

Maritime dispute between Kenya and Somalia

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In News: Kenya has said it will not take part in proceedings of the International Court of Justice (ICJ) over its maritime border dispute with Somalia.

Disputed area

- **Main point of Disagreement** – Two neighbours is the direction in which their maritime boundary in the Indian Ocean should extend.
- **Somalia**– The sea border should be an extension of the same direction in which their land border runs as it approaches the Indian Ocean, i.e. towards the southeast.
- **Kenya**- Territorial southeast border should take a 45 degree turn as it reaches the sea, and then run in a latitudinal direction, i.e. parallel to the equator.
- Such an arrangement would be advantageous for Kenya, whose coastline of 536 km is more than 6 times smaller than Somalia's (3,333 km).
- The triangular area thus created by the dispute is around 1.6 lakh sq km large.

Importance of Area

- Rich marine reserves.
- To have oil and gas deposits.

Kenya and Somalia efforts to resolve the dispute

- Bilateral negotiations to resolve the issue failed, Somalia in 2014 asked the International Court of Justice (ICJ) to adjudicate.
- Kenya resisted, the world court did not have jurisdiction to hear the case, based on a 2009 argument

between the two neighbours that Kenya said amounted to a commitment to settle the dispute out of court.

- In February 2017, the ICJ ruled that it did have the right to rule in the case.
- These hearings never took place, as Kenya successfully applied to have them postponed thrice– the last one being in June 2020, when it cited difficulties due to the Covid-19 pandemic.
- ICJ rulings are considered binding, although the international tribunal has no powers to ensure enforcement, and many countries are known to ignore its verdicts.

International Court of Justice (ICJ)

- The ICJ was established in 1945 .
- The ICJ functions with its seat at The Hague, Netherlands.
- It has the jurisdiction to settle disputes between countries and examine cases pertaining to violation of human rights.
- It adjudicates cases according to the tenets of international law and is the judicial arm of the United Nations