

66. The Commission established a small working group consisting of two members, which was requested to further consider this issue and to report back to the Commission at its thirty-eighth session.

##### **Issues of a scientific and technical nature**

67. The Commission considered again the possibility of devoting time to internal discussions of topics of a scientific and technical nature during a future session. In view of the heavy workload of the thirty-seventh session related to the consideration of submissions, it was decided that such internal discussions might be held at future sessions, when the workload so permits.

### **Procedures and practices of subcommissions**

68. The Commission established an open-ended working group, with Messrs. Awosika, Carrera, Kalngui, Madon, Oduro, Park and Roest as core members, with a view to preparing a standard draft presentation describing procedures and practices followed by its subcommissions in the examination of submissions. The draft presentation would be considered by the plenary at the thirty-eighth session.

### **Geographic information management software used for submissions**

69. The attention of the Commission was drawn to the fact that, for a number of submissions in the queue, the geographic information management software packages used by submitting States in the course of their preparation might no longer be compatible with the versions that might be used by the Commission by the time these submissions were next in line for consideration. In this regard, the Commission decided to encourage submitting States to ensure that the parts of their submissions for which a geographic information management software was utilized remained compatible with the software version used by the Commission.<sup>12</sup>

### **Communication dated 12 February 2015 from Sri Lanka**

70. On 12 February 2015, Sri Lanka addressed a communication to the Secretary-General of the United Nations, which was brought to the attention of the Commission. The Commission took note of the communication and the views expressed therein.

### **Communications from States**

71. The Commission noted the general interest of States Members of the United Nations, as well as States parties to the Convention, in transparency in the work of the Commission. Except in relation to communications from submitting States transmitting confidential data and information, the Commission reiterated its encouragement to States not to restrict the circulation of their communications only to the members of the Commission, to the extent possible,<sup>13</sup> particularly where such communications refer to the submission of another State.

### **Next session of the Commission**

72. The Commission recalled its decision to hold its thirty-eighth session from 20 July to 4 September 2015 (see [CLCS/85](#), para. 87 (b)), as endorsed by the General Assembly in paragraph 85 of its resolution 69/245. Discussing the plan of work for that session, it endeavoured to organize the meetings of the active subcommissions in a way that would maximize the progress in the consideration of the submission, and, to the extent possible, would distribute the workload equitably among members of the Commission.

73. The Commission decided that the subcommission established to examine the submission made by Uruguay would meet from 20 to 24 July and from 17 to 21 August; the subcommission established to examine the submission made by the Cook Islands concerning the Manihiki Plateau would meet from 20 to 31 July; the

<sup>12</sup> Information on the versions of the GIS software packages currently used by the Commission is available on the website of the Division; see [www.un.org/depts/los/clcs\\_new/clcs\\_home.htm](http://www.un.org/depts/los/clcs_new/clcs_home.htm).

<sup>13</sup> See [CLCS/83](#), para. 98.

subcommission established to examine the submission made by Argentina would meet from 10 to 21 August; the subcommission established to examine the submission made by Norway in respect of Bouvetøya and Dronning Maud Land would meet from 27 to 31 July and from 31 August to 4 September; the subcommission established to examine the submission made by South Africa in respect of the mainland of the territory of the Republic of South Africa would meet from 10 to 14 August; the subcommission established to examine the joint submission made by the Federated States of Micronesia, Papua New Guinea and Solomon Islands in respect of the Ontong Java Plateau would meet from 27 to 31 July and from 10 to 14 August; the subcommission established to examine the joint submission made by France and South Africa in respect of the area of the Crozet Archipelago and the Prince Edward Islands would meet from 20 to 24 July and from 17 to 21 August; and the subcommission established to examine the submission made by Mauritius in respect of the region of Rodrigues Island would meet from 31 August to 4 September. It was decided that another subcommission which would meet from 31 August to 4 September would not be formed until the plenary of the thirty-eighth session.

74. The plenary parts of the thirty-eighth session will be held from 3 to 7 August and from 24 to 28 August 2015.

#### **Attendance of members**

75. The Commission addressed the issue of attendance of its members and re-emphasized that it was important for all members of the Commission to attend all its meetings on time and in full. The Chair informed the Commission that he would bring to the attention of Permanent Missions the absence of members of the Commission nominated by their Governments and the repercussions of their absence on the work of the Commission, as needed.

76. The Commission took note of the letter of resignation addressed to the Chair by George Jaoshvili, member of the Commission nominated by Georgia, received on 16 January 2015. In this regard, the Chair recalled that this resignation created a vacancy in the Commission among the members of the Commission elected from the Eastern European Group of States, which is expected to be filled through a by-election at the upcoming twenty-fifth Meeting of States Parties to be held in New York from 8 to 12 June 2015.

#### **Trust funds**

77. The Secretariat informed the Commission about the status of the trust fund for the purpose of defraying the cost of participation of the members of the Commission from developing States in its meetings. For the thirty-sixth session, assistance had been provided to eight members of the Commission, in the amount of approximately \$137,000. For its thirty-seventh session, an estimated total of \$155,000 in financial assistance was being provided to eight members. The Secretariat also informed the Commission that since the issuance of the last statement of the Chair a contribution of \$18,185.15 had been received from a State. As at 10 March 2015, the trust fund had an approximate balance of \$681,000. The Commission acknowledged with appreciation the contributions made to the trust fund but expressed concern regarding the financial state of the trust fund and the dwindling level of contributions. In this connection, the Commission put emphasis on the importance

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of the trust fund in the light of the working arrangements adopted by the Commission after consideration of the request of the Meeting of States Parties (see [SPLoS/229](#)). Without a sustained flow of contributions, the trust fund will not be able to assist eligible members in the context of 21 weeks of meetings per year on the part of the Commission and its subcommissions. In this connection, it should be recalled that following the inclusion of medical insurance under the terms of reference of the trust fund, its resources might be depleted at a faster rate.

78. The Secretariat provided an overview of the status of the trust fund for the purpose of facilitating the preparation of submissions to the Commission by developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the Convention. The Secretariat also informed the Commission that, since the issuance of the last statement of the Chair, no contributions had been received. Two awards were granted, one for approximately \$44,000 and the other for approximately \$107,000. These are expected to be disbursed in the coming weeks. As at 10 March 2015, the trust fund had an approximate balance of \$1,314,000.

#### **Acknowledgements**

79. The Commission noted with appreciation and gratitude the high standard of Secretariat services rendered to it by the Division for Ocean Affairs and the Law of the Sea.

80. The Commission expressed its appreciation to other members of the Secretariat for the assistance they provided to the Commission and, in particular, noted the high professional standard of interpretation in the official languages of the United Nations and the assistance provided by the conference officers.



**Annex 39** “Provisional Agenda”, CLCS, thirty-seventh session, CLCS/L.38 (26 Nov. 2014)

**Commission on the Limits of the  
Continental Shelf**Distr.: Limited  
26 November 2014

Original: English

**Thirty-seventh session**

New York, 2 February-20 March 2015

**Provisional agenda**

1. Opening of the thirty-seventh session.
2. Adoption of the agenda.
3. Organization of work.
4. Workload of the Commission.
5. Consideration of the submission made by Uruguay.
6. Consideration of the submission made by the Cook Islands in respect of the Manihiki Plateau.
7. Consideration of the submission made by Argentina.
8. Consideration of the submission made by Iceland in respect of the Ægir Basin area and the western and southern parts of Reykjanes Ridge.
9. Consideration of the submission made by Pakistan.
10. Consideration of the submission made by Norway in respect of Bouvetøya and Dronning Maud Land.
11. Consideration of the submission made by South Africa in respect of the mainland of the territory of the Republic of South Africa.
12. Consideration of the joint submission made by the Federated States of Micronesia, Papua New Guinea and Solomon Islands in respect of the Ontong Java Plateau.
13. Consideration of the joint submission made by France and South Africa in respect of the area of the Crozet Archipelago and the Prince Edward Islands.
14. Consideration of the submission made by Mauritius in respect of the region of Rodrigues Island.
15. Consideration of other submissions made pursuant to article 76, paragraph 8, of the Convention: presentation of the submissions made by:
  - (a) Sri Lanka;
  - (b) Denmark, in respect of the southern continental shelf of Greenland;

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- (c) Denmark, in respect of the north-eastern continental shelf of Greenland;
  - (d) Angola;
  - (e) Canada, in respect of the Atlantic Ocean;
  - (f) Bahamas;
  - (g) France, in respect of Saint-Pierre-et-Miquelon;
  - (h) Tonga, in respect of the western part of the Lau-Colville Ridge;
  - (i) Somalia;
  - (j) Joint submission made by Cabo Verde, the Gambia, Guinea, Guinea-Bissau, Mauritania, Senegal and Sierra Leone in respect of areas in the Atlantic Ocean adjacent to the coast of West Africa.
16. Report of the Chair of the Committee on Confidentiality.
  17. Report of the Chair of the Editorial Committee.
  18. Report of the Chair of the Scientific and Technical Advice Committee.
  19. Report of the Chair of the Training Committee and other training issues.
  20. Other matters.
-

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**Annex 40** Dr. Karanja Kibicho, Confidential Note to Ms. Juster Nkoroï regarding “Proposal for the Cabinet Secretary MFA and Other Senior Government Official to Visit Mogadishu to Discuss Maritime Boundary Including Lifting of Objection by Somalia on MOU Granting No Objection to Consideration of Kenya’s Submission”, MFA.INT.8/15A (23 Aug. 2014)

Telephone: +254 20 318888  
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When replying please quote Ref. No. and date



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NAIROBI, KENYA

**MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE**

**MFA.INT.8/15A**

Ref. No. ....

**23<sup>rd</sup> August, 2014**

CONFIDENTIAL

*Cuckchi*  
*note the contents*  
*of advice from*  
*P.S. MFA.*  
*we await*  
*for the*  
*communication*  
*23<sup>rd</sup> 10/8/14*

Juster Nkoroi, EBS  
Chairperson  
Task Force on Delineation of Kenya's Outer Continental Shelf  
Kencom House  
NAIROBI

Dear *Juster*,

*Noted*  
*[Signature]* 23/8/14

**RE: PROPOSAL FOR THE CABINET SECRETARY MFA AND OTHER SENIOR GOVERNMENT OFFICIAL TO VISIT MOGADISHU TO DISCUSS MARITIME BOUNDARY INCLUDING LIFTING OF OBJECTION BY SOMALIA ON MOU GRANTING NO OBJECTION TO CONSIDERATION OF KENYA'S SUBMISSION**

As you may be aware, during the Bilateral meeting with delegation of Somalia held in Nairobi, the two Ministers discussed the possibility of Somalia hosting the 3<sup>rd</sup> round of discussions in Mogadishu during the month of August, 2014.

This office has received advice that due to the volatile security situation prevailing in Mogadishu, it is not advisable for such high powered delegation to visit the country in such circumstances.

The ministry will continue exploring possibilities of the teams reconvening here in Nairobi.

Yours *sincerely*,

**Dr (Eng) Karanja Kibicho, CBS  
PRINCIPAL SECRETARY**

CONFIDENTIAL

**Annex 41** Dr. Karanja Kibicho, Confidential Note to the Director General of the National Intelligence Service Regarding “Proposal for the Cabinet Secretary MFA and Other Senior Government Official to Visit Mogadishu to Discuss Maritime Boundary Including Lifting of Objection by Somalia on MOU Granting No Objection to Consideration of Kenya’s Submission”, MFA.INT.8/15A (4 Aug. 2014)



MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE

**MFA.INT.8/15A**

Ref. No.....

**4<sup>th</sup> August, 2014**

**CONFIDENTIAL**

The Director General  
National Intelligence Service  
**NAIROBI**

Dear *DG*,


**RE: PROPOSAL FOR THE CABINET SECRETARY MFA AND OTHER SENIOR GOVERNMENT OFFICIAL TO VISIT MOGADISHU TO DISCUSS MARITIME BOUNDARY INCLUDING LIFTING OF OBJECTION BY SOMALIA ON MOU GRANTING NO OBJECTION TO CONSIDERATION OF KENYA'S SUBMISSION**

As you may be aware, Kenya and Somalia have held two meetings to discuss issues relating to maritime boundary. Of concern to these discussions for Kenya is lifting of objection to consideration of submission pending at CLCS by Somalia and enforcing the MOU signed between the two countries. Somalia delegation did not discuss the MOU during the first meeting but we have witnessed friendlier attitude towards the MOU during the second meeting.

The two ministers discussed the possibility of Somalia hosting the 3<sup>rd</sup> round of discussions in Mogadishu.

The purpose of this letter is to request for your advice on the security of a high powered Government delegation travelling to Mogadishu for the meeting.

Yours *sincerely*,

  
**Dr (Eng) Karanja Kibicho, CBS**  
**PRINCIPAL SECRETARY**

**CONFIDENTIAL**



**Annex 42** “Agenda”, CLCS, thirty-fifth session, CLCS/84 (4 Aug. 2014)

**Commission on the Limits of the  
Continental Shelf**Distr.: General  
4 August 2014

Original: English

**Thirty-fifth session**

New York, 21 July-5 September 2014

**Agenda**

1. Opening of the thirty-fifth session.
2. Adoption of the agenda.
3. Solemn declaration by a member of the Commission.
4. Organization of work.
5. Workload of the Commission.
6. Consideration of the submission made by Uruguay.
7. Consideration of the submission made by the Cook Islands in respect of the Manihiki Plateau.
8. Consideration of the submission made by Argentina.
9. Consideration of the submission made by Ghana.
10. Consideration of the submission made by Iceland in respect of the Ægir Basin area and the western and southern parts of Reykjanes Ridge.
11. Consideration of the submission made by Pakistan.
12. Consideration of the submission made by Norway in respect of Bouvetøya and Dronning Maud Land.
13. Consideration of the submission made by South Africa in respect of the mainland of the territory of the Republic of South Africa.
14. Consideration of the joint submission made by the Federated States of Micronesia, Papua New Guinea and Solomon Islands in respect of the Ontong Java Plateau.
15. Consideration of the joint submission made by France and South Africa in respect of the area of the Crozet Archipelago and the Prince Edward Islands.
16. Consideration of the submission made by Mauritius in respect of the region of Rodrigues Island.
17. Presentation of the submission made by Kenya.

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18. Report of the Chair of the Commission on the twenty-fourth Meeting of States Parties to the United Nations Convention on the Law of the Sea.
  19. Report of the Chair of the Committee on Confidentiality.
  20. Report of the Chair of the Editorial Committee.
  21. Report of the Chair of the Scientific and Technical Advice Committee.
  22. Report of the Chair of the Training Committee and other training issues.
  23. Other matters.
-

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**Annex 43** “Progress of Work in the Commission on the Limits of the Continental Shelf. Statement by the Chair”, CLCS, thirty-fifth session, CLCS/85 (24 Sept. 2014)

**Commission on the Limits of the  
Continental Shelf**Distr.: General  
24 September 2014

Original: English

**Thirty-fifth session**

New York, 21 July-5 September 2014

**Progress of work in the Commission on the Limits of the  
Continental Shelf****Statement by the Chair***Summary*

The present statement provides information on the work carried out by the Commission on the Limits of the Continental Shelf and its subcommissions during its thirty-fifth session. In particular, it contains an overview of the progress made in the examination of the submissions made by the following: Uruguay; Cook Islands, in respect of the Manihiki Plateau; Argentina; Ghana; Iceland, in respect of the Ægir Basin area and the western and southern parts of Reykjanes Ridge; Pakistan; Norway, in respect of Bouvetøya and Dronning Maud Land; South Africa, in respect of the mainland of the territory of the Republic of South Africa; Federated States of Micronesia, Papua New Guinea and Solomon Islands, concerning the Ontong Java Plateau; France and South Africa, in the area of the Crozet Archipelago and the Prince Edward Islands; and Mauritius, in the region of Rodrigues Island. The statement also contains information about a presentation made by Kenya to the Commission. In addition, the statement addresses the following issues: conditions of service and attendance of the members of the Commission; and future sessions of the Commission.

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1. Pursuant to the decision adopted at its thirty-second session (see [CLCS/80](#), para. 89), as endorsed by the General Assembly in paragraph 79 of its resolution [68/70](#), the Commission on the Limits of the Continental Shelf held its thirty-fifth session at United Nations Headquarters from 21 July to 5 September 2014. The plenary parts of the session were held from 4 to 8 August and from 2 to 5 September. The other parts of the session were used for the technical examination of submissions at the geographic information systems (GIS) laboratories of the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs of the Secretariat (“the Division”).

2. The following members of the Commission attended the session: Muhammad Arshad, Lawrence Folajimi Awosika, Galo Carrera, Francis L. Charles, Ivan F. Glumov, Richard Thomas Haworth, Martin Vang Heinesen, George Jaoshvili, Emmanuel Kalngui, Wenzheng Lu, Mazlan Bin Madon, Estevao Stefane Mahanjane, Jair Alberto Ribas Marques, Simon Njuguna, Isaac Owusu Oduro, Yong Ahn Park, Carlos Marcelo Paterlini, Rasik Ravindra,<sup>1</sup> Walter R. Roest, Tetsuro Urabe and Szymon Uścińowicz. Some members of the Commission attended only parts of the session. Two members of the Commission could attend only part of the session owing to family emergencies. Mr. Jaoshvili attended the session from 2 to 5 September 2014, indicating that he had been unable to attend the entire session owing to a lack of adequate financial support. Mr. Uścińowicz attended the session from 11 August to 5 September, indicating that he had not been able to attend the earlier part of the session owing to a lack of adequate financial support. Mr. Glumov attended the session from 18 August to 5 September.

3. The Commission had before it the following documents and communications:

- (a) Provisional agenda ([CLCS/L.37](#));
- (b) Statement by the Chair on the progress of work in the Commission at its thirty-fourth session ([CLCS/83](#));
- (c) Submissions made by coastal States<sup>2</sup> pursuant to article 76, paragraph 8, of the United Nations Convention on the Law of the Sea;
- (d) Report of the twenty-fourth Meeting of States Parties to the United Nations Convention on the Law of the Sea ([SPLOS/277](#));
- (e) General Assembly resolution [68/70](#);
- (f) Communications received from the Federated States of Micronesia (28 July and 22 August 2014), Ghana (21 January 2014), Japan (22 July 2014), Kenya (7 July and 28 August 2014) and Somalia (2 September 2014).

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<sup>1</sup> Elected at the twenty-fourth Meeting of States Parties to the United Nations Convention on the Law of the Sea held in June 2014 to fill the vacancy resulting from the resignation of Sivaramakrishnan Rajan, for the remainder of Mr. Rajan’s term.

<sup>2</sup> For a full list of the submissions made to the Commission, see [www.un.org/Depts/los/clcs\\_new/commission\\_submissions.htm](http://www.un.org/Depts/los/clcs_new/commission_submissions.htm).

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**Item 1**  
**Opening of the thirty-fifth session**

4. The Chair of the Commission, Mr. Awosika, opened the plenary of the thirty-fifth session of the Commission.

**Statement by the Director**

5. The Director of the Division made a statement. She informed the Commission, with reference to the decision adopted by the twenty-fourth Meeting of States Parties held in June 2014 (see [SPLOS/276](#)), about the ongoing efforts of the Secretariat to explore options for providing access to medical insurance coverage to members of the Commission with a view to communicating any updated information to the General Assembly. The Director expressed the continued commitment of the Division to support the Commission in the discharge of its functions.

**Item 2**  
**Adoption of the agenda**

6. The Commission considered the provisional agenda ([CLCS/L.37](#)) and adopted it, as amended ([CLCS/84](#)).<sup>3</sup>

**Item 3**  
**Solemn declaration by a member of the Commission**

7. Pursuant to rule 10 of the rules of procedure of the Commission ([CLCS/40/Rev.1](#)), Mr. Ravindra made the solemn declaration and handed over a signed copy thereof to the Secretary of the Commission.

**Item 4**  
**Organization of work**

8. The Commission approved its programme of work and the schedule for deliberations, as outlined by the Chair.

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<sup>3</sup> In response to an invitation by the Chair to present their submissions to the Commission at its thirty-fifth session, the following indicated their preference to make presentations at a future session: Sri Lanka; Denmark, in respect of the southern continental shelf of Greenland; Angola; Canada, in respect of the Atlantic Ocean; Bahamas; and France, in respect of the area of Saint-Pierre-et-Miquelon. It was understood that the deferrals would not affect the position of the submissions in the queue.



## **Item 5**

### **Workload of the Commission**

#### **Conditions of service of the members of the Commission**

9. The Commission took note of the decision regarding the conditions of service of the members of the Commission on the Limits of the Continental Shelf, adopted by the twenty-fourth Meeting of States Parties to the United Nations Convention on the Law of the Sea (see [SPLOS/276](#)).

10. The Commission recognized the efforts made by States parties, the General Assembly of the United Nations and the Secretariat, as they related to the consideration of the conditions of service of members of the Commission. The Commission observed, however, that according to decision of the twenty-fourth Meeting of States Parties (see [SPLOS/276](#)), current proposals focused specifically on options for providing medical coverage for members of the Commission from developing States.

11. The Commission reiterated its view, unanimously supported by members of the Commission from developing and developed States, that no such distinction should be made and that all members should be treated the same way. Furthermore, the concerns of the Commission in that regard went well beyond adequate medical coverage.

12. In the light of the current conditions of service of its members, the Commission decided to keep under review its working arrangements, as well as the measures taken by the Meeting of States Parties to address the whole range of issues related to the workload of the Commission.

13. The Chair informed the Commission about an informal meeting that had been held on the margins of the thirty-fifth session between the two coordinators of the open-ended working group established by the Meeting of States Parties on the conditions of service of the Commission (see [SPLOS/263](#), para. 77) and the Bureau of the Commission. During the meeting, the Bureau conveyed the above view to the coordinators.

## **Item 6**

### **Consideration of the submission made by Uruguay<sup>4</sup>**

14. The Commission appointed Mr. Ravindra as the seventh member of the subcommission (see para. 81 below).

#### **Report of the subcommission**

15. The Chair of the subcommission, Mr. Charles, reported on the progress of its work during the intersessional period and at the thirty-fifth session of the Commission, noting that the subcommission had met from 28 July to 1 August and from 18 to 22 August.

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<sup>4</sup> Submission made on 7 April 2009; see [www.un.org/Depts/los/clcs\\_new/submissions\\_files/submission\\_ury\\_21\\_2009.htm](http://www.un.org/Depts/los/clcs_new/submissions_files/submission_ury_21_2009.htm).

16. Mr. Charles informed the Commission that during the week of 28 July to 1 August, the subcommission had held three meetings with the delegation of Uruguay, during which the delegation had provided responses to additional questions and requests for clarification that had been raised by the subcommission at the thirty-fourth session.

17. The subcommission decided that its members would continue to work on the submission during the intersessional period and that it would resume its consideration of the submission during the thirty-sixth session.

18. The Commission subsequently decided that the meetings of the subcommission during the thirty-sixth session would be held from 27 to 31 October and from 24 to 28 November 2014. The subcommission invited the delegation to meet during the latter week, during which it planned to prepare and deliver its presentation, pursuant to paragraph 10.3 of annex III to the rules of procedure of the Commission, and subsequently start the preparation of its draft recommendations.

## **Item 7 Consideration of the submission made by the Cook Islands in respect of the Manihiki Plateau<sup>5</sup>**

### **Report of the subcommission**

19. The Chair of the subcommission, Mr. Carrera, reported on the progress of its work during the intersessional period and at the thirty-fifth session of the Commission, noting that the subcommission had met from 28 July to 1 August and from 25 to 29 August. During that period, it had held three meetings with the delegation. The subcommission had given a comprehensive presentation to the delegation on its consideration of the submission, in response to the presentation made by the delegation at the thirty-fourth session, which was the second preliminary response of the delegation to the presentation made by the subcommission, pursuant to paragraph 10.3 of annex III to the rules of procedure of the Commission. The presentation by the subcommission had also included a response to a written reply provided by the delegation to the statement that had been made by the Chair of the subcommission at the thirty-fourth session. The delegation had given two additional presentations as part of its preliminary response to the presentation made by the subcommission, pursuant to paragraph 10.3 of annex III to the rules of procedure of the Commission and presented additional data and information.

20. The subcommission decided that its members would continue to work on the submission individually during the intersessional period and that it would resume its consideration of the submission during the thirty-sixth session. The subcommission would consider the additional data and information presented by the delegation and provide its response by way of a presentation to the delegation at that session. The subcommission would then work on the preparation of its recommendations and, pending the receipt of any new data and information, might be in a position to submit draft recommendations to the Commission at the thirty-seventh session.

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<sup>5</sup> Submission made on 16 April 2009; see [www.un.org/Depts/los/clcs\\_new/submissions\\_files/submission\\_cok\\_23\\_2009.htm](http://www.un.org/Depts/los/clcs_new/submissions_files/submission_cok_23_2009.htm).

21. The Commission subsequently decided that the meetings of the subcommission during the thirty-sixth session would be held from 20 to 31 October 2014.

## **Item 8 Consideration of the submission made by Argentina<sup>6</sup>**

### **Report of the subcommission**

22. The Chair of the subcommission, Mr. Carrera, reported on the progress of its work during the intersessional period and at the thirty-fifth session of the Commission, noting that the subcommission had met from 11 to 22 August. During that period, it held four meetings with the delegation and received presentations on new information and data, which had been provided by the delegation during the intersessional period. As a result of those meetings, the subcommission had made requests for additional data and information from the delegation. The subcommission had also begun to organize and prepare the presentation it would make in accordance with paragraph 10.3 of annex III to the rules of procedure in the areas of the submission where no additional requests for information from the delegation had been made.

23. The subcommission decided that its members would continue to work on the submission individually during the intersessional period and that it would resume its consideration of the submission during the thirty-sixth session. Pending the receipt and consideration of additional data and information, the subcommission might be in a position to make its presentation to the delegation in accordance with paragraph 10.3 of annex III to the rules of procedure during the thirty-sixth session. It might also be in a position to submit draft recommendations to the Commission at its thirty-seventh session, to be held in 2015.

24. The Commission subsequently decided that the meetings of the subcommission during the thirty-sixth session would be held from 17 to 28 November 2014.

## **Item 9 Consideration of the submission made by Ghana<sup>7</sup>**

### **Consideration of draft recommendations**

25. The Commission resumed its consideration of the draft recommendations, which had been introduced to it by the subcommission at the thirty-fourth session of the Commission (see CLCS/83, paras. 56-58).

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<sup>6</sup> Submission made on 21 April 2009; see [www.un.org/Depts/los/clcs\\_new/submissions\\_files/submission\\_arg\\_25\\_2009.htm](http://www.un.org/Depts/los/clcs_new/submissions_files/submission_arg_25_2009.htm).

<sup>7</sup> Submission made on 28 April 2009; see [www.un.org/Depts/los/clcs\\_new/submissions\\_files/submission\\_gha\\_26\\_2009.htm](http://www.un.org/Depts/los/clcs_new/submissions_files/submission_gha_26_2009.htm).

**Adoption of recommendations**

26. On 5 September 2014, the Commission adopted by consensus the recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by Ghana on 28 April 2009, as amended.

27. Pursuant to article 6, paragraph 3, of annex II to the Convention, the recommendations, including a summary thereof, were submitted in writing to the coastal State and to the Secretary-General on the same day.

**Item 10****Consideration of the submission made by Iceland in respect of the Ægir Basin area and the western and southern parts of Reykjanes Ridge<sup>8</sup>****Consideration of draft recommendations**

28. The Commission resumed its consideration of the draft recommendations, which had been introduced to it by the subcommission at the thirty-fourth session of the Commission (see CLCS/83, paras. 64-66). The Commission engaged in a detailed discussion of the draft recommendations, and decided to continue the discussion during the forthcoming session, with a view to reverting to the item at the plenary level during the thirty-seventh session, to be held in 2015.

**Item 11****Consideration of the submission made by Pakistan****Report of the subcommission**

29. The Chair of the subcommission, Mr. Urabe, reported on the progress of its work during the intersessional period and at the thirty-fifth session of the Commission, noting that the subcommission had met from 21 July to 1 August. It had held three meetings with the delegation of Pakistan. During those meetings, the delegation had made two presentations on its response to the questions and requests for clarifications from the subcommission, which Pakistan had provided during the intersessional period. The subcommission had made a presentation in response to the presentations. The subcommission had made a final request for additional data and information, which was provided by the delegation during the thirty-fifth session.

30. The subcommission decided that, during the intersessional period, its members would consider Pakistan's response to the final request for additional data and information and that it would resume its consideration of the submission during the thirty-sixth session. The subcommission planned to prepare and deliver its presentation pursuant to paragraph 10.3 of annex III to the rules of procedure during the thirty-sixth session, following which it would prepare its draft recommendations.

31. The Commission subsequently decided that the meetings of the subcommission during the thirty-sixth session would be held from 3 to 14 November 2014.

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<sup>8</sup> Submission made on 29 April 2009; see [www.un.org/Depts/los/clcs\\_new/submissions\\_files/submission\\_isl\\_27\\_2009.htm](http://www.un.org/Depts/los/clcs_new/submissions_files/submission_isl_27_2009.htm).

**Item 12****Consideration of the submission made by Norway in respect of Bouvetøya and Dronning Maud Land**

32. The Commission appointed Mr. Ravindra as the seventh member of the subcommission.

**Report of the subcommission**

33. In the absence of the Chair of the subcommission, one of the Vice-Chairs, Mr. Oduro, reported on the progress of its work during the intersessional period and at the thirty-fifth session of the Commission, noting that the subcommission had met from 21 to 25 July. During that period, it had held four meetings with the delegation of Norway, in the course of which the delegation had made presentations on material that had been supplied intersessionally and had responded to questions and requests for clarification made by the subcommission.

34. The subcommission decided that its members would continue to work on the submission individually during the intersessional period and that it would resume its consideration of the submission during the thirty-sixth session.

35. The Commission subsequently decided that the meetings of the subcommission during the thirty-sixth session would be held from 3 to 14 November 2014.

**Item 13****Consideration of the submission made by South Africa in respect of the mainland of the territory of the Republic of South Africa**

36. The Commission appointed Mr. Ravindra as the seventh member of the subcommission.

**Report of the subcommission**

37. In the absence of the Chair of the subcommission, one of the Vice-Chairs, Mr. Charles, reported on the progress of its work during the intersessional period and at the thirty-fifth session of the Commission, noting that the subcommission had met from 11 to 15 August and from 25 to 29 August. During that period, it had commenced the main scientific and technical examination of the submission. In the first week, the subcommission had held four meetings with the delegation of South Africa, in the course of which the delegation had given another detailed presentation on its submission to the subcommission, and the subcommission had presented its preliminary views and requested clarifications from the delegation on a number of issues. During the second week, the subcommission had continued with its examination of the submission.

38. The subcommission had decided that its members would continue to work on the submission individually during the intersessional period and that it would resume its consideration of the submission during the thirty-sixth session.

39. The Commission subsequently decided that the meetings of the subcommission during the thirty-sixth session would be held from 20 to 24 October

and from 17 to 21 November 2014. The subcommission had invited the delegation to meet during the latter week.

**Item 14**  
**Consideration of the joint submission made by the Federated States of Micronesia, Papua New Guinea and Solomon Islands in respect of the Ontong Java Plateau**

**Report of the subcommission**

40. The Chair of the subcommission, Mr. Roest, reported on the progress of its work during the intersessional period and at the thirty-fifth session of the Commission, noting that the subcommission had met from 11 to 15 August and from 25 to 29 August. During that period, the subcommission had commenced the initial examination of the joint submission pursuant to section III of annex III to the rules of procedure.

41. On 28 July, the joint delegation had transmitted to the Commission, through the Secretary-General, an addendum to the executive summary of the joint submission, which, on 22 August, had been followed by amendments to the main body of that submission and by updated supporting documents. After having received the complete amendment to the joint submission, the subcommission had verified the format and completeness of the joint submission and had commenced its preliminary analysis.

42. The subcommission had held two meetings with the joint delegation in the second week of deliberations, in the course of which the joint delegation had made a presentation on key elements of the joint submission and the subcommission had made a presentation of its preliminary views and posed a number of questions to seek clarification on certain issues.

43. The subcommission had also concluded that it was not necessary to recommend seeking the advice of specialists, in accordance with rule 57 of the rules of procedure, or cooperation with relevant international organizations, in accordance with rule 56. The subcommission had further concluded that more time would be required to examine all the data and prepare recommendations for transmittal to the Commission.

44. The subcommission had decided that its members would continue to work individually on the submission during the intersessional period and that it would resume its consideration of the submission during the thirty-sixth session.

45. The Commission subsequently decided that the meetings of the subcommission during the thirty-sixth session would be held from 20 to 24 October and from 17 to 21 November 2014. The subcommission had decided that the first week would be allocated to the analysis of all additional data and information received and had invited the joint delegation to meet during the latter week. The subcommission had also transmitted to the joint delegation a request for further clarification and for additional data and information.

**Item 15****Consideration of the joint submission made by France and South Africa in respect of the area of the Crozet Archipelago and the Prince Edward Islands****Report of the subcommission**

46. The Chair of the subcommission, Mr. Njuguna, reported on the progress of its work at the thirty-fifty session of the Commission, noting that the subcommission had met from 18 to 22 August. During that period, it had commenced an initial examination of the joint submission pursuant to section III of annex III to the rules of procedure of the Commission.

47. The subcommission had verified the format and completeness of the joint submission and had commenced its preliminary analysis. It had held two meetings with the joint delegation, on 19 and 21 August, during which the joint delegation had made a presentation on key aspects of the joint submission and the subcommission had made a presentation of its preliminary views and an initial request for clarification and additional data and information.

48. On 22 August, the subcommission had transmitted a communication to the joint delegation seeking clarifications and posing questions, to be possibly answered during the intersessional period, in order, inter alia, to evaluate if the test of appurtenance had been satisfied. It had also concluded that it was not necessary to recommend seeking the advice of specialists, in accordance with rule 57 of the rules of procedure, or cooperation with relevant international organizations, in accordance with rule 56. The subcommission had also concluded that further time would be required to examine all the data and prepare recommendations for transmittal to the Commission.

49. The subcommission had decided that its members would continue to work individually on the joint submission during the intersessional period and that it would resume its consideration of the joint submission at the thirty-sixth session.

50. The Commission subsequently decided that the meetings of the subcommission during the thirty-sixth session would be held from 27 to 31 October and from 24 to 28 November 2014. The subcommission had invited the delegation to meet during the latter week.

**Item 16****Consideration of the submission made by Mauritius in respect of the region of Rodrigues Island****Report of the subcommission**

51. The Chair of the subcommission, Mr. Madon, reported on the progress of its work at the thirty-fifth session of the Commission, noting that the subcommission had met from 21 to 25 July. During that period, it had carried out an initial examination of the submission, pursuant to section III of annex III to the rules of procedure of the Commission.

52. The subcommission had verified the format and completeness of the submission and had commenced its preliminary analysis. The subcommission had

held two meetings with the delegation on 22 and 24 July, during which the delegation had made a presentation on key elements of its submission, and the subcommission had made a presentation of its preliminary views, which had been transmitted to the delegation in written format following the meeting.

53. The subcommission had also concluded that it was not necessary to recommend seeking the advice of specialists, in accordance with rule 57 of the rules of procedure, or cooperation with relevant international organizations, in accordance with rule 56. The subcommission had also concluded that further time would be required to examine all the data and prepare recommendations for transmittal to the Commission.

54. The subcommission had decided that its members would continue to work on the submission individually during the intersessional period and at the thirty-sixth session, particularly its consideration under annex III to the rules of procedure, with the aim of making a detailed presentation of its preliminary analysis to the delegation at the next session.

55. The Commission subsequently decided that the meetings of the subcommission during the thirty-sixth session would be held from 3 to 14 November 2014. The subcommission had invited the delegation to meet during the second of those two weeks.

### **Item 17**

#### **Presentation of the submission made by Kenya<sup>9</sup>**

56. In a note verbale dated 7 July 2014, the Government of Kenya requested the opportunity to make another presentation of its submission of 6 May 2009 to the Commission in view of the partial change in the latter's membership that had occurred since the twenty-fourth session of the Commission held in August and September 2009, at which Kenya had originally presented its submission (see [CLCS/64](#), paras. 93-97).

57. The presentation of the submission of Kenya was made on 3 September 2014, by the Head of the delegation, Githu Muigai, Attorney General, and by Michael Gikuihi, Geophysicist and member of the task force on delineation of Kenya's outer continental shelf. The delegation of Kenya also included the Permanent Representative of Kenya to the United Nations, Macharia Kamau, and the Deputy Permanent Representative of Kenya to the United Nations, Koki Muli Grignon, as well as a number of scientific, legal and technical advisers.

58. In addition to elaborating on substantive points of the submission, Mr. Muigai noted that one member of the Commission, Mr. Njuguna, had provided Kenya with advice and assistance concerning the submission.

59. In reference to paragraph 2 (a) of annex I to the rules of procedure, Mr. Muigai indicated that Kenya had entered into a maritime boundary agreement with the United Republic of Tanzania on 23 June 2009, which applied to the territorial sea, exclusive economic zone and continental shelf, including the continental shelf beyond 200 nautical miles upon the finalization of its delineation.

<sup>9</sup> Submission made on 6 May 2009; see [www.un.org/depts/los/clcs\\_new/submissions\\_files/submission\\_ken\\_35\\_2009.htm](http://www.un.org/depts/los/clcs_new/submissions_files/submission_ken_35_2009.htm).



60. Mr. Muigai observed that Kenya had yet to conclude a maritime boundary agreement with Somalia, although negotiations were ongoing. He noted that provisional arrangements of a practical nature had been entered into, in accordance with article 83, paragraph 3, of the Convention, as contained in a memorandum of understanding signed on 7 April 2009, whereby the parties had undertaken not to object to the examination of their respective submissions. Mr. Muigai noted that the note verbale from Somalia dated 19 August 2009 affirmed the position mutually agreed upon by the two States in the memorandum of understanding. Mr. Muigai also referred to communications from Somalia, dated 10 October 2009 (see [CLCS/66](#), para. 48) and 4 February 2014, in which Somalia had respectively, requested that the memorandum of understanding be treated as “non-actionable” and had objected to the consideration of Kenya’s submission. In addition, Mr. Muigai noted that Somalia had instituted proceedings against Kenya at the International Court of Justice with regard to a dispute concerning maritime delimitation in the Indian Ocean. In that respect, Mr. Muigai observed that, pursuant to the Convention and the rules of procedure of the Commission, the actions of the Commission would not prejudice matters relating to the delimitation of boundaries between States. Mr. Muigai submitted that the Commission was not stopped from considering Kenya’s submission, notwithstanding paragraph 5(a) of annex I to the rules of procedure; otherwise, Kenya would be prejudiced with respect to time and resources and its rights under the Convention.

61. In respect of the communication from Sri Lanka dated 22 July 2009 (see [CLCS/64](#), paras. 3(d) and 96), in which Sri Lanka had indicated that “the principal State referred to in paragraph 3 of the statement of understanding is Sri Lanka”, Mr. Muigai emphasized that neither the Convention nor the statement of understanding had made any reference to a “principal State”. He further affirmed that, in the view of the Government of Kenya, the principles contained in the statement of understanding could apply whenever a State was able to demonstrate the existence of the special conditions envisaged in the statement. Mr. Muigai also noted that in the note verbale, Sri Lanka had not raised any objection to the consideration of the submission made by Kenya in terms of annex I to the rules of procedure.

62. In respect of the legal basis for delineation of the continental shelf beyond 200 nautical miles, Mr. Muigai emphasized that Kenya’s continental margin had exhibited special characteristics similar to those stipulated in paragraph 1 of the statement of understanding and that the application of article 76, paragraph 4 (a), of the Convention would give rise to an inequity, as specified in paragraph 2 of the statement of understanding. He indicated that Kenya, therefore, had applied that exception in establishing the outer edge of its continental margin.

63. Mr. Muigai subsequently urged the Commission to establish a subcommission when the submission was next in line for consideration, as queued in the order in which it was received.

64. The Commission subsequently continued its meeting in private. Recalling the decision taken at its thirty-fourth session (see [CLCS/83](#), para. 18), and taking note of the presentation made by Kenya on 3 September 2014, the Commission, in keeping with its practice, reiterated its decision to defer further consideration of the submission and the communications from Kenya and Somalia.

65. Following that decision, the Commission received a note verbale dated 2 September 2014 from Somalia. The Commission took note of it and determined that no change in the aforementioned decision would be required.

### **Item 18**

#### **Report of the Chair of the Commission on the twenty-fourth Meeting of States Parties to the United Nations Convention on the Law of the Sea**

66. The Chair of the Commission provided an overview of the proceedings of the twenty-fourth Meeting of States Parties to the United Nations Convention on the Law of the Sea held in June 2014, which were deemed of relevance to the Commission (see [SPLOS/270](#) and [SPLOS/277](#), sect. VII). In particular, he drew the attention of the members to the decision of the Meeting of States Parties regarding the conditions of service of the members of the Commission (see [SPLOS/276](#)).

67. The Commission took note of the information reported by the Chair and, in particular, of the decision of the twenty-fourth Meeting of States Parties (see also paras. 9-12 above).

### **Item 19**

#### **Report of the Chair of the Committee on Confidentiality**

##### **Referral of a matter to the Committee**

68. On 4 August 2014, the Commission was informed by its Chair of a potential breach of confidentiality that had allegedly taken place during the international workshop on the new developments on the Law of the Sea, which was held at the University of Xiamen, China, from 24 to 25 April 2014. The allegations concerned the potential disclosure of internal procedures of the Commission and the disclosure of information contained in a note verbale from a State, which was not in the public domain.

69. In accordance with the rules of procedure of the Commission ([CLCS/40/Rev.1](#)) related to an alleged breach of confidentiality by a member of the Commission, and considering the nature of the allegation, the Commission decided to refer the matter to the Committee on Confidentiality in order to establish the facts. The Committee constituted an investigating body comprising all five of its members (Messrs. Park (Chair), Heinesen, Kalngui, Marques and Uścińowicz).

##### **Report by the Chairman of the Committee**

70. The Chair of the Committee on Confidentiality, Mr. Park, reported that the Committee and its investigating body had held meetings to consider the case referred to the Committee and to investigate the allegations. He presented to the Commission a report providing information on the work carried out by the Investigating Body to ascertain whether any behaviour contrary to annex II to the rules of procedure had occurred during the international workshop. The Chair informed the Commission that, after a thorough examination of the report of the investigating body, the Committee had endorsed it by consensus, on 2 September 2014, and had subsequently reached the conclusions set out below.

*Divulging of information pertaining to the internal proceedings of the Commission*

71. The Committee on Confidentiality endorsed the conclusion reached by the investigating body that the available evidence had not been sufficient to conclude that a breach of confidentiality had taken place in that regard at the international workshop.

*Divulging of information pertaining to confidential correspondence (note verbale not in the public domain)*

72. The Committee on Confidentiality endorsed the conclusion reached by the investigating body that the available evidence was sufficient to conclude that a breach of confidentiality had taken place in that regard at the international workshop.

73. The report of the Committee included:

- (a) The allegations of a breach of confidentiality;
- (b) The statement of the member of the Commission concerned;
- (c) A synopsis of the evidence and the evaluation of it by the investigating body;
- (d) The findings, indicating that one of the two allegations was supported by the evidence.

74. The work of the investigating body was conducted in strict confidentiality and followed established procedures with regard to due process. The report did not contain any dissenting or separate opinions.

75. The Chair of the Committee reported that he had been re-elected as Chair; He also reported that Messrs. Kalngui and Marques had been re-elected as Vice-Chairs of the Committee, for a term of office that would commence in December 2014 and expire on 15 June 2017.

**Deliberations of the Commission on the matter**

76. The Commission took note of the report of the investigating body, endorsed by the Committee on Confidentiality. Following a thorough examination of the matter, in accordance with paragraph 5.2 of annex II to the rules of procedure, the Commission decided to inform the Meeting of States Parties to the Convention of the following:

*The Commission,*

*Concerned* about the integrity of the work carried out by the Commission for coastal States and the international community as a whole,

*Mindful* of the need to preserve the confidentiality of all the materials marked as confidential by States,

*Notes* the general interest of States Members of the United Nations, as well as States parties to the Convention, in the transparency of the work of the Commission,

*Takes note*, with appreciation, of the report prepared by the investigating body, as adopted by the Standing Committee on Confidentiality,

*Notes* that insufficient evidence exists to support the first allegation, which relates to disclosure of internal procedures of the Commission,

*Accepts* the conclusion that the evidence supports the second allegation that information contained in a note verbale that is not in the public domain was disclosed during the meeting,

*Notes* the willingness of the member to cooperate to clarify a complex question in the interest of transparency and accepts his apology,

*Reminds* all members of the high standard of conduct that is expected of them in discharging their duties,

*Reiterates* the need for all members of the Commission to perform their duties honourably, faithfully, impartially and conscientiously,

*Recommends* the arrangement of a meeting with the State Party affected by the breach of confidentiality in order to ensure full transparency,

*Recommends* that the States Parties consider the results of the investigation and take action, if required.

## **Item 20**

### **Report of the Chair of the Editorial Committee**

77. The Acting Chair of the Editorial Committee, Mr. Charles, reported that the Committee had held several meetings. He presented to the Commission draft paragraphs to be reflected in the present statement with respect to the position of the Commission concerning the decision regarding the conditions of service of the members of the Commission on the Limits of the Continental Shelf, adopted by the twenty-fourth Meeting of States Parties to the Convention (see [SPLOS/276](#); see also above paras. 10-12).

78. Mr. Charles also reported that Mr. Haworth had been re-elected as Chair and that Messrs. Charles and Paterlini had been re-elected as Vice-Chairs of the Editorial Committee.

## **Item 21**

### **Report of the Chair of the Scientific and Technical Advice Committee**

79. The Chair of the Scientific and Technical Advice Committee, Mr. Urabe, reported that the Committee had held one meeting. He informed the Commission that he had been re-elected as Chair. He also reported that Messrs. Haworth and Paterlini had been re-elected as Vice-Chairs, for a term of office that would commence in December 2014 and expire on 15 June 2017. He reiterated the proposal described in paragraph 94 below, concerning issues of a scientific and technical nature.

**Item 22****Report of the Chair of the Training Committee and other training issues**

80. The Chair of the Training Committee, Mr. Carrera, reported that, following consultations, he had been re-elected Chair of the Committee. He also reported that Messrs. Park and Roest had been re-elected as Vice-Chairs, for a term of office that would commence in December 2014 and expire on 15 June 2017. He informed the Commission that members of the Commission had, in their individual capacity, given lectures at the Summer Academy on the Continental Shelf, held in the Faroe Islands, Denmark, from 21 to 28 June 2014.

**Item 23****Other matters****Appointment of members of subcommissions and other subsidiary bodies**

81. In addition to his appointment to the subcommissions (see paras. 14, 32 and 36 above), Mr. Ravindra was appointed as a member of both the Editorial Committee and the Training Committee. The Commission also decided to appoint Mr. Uścińowicz as a member of the Committee on Confidentiality to replace Mr. Jaoshvili.

**Election of the officers of the Commission**

82. In conformity with rule 13 of the rules of procedure, the officers of the Commission are elected for a term of two-and-a-half years and are eligible for re-election. Considering that the current term of office of the officers of the Commission would expire in December 2014 and that no plenary meetings with full conference services had been scheduled for the thirty-sixth session, the Commission decided to proceed with the election of the officers at the thirty-fifth session.

83. Following consultations, Mr. Awosika was re-nominated as Chair and Messrs. Carrera, Glumov, Park and Roest as Vice-Chairs. In the absence of any other nominations, the Commission re-elected them as the officers of the Commission by acclamation, for a term of office that would commence in December 2014 and expire on 15 June 2017.

**Future sessions of the Commission**

84. The Commission adopted the programme of work for its thirty-sixth session, which had originally been scheduled to be held from 13 October to 28 November 2014 (see CLCS/80, para. 89). In that regard, the Commission noted that the Chairs of the subcommissions had requested that no more than two weeks of work be allocated to each subcommission during the session, given that responses to questions and requests for clarification from submitting States were likely to be submitted late in October. The Commission also noted that a number of submitting States had requested to meet with the respective subcommissions towards the end of the session in November. In that regard, the Commission decided that the thirty-sixth session would be held from 20 October to 28 November 2014.

85. The following items would be on the programme of work of the Commission at its thirty-sixth session:

1. Consideration of the submission made by Uruguay;
2. Consideration of the submission made by the Cook Islands in respect of the Manihiki Plateau;
3. Consideration of the submission made by Argentina;
4. Consideration of the submission made by Iceland in respect of the Ægir Basin area and the western and southern parts of Reykjanes Ridge;
5. Consideration of the submission made by Pakistan;
6. Consideration of the submission made by Norway in respect of Bouvetøya and Dronning Maud Land;
7. Consideration of the submission made by South Africa in respect of the mainland of the territory of the Republic of South Africa;
8. Consideration of the joint submission made by the Federated States of Micronesia, Papua New Guinea and Solomon Islands in respect of the Ontong Java Plateau;
9. Consideration of the joint submission made by France and South Africa in respect of the area of the Crozet Archipelago and the Prince Edward Islands;
10. Consideration of the submission made by Mauritius in respect of the region of Rodrigues Island;
11. Other matters.

86. Under item 11, the Commission may, *inter alia*, address matters pertaining to the participation by members in international conferences and to the referral by subcommissions of issues of a general nature encountered during the examination of submissions to the plenary of the Commission.

87. The Commission also decided that, in 2015, it would hold three sessions of seven weeks each, including plenary meetings, for a total of 21 weeks of meetings of the Commission and its subcommissions. It also decided that four of the 21 weeks would be devoted to plenary meetings. The decision was taken on the understanding that it could be revisited during the thirty-seventh session, in the light of the progress made in the work of the subcommissions and other developments related to both the workload of the Commission and the conditions of service of its members. The decision was as follows:

(a) The thirty-seventh session would be held from 2 February to 20 March 2015. The plenary parts of the session would be held, subject to the approval of the General Assembly, from 9 to 13 February and from 9 to 13 March 2015;

(b) The thirty-eighth session would be held from 20 July to 4 September 2015. The plenary parts of the session would be held, subject to the approval of the General Assembly, from 3 to 7 and from 24 to 28 August 2015;

(c) The thirty-ninth session would be held from 12 October to 27 November 2015, with no plans for plenary meetings.

**Attendance of members**

88. The Commission addressed the issue of the attendance of its members and re-emphasized that it was important for all members of the Commission to attend its meetings in full and to participate in the work of the subcommissions. It was recalled that the Chair, at the request of the Commission, had brought the absence of members who had not attended two consecutive sessions of the Commission to the attention of the twenty-fourth Meeting of States Parties (see [CLCS/83](#), para. 96).

89. In that regard, the Commission also took note of the pattern of absences of Mr. Jaoshvili.<sup>10</sup> It was recalled that the Chair had met with the Permanent Representative of the nominating State, who had been apprised of the fact that the member had been unable to participate fully in the work of the Commission owing to an alleged lack of financial support. The Permanent Representative was also informed about the repercussions of such an absence on the work of the Commission (see [CLCS/83](#), paras. 2 and 97). The Commission concluded that Mr. Jaoshvili was no longer able to perform his duties owing to his pattern of absences, including for two consecutive sessions.

90. The Commission consequently proposed that the member's seat be considered vacant, pursuant to rule 8 of the rules of procedure of the Commission, and that it would request the Meeting of State Parties to declare such a vacancy and to elect a new member for the remainder of the Mr. Jaoshvili's term.

91. The Commission also took note of the information provided by the Chair about other similar meetings he had held with representatives from the permanent missions of other States in relation to members nominated by those States who had not attended the thirty-fifth session in full.

**Trust funds**

92. The Commission was informed by the Secretariat about the status of the trust fund for the purpose of defraying the cost of the participation in its meetings of the members of the Commission from developing States. For the thirty-fourth session, assistance had been provided to eight members of the Commission, in the amount of approximately \$170,000. For its thirty-fifth session, an estimated total of \$172,000 in financial assistance was being provided to eight members. The Commission was also informed that since the issuance of the latest statement of the Chair, contributions had been received from Iceland and Ireland. At the twenty-fourth Meeting of States Parties, one State had indicated its intention to make a contribution to the trust fund. As at the end of July 2014, the trust fund had an approximate balance of \$670,000.

93. An overview was also provided by the Secretariat on the status of the trust fund for the purpose of facilitating the preparation of submissions to the

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<sup>10</sup> From his first election to the Commission in 2007, the member did not attend the following sessions: twentieth (see [CLCS/56](#), para. 3), twenty-first (see [CLCS/58](#), para. 3), twenty-third (see [CLCS/62](#), para. 2), twenty-fifth (see [CLCS/66](#), para. 2), twenty-sixth (see [CLCS/68](#), para. 2), twenty-seventh (see [CLCS/70](#), para. 2), twenty-eighth ([CLCS/72](#), para. 3), thirty-second ([CLCS/80](#), para. 2) and thirty-third (see [CLCS/81](#), para. 2). He attended, only in part, the following sessions: twenty-second ([CLCS/60](#)), twenty-fourth ([CLCS/64](#)), twenty-ninth ([CLCS/74](#)), thirtieth ([CLCS/76](#)), thirty-first ([CLCS/78](#), para. 2), and thirty-fourth ([CLCS/83](#), para. 2).

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Commission by developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the Convention. The Commission was also informed that, since the issuance of the most recent statement of the Chair, a contribution had been received from Costa Rica. As at the end of July 2014, the trust fund had an approximate balance of \$1,306,000.

**Communication dated 22 July 2014 from Japan**

94. On 22 July 2014, Japan addressed a communication to the Commission concerning the recommendations in respect of the submission made by Japan on 12 November 2008. The Commission took note of the communication and the views expressed therein.

**Issues of scientific and technical nature**

95. The Commission considered again the possibility of devoting time to internal discussions of topics of a scientific and technical nature during a future session. In view of the heavy workload of the thirty-fifth session related to the consideration of submissions, it was decided that such internal discussions might be held at future sessions, when the workload so permitted.

**Acknowledgements**

96. The Commission noted with appreciation and gratitude the high standard of Secretariat services rendered to it by the Division.

97. The Commission expressed its appreciation to other members of the Secretariat for the assistance they had provided to the Commission and, in particular, noted the high professional standard of interpretation in the official languages of the United Nations and the assistance provided by the conference officers.

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**Annex 44** Note Verbale from Permanent Mission of Kenya to the United Nations to the UN Secretary-General, Note No 210/15 (30 June 2015)



PERMANENT MISSION OF THE REPUBLIC OF KENYA  
TO THE UNITED NATIONS

NO. 210/15

The Permanent Mission of the Republic of Kenya to the United Nations presents its compliments to the Secretary General of the United Nations and has the honor to refer to its Note No. 186/14 dated October 24, 2014 and Note No. 141/15 dated May 4, 2015, in which the Republic of Kenya (Kenya) recalled that the Federal Republic of Somalia (Somalia) had made its submission to the Commission on the Limits of the Continental Shelf (Commission) concerning the outer limits of the continental shelf on July 21, 2014, after Somalia had on February 4, 2014 objected to the consideration by the Commission of Kenya's own submission.

Somalia's objection was a material breach of the Memorandum of Understanding (MOU) between Kenya and Somalia dated April 7 2009, registered with the United Nations Secretariat on June 11, 2009, in accordance with Article 102 of the United Nations Charter. Under the terms of the MOU, the Parties are under an obligation not to object to each other's submission to the Commission, and then to conclude an agreement on the delimitation of the maritime boundary after the Commission has concluded the examination of each submission and made its recommendations concerning the establishment of the outer limits of the continental shelf beyond 200 nautical miles. Kenya was entitled to respond to Somalia's material breach of its obligation not to object to Kenya's submission by temporarily suspending the operation of the MOU in whole or in part. In the Note 141/15, Kenya indicated that it was suspending the operation of the MOU in part, by objecting to the consideration of Somalia's submission to the Commission.

The Statement by Kenya during the 24<sup>th</sup> Meeting of States parties to the United Nations Convention on the Law of The Sea (UNCLOS), held June 9-13, 2014, noted Kenya's concern in instances where the principle of good faith does not seem to guide the actions of a State Party;

This may arise in situations where a State may simply refuse to grant consent for no apparent reason. The situation is further compounded where States Parties grant each other consent for the Commission to consider a submission and the consent is withdrawn shortly before or during the course of consideration of the submission.

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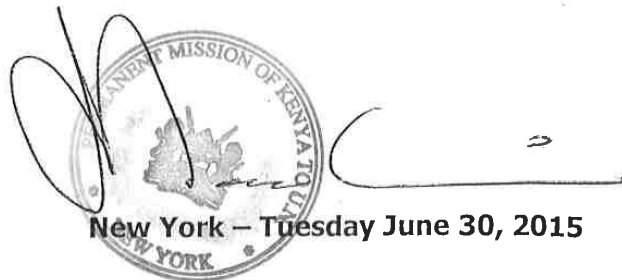
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At the 25<sup>th</sup> Meeting of States Parties, held June 8-12 2015, Kenya further noted that the provisions of Article 76 of UNCLOS and consideration of submissions by the Commission are without prejudice to questions of delimitation, and urged the Commission to proceed with its mandate notwithstanding such objections.

In light of this position, Kenya has given careful consideration to the possibility of enabling the Commission to proceed with its work expeditiously, without prejudice to the rights and interests of either Kenya or Somalia in relation to their maritime boundary dispute. Kenya considers that, as long as the Commission is aware of the area of overlapping claims, and that in respect of that area, it gives all due consideration to the submissions made by both States, the Commission may proceed to make recommendations concerning the outer limits of the continental shelf off the coasts of Somalia and Kenya, in accordance with the procedure agreed upon in the MOU. Accordingly, and on that basis, Kenya no longer objects to the consideration by the Commission of Somalia's submission.

The Permanent Mission of Kenya to the United Nations requests that this note verbale be circulated to the Members of the Commission and Member States of the United Nations and be posted on the websites of both the Commission and the Division of Ocean Affairs and the Law of the Sea (DOALOS) of the Secretariat of the United Nations.

The Permanent Mission of the Republic of Kenya to the United Nations avails itself of this opportunity to renew to the Secretary General of the United Nations the assurances of its highest consideration.

A handwritten signature in black ink is written over a circular stamp. The stamp contains the text "PERMANENT MISSION OF KENYA TO UNITED NATIONS" around the top and "NEW YORK" at the bottom. The signature is a stylized, cursive name.

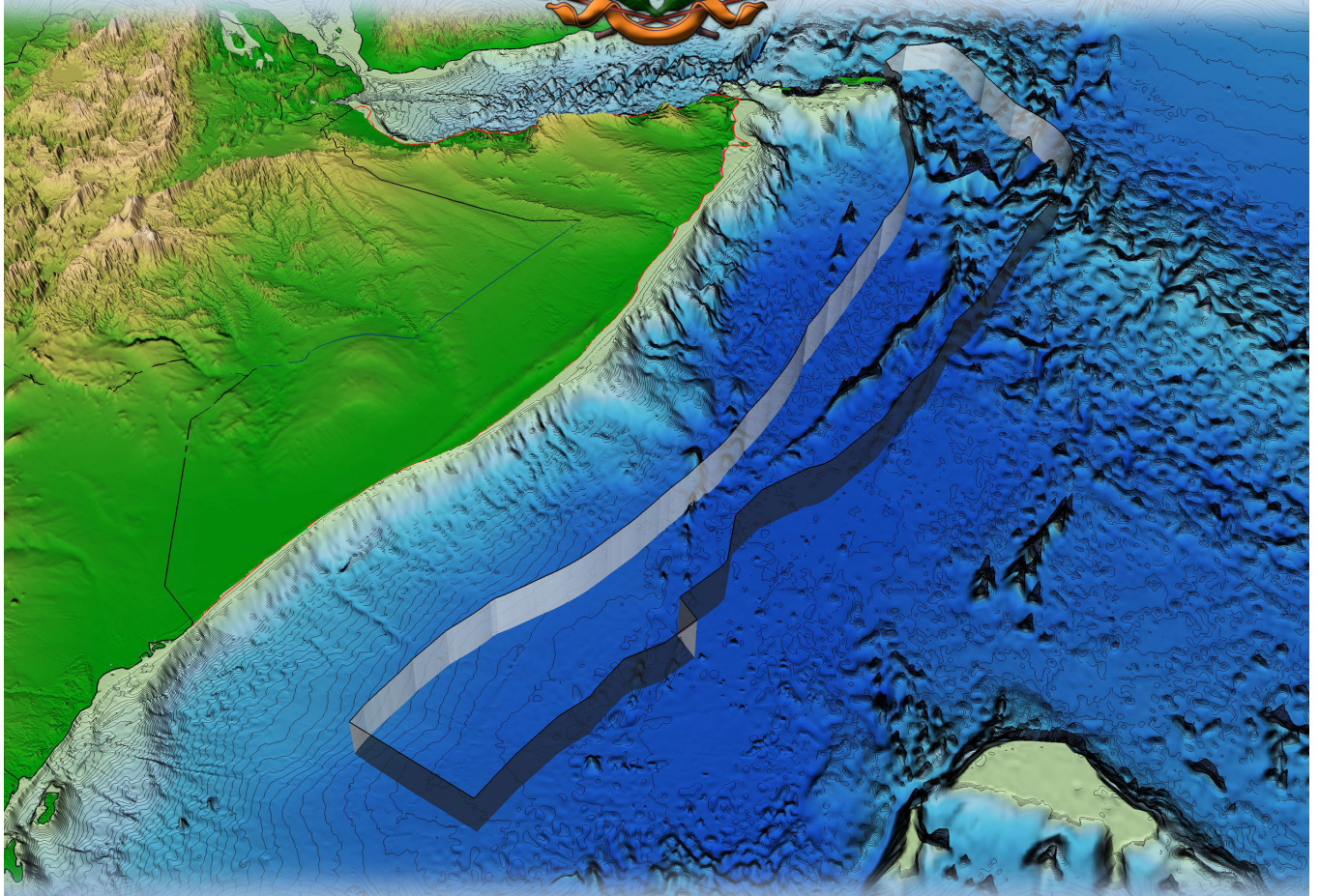
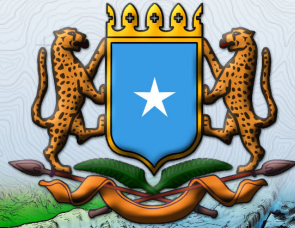
**New York – Tuesday June 30, 2015**

**H.E. Mr. Ban Ki-moon,  
Secretary General  
United Nations  
New York**

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**Annex 45** “Continental Shelf Submission of the Federal Republic of Somalia. Executive Summary. Amended”, 2015-07-16\_SOM-DOC-001 (16 July 2015)

# Continental Shelf Submission of the Federal Republic of Somalia



## Executive Summary Amended



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## 1. INTRODUCTION

Somalia ratified the United Nations Convention on the Law of the Sea (hereinafter referred to as “the Convention”) on 24 July 1989. The Convention entered into force for Somalia on 16 November 1994.

Article 4 of Annex II to the Convention stipulates that where a coastal State intends to establish, in accordance with Article 76, the outer limits of its continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, it should submit particulars of such limits to the Commission on the Limits of the Continental Shelf (hereinafter referred to as “the Commission”), along with supporting scientific and technical data as soon as possible, but in any case within ten years from the entry into force of the Convention for that State.

In 2001, the Eleventh Meeting of States Parties to the Convention decided that in the case of a State Party for which the Convention entered into force before 13 May 1999, it is understood that the ten-year time period referred to in Article 4 of Annex II to the Convention shall be taken to have commenced on 13 May 1999 (document SPLOS/72, paragraph (a)). This decision applied to Somalia. Consequently, in the case of Somalia the ten-year time period referred to in Article 4 of Annex II of the Convention expired on 13 May 2009.

The Eleventh Meeting of States Parties to the Convention also decided that the general issue of the ability of States, particularly developing States, to fulfil the requirements of Article 4 of Annex II to the Convention be kept under review (document SPLOS/72, paragraph (b)). Due to lack of financial and technical resources, relevant capacity and expertise, or other similar constraints, many developing countries were facing particular challenges in meeting these requirements.

In June 2008, the Eighteenth Meeting of States Parties to the Convention therefore decided that it is understood that the ten-year period referred to in Article 4 of Annex II to the Convention could be satisfied by submitting preliminary information indicative of the outer limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, together with a descriptive report on the status of preparation and intended date of the final submission (document SPLOS/183, paragraph 1 (a)).

Due to a lack of financial and technical resources and relevant capacity and expertise, Somalia was among the developing States that faced particular challenges in fulfilling the requirements of Article 4 of Annex II to the Convention.

On this basis, in October 2008, the Special Representative of the Secretary-General of the United Nations for Somalia (hereinafter referred to as “the SRSG”), Mr. Ahmedou Ould Abdallah, initiated the preparation of preliminary information, as defined above, regarding the outer limits of the continental shelf of Somalia beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, with the aim of submitting this to the Secretary-General in accordance with the decision set out in SPLOS/183. In order to prepare this material, the SRSG accepted an offer of assistance from the Government of Norway. On 14 April 2009 the Transitional Federal Government (hereinafter referred to as “the TFG”) of the Republic of Somalia submitted such preliminary information to the Secretary-General of the United Nations.

In August 2009, at the request of the TFG, the Norwegian Government agreed to proceed with providing assistance towards the preparation of a full submission. The initial submission was made on 21 July 2014 (hereinafter referred to as “the 2014 Submission”). It was carried out jointly by the Royal Norwegian Ministry of Foreign Affairs, the Norwegian Mapping Authority, the Norwegian Petroleum Directorate and GRID-Arendal.

This Amended Executive Summary forms part of an Amendment (hereinafter, “Amendment”) to the 2014 Submission to the Commission pursuant to Article 76, paragraph 8 of the Convention.

This Amended Executive Summary is intended to replace the Executive Summary submitted to the United Nations Division for Ocean Affairs and the Law of the Sea (hereinafter referred to as “DOALOS”) on 21 July 2014, as well as to serve and safeguard the present and future interests of the Somalia and its people. The main body of the Amendment will be submitted in due course.

## **2. MARITIME AREAS, MAPS AND COORDINATES**

The data and information contained in this Amended Executive Summary are intended to enable the establishment of the outer limits of the continental shelf of Somalia where those limits extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured in the high seas in the north-western Indian Ocean.

In accordance with the Scientific and Technical Guidelines of the Commission, this Amended Executive Summary includes a map showing the outer limits of the continental shelf (Figure 2) and a list of the coordinates of the fixed points used to define the outer limits of the continental shelf beyond 200 nautical miles, the distance in nautical miles between adjacent points, and the provision of article 76 on which each point is based (Appendix 1).

## **3. ASSISTANCE AND ADVICE RECEIVED DURING THE PREPARATION OF THE AMENDMENT**

The Amendment is being prepared by the Ministry of Foreign Affairs with no assistance or advice from any member of the CLCS.

## **4. THE OUTER LIMITS OF THE CONTINENTAL SHELF OF SOMALIA - BASELINES**

The present Amendment deals with the establishment of the outer limits of the continental shelf of Somalia, without prejudice to any issues of bilateral maritime delimitation with neighbouring States. Such issues will be referred to under item 7 below.

Two areas of Somalia’s coastline satisfy the provisions for establishing straight baselines. The first is an Article 10 straight bay closure located near Raas Xaafuun. The mouth of this bay is partially closed off by a sand spit that spans nearly half of its relatively small opening to the Indian Ocean. The surface area of the waters enclosed by this juridical bay covers approximately 202 sq. km.

The second coastal area that warrants straight baselines is a short segment of Somalia’s coastline located near the town of Kismaayo. Starting at a point just south of the town and

proceeding south for nearly one full degree of latitude (approximately 60 nautical miles), the coast is fringed by a series of near shore islands, known collectively as the Baajuun Islands. As prescribed in Article 7, paragraph 1, of the Convention, a series of eleven separate straight base lines have been used to interconnect these coastal features.

In summary, Somalia's baselines are comprised primarily of "normal base lines" defined by a series of 495 base points, which indicate the most seaward positions on the Somali low-tide coast. The points are then supplemented by a single bay closure in the north and a series of straight baselines further south near the town of Kismaayo and also a series of straight baselines further north near Zeila. These points and lines represent the basis for establishing Somalia's zones of maritime jurisdiction in accordance with the provisions of the Convention.

## **5. PROVISIONS OF ARTICLE 76 INVOKED IN SUPPORT OF THE SUBMISSION**

Somalia invokes the provisions of paragraphs 1, 3, 4 and 5 of Article 76 in support of the establishment of the outer limits of the continental shelf beyond 200 nautical miles, based on the considerations outlined in Section 6. Both the "Hedberg" and "Gardiner" formulae lines have been used in this submission. The outer limits of the continental shelf have been delineated by fixed points connected by straight lines not exceeding 60 nautical miles in length, as set out in the provisions of Article 76, paragraph 7 (see Figure 2).

## **6. GENERAL DESCRIPTION OF THE CONTINENTAL MARGIN OF SOMALIA**

The Somali continental margin in the south is characterised by a narrow continental shelf which broadens slightly to the north. A pronounced submarine spur (the Central Somali Spur) is observed extending to the east midway between the Somali-Kenya border in the south and the tip of the Horn of Africa in the north. South of the Central Somali Spur, the continental slope exhibits a smooth gradient, in contrast to the more complex morphology to the north. The slope extends to the deep abyssal plain of the Somali Basin at a depth of about 5000 m.

The Somali Basin is subdivided into three sub-basins. The Central Somali Spur separates the Northern Somali Basin in the north from the Western Somali Basin in the south. The Eastern Somali Basin is located to the east, separated from the two aforementioned sub-basins by south-west and south-trending seafloor ridges, including the Chain Ridge (*see* Figure 1).

The Chain Ridge extends northwards until it links with the southern flank of the Carlsberg Ridge, whence it merges with the southern termination of the Owen Fracture Zone, which in turn connects the Carlsberg Ridge to the Sheba Ridge to the north.

The Carlsberg Ridge constitutes the northern extension of the Central Indian Ridge, which is the active spreading ridge of the Indian Ocean. The Sheba Ridge continues westwards from the Owen Fracture Zone, extending north of Socotra and into the Gulf of Aden and the Red Sea.

The northern continental margin in this area between Somalia and Yemen/Oman is characterized by steep gradients on a 25 to 60 km wide shelf between Berbera and just west of Cape Guardafui where the margin widens to approximately 90 km. The margin continues

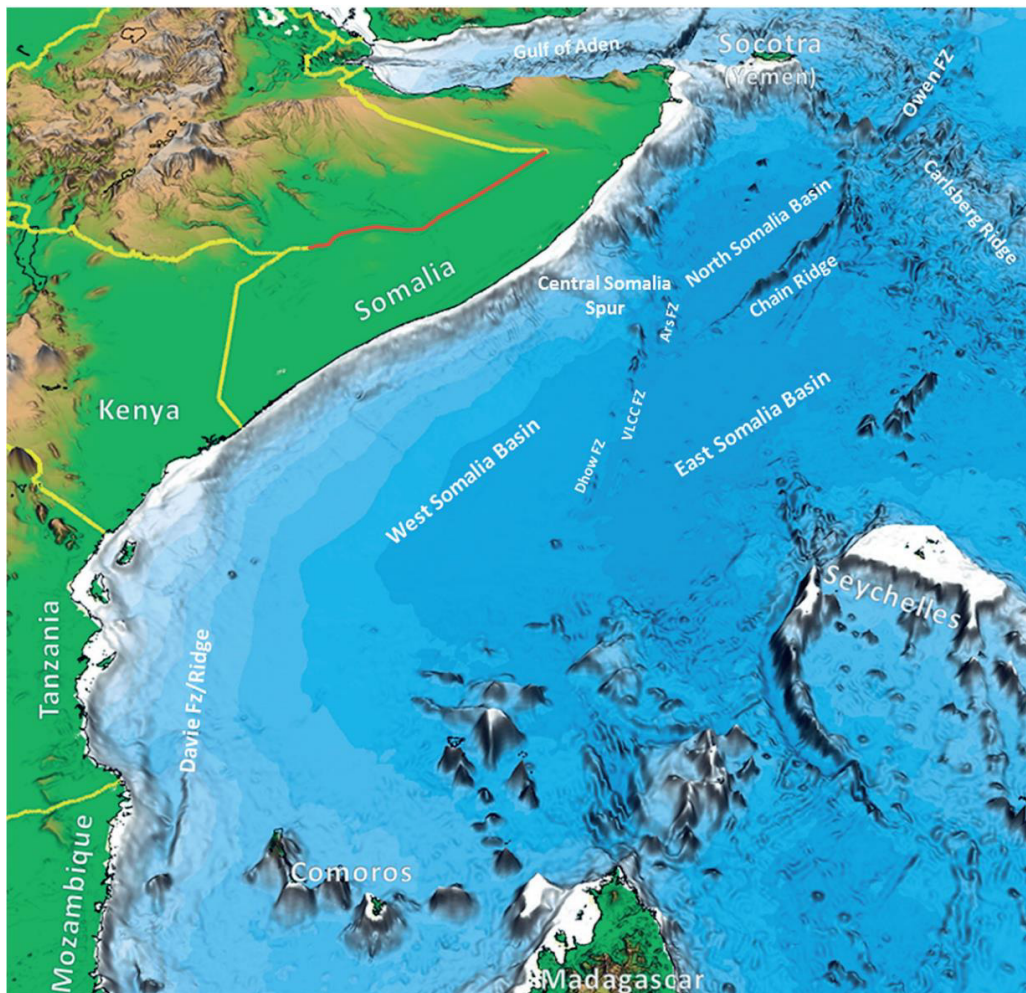


Figure 1. Geomorphological structural setting of the East African Continental Margin

east of Cape Guardafui and around the Socotra Platform to the south, where it merges with the northern extension of the Chain Ridge.

The details of the opening of the Indian Ocean are still subject to ongoing research but it is clear that the margin of Somalia is part of a passive continental margin. The margin was formed in Jurassic times as a result of continental break-up between the African continent and the continental block containing Madagascar and India.

In the Jurassic, as part of the Gondwana supercontinent, Somalia was juxtaposed with Madagascar in the south (south of the Central Somali Spur), and with northern India in the north.

The initial rifting of this region of Gondwana began in the Middle Jurassic, prior to the opening of the Somali Basin. Magnetic anomalies from both the Western and Eastern Somali Basins indicate the presence of old oceanic crust. The magnetic anomalies in the Western Somali Basin are interpreted to represent both limbs of an extinct spreading segment. The crust beneath the small Northern Somali Basin also exhibits relatively low amplitude magnetic anomalies indicative of oceanic crust.

The magnetic anomalies suggest that seafloor spreading commenced in the Late Jurassic (the age of the oldest M22 anomaly), and ceased at anomaly M0 in the Early Cretaceous. A phase of renewed spreading started in the Late Cretaceous causing India to migrate northwards along with the eastern parts of the then single Somali Basin, which was subsequently split by the formation of the Chain Ridge which developed a result of this transcurrent plate movement process.

Remarks on the names of fracture zones SW of the Central Somali Spur: These zones are named after the three principle types of vessels encountered sailing in these waters; the Dhow is an Arab merchant ship, VLCC stands for Very Large Crude Carrier, and ARS for Auxiliary Rescue and Salvage.

## **7. MARITIME DELIMITATIONS AND OTHER ISSUES**

All information and maps contained in this submission are without prejudice to issues of maritime delimitation.

There remain unresolved issues in relation to the bilateral delimitation of the continental shelf with the Federal Republic of Somalia's neighbouring states Kenya and Yemen. These issues will have to be considered by reference to Rule 46 and Annex I of the Rules of Procedure of the Commission.

### **A. Maritime Areas Between Somalia and Kenya**

The dispute on delimitation of the continental shelf between the Federal Republic of Somalia and the Republic of Kenya has not yet been resolved. On the basis of the jurisprudence of the International Court of Justice (hereinafter referred to as "the ICJ") on maritime delimitation and of other international tribunals, Somalia's continental shelf claim extends south to a line of equidistance drawn from the land boundary terminus. The coordinates of this point are given in Table 1 below.

The equidistance line and its points of intersection with the 12 M, 200 M and 350 M limits are described by the following coordinates (Table 1):

PT ID	Latitude (DD)	Lat Deg	Lat Min	Lat Sec	Lat Dir	Longitude (DD)	Lon Deg	Lon Min	Lon Sec	Lon Dir
LBT	-1.6622	1	39	44.07	S	41.5596	41	33	34.57	E
T1	-1.6683	1	40	5.92	S	41.5681	41	34	5.26	E
T2	-1.6865	1	41	11.45	S	41.5684	41	34	6.12	E
T3	-1.7193	1	43	9.34	S	41.6093	41	36	33.52	E
T4	-1.7316	1	43	53.72	S	41.6301	41	37	48.21	E
T5	-1.7359	1	44	9.28	S	41.6370	41	38	13.26	E
T6	-2.3170	2	19	1.09	S	42.4695	42	28	10.27	E
T7	-2.5157	2	30	56.65	S	42.7719	42	46	18.90	E
12M	1.7985	1	47	54.60	S	41.7267	41	43	36.04	E
200M	-3.5825	3	34	57.05	S	44.3138	44	18	49.83	E
350M	-5.0071	5	00	25.69	S	46.3759	46	22	33.34	E

The unresolved issue of delimitation of the continental shelf between the Federal Republic of Somalia and the Republic of Kenya is to be regarded as a “maritime dispute” for the purposes of Article 46 and of Annex I of the Rules of Procedure of the Commission.

The present Amendment by the Federal Republic of Somalia includes the areas under dispute between the two coastal States. However, on 28 August 2014, Somalia seized the ICJ, requesting it to resolve the dispute on maritime delimitation with Kenya, including for the areas beyond 200 nautical miles. The case is ongoing and the Court is expected, within a few years, to determine with binding force the maritime boundary between Somalia and Kenya. Somalia’s maritime rights are therefore protected in those proceedings. Moreover, since “the recommendations approved by the Commission (...) shall not prejudice the position of States which are parties to a (...) maritime dispute” (Rule 5b of Annex I of the Rules of the Commission), and since the coastal States “are to cooperate with [the Commission] in order not to prejudice matters relating to the delimitation of boundaries” (Rule 6 of Annex I), Somalia decided that there is no longer any impediment for the Commission to examine and make recommendations on Kenya’s and its own submissions.

## **B. Maritime Areas Between Somalia and Yemen**

The delimitation of the continental shelf between the Federal Republic of Somalia and the Republic of Yemen has not yet been resolved. Based on the current Amendment and the information published on the Commission’s website regarding the Executive Summary of the submission made by the Republic of Yemen, it is evident that there is an overlap between Somali and Yemeni claims as regards the areas of the continental shelf beyond 200 nautical miles.

Unresolved delimitation issues between two coastal States, as well as any overlap between the areas of the continental shelf beyond 200 nautical miles claimed by them, should be considered by reference to Rule 46 and Annex I of the Rules of Procedure of the Commission. For the purpose of Article 5 (a) of Annex I of these Rules of Procedure, such unresolved delimitation issues should be regarded as a “maritime dispute”. Areas covered by overlapping claims made by the two coastal States constitute for the same purposes “the areas under dispute”.

Somalia is ready to enter into consultations with the Republic of Yemen with a view to reaching an agreement which would allow the Commission to consider and make recommendations on the submissions by each of the two States in the areas under dispute without prejudice to the final delimitation of the continental shelf in the areas under dispute by the two coastal States. Pending such an agreement, Somalia requests the Commission not to take any steps that would prejudice any future bilateral delimitation in the maritime area concerned.

## **C. Maritime Delimitation Between Somalia and Tanzania**

Based on the current Amendment and the information published on the Commission’s website regarding the Executive Summary of the submission made by the United Republic of Tanzania, there is no potential overlap between the Somali and the Tanzanian claims as regards the areas of the continental shelf beyond 200 nautical miles.

## **8. THE OUTER LIMITS OF THE SOMALI CONTINENTAL SHELF**

The outer limits of Somalia’s continental shelf beyond 200 nautical miles is defined by 510 fixed points established in accordance with Article 76 of the Convention. These are as follows:

- 8 points defined by the sediment thickness formula set out in Article 76, paragraph 4(a)(i);
- 346 points defined by arcs constructed 60 nautical miles from the foot of the continental slope in accordance with Article 76, paragraph 4(a)(ii);
- 62 points defined in accordance with the constraint criterion of 350 nautical miles distance from the baseline, provided for in Article 76, paragraph 5; and
- 94 points defined in accordance with the constraint criterion of 100 nautical miles from the 2,500 meter isobaths, provided for in Article 76, paragraph 5.



The 510 fixed points are connected by straight lines not exceeding 60 nautical miles in length, as provided for in Article 76, paragraph 7. The fixed points and connecting lines are shown in Figure 2. A colour code has been used to indicate under which Article 76 criterion each point has been established. (Further details can be found in Appendix 1.)

For the purpose of this Amendment, the northernmost fixed point of the outer limit of the Somali continental shelf is established on the intersection of the Omani 200 nautical mile line and a distance of 60 nautical miles from the northernmost foot of the continental slope point submitted by Somalia (Figure 2).

The southernmost fixed point of the outer limits of the Somali continental shelf is established at the intersection of the 350 nautical mile constraint line and the calculated equidistance line between Somalia and Kenya.

For both the northern- and southern-most fixed points described above, reference is made to the list of coordinates of fixed points contained in Appendix 1. The final outer limit fixed points in the north would have to be determined through bilateral agreements (reference is made to Section 7 above), in accordance with international law; the final outer limit fixed points in the south will be determined by the ICJ in accordance with international law.

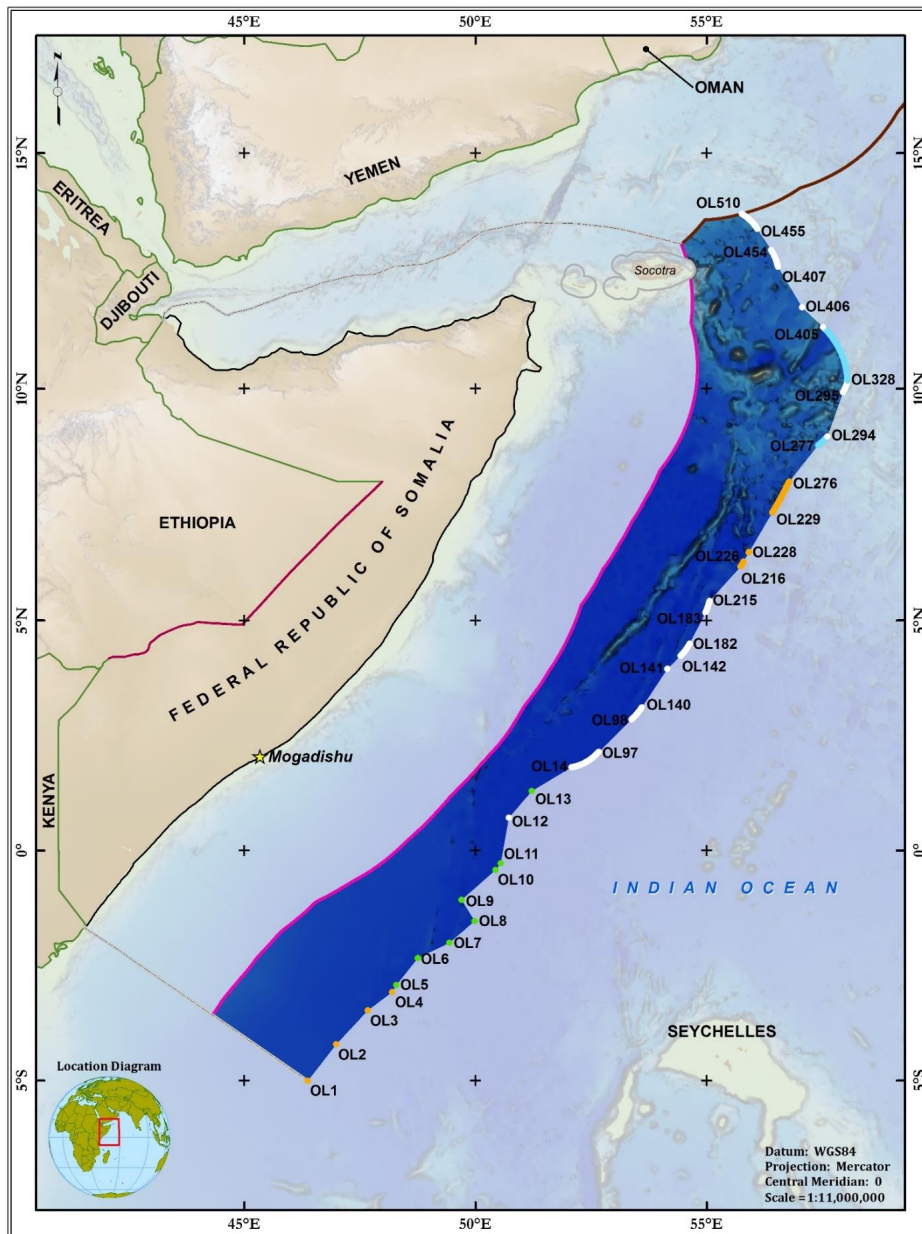


Figure 2. The outer limits of the continental shelf of Somalia showing the provisions of Article 76 invoked  
 (Outer limit (OL) fixed points are coloured accordingly: Paragraph 4(a)(i) constructions in green, paragraph 4(a)(ii) in white, 350 M constraint points in orange, and 2500 m isobath plus 100 M constraint points in pale blue)

**Appendix 1. List of coordinates defining the outer limit of the continental shelf of the Republic of Somalia**

ECS Point	Latitude	Longitude East	Lat, DMS	Long, DMS	Dist from previous (M)	Article 76 provision invoked
OL1	-5.007134	46.375927	5° 00' 25.69" S	46° 22' 33.34" E	0.000	Art. 76(5): 350 M line
OL2	-4.214506	46.991312	4° 12' 52.22" S	46° 59' 28.73" E	59.994	Art. 76(5): 350 M line
OL3	-3.479182	47.673167	3° 28' 45.06" S	47° 40' 23.40" E	59.999	Art. 76(5): 350 M line
OL4	-3.081993	48.202466	3° 04' 55.18" S	48° 12' 08.88" E	39.640	Art. 76(5): 350 M line
OL5	-2.930817	48.289050	2° 55' 50.94" S	48° 17' 20.58" E	10.416	Art. 76(4)(a)(i): 1% Sediment Thickness
OL6	-2.347257	48.750568	2° 20' 50.13" S	48° 45' 02.05" E	44.519	Art. 76(4)(a)(i): 1% Sediment Thickness
OL7	-2.013247	49.434748	2° 00' 47.69" S	49° 26' 05.09" E	45.678	Art. 76(4)(a)(i): 1% Sediment Thickness
OL8	-1.539174	49.982424	1° 32' 21.03" S	49° 58' 56.73" E	43.403	Art. 76(4)(a)(i): 1% Sediment Thickness
OL9	-1.073034	49.700267	1° 04' 22.92" S	49° 42' 00.96" E	32.589	Art. 76(4)(a)(i): 1% Sediment Thickness
OL10	-0.426508	50.430957	0° 25' 35.43" S	50° 25' 51.45" E	58.469	Art. 76(4)(a)(i): 1% Sediment Thickness
OL11	-0.278753	50.543965	0° 16' 43.51" S	50° 32' 38.28" E	11.134	Art. 76(4)(a)(i): 1% Sediment Thickness
OL12	0.710327	50.720397	0° 42' 37.18" N	50° 43' 13.43" E	59.998	Art. 76(4)(a)(ii): FOS + 60M
OL13	1.293256	51.219422	1° 17' 35.72" N	51° 13' 09.92" E	45.943	Art. 76(4)(a)(i): 1% Sediment Thickness
OL14	1.807502	52.077299	1° 48' 27.01" N	52° 04' 38.28" E	59.998	Art. 76(4)(a)(ii): FOS + 60M
OL15	1.808415	52.082388	1° 48' 30.30" N	52° 04' 56.60" E	0.311	Art. 76(4)(a)(ii): FOS + 60M
OL16	1.809952	52.090567	1° 48' 35.83" N	52° 05' 26.04" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL17	1.811558	52.098738	1° 48' 41.61" N	52° 05' 55.46" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL18	1.813233	52.106894	1° 48' 47.64" N	52° 06' 24.82" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL19	1.814975	52.115033	1° 48' 53.91" N	52° 06' 54.12" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL20	1.816787	52.123158	1° 49' 00.43" N	52° 07' 23.37" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL21	1.818666	52.131270	1° 49' 07.20" N	52° 07' 52.57" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL22	1.820612	52.139364	1° 49' 14.21" N	52° 08' 21.71" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL23	1.822627	52.147444	1° 49' 21.46" N	52° 08' 50.80" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL24	1.824710	52.155507	1° 49' 28.96" N	52° 09' 19.83" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL25	1.826860	52.163551	1° 49' 36.70" N	52° 09' 48.79" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL26	1.829077	52.171578	1° 49' 44.68" N	52° 10' 17.68" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL27	1.831362	52.179586	1° 49' 52.90" N	52° 10' 46.51" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL28	1.833714	52.187577	1° 50' 01.37" N	52° 11' 15.28" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL29	1.836132	52.195545	1° 50' 10.08" N	52° 11' 43.96" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL30	1.838616	52.203490	1° 50' 19.02" N	52° 12' 12.57" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL31	1.841167	52.211418	1° 50' 28.20" N	52° 12' 41.11" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL32	1.843785	52.219323	1° 50' 37.63" N	52° 13' 09.56" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL33	1.846468	52.227206	1° 50' 47.29" N	52° 13' 37.94" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL34	1.849218	52.235066	1° 50' 57.19" N	52° 14' 06.24" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL35	1.852034	52.242904	1° 51' 07.32" N	52° 14' 34.46" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL36	1.854914	52.250719	1° 51' 17.69" N	52° 15' 02.59" E	0.500	Art. 76(4)(a)(ii): FOS + 60M

ECS Point	Latitude	Longitude East	Lat, DMS	Long, DMS	Dist from previous (M)	Article 76 provision invoked
OL37	1.857860	52.258507	1° 51' 28.30" N	52° 15' 30.63" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL38	1.860872	52.266273	1° 51' 39.14" N	52° 15' 58.59" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL39	1.863949	52.274017	1° 51' 50.22" N	52° 16' 26.46" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL40	1.867090	52.281729	1° 52' 01.53" N	52° 16' 54.23" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL41	1.870297	52.289419	1° 52' 13.07" N	52° 17' 21.91" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL42	1.873567	52.297081	1° 52' 24.84" N	52° 17' 49.49" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL43	1.876901	52.304717	1° 52' 36.85" N	52° 18' 16.98" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL44	1.880299	52.312326	1° 52' 49.08" N	52° 18' 44.37" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL45	1.883762	52.319903	1° 53' 01.54" N	52° 19' 11.65" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL46	1.887287	52.327453	1° 53' 14.24" N	52° 19' 38.83" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL47	1.890876	52.334972	1° 53' 27.16" N	52° 20' 05.90" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL48	1.894528	52.342464	1° 53' 40.30" N	52° 20' 32.87" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL49	1.898242	52.349925	1° 53' 53.67" N	52° 20' 59.73" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL50	1.902019	52.357354	1° 54' 07.27" N	52° 21' 26.47" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL51	1.905858	52.364751	1° 54' 21.09" N	52° 21' 53.11" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL52	1.909759	52.372117	1° 54' 35.13" N	52° 22' 19.62" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL53	1.913721	52.379452	1° 54' 49.40" N	52° 22' 46.03" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL54	1.917744	52.386751	1° 55' 03.88" N	52° 23' 12.31" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL55	1.921828	52.394018	1° 55' 18.58" N	52° 23' 38.47" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL56	1.925972	52.401250	1° 55' 33.50" N	52° 24' 04.50" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL57	1.930177	52.408445	1° 55' 48.64" N	52° 24' 30.40" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL58	1.934442	52.415605	1° 56' 03.99" N	52° 24' 56.18" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL59	1.938767	52.422733	1° 56' 19.56" N	52° 25' 21.84" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL60	1.943151	52.429821	1° 56' 35.35" N	52° 25' 47.36" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL61	1.947596	52.436877	1° 56' 51.35" N	52° 26' 12.76" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL62	1.952099	52.443893	1° 57' 07.56" N	52° 26' 38.02" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL63	1.956661	52.450877	1° 57' 23.98" N	52° 27' 03.16" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL64	1.961281	52.457817	1° 57' 40.61" N	52° 27' 28.14" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL65	1.965958	52.464720	1° 57' 57.45" N	52° 27' 52.99" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL66	1.970695	52.471583	1° 58' 14.50" N	52° 28' 17.70" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL67	1.975487	52.478406	1° 58' 31.76" N	52° 28' 42.26" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL68	1.980339	52.485193	1° 58' 49.22" N	52° 29' 06.70" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL69	1.985245	52.491939	1° 59' 06.88" N	52° 29' 30.98" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL70	1.990209	52.498645	1° 59' 24.75" N	52° 29' 55.12" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL71	1.995228	52.505306	1° 59' 42.82" N	52° 30' 19.10" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL72	2.000303	52.511927	2° 00' 01.09" N	52° 30' 42.94" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL73	2.005433	52.518507	2° 00' 19.56" N	52° 31' 06.63" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL74	2.010620	52.525042	2° 00' 38.23" N	52° 31' 30.15" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL75	2.015858	52.531532	2° 00' 57.09" N	52° 31' 53.52" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL76	2.021153	52.537982	2° 01' 16.15" N	52° 32' 16.74" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL77	2.026502	52.544392	2° 01' 35.41" N	52° 32' 39.81" E	0.500	Art. 76(4)(a)(ii): FOS + 60M

ECS Point	Latitude	Longitude East	Lat, DMS	Long, DMS	Dist from previous (M)	Article 76 provision invoked
OL78	2.031903	52.550752	2° 01' 54.85" N	52° 33' 02.71" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL79	2.037357	52.557067	2° 02' 14.49" N	52° 33' 25.44" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL80	2.042864	52.563337	2° 02' 34.31" N	52° 33' 48.02" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL81	2.048423	52.569563	2° 02' 54.32" N	52° 34' 10.43" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL82	2.054035	52.575739	2° 03' 14.53" N	52° 34' 32.66" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL83	2.059697	52.581870	2° 03' 34.91" N	52° 34' 54.73" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL84	2.065412	52.587956	2° 03' 55.48" N	52° 35' 16.64" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL85	2.071176	52.593992	2° 04' 16.24" N	52° 35' 38.37" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL86	2.076993	52.599984	2° 04' 37.18" N	52° 35' 59.94" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL87	2.082857	52.605922	2° 04' 58.29" N	52° 36' 21.32" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL88	2.088772	52.611815	2° 05' 19.58" N	52° 36' 42.54" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL89	2.094736	52.617658	2° 05' 41.05" N	52° 37' 03.57" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL90	2.100750	52.623453	2° 06' 02.70" N	52° 37' 24.43" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL91	2.106812	52.629197	2° 06' 24.53" N	52° 37' 45.11" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL92	2.112920	52.634893	2° 06' 46.51" N	52° 38' 05.62" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL93	2.119076	52.640534	2° 07' 08.68" N	52° 38' 25.92" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL94	2.125280	52.646126	2° 07' 31.01" N	52° 38' 46.06" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL95	2.131531	52.651664	2° 07' 53.51" N	52° 39' 05.99" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL96	2.137828	52.657153	2° 08' 16.18" N	52° 39' 25.75" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL97	2.144171	52.662588	2° 08' 39.02" N	52° 39' 45.32" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL98	2.850090	53.373592	2° 51' 00.33" N	53° 22' 24.93" E	59.995	Art. 76(4)(a)(ii): FOS + 60M
OL99	2.850482	53.374062	2° 51' 01.74" N	53° 22' 26.63" E	0.037	Art. 76(4)(a)(ii): FOS + 60M
OL100	2.855872	53.380436	2° 51' 21.14" N	53° 22' 49.57" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL101	2.861316	53.386760	2° 51' 40.74" N	53° 23' 12.34" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL102	2.866813	53.393044	2° 52' 00.53" N	53° 23' 34.96" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL103	2.872363	53.399283	2° 52' 20.51" N	53° 23' 57.42" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL104	2.877964	53.405476	2° 52' 40.67" N	53° 24' 19.72" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL105	2.883616	53.411621	2° 53' 01.02" N	53° 24' 41.84" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL106	2.889322	53.417716	2° 53' 21.56" N	53° 25' 03.78" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL107	2.895077	53.423771	2° 53' 42.28" N	53° 25' 25.58" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL108	2.900882	53.429771	2° 54' 03.18" N	53° 25' 47.18" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL109	2.906739	53.435727	2° 54' 24.26" N	53° 26' 08.62" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL110	2.912645	53.441634	2° 54' 45.52" N	53° 26' 29.88" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL111	2.918599	53.447491	2° 55' 06.96" N	53° 26' 50.97" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL112	2.924604	53.453298	2° 55' 28.57" N	53° 27' 11.88" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL113	2.930655	53.459052	2° 55' 50.36" N	53° 27' 32.59" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL114	2.936754	53.464761	2° 56' 12.32" N	53° 27' 53.14" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL115	2.942902	53.470416	2° 56' 34.45" N	53° 28' 13.50" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL116	2.949097	53.476021	2° 56' 56.75" N	53° 28' 33.68" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL117	2.955337	53.481577	2° 57' 19.22" N	53° 28' 53.68" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL118	2.961625	53.487075	2° 57' 41.85" N	53° 29' 13.47" E	0.500	Art. 76(4)(a)(ii): FOS + 60M

ECS Point	Latitude	Longitude East	Lat, DMS	Long, DMS	Dist from previous (M)	Article 76 provision invoked
OL119	2.967958	53.492528	2° 58' 04.65" N	53° 29' 33.10" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL120	2.974336	53.497922	2° 58' 27.61" N	53° 29' 52.52" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL121	2.980760	53.503267	2° 58' 50.74" N	53° 30' 11.76" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL122	2.987228	53.508558	2° 59' 14.02" N	53° 30' 30.81" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL123	2.993739	53.513795	2° 59' 37.46" N	53° 30' 49.66" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL124	3.000295	53.518974	3° 00' 01.06" N	53° 31' 08.31" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL125	3.006895	53.524103	3° 00' 24.82" N	53° 31' 26.77" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL126	3.013537	53.529179	3° 00' 48.74" N	53° 31' 45.05" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL127	3.020221	53.534196	3° 01' 12.80" N	53° 32' 03.11" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL128	3.026947	53.539159	3° 01' 37.01" N	53° 32' 20.98" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL129	3.033713	53.544064	3° 02' 01.37" N	53° 32' 38.63" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL130	3.040521	53.548919	3° 02' 25.88" N	53° 32' 56.11" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL131	3.047368	53.553712	3° 02' 50.53" N	53° 33' 13.36" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL132	3.054257	53.558446	3° 03' 15.33" N	53° 33' 30.41" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL133	3.061185	53.563131	3° 03' 40.27" N	53° 33' 47.27" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL134	3.068153	53.567753	3° 04' 05.35" N	53° 34' 03.91" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL135	3.075159	53.572316	3° 04' 30.57" N	53° 34' 20.34" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL136	3.082202	53.576826	3° 04' 55.93" N	53° 34' 36.57" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL137	3.089282	53.581272	3° 05' 21.42" N	53° 34' 52.58" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL138	3.096400	53.585661	3° 05' 47.04" N	53° 35' 08.38" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL139	3.103553	53.589990	3° 06' 12.79" N	53° 35' 23.97" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL140	3.110743	53.594262	3° 06' 38.67" N	53° 35' 39.34" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL141	3.949130	54.144958	3° 56' 56.87" N	54° 08' 41.85" E	59.978	Art. 76(4)(a)(ii): FOS + 60M
OL142	4.227286	54.433037	4° 13' 38.23" N	54° 25' 58.93" E	23.962	Art. 76(4)(a)(ii): FOS + 60M
OL143	4.233126	54.439011	4° 13' 59.26" N	54° 26' 20.44" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL144	4.239015	54.444940	4° 14' 20.46" N	54° 26' 41.78" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL145	4.244954	54.450819	4° 14' 41.84" N	54° 27' 02.95" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL146	4.250941	54.456649	4° 15' 03.39" N	54° 27' 23.94" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL147	4.256977	54.462430	4° 15' 25.12" N	54° 27' 44.75" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL148	4.263061	54.468161	4° 15' 47.02" N	54° 28' 05.38" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL149	4.269194	54.473843	4° 16' 09.10" N	54° 28' 25.84" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL150	4.275373	54.479471	4° 16' 31.34" N	54° 28' 46.10" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL151	4.281598	54.485049	4° 16' 53.76" N	54° 29' 06.18" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL152	4.287872	54.490574	4° 17' 16.34" N	54° 29' 26.07" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL153	4.294192	54.496049	4° 17' 39.09" N	54° 29' 45.78" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL154	4.300556	54.501471	4° 18' 02.00" N	54° 30' 05.30" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL155	4.306964	54.506838	4° 18' 25.07" N	54° 30' 24.62" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL156	4.313419	54.512156	4° 18' 48.31" N	54° 30' 43.76" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL157	4.319918	54.517416	4° 19' 11.71" N	54° 31' 02.70" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL158	4.326461	54.522626	4° 19' 35.26" N	54° 31' 21.45" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL159	4.333046	54.527778	4° 19' 58.97" N	54° 31' 40.00" E	0.500	Art. 76(4)(a)(ii): FOS + 60M

ECS Point	Latitude	Longitude East	Lat, DMS	Long, DMS	Dist from previous (M)	Article 76 provision invoked
OL160	4.339674	54.532876	4° 20' 22.83" N	54° 31' 58.35" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL161	4.346344	54.537920	4° 20' 46.84" N	54° 32' 16.51" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL162	4.353057	54.542910	4° 21' 11.01" N	54° 32' 34.48" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL163	4.359812	54.547842	4° 21' 35.32" N	54° 32' 52.23" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL164	4.366607	54.552715	4° 21' 59.79" N	54° 33' 09.78" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL165	4.373442	54.557534	4° 22' 24.39" N	54° 33' 27.13" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL166	4.380319	54.562300	4° 22' 49.15" N	54° 33' 44.28" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL167	4.387235	54.567003	4° 23' 14.05" N	54° 34' 01.21" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL168	4.394189	54.571651	4° 23' 39.08" N	54° 34' 17.95" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL169	4.401181	54.576242	4° 24' 04.25" N	54° 34' 34.47" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL170	4.408210	54.580774	4° 24' 29.56" N	54° 34' 50.79" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL171	4.415279	54.585247	4° 24' 55.00" N	54° 35' 06.89" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL172	4.422384	54.589663	4° 25' 20.58" N	54° 35' 22.79" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL173	4.429526	54.594015	4° 25' 46.29" N	54° 35' 38.46" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL174	4.436705	54.598313	4° 26' 12.14" N	54° 35' 53.93" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL175	4.443919	54.602549	4° 26' 38.11" N	54° 36' 09.18" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL176	4.451167	54.606726	4° 27' 04.20" N	54° 36' 24.22" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL177	4.458451	54.610845	4° 27' 30.43" N	54° 36' 39.04" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL178	4.465769	54.614901	4° 27' 56.77" N	54° 36' 53.64" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL179	4.473120	54.618894	4° 28' 23.23" N	54° 37' 08.02" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL180	4.480505	54.622828	4° 28' 49.82" N	54° 37' 22.18" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL181	4.487923	54.626700	4° 29' 16.52" N	54° 37' 36.12" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL182	4.495372	54.630513	4° 29' 43.34" N	54° 37' 49.85" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL183	5.165201	54.970539	5° 09' 54.72" N	54° 58' 13.94" E	44.882	Art. 76(4)(a)(ii): FOS + 60M
OL184	5.172677	54.974303	5° 10' 21.64" N	54° 58' 27.49" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL185	5.180183	54.978000	5° 10' 48.66" N	54° 58' 40.80" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL186	5.187722	54.981642	5° 11' 15.80" N	54° 58' 53.91" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL187	5.195289	54.985218	5° 11' 43.04" N	54° 59' 06.79" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL188	5.202887	54.988730	5° 12' 10.39" N	54° 59' 19.43" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL189	5.210514	54.992180	5° 12' 37.85" N	54° 59' 31.85" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL190	5.218168	54.995566	5° 13' 05.41" N	54° 59' 44.04" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL191	5.225851	54.998886	5° 13' 33.06" N	54° 59' 55.99" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL192	5.233561	55.002147	5° 14' 00.82" N	55° 00' 07.73" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL193	5.241299	55.005340	5° 14' 28.68" N	55° 00' 19.23" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL194	5.249063	55.008471	5° 14' 56.63" N	55° 00' 30.50" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL195	5.256852	55.011534	5° 15' 24.67" N	55° 00' 41.52" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL196	5.264667	55.014534	5° 15' 52.80" N	55° 00' 52.33" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL197	5.272507	55.017472	5° 16' 21.03" N	55° 01' 02.90" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL198	5.280371	55.020342	5° 16' 49.34" N	55° 01' 13.23" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL199	5.288258	55.023149	5° 17' 17.73" N	55° 01' 23.34" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL200	5.296169	55.025889	5° 17' 46.21" N	55° 01' 33.20" E	0.500	Art. 76(4)(a)(ii): FOS + 60M

ECS Point	Latitude	Longitude East	Lat, DMS	Long, DMS	Dist from previous (M)	Article 76 provision invoked
OL201	5.304102	55.028561	5° 18' 14.77" N	55° 01' 42.82" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL202	5.312057	55.031167	5° 18' 43.41" N	55° 01' 52.20" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL203	5.320033	55.033709	5° 19' 12.12" N	55° 02' 01.35" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL204	5.328031	55.036184	5° 19' 40.91" N	55° 02' 10.26" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL205	5.336049	55.038596	5° 20' 09.78" N	55° 02' 18.95" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL206	5.344087	55.040936	5° 20' 38.71" N	55° 02' 27.37" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL207	5.352145	55.043213	5° 21' 07.72" N	55° 02' 35.57" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL208	5.360220	55.045418	5° 21' 36.79" N	55° 02' 43.51" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL209	5.368314	55.047561	5° 22' 05.93" N	55° 02' 51.22" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL210	5.376426	55.049636	5° 22' 35.13" N	55° 02' 58.69" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL211	5.384555	55.051639	5° 23' 04.40" N	55° 03' 05.90" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL212	5.392700	55.053580	5° 23' 33.72" N	55° 03' 12.89" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL213	5.400861	55.055453	5° 24' 03.10" N	55° 03' 19.63" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL214	5.409037	55.057254	5° 24' 32.53" N	55° 03' 26.12" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL215	5.417228	55.058987	5° 25' 02.02" N	55° 03' 32.36" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL216	6.164314	55.729914	6° 09' 51.53" N	55° 43' 47.69" E	59.999	Art. 76(4)(a)(ii): FOS + 60M
OL217	6.166506	55.736955	6° 09' 59.42" N	55° 44' 13.04" E	0.441	Art. 76(4)(a)(ii): FOS + 60M
OL218	6.166933	55.738288	6° 10' 00.96" N	55° 44' 17.84" E	0.084	Art. 76(4)(a)(ii): FOS + 60M
OL219	6.168420	55.739157	6° 10' 06.31" N	55° 44' 20.97" E	0.103	Art. 76(5): 350 M line
OL220	6.182899	55.747565	6° 10' 58.44" N	55° 44' 51.24" E	1.000	Art. 76(5): 350 M line
OL221	6.197402	55.755933	6° 11' 50.65" N	55° 45' 21.36" E	1.000	Art. 76(5): 350 M line
OL222	6.211928	55.764259	6° 12' 42.94" N	55° 45' 51.33" E	1.000	Art. 76(5): 350 M line
OL223	6.226479	55.772545	6° 13' 35.32" N	55° 46' 21.16" E	1.000	Art. 76(5): 350 M line
OL224	6.241052	55.780790	6° 14' 27.79" N	55° 46' 50.85" E	1.000	Art. 76(5): 350 M line
OL225	6.255649	55.788994	6° 15' 20.34" N	55° 47' 20.38" E	1.000	Art. 76(5): 350 M line
OL226	6.270269	55.797156	6° 16' 12.97" N	55° 47' 49.76" E	1.000	Art. 76(5): 350 M line
OL227	6.465000	55.907199	6° 27' 54.00" N	55° 54' 25.92" E	13.358	Art. 76(5): 350 M line
OL228	6.479460	55.915645	6° 28' 46.06" N	55° 54' 56.32" E	1.000	Art. 76(5): 350 M line
OL229	7.330867	56.418517	7° 19' 51.12" N	56° 25' 06.66" E	59.036	Art. 76(5): 350 M line
OL230	7.332618	56.419595	7° 19' 57.42" N	56° 25' 10.54" E	0.123	Art. 76(5): 350 M line
OL231	7.346906	56.428342	7° 20' 48.86" N	56° 25' 42.03" E	1.000	Art. 76(5): 350 M line
OL232	7.361220	56.437049	7° 21' 40.39" N	56° 26' 13.38" E	1.000	Art. 76(5): 350 M line
OL233	7.375557	56.445716	7° 22' 32.01" N	56° 26' 44.58" E	1.000	Art. 76(5): 350 M line
OL234	7.389920	56.454342	7° 23' 23.71" N	56° 27' 15.63" E	1.000	Art. 76(5): 350 M line
OL235	7.404306	56.462928	7° 24' 15.50" N	56° 27' 46.54" E	1.000	Art. 76(5): 350 M line
OL236	7.418717	56.471473	7° 25' 07.38" N	56° 28' 17.31" E	1.000	Art. 76(5): 350 M line
OL237	7.433152	56.479978	7° 25' 59.35" N	56° 28' 47.92" E	1.000	Art. 76(5): 350 M line
OL238	7.447611	56.488442	7° 26' 51.40" N	56° 29' 18.39" E	1.000	Art. 76(5): 350 M line
OL239	7.462093	56.496866	7° 27' 43.54" N	56° 29' 48.72" E	1.000	Art. 76(5): 350 M line
OL240	7.476599	56.505248	7° 28' 35.76" N	56° 30' 18.90" E	1.000	Art. 76(5): 350 M line
OL241	7.491129	56.513590	7° 29' 28.07" N	56° 30' 48.93" E	1.000	Art. 76(5): 350 M line



ECS Point	Latitude	Longitude East	Lat, DMS	Long, DMS	Dist from previous (M)	Article 76 provision invoked
OL242	7.505683	56.521891	7° 30' 20.46" N	56° 31' 18.81" E	1.000	Art. 76(5): 350 M line
OL243	7.520259	56.530151	7° 31' 12.94" N	56° 31' 48.54" E	1.000	Art. 76(5): 350 M line
OL244	7.527774	56.534388	7° 31' 39.99" N	56° 32' 03.80" E	0.515	Art. 76(5): 350 M line
OL245	7.536305	56.539296	7° 32' 10.70" N	56° 32' 21.47" E	0.587	Art. 76(5): 350 M line
OL246	7.550846	56.547618	7° 33' 03.05" N	56° 32' 51.43" E	1.000	Art. 76(5): 350 M line
OL247	7.565411	56.555900	7° 33' 55.48" N	56° 33' 21.24" E	1.000	Art. 76(5): 350 M line
OL248	7.579999	56.564140	7° 34' 48.00" N	56° 33' 50.91" E	1.000	Art. 76(5): 350 M line
OL249	7.594611	56.572340	7° 35' 40.60" N	56° 34' 20.43" E	1.000	Art. 76(5): 350 M line
OL250	7.609245	56.580498	7° 36' 33.28" N	56° 34' 49.80" E	1.000	Art. 76(5): 350 M line
OL251	7.623903	56.588615	7° 37' 26.05" N	56° 35' 19.02" E	1.000	Art. 76(5): 350 M line
OL252	7.638583	56.596691	7° 38' 18.90" N	56° 35' 48.09" E	1.000	Art. 76(5): 350 M line
OL253	7.653286	56.604725	7° 39' 11.83" N	56° 36' 17.01" E	1.000	Art. 76(5): 350 M line
OL254	7.668011	56.612718	7° 40' 04.84" N	56° 36' 45.79" E	1.000	Art. 76(5): 350 M line
OL255	7.682759	56.620669	7° 40' 57.94" N	56° 37' 14.41" E	1.000	Art. 76(5): 350 M line
OL256	7.697530	56.628579	7° 41' 51.11" N	56° 37' 42.89" E	1.000	Art. 76(5): 350 M line
OL257	7.712322	56.636447	7° 42' 44.36" N	56° 38' 11.21" E	1.000	Art. 76(5): 350 M line
OL258	7.727137	56.644274	7° 43' 37.70" N	56° 38' 39.39" E	1.000	Art. 76(5): 350 M line
OL259	7.741974	56.652059	7° 44' 31.11" N	56° 39' 07.41" E	1.000	Art. 76(5): 350 M line
OL260	7.756833	56.659801	7° 45' 24.60" N	56° 39' 35.29" E	1.000	Art. 76(5): 350 M line
OL261	7.771713	56.667502	7° 46' 18.17" N	56° 40' 03.01" E	1.000	Art. 76(5): 350 M line
OL262	7.786615	56.675161	7° 47' 11.82" N	56° 40' 30.58" E	1.000	Art. 76(5): 350 M line
OL263	7.801539	56.682778	7° 48' 05.54" N	56° 40' 58.00" E	1.000	Art. 76(5): 350 M line
OL264	7.816484	56.690353	7° 48' 59.34" N	56° 41' 25.27" E	1.000	Art. 76(5): 350 M line
OL265	7.831451	56.697886	7° 49' 53.22" N	56° 41' 52.39" E	1.000	Art. 76(5): 350 M line
OL266	7.846438	56.705376	7° 50' 47.18" N	56° 42' 19.36" E	1.000	Art. 76(5): 350 M line
OL267	7.861447	56.712824	7° 51' 41.21" N	56° 42' 46.17" E	1.000	Art. 76(5): 350 M line
OL268	7.876476	56.720230	7° 52' 35.32" N	56° 43' 12.83" E	1.000	Art. 76(5): 350 M line
OL269	7.891527	56.727593	7° 53' 29.50" N	56° 43' 39.34" E	1.000	Art. 76(5): 350 M line
OL270	7.906598	56.734914	7° 54' 23.75" N	56° 44' 05.69" E	1.000	Art. 76(5): 350 M line
OL271	7.921690	56.742193	7° 55' 18.08" N	56° 44' 31.90" E	1.000	Art. 76(5): 350 M line
OL272	7.936802	56.749428	7° 56' 12.49" N	56° 44' 57.94" E	1.000	Art. 76(5): 350 M line
OL273	7.951934	56.756622	7° 57' 06.97" N	56° 45' 23.84" E	1.000	Art. 76(5): 350 M line
OL274	7.967087	56.763772	7° 58' 01.52" N	56° 45' 49.58" E	1.000	Art. 76(5): 350 M line
OL275	7.982260	56.770880	7° 58' 56.14" N	56° 46' 15.17" E	1.000	Art. 76(5): 350 M line
OL276	7.997453	56.777944	7° 59' 50.83" N	56° 46' 40.60" E	1.000	Art. 76(5): 350 M line
OL277	8.782287	57.407624	8° 46' 56.23" N	57° 24' 27.45" E	59.991	Art. 76(5): 100 M line
OL278	8.788124	57.414993	8° 47' 17.25" N	57° 24' 53.98" E	0.560	Art. 76(5): 100 M line
OL279	8.798686	57.428056	8° 47' 55.27" N	57° 25' 41.00" E	1.000	Art. 76(5): 100 M line
OL280	8.809376	57.441012	8° 48' 33.76" N	57° 26' 27.65" E	1.000	Art. 76(5): 100 M line
OL281	8.820195	57.453862	8° 49' 12.70" N	57° 27' 13.90" E	1.000	Art. 76(5): 100 M line
OL282	8.831140	57.466602	8° 49' 52.10" N	57° 27' 59.77" E	1.000	Art. 76(5): 100 M line

ECS Point	Latitude	Longitude East	Lat, DMS	Long, DMS	Dist from previous (M)	Article 76 provision invoked
OL283	8.842211	57.479233	8° 50' 31.96" N	57° 28' 45.24" E	1.000	Art. 76(5): 100 M line
OL284	8.853406	57.491753	8° 51' 12.26" N	57° 29' 30.31" E	1.000	Art. 76(5): 100 M line
OL285	8.864725	57.504160	8° 51' 53.01" N	57° 30' 14.98" E	1.000	Art. 76(5): 100 M line
OL286	8.876166	57.516454	8° 52' 34.20" N	57° 30' 59.24" E	1.000	Art. 76(5): 100 M line
OL287	8.887729	57.528633	8° 53' 15.83" N	57° 31' 43.08" E	1.000	Art. 76(5): 100 M line
OL288	8.899411	57.540696	8° 53' 57.88" N	57° 32' 26.51" E	1.000	Art. 76(5): 100 M line
OL289	8.911213	57.552641	8° 54' 40.37" N	57° 33' 09.51" E	1.000	Art. 76(5): 100 M line
OL290	8.923132	57.564468	8° 55' 23.28" N	57° 33' 52.09" E	1.000	Art. 76(5): 100 M line
OL291	8.935168	57.576175	8° 56' 06.61" N	57° 34' 34.23" E	1.000	Art. 76(5): 100 M line
OL292	8.947320	57.587762	8° 56' 50.35" N	57° 35' 15.94" E	1.000	Art. 76(5): 100 M line
OL293	8.959585	57.599226	8° 57' 34.51" N	57° 35' 57.22" E	1.000	Art. 76(5): 100 M line
OL294	8.968770	57.607641	8° 58' 07.57" N	57° 36' 27.51" E	0.742	Art. 76(4)(a)(ii): FOS + 60M
OL295	9.916397	57.943567	9° 54' 59.03" N	57° 56' 36.84" E	59.997	Art. 76(4)(a)(ii): FOS + 60M
OL296	9.922985	57.947323	9° 55' 22.75" N	57° 56' 50.36" E	0.452	Art. 76(4)(a)(ii): FOS + 60M
OL297	9.930309	57.951414	9° 55' 49.11" N	57° 57' 05.09" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL298	9.937665	57.955443	9° 56' 15.60" N	57° 57' 19.60" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL299	9.945055	57.959414	9° 56' 42.20" N	57° 57' 33.89" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL300	9.952477	57.963322	9° 57' 08.92" N	57° 57' 47.96" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL301	9.959931	57.967166	9° 57' 35.75" N	57° 58' 01.80" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL302	9.967416	57.970948	9° 58' 02.70" N	57° 58' 15.42" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL303	9.974931	57.974663	9° 58' 29.75" N	57° 58' 28.79" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL304	9.982478	57.978319	9° 58' 56.92" N	57° 58' 41.95" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL305	9.990055	57.981912	9° 59' 24.20" N	57° 58' 54.89" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL306	9.997662	57.985443	9° 59' 51.59" N	57° 59' 07.60" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL307	10.005297	57.988906	10° 00' 19.07" N	57° 59' 20.06" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL308	10.012961	57.992306	10° 00' 46.66" N	57° 59' 32.30" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL309	10.020653	57.995643	10° 01' 14.35" N	57° 59' 44.32" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL310	10.028370	57.998913	10° 01' 42.14" N	57° 59' 56.09" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL311	10.036117	58.002120	10° 02' 10.02" N	58° 00' 07.63" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL312	10.043888	58.005264	10° 02' 38.00" N	58° 00' 18.95" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL313	10.051685	58.008341	10° 03' 06.07" N	58° 00' 30.03" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL314	10.059506	58.011350	10° 03' 34.22" N	58° 00' 40.86" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL315	10.067353	58.014296	10° 04' 02.47" N	58° 00' 51.47" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL316	10.075223	58.017176	10° 04' 30.80" N	58° 01' 01.83" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL317	10.083117	58.019987	10° 04' 59.22" N	58° 01' 11.96" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL318	10.091033	58.022736	10° 05' 27.72" N	58° 01' 21.85" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL319	10.098972	58.025413	10° 05' 56.30" N	58° 01' 31.49" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL320	10.106935	58.028027	10° 06' 24.97" N	58° 01' 40.90" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL321	10.114917	58.030574	10° 06' 53.70" N	58° 01' 50.07" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL322	10.122921	58.033053	10° 07' 22.52" N	58° 01' 58.99" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL323	10.130945	58.035465	10° 07' 51.40" N	58° 02' 07.68" E	0.500	Art. 76(4)(a)(ii): FOS + 60M

ECS Point	Latitude	Longitude East	Lat, DMS	Long, DMS	Dist from previous (M)	Article 76 provision invoked
OL324	10.138987	58.037810	10° 08' 20.35" N	58° 02' 16.12" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL325	10.147050	58.040092	10° 08' 49.38" N	58° 02' 24.33" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL326	10.155131	58.042297	10° 09' 18.47" N	58° 02' 32.27" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL327	10.162351	58.044207	10° 09' 44.46" N	58° 02' 39.15" E	0.446	Art. 76(4)(a)(ii): FOS + 60M
OL328	10.170344	58.043886	10° 10' 13.24" N	58° 02' 37.99" E	0.478	Art. 76(5): 100 M line
OL329	10.187067	58.043047	10° 11' 13.44" N	58° 02' 34.97" E	1.000	Art. 76(5): 100 M line
OL330	10.203781	58.042038	10° 12' 13.61" N	58° 02' 31.34" E	1.000	Art. 76(5): 100 M line
OL331	10.220484	58.040861	10° 13' 13.74" N	58° 02' 27.10" E	1.000	Art. 76(5): 100 M line
OL332	10.237174	58.039515	10° 14' 13.83" N	58° 02' 22.26" E	1.000	Art. 76(5): 100 M line
OL333	10.253851	58.038001	10° 15' 13.86" N	58° 02' 16.81" E	1.000	Art. 76(5): 100 M line
OL334	10.270511	58.036318	10° 16' 13.84" N	58° 02' 10.75" E	1.000	Art. 76(5): 100 M line
OL335	10.287154	58.034467	10° 17' 13.76" N	58° 02' 04.08" E	1.000	Art. 76(5): 100 M line
OL336	10.303778	58.032448	10° 18' 13.60" N	58° 01' 56.81" E	1.000	Art. 76(5): 100 M line
OL337	10.320381	58.030261	10° 19' 13.37" N	58° 01' 48.94" E	1.000	Art. 76(5): 100 M line
OL338	10.336961	58.027906	10° 20' 13.06" N	58° 01' 40.46" E	1.000	Art. 76(5): 100 M line
OL339	10.353517	58.025384	10° 21' 12.66" N	58° 01' 31.38" E	1.000	Art. 76(5): 100 M line
OL340	10.370047	58.022694	10° 22' 12.17" N	58° 01' 21.70" E	1.000	Art. 76(5): 100 M line
OL341	10.386550	58.019837	10° 23' 11.58" N	58° 01' 11.42" E	1.000	Art. 76(5): 100 M line
OL342	10.403024	58.016814	10° 24' 10.89" N	58° 01' 00.53" E	1.000	Art. 76(5): 100 M line
OL343	10.419467	58.013624	10° 25' 10.08" N	58° 00' 49.05" E	1.000	Art. 76(5): 100 M line
OL344	10.435877	58.010268	10° 26' 09.16" N	58° 00' 36.96" E	1.000	Art. 76(5): 100 M line
OL345	10.452254	58.006745	10° 27' 08.12" N	58° 00' 24.28" E	1.000	Art. 76(5): 100 M line
OL346	10.468594	58.003057	10° 28' 06.94" N	58° 00' 11.01" E	1.000	Art. 76(5): 100 M line
OL347	10.484898	57.999204	10° 29' 05.63" N	57° 59' 57.14" E	1.000	Art. 76(5): 100 M line
OL348	10.501162	57.995186	10° 30' 04.19" N	57° 59' 42.67" E	1.000	Art. 76(5): 100 M line
OL349	10.517386	57.991004	10° 31' 02.59" N	57° 59' 27.62" E	1.000	Art. 76(5): 100 M line
OL350	10.533567	57.986657	10° 32' 00.84" N	57° 59' 11.97" E	1.000	Art. 76(5): 100 M line
OL351	10.549705	57.982147	10° 32' 58.94" N	57° 58' 55.73" E	1.000	Art. 76(5): 100 M line
OL352	10.565796	57.977473	10° 33' 56.87" N	57° 58' 38.91" E	1.000	Art. 76(5): 100 M line
OL353	10.581841	57.972637	10° 34' 54.63" N	57° 58' 21.49" E	1.000	Art. 76(5): 100 M line
OL354	10.597837	57.967638	10° 35' 52.22" N	57° 58' 03.50" E	1.000	Art. 76(5): 100 M line
OL355	10.613783	57.962477	10° 36' 49.62" N	57° 57' 44.92" E	1.000	Art. 76(5): 100 M line
OL356	10.629677	57.957155	10° 37' 46.84" N	57° 57' 25.76" E	1.000	Art. 76(5): 100 M line
OL357	10.645517	57.951672	10° 38' 43.86" N	57° 57' 06.02" E	1.000	Art. 76(5): 100 M line
OL358	10.661303	57.946028	10° 39' 40.69" N	57° 56' 45.70" E	1.000	Art. 76(5): 100 M line
OL359	10.677031	57.940225	10° 40' 37.31" N	57° 56' 24.81" E	1.000	Art. 76(5): 100 M line
OL360	10.692701	57.934262	10° 41' 33.73" N	57° 56' 03.35" E	1.000	Art. 76(5): 100 M line
OL361	10.708311	57.928141	10° 42' 29.92" N	57° 55' 41.31" E	1.000	Art. 76(5): 100 M line
OL362	10.723860	57.921861	10° 43' 25.90" N	57° 55' 18.70" E	1.000	Art. 76(5): 100 M line
OL363	10.739346	57.915424	10° 44' 21.65" N	57° 54' 55.53" E	1.000	Art. 76(5): 100 M line
OL364	10.754767	57.908830	10° 45' 17.16" N	57° 54' 31.79" E	1.000	Art. 76(5): 100 M line

ECS Point	Latitude	Longitude East	Lat, DMS	Long, DMS	Dist from previous (M)	Article 76 provision invoked
OL365	10.770122	57.902080	10° 46' 12.44" N	57° 54' 07.49" E	1.000	Art. 76(5): 100 M line
OL366	10.785410	57.895174	10° 47' 07.48" N	57° 53' 42.63" E	1.000	Art. 76(5): 100 M line
OL367	10.800628	57.888114	10° 48' 02.26" N	57° 53' 17.21" E	1.000	Art. 76(5): 100 M line
OL368	10.815776	57.880899	10° 48' 56.79" N	57° 52' 51.24" E	1.000	Art. 76(5): 100 M line
OL369	10.830851	57.873530	10° 49' 51.07" N	57° 52' 24.71" E	1.000	Art. 76(5): 100 M line
OL370	10.845853	57.866009	10° 50' 45.07" N	57° 51' 57.63" E	1.000	Art. 76(5): 100 M line
OL371	10.860779	57.858336	10° 51' 38.81" N	57° 51' 30.01" E	1.000	Art. 76(5): 100 M line
OL372	10.875628	57.850511	10° 52' 32.26" N	57° 51' 01.84" E	1.000	Art. 76(5): 100 M line
OL373	10.890399	57.842536	10° 53' 25.44" N	57° 50' 33.13" E	1.000	Art. 76(5): 100 M line
OL374	10.905091	57.834411	10° 54' 18.33" N	57° 50' 03.88" E	1.000	Art. 76(5): 100 M line
OL375	10.919701	57.826137	10° 55' 10.93" N	57° 49' 34.09" E	1.000	Art. 76(5): 100 M line
OL376	10.934228	57.817714	10° 56' 03.22" N	57° 49' 03.77" E	1.000	Art. 76(5): 100 M line
OL377	10.948672	57.809145	10° 56' 55.22" N	57° 48' 32.92" E	1.000	Art. 76(5): 100 M line
OL378	10.963029	57.800428	10° 57' 46.91" N	57° 48' 01.54" E	1.000	Art. 76(5): 100 M line
OL379	10.977300	57.791567	10° 58' 38.28" N	57° 47' 29.64" E	1.000	Art. 76(5): 100 M line
OL380	10.991482	57.782560	10° 59' 29.34" N	57° 46' 57.22" E	1.000	Art. 76(5): 100 M line
OL381	11.005574	57.773409	11° 00' 20.07" N	57° 46' 24.28" E	1.000	Art. 76(5): 100 M line
OL382	11.019575	57.764116	11° 01' 10.47" N	57° 45' 50.82" E	1.000	Art. 76(5): 100 M line
OL383	11.033482	57.754680	11° 02' 00.54" N	57° 45' 16.85" E	1.000	Art. 76(5): 100 M line
OL384	11.047296	57.745103	11° 02' 50.27" N	57° 44' 42.37" E	1.000	Art. 76(5): 100 M line
OL385	11.061014	57.735386	11° 03' 39.65" N	57° 44' 07.39" E	1.000	Art. 76(5): 100 M line
OL386	11.074635	57.725530	11° 04' 28.69" N	57° 43' 31.91" E	1.000	Art. 76(5): 100 M line
OL387	11.088158	57.715536	11° 05' 17.37" N	57° 42' 55.93" E	1.000	Art. 76(5): 100 M line
OL388	11.101581	57.705404	11° 06' 05.69" N	57° 42' 19.45" E	1.000	Art. 76(5): 100 M line
OL389	11.114903	57.695136	11° 06' 53.65" N	57° 41' 42.49" E	1.000	Art. 76(5): 100 M line
OL390	11.128122	57.684732	11° 07' 41.24" N	57° 41' 05.04" E	1.000	Art. 76(5): 100 M line
OL391	11.141238	57.674194	11° 08' 28.46" N	57° 40' 27.10" E	1.000	Art. 76(5): 100 M line
OL392	11.154249	57.663524	11° 09' 15.30" N	57° 39' 48.69" E	1.000	Art. 76(5): 100 M line
OL393	11.167153	57.652721	11° 10' 01.75" N	57° 39' 09.80" E	1.000	Art. 76(5): 100 M line
OL394	11.179950	57.641787	11° 10' 47.82" N	57° 38' 30.43" E	1.000	Art. 76(5): 100 M line
OL395	11.192638	57.630723	11° 11' 33.50" N	57° 37' 50.60" E	1.000	Art. 76(5): 100 M line
OL396	11.205215	57.619530	11° 12' 18.78" N	57° 37' 10.31" E	1.000	Art. 76(5): 100 M line
OL397	11.217681	57.608209	11° 13' 03.65" N	57° 36' 29.55" E	1.000	Art. 76(5): 100 M line
OL398	11.230034	57.596762	11° 13' 48.12" N	57° 35' 48.34" E	1.000	Art. 76(5): 100 M line
OL399	11.242273	57.585189	11° 14' 32.18" N	57° 35' 06.68" E	1.000	Art. 76(5): 100 M line
OL400	11.254396	57.573492	11° 15' 15.83" N	57° 34' 24.57" E	1.000	Art. 76(5): 100 M line
OL401	11.266404	57.561672	11° 15' 59.05" N	57° 33' 42.02" E	1.000	Art. 76(5): 100 M line
OL402	11.278293	57.549729	11° 16' 41.86" N	57° 32' 59.03" E	1.000	Art. 76(5): 100 M line
OL403	11.290063	57.537666	11° 17' 24.23" N	57° 32' 15.60" E	1.000	Art. 76(5): 100 M line
OL404	11.301714	57.525484	11° 18' 06.17" N	57° 31' 31.74" E	1.000	Art. 76(5): 100 M line
OL405	11.311274	57.515283	11° 18' 40.59" N	57° 30' 55.02" E	0.829	Art. 76(4)(a)(ii): FOS + 60M

ECS Point	Latitude	Longitude East	Lat, DMS	Long, DMS	Dist from previous (M)	Article 76 provision invoked
OL406	11.731976	57.062221	11° 43' 55.12" N	57° 03' 44.00" E	36.656	Art. 76(4)(a)(ii): FOS + 60M
OL407	12.594771	56.539550	12° 35' 41.18" N	56° 32' 22.38" E	59.995	Art. 76(4)(a)(ii): FOS + 60M
OL408	12.598585	56.538792	12° 35' 54.91" N	56° 32' 19.65" E	0.232	Art. 76(4)(a)(ii): FOS + 60M
OL409	12.606786	56.537088	12° 36' 24.43" N	56° 32' 13.52" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL410	12.614973	56.535314	12° 36' 53.91" N	56° 32' 07.13" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL411	12.623146	56.533471	12° 37' 23.33" N	56° 32' 00.50" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL412	12.631303	56.531558	12° 37' 52.69" N	56° 31' 53.61" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL413	12.639444	56.529577	12° 38' 22.00" N	56° 31' 46.48" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL414	12.647568	56.527526	12° 38' 51.25" N	56° 31' 39.09" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL415	12.655676	56.525406	12° 39' 20.44" N	56° 31' 31.46" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL416	12.663766	56.523217	12° 39' 49.56" N	56° 31' 23.58" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL417	12.671837	56.520960	12° 40' 18.62" N	56° 31' 15.46" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL418	12.679890	56.518634	12° 40' 47.61" N	56° 31' 07.08" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL419	12.687924	56.516239	12° 41' 16.53" N	56° 30' 58.46" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL420	12.695937	56.513776	12° 41' 45.38" N	56° 30' 49.60" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL421	12.703930	56.511246	12° 42' 14.15" N	56° 30' 40.49" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL422	12.711902	56.508647	12° 42' 42.85" N	56° 30' 31.13" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL423	12.719853	56.505981	12° 43' 11.47" N	56° 30' 21.53" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL424	12.727781	56.503247	12° 43' 40.01" N	56° 30' 11.69" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL425	12.735687	56.500445	12° 44' 08.48" N	56° 30' 01.61" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL426	12.743570	56.497577	12° 44' 36.85" N	56° 29' 51.28" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL427	12.751428	56.494641	12° 45' 05.14" N	56° 29' 40.71" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL428	12.759263	56.491639	12° 45' 33.35" N	56° 29' 29.90" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL429	12.767072	56.488570	12° 46' 01.46" N	56° 29' 18.85" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL430	12.774857	56.485435	12° 46' 29.49" N	56° 29' 07.57" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL431	12.782615	56.482233	12° 46' 57.41" N	56° 28' 56.04" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL432	12.790346	56.478966	12° 47' 25.25" N	56° 28' 44.28" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL433	12.798051	56.475633	12° 47' 52.99" N	56° 28' 32.28" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL434	12.805728	56.472234	12° 48' 20.62" N	56° 28' 20.05" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL435	12.813377	56.468770	12° 48' 48.16" N	56° 28' 07.58" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL436	12.820997	56.465241	12° 49' 15.59" N	56° 27' 54.87" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL437	12.828589	56.461648	12° 49' 42.92" N	56° 27' 41.93" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL438	12.836150	56.457989	12° 50' 10.14" N	56° 27' 28.76" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL439	12.843681	56.454267	12° 50' 37.25" N	56° 27' 15.36" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL440	12.851182	56.450480	12° 51' 04.26" N	56° 27' 01.73" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL441	12.858651	56.446630	12° 51' 31.15" N	56° 26' 47.87" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL442	12.866088	56.442716	12° 51' 57.92" N	56° 26' 33.78" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL443	12.873494	56.438739	12° 52' 24.58" N	56° 26' 19.46" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL444	12.880866	56.434699	12° 52' 51.12" N	56° 26' 04.92" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL445	12.888205	56.430596	12° 53' 17.54" N	56° 25' 50.15" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL446	12.895510	56.426430	12° 53' 43.84" N	56° 25' 35.15" E	0.500	Art. 76(4)(a)(ii): FOS + 60M

ECS Point	Latitude	Longitude East	Lat, DMS	Long, DMS	Dist from previous (M)	Article 76 provision invoked
OL447	12.902780	56.422203	12° 54' 10.01" N	56° 25' 19.93" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL448	12.910016	56.417914	12° 54' 36.06" N	56° 25' 04.49" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL449	12.917217	56.413563	12° 55' 01.98" N	56° 24' 48.83" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL450	12.924381	56.409150	12° 55' 27.77" N	56° 24' 32.94" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL451	12.931509	56.404677	12° 55' 53.43" N	56° 24' 16.84" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL452	12.938600	56.400144	12° 56' 18.96" N	56° 24' 00.52" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL453	12.945654	56.395550	12° 56' 44.36" N	56° 23' 43.98" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL454	12.952670	56.390895	12° 57' 09.61" N	56° 23' 27.23" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL455	13.403808	56.092049	13° 24' 13.71" N	56° 05' 31.38" E	32.129	Art. 76(4)(a)(ii): FOS + 60M
OL456	13.410824	56.087387	13° 24' 38.97" N	56° 05' 14.59" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL457	13.417802	56.082665	13° 25' 04.09" N	56° 04' 57.60" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL458	13.424741	56.077883	13° 25' 29.07" N	56° 04' 40.38" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL459	13.431641	56.073043	13° 25' 53.91" N	56° 04' 22.96" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL460	13.438501	56.068143	13° 26' 18.60" N	56° 04' 05.32" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL461	13.445320	56.063186	13° 26' 43.15" N	56° 03' 47.47" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL462	13.452099	56.058170	13° 27' 07.56" N	56° 03' 29.41" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL463	13.458836	56.053096	13° 27' 31.81" N	56° 03' 11.15" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL464	13.465532	56.047964	13° 27' 55.92" N	56° 02' 52.67" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL465	13.472186	56.042776	13° 28' 19.87" N	56° 02' 34.00" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL466	13.478797	56.037531	13° 28' 43.67" N	56° 02' 15.11" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL467	13.485364	56.032229	13° 29' 07.31" N	56° 01' 56.03" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL468	13.491889	56.026871	13° 29' 30.80" N	56° 01' 36.74" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL469	13.498369	56.021458	13° 29' 54.13" N	56° 01' 17.25" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL470	13.504804	56.015990	13° 30' 17.30" N	56° 00' 57.56" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL471	13.511195	56.010466	13° 30' 40.30" N	56° 00' 37.68" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL472	13.517541	56.004888	13° 31' 03.15" N	56° 00' 17.60" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL473	13.523840	55.999256	13° 31' 25.83" N	55° 59' 57.32" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL474	13.530093	55.993570	13° 31' 48.34" N	55° 59' 36.85" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL475	13.536300	55.987831	13° 32' 10.68" N	55° 59' 16.19" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL476	13.542459	55.982039	13° 32' 32.86" N	55° 58' 55.34" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL477	13.548571	55.976194	13° 32' 54.86" N	55° 58' 34.30" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL478	13.554635	55.970297	13° 33' 16.69" N	55° 58' 13.07" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL479	13.560651	55.964349	13° 33' 38.34" N	55° 57' 51.66" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL480	13.566617	55.958349	13° 33' 59.82" N	55° 57' 30.06" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL481	13.572535	55.952298	13° 34' 21.13" N	55° 57' 08.27" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL482	13.578402	55.946196	13° 34' 42.25" N	55° 56' 46.31" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL483	13.584220	55.940045	13° 35' 03.19" N	55° 56' 24.16" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL484	13.589987	55.933844	13° 35' 23.95" N	55° 56' 01.84" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL485	13.595703	55.927594	13° 35' 44.53" N	55° 55' 39.34" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL486	13.601368	55.921295	13° 36' 04.93" N	55° 55' 16.66" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL487	13.606981	55.914947	13° 36' 25.13" N	55° 54' 53.81" E	0.500	Art. 76(4)(a)(ii): FOS + 60M

ECS Point	Latitude	Longitude East	Lat, DMS	Long, DMS	Dist from previous (M)	Article 76 provision invoked
OL488	13.612542	55.908552	13° 36' 45.15" N	55° 54' 30.79" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL489	13.618051	55.902109	13° 37' 04.98" N	55° 54' 07.60" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL490	13.623506	55.895620	13° 37' 24.62" N	55° 53' 44.23" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL491	13.628909	55.889083	13° 37' 44.07" N	55° 53' 20.70" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL492	13.634258	55.882501	13° 38' 03.33" N	55° 52' 57.01" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL493	13.639552	55.875873	13° 38' 22.39" N	55° 52' 33.14" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL494	13.644793	55.869200	13° 38' 41.26" N	55° 52' 09.12" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL495	13.649979	55.862482	13° 38' 59.92" N	55° 51' 44.94" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL496	13.655109	55.855720	13° 39' 18.39" N	55° 51' 20.59" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL497	13.660184	55.848914	13° 39' 36.67" N	55° 50' 56.09" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL498	13.665204	55.842065	13° 39' 54.73" N	55° 50' 31.43" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL499	13.670167	55.835173	13° 40' 12.60" N	55° 50' 06.62" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL500	13.675073	55.828238	13° 40' 30.27" N	55° 49' 41.66" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL501	13.679923	55.821262	13° 40' 47.72" N	55° 49' 16.55" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL502	13.684716	55.814245	13° 41' 04.98" N	55° 48' 51.28" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL503	13.689451	55.807186	13° 41' 22.02" N	55° 48' 25.87" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL504	13.694128	55.800087	13° 41' 38.86" N	55° 48' 00.32" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL505	13.698747	55.792948	13° 41' 55.49" N	55° 47' 34.62" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL506	13.703307	55.785770	13° 42' 11.91" N	55° 47' 08.78" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL507	13.707809	55.778553	13° 42' 28.11" N	55° 46' 42.79" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL508	13.712251	55.771298	13° 42' 44.10" N	55° 46' 16.67" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL509	13.716634	55.764005	13° 42' 59.88" N	55° 45' 50.42" E	0.500	Art. 76(4)(a)(ii): FOS + 60M
OL510	13.720494	55.757458	13° 43' 13.78" N	55° 45' 26.85" E	0.447	Art. 76(4)(a)(ii): FOS + 60M

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**Annex 46** Video of Debates in Somali Parliament (Aug. 2009)

<http://somalitalk.com/2009/may/13/badda87.html>

(copy of video in attached DVD)

**Annex 47** Video of Meeting of the Somali Diaspora in London (Oct. 2009)

[https://www.youtube.com/watch?v=LtRIRwd--Cc&feature=player\\_embedded](https://www.youtube.com/watch?v=LtRIRwd--Cc&feature=player_embedded)

(copy of video in attached DVD)