



**The Transitional Federal Government of the Somali Republic
Office of the Prime Minister**

XRW/00506/08/09

August 19, 2009

H. Excellency Ban Ki Moon
Secretary General of the United Nations
New York, USA

Excellency,

With reference to your communication dated 11 May 2009 (Continental Shelf Notification CLCS.35.2009 LOS) regarding the submission made by the Republic of Kenya to the Commission on the Limits of the Continental Shelf, and in accordance with rule 5 (a) of Annex I to the Rules of Procedure of the Commission, I have the honour, on behalf of the Transitional Federal Government of the Somali Republic to submit the following observations:

The delimitation of the continental shelf between the Somali Republic and the Republic of Kenya has not yet been settled. It would appear that Kenya claims an area extending up to the latitude of the point where the land border reaches the coast, while, instead, in accordance with the international law of the sea, an equidistance line normally constitutes the point of departure for the delimitation of the continental shelf between two States with adjacent coasts. Somalia bases itself on the latter view.

This unresolved delimitation issue is to be considered as a "maritime dispute" for the purposes of rule 5 (a) of Annex I to the Rules of Procedure of the Commission. The Kenyan and Somali claims cover an overlapping area which for the same purposes constitutes "the areas under dispute". Accordingly, any action of the Commission shall, in accordance with UNCLOS, Annex II, article 9, not prejudice matters relating to the delimitation of the continental shelf between the Republic of Kenya and the Somali Republic.

On 7 April 2009 the Minister of Foreign Affairs of the Republic of Kenya and the Minister of National Planning and International Cooperation of the Somali Republic, both being duly authorized by their respective governments, signed in Nairobi a "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 copy of the Memorandum of Understanding signed by the two Ministers is enclosed to the

preliminary information indicative of the outer limits of the continental shelf beyond 200 nautical miles submitted by Somalia in accordance with the decision by the eighteenth Meeting of States Parties to UNCLOS contained in document SPLOS/183.

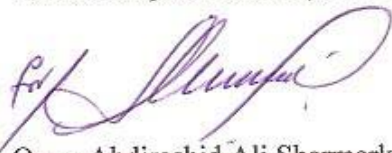
In the said Memorandum of Understanding the Republic of Kenya and the Somali Republic agree that at an appropriate time each of them will make separate submissions to the Commission, that may include the areas under dispute, without regard to the delimitation of maritime boundaries between them. In the Memorandum of Understanding the two coastal States give their prior consent to the consideration by the Commission of these submissions in the areas under dispute. Furthermore it is stipulated that 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 areas under dispute, including the delimitation of the continental shelf beyond 200 nautical miles.

In accordance with the Memorandum of Understanding 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 the two coastal States concerning the establishment of the outer limits of the continental shelf beyond 200 nautical miles.

On the above understandings the Transitional Federal Government of the Somali Republic reiterates its consent, in accordance with rule 5 (a) of the Rules of Procedure of the Commission, to the examination by the Commission of the Kenyan submission with regard to the areas under dispute between the two coastal States. The actions of the Commission with respect to the Kenyan submission shall be without prejudice to the future submission by the Somali Republic, in accordance with article 4 of Annex II to UNCLOS, of particulars of the outer limits of its continental shelf beyond 200 nautical miles along with supporting scientific and technical data, that may include the areas under dispute, and to the consideration by the Commission of such a future Somali submission.

I have the honour to request that the present letter be brought to the attention of the Commission on the Limits of the Continental shelf, and made publicly available, including on the website of the Commission.

Please accept, Excellency, the assurances of my highest consideration.


Omer Abdirashid Ali Sharmarke
The Prime Minister

