

## **Somalia-Kenya Maritime Dispute: National, Regional and Global Implications**

### **Introduction**

The diplomatic tension between Kenya and Somalia has drawn attention to the principle of reciprocity which underlies international relations. The notion of “tit-for-tat” denoting both positive and adverse reciprocity continue to guide the behavior of states especially in their foreign policy formulation and implementation. Typically, the core objective of the reciprocity principle is to limit aggression and make war a last resort.

Certainly the action of ‘summoning our ambassador’ and ‘asking the other ambassador to depart for consultations’<sup>i</sup> points to the various levels of reciprocity that have been experienced between Kenya and Somalia since 1966 when the two neighboring countries first severed their diplomatic relations.<sup>ii</sup> But of interest here is the recent practice of reciprocity relating to the disputed maritime zones in the Indian Ocean. Both Kenya and Somalia have laid claim on the resource rich zone as part of their territorial waters; culminating into a legal proceeding at the UN’s International Court of Justice (ICJ). The ICJ is yet to render a judgment on this territorial dispute.

### **The crux of the matter:**

On Saturday evening of 16<sup>th</sup> February 2019, the world, Africa and indeed the IGAD region witnessed astounding, though expected, diplomatic signals that bordered on destroying the long-standing relations between neighbouring states: Kenya and Somalia. In a strongly worded statement that among other things recalled Kenya’s ambassador to Somalia Lt. General (Rtd) Lucas Tumbo; Kenya expressed its discontent at Somalia’s alleged auctioning of resource rich blocks in the Indian which Kenya claims are in its Exclusive Economic Zone (EEC).

Somalia is said to have committed what Kenya in the statement referred to as “tantamount to an act of aggression against the people of Kenya and their resources” during a London Somalia Oil Conference on the 7<sup>th</sup> February, 2019.<sup>iii</sup> It is during this conference, that Kenya claims Somalia put up for auction some of its resources within the disputed territorial waters in the Indian Ocean. The statement which was read by Kenya’s Principal Secretary for Ministry of Foreign Affairs, also “instructed the ambassador of Somalia to Kenya Ambassador Mohamud Ahmed Nur to Depart to Somalia for consultations.”<sup>iv</sup>

Emerging from the statement is Kenya’s frustrations at the non-responsiveness of Somalia government to Kenya’s objections to Somalia’s display of “incorrect maps” at the London Conference that purported to “auction the oil and gas blocks in Kenya’s territory.”<sup>v</sup> Kenya’s Foreign Affairs Principal Secretary revealed that Kenya had used multiple channels to seek clarification on the issue from Somalia. First the country summoned Somalia ambassador to Kenya to protest and followed this with a protest note. According to the statement, receipt of the demarche or the official diplomatic representation of the Kenyan government’s position on the subject was acknowledged by the Somalia ambassador who further confirmed that Kenya’s concerns had been “registered at the highest level of the Somali government”.<sup>vi</sup> Secondly Kenya says that its ambassador to Somalia was also instructed to formally deliver the protest which again, the Kenya’s ambassador confirmed that it had been received at the highest level of the Somali government.

In what pundits say was a diplomatically well-crafted *note-verbale*, Somalia responded by refuting claims that it had offered to external bidders the resource-rich blocks in the disputed maritime zone. Somalia was emphatic that it was “not offering, nor does it have any plans to offer, any blocks in the disputed maritime areas” until when the ICJ decides on the maritime boundary.<sup>vii</sup>

Further, just like Kenya, the Government of Somalia reaffirmed its duty to protect Somalia’s “sovereignty, political independence, territorial integrity and unity.”<sup>viii</sup> Moreover, Somalia asserted that the maps that Kenya referred to as illegal were indeed a true reflection of Somalia’s maritime zones. This, in the view of analysts, portends the crux of the maritime boundary dispute between Somalia and Kenya.

Typically diplomatic, Somalia highlighted the strong cultural and historical ties between the people of Kenya and Somalia; noting that their “destiny and future are indissolubly interconnected.”<sup>ix</sup>

### **Filtering Issues: The Reality of the Matter**

**Somalia oil and gas conference:** Although no auction was done, what happened in London during the Somalia Oil and Gas Conference was that Somalia gave a Tender Protocol brief (rules and procedures of bidding)<sup>x</sup> and also displayed a map of oil and gas blocks which Somalia intends to auction in future preferable after the ICJ ruling. But some of those blocks were in the disputed maritime zone also claimed by Kenya.<sup>xi</sup> Fact is Kenya was infuriated by the move by Somalia’s Petroleum and Mineral Resources ministry to launch a licensing round in a London conference organised by Spectrum Geo, a Norwegian company that provides seismic data to international oil and gas companies.<sup>xii</sup> A total of 15 offshore blocks were unveiled at the event, covering an area of up to 5,000 sq km and spanning much of the Southeast coastline where interested parties were asked to submit their bids by November 2019.<sup>xiii</sup> However, Spectrum Geo has argued that the seismic data was restricted to undisputed maritime zones in Somalia.<sup>xiv</sup>

On the other hand, Kenya has already conducted seismic surveys and allocated contracts for blocks within disputed territory to the following companies: Eni from Italy, Total a French multinational, Statoil a Norwegian Company (since expelled) and Anadarko from Texas, United States.<sup>xv</sup>

**The case at ICJ:** In 2014, Somalia sued Kenya at the International Court of Justice (ICJ) in The Hague.<sup>xvi</sup> This is after numerous meetings between the two countries failed to progress. Typically, ICJ is an alternative avenue of solving border conflicts in maritime areas in cases where bilateral or regional means fail. Some have argued that Kenya has been insisting on settling the maritime border dispute through other means out of court because the country fears it might lose the case at ICJ.<sup>xvii</sup> Generally, Somalia has been upbeat concerning the case at ICJ given that in the first round of the court proceedings Kenya has lost its bid to stop the case filed by Somalia from going to a full hearing. On 2<sup>nd</sup> February 2017, the ICJ’s President Ronny Abraham poked holes into a Memorandum of Understanding (MoU) signed between Kenya and Somalia, which had provided the basis of Kenya’s legal argument that the MoU constitutes an agreement to use the UN Commission on Law of the Sea instead of the ICJ.<sup>xviii</sup>

**Importance of the disputed maritime zone:** The disputed maritime area is a potentially lucrative, triangular zone of 100,000 square kilometers in the Indian Ocean with prospects of vast oil and gas deposits.<sup>xix</sup>

## Implications of the Dispute

### Somalia

In the recent years of Somali President Mohamed Abdullahi “Farmaajo” regime, the government of Somalia has emerged as assertive in its foreign policy. Somalia appears to be informing its neighbours and the world that it is an independent sovereign state that participates in international relations as an equal partner and not a weak state to be exploited. Just recently the country expelled UN special envoy to Somalia Nicholas Haysom for interfering with Somalia’s sovereignty.<sup>xx</sup> In fact one of Kenya’s reasons for taking drastic diplomatic measures over the maritime dispute is because of perceived lack of courtesy and silent defiance of Kenya’s objections.

Indeed a constant maxim in state relations is that every state by nature of the international system, must pursue its own interest; using its finite resources to engage in self-help mechanisms that enable it to maximize its own benefits. Somalia is exactly rising up to fulfill this time enduring principle. By so doing, Somalia has come to the reality of meeting resistance when its national interests clash with those of other states, including more powerful states.

However, internally the Federal Government of Somalia continues to grapple with both security and political challenges. External actors, including Kenya, are in Somalia to assist the Somalia Government improve its security sector and strengthen state institutions to achieve sustainable peace and security. Moreover, the militant group Alshaabab is not yet vanquished and may seek to capitalize on such territorial conflicts to bolster their activities.

Yet a greater internal challenge is the relationship between the national government and regional states. Current elections are taking place in regional states with some disastrous violence experienced in South West state as Farmaajo seeks to assert his regime.<sup>xxi</sup> Here the challenge is that neighbouring states and even international powers have, in one way or another, been interested in Somalia elections. More specifically Kenya and Ethiopia have sought to influence elections in

Somalia regional states that border them. This is a security strategy by neighbouring states which ensures that they have a friendly regional government that would act as buffer against insecurity spill-over effects from Somalia. It is expected that Somalia Government will face resistance in areas like Jubaland where Kenya might seek to flex its muscles now that there is friction with Somalia Government.

Somalia appears to be expanding its networks and alliances in the region. Recently, Somalia has forged closer ties with the new leader of Ethiopia, Abiy Ahmed. Both are said to be among an emerging Horn of Africa alliance that comprises Djibouti, Eritrea and Sudan and excludes East Africa and North Africa states.. Seemingly such expanded networks give Somalia Government various options to seek assistance and alliances.

## Kenya

Following the recent diplomatic spat between Somalia and Kenya, internal politics in Kenya is pointing at the government's non-strategic foreign policy. In particular there are claims that the government of Kenya spends time and resources resolving conflicts in the neighbouring countries but is very weak when it comes to asserting its interests in these countries.<sup>xxii</sup> The argument is that "there seems to be an assumption that regional peace is sufficient as a motivation for Kenya's peace diplomacy"<sup>xxiii</sup> The implication is that the maritime dispute between Kenya and Somalia has generated domestic pressure on the Kenya Government especially on its conduct of foreign policy. It is expected that such pressure will largely inform Kenya's diplomatic engagements with Somalia and other states.

Moreover, Kenya is eyeing the wider Horn of Africa market and such diplomatic spat with Somalia might frustrate Kenya's economic interests in the region. In March 2019, President Uhuru Kenyatta led senior government officials and private sector leaders to attend the Kenya-Ethiopia Trade and Investment Forum in Addis Ababa. It emerged that Kenya is wooing Ethiopia into joining the East African Community in order to extend integration to the Horn of African countries. This follows what Kenya perceives as frustrations by East Africa Community (EAC) member states such as Tanzania which are seeking markets elsewhere.<sup>xxiv</sup>

Kenya appears not to favour the ICJ process although it has already acquiesced to the court process following the ruling that the case would go to full hearing at the ICJ. Kenya is inclined towards the UN Commission on Law of the Sea. One reason is that it has allocated contracts on the disputed maritime zone to companies associated with two members of the UN Security Council; the USA (Anadarko Company) and France (Total Oil). Influence in favour of Kenya is expected from this powers including Italy. In this dispute Kenya has isolated Britain, which now appears to have shifted its support to Somalia. Though an organ of the UN, Kenya views the Europe-based ICJ (Hague, Netherlands) as more susceptible to UK influence.

In case Kenya loses the disputed territory to Somalia, this will greatly disorganize its foreign policy and deal a blow to Kenya's growing tendency to expand its hegemonic influence into the Horn of Africa from East Africa Region. Internally there will be pressure from the public and politicians for Kenya to retaliate by pulling out of African Union Mission in Somalia (AMISOM). However, since Kenya benefits much through security cooperation and financing from the international community due to Kenya's role in Somalia, it may be dissuaded to take the route of withdrawing from AMISOM. Also expected will be increased nationalism among Kenyans against Somalis threatening the historical and cultural ties between the two countries. Potentially there will be calls to repatriate Somali refugees and place a restriction or even blockade on the movement of people, goods and services between the two countries. But perhaps more important is the fact that Kenya fears the domino effect; where other neighbouring states would seek to use the Somalia case in laying claim to maritime zones under Kenya's jurisdiction. Certainly the maritime case with Somalia has placed Kenya in a challenging situation; winning or losing the disputed territory has undesirable consequences for the country. One such case is Tanzania, where if Kenya wins, Tanzania may make claims to have their maritime border with Kenya redrawn thus making Kenya to lose the lucrative Kisite-Mpunguti Maritime National Park.<sup>xxv</sup>

Notably, Kenya is already engaged in diplomatic negotiations to solve the territorial dispute with Uganda over Migingo Island in the shared waters of Lake Victoria. Although the only war Kenya has fought with another state, though low key, is the *Shifita* or Northern District Frontier war supported by Somalia, over secessionist demands by Kenyans of Somali origin residing in the

Northern parts of Kenya bordering Somalia; the recent diplomatic tiff between the two countries would not possibly lead to a full blow interstate war.

However, Kenya might send signals of alliance with political groups in Somalia opposed to President Farmaajo's regime. In particular Kenya would use its own Kenyan-Somalia politicians and clans to influence politics in Somalia especially in Jubaland regional state that borders Kenya.

## **The Horn of Africa**

As alluded to in discussions above, Ethiopia is seeking to take its position as hegemony in the Horn of Africa. Its potential rival in this endeavor is Kenya, which is a hegemon in East Africa but seeking also to expand into Horn of Africa. Therefore, Ethiopia has capitalized on the diplomatic friction between Kenya and Somalia. Promptly, Ethiopia Prime Minister Abiy Ahmed engaged in separate negotiations with leaders of the two countries, which culminated into a summit diplomacy on 6<sup>th</sup> March, 2019 between Kenya's President Uhuru Kenyatta and President Mohamed Farmaajo of Somalia in Nairobi, where Ethiopia PM was the chair or moderator.<sup>xxvi</sup>

Ethiopia is indeed on the way to entrench itself as a hegemon in the Horn of Africa following a series of regional politico-economic activities recently. Notable is the Kenya-Ethiopia Trade and Investment Forum in Addis Ababa which was afterwards followed by similar talks between President Uhuru of Kenya, Ethiopian PM Abiy and Eritrean leader Isaias Afeworki.<sup>xxvii</sup>

Similar diplomatic engagements have been witnessed between Ethiopia and Somalia and recently Ethiopia and South Sudan. In March 2019, Somalia president was in Addis on an official visit to discuss key regional and bilateral issues of mutual interest.<sup>xxviii</sup> In a Communiqué from the meeting between Ethiopia PM Abiy and Somalia's President Farmaajo in Mogadishu on 18 June 2018, Ethiopia and Somalia agreed on a joint investment in four key Somali ports, and the construction of the main road networks and arteries that would link Somalia to mainland Ethiopia.<sup>xxix</sup>

Ethiopia has been leading peace-talks in South Sudan, and on 4 March, 2019 the leaders of Ethiopia and Eritrea held high-level talks with President Salva Kiir in Juba particularly on concerns relating to a flagging peace deal struck last year between President Kiir's government and rebels.<sup>xxx</sup>

Basically, Ethiopia is driving regional peace and security and economic integration in the Horn of Africa region, which if achieved, will automatically make Ethiopia a regional hegemon. In fact, Ethiopia's new administration has managed to vitiating the long-drawn sour relations between Ethiopia and Eritrea leading to progressive normalization of relations between the two states. Similarly, the maritime and recent heightened diplomatic dispute between Kenya and Somalia provides such an opportunity for Ethiopia to take regional leadership.

## **International Dynamics**

Certainly, though not yet overt, the maritime dispute between Somalia and Kenya is set to attract great power rivalry over potential rich natural resources in the Horn of Africa, a once volatile security complex that is now emerging as a relatively peaceful and stable region.

Notable global powers interested in the resources within the East Africa Indian ocean waters include the USA, Britain, France, Italy and Norway. These foreign states have been awarded oil and gas exploration contracts by either Somalia or Kenya.

To begin with, Britain is on the side of Somalia, possibly for two reasons. One, Britain-Kenya relations have not been excellent following the election of Uhuru Kenyatta who had a case at the International Criminal Court (ICC), an institution that Britain and other European Union states value. So Britain declared limited contact with Uhuru. For these reasons, the Government of Kenya under Uhuru moved to supplant traditional Britain interests in Kenya with mainly the USA and other foreign states. In response, the UK has moved to consolidate its economic interests in the region through Somalia. Second, Britain has had a longer relationship with Somalia in terms of oil explorations onshore and offshore running from the time of former Somalia President Siad Barre. For instance, British petroleum (BP) had oil exploration concessions in Somalia in the 1980s before exiting in 1991 when Somalia plunged into violence after the ousting of President Said Barre.<sup>xxxii</sup> In fact the argument is that sudden British interests in Somalia's peace and security was because the British Government wanted to secure oil exploration licenses awarded to several British exploration companies including British Petroleum BP and Asante Oil.<sup>xxxiii</sup>

Currently Britain is investing much in security and economy of Somalia due to the possibilities of oil discoveries in Somalia estimated to be in billions of barrels.<sup>xxxiii</sup> A noteworthy event was in February 2012 after the London conference on Somalia, where reports emerged that Britain was involved “in a secret high-stakes dash for oil in Somalia, with the government offering humanitarian aid and security assistance in the hope of a stake in the beleaguered country's future energy industry.”<sup>xxxiv</sup>

Another interesting foreign state whose strategies appear to drive Kenya and Somalia against each other is Norway, through its two oil exploration companies Statoil and Spectrum Geo. According to a publication by Oil Review Africa, Somalia in fact unveiled offshore blocks, maps and modern seismic images provided by Spectrum Geo, a Norwegian seismic services company which is said to have completed the acquisition and processing of 20,185 km of 2D long-offset seismic data.<sup>xxxv</sup> Coincidentally, in 2012, Kenya expelled Norwegian oil giant Statoil for failing to stick to the 3D seismic survey, which is a more accurate exploration tool compared to the 2D that Statoil preferred.<sup>xxxvi</sup> Indicatively, Norway is siding with Somalia. For instance, it is reported that the prospective bidders at the London Somalia Oil and Gas conference were from the United Kingdom and Norway, besides the fact that Somalia Prime Minister Hassan Ali Khayre is a citizen of Norway.<sup>xxxvii</sup>

The United States is expected to side with Kenya for reasons such as the two countries' alliance in the war against terrorism in the Horn of Africa and the fact that recently most American companies have been awarded contracts by the Kenyan Government including offshore oil and gas exploration in the Indian Ocean. United States has just concluded a vast wind-power energy plant in Kenya. British Tullow Oil, contracted in 2012 remains inland Kenya. In 2018 June 28, a USA-Kenya bilateral conference was organized in Nairobi by the US Chamber of Commerce where Kenyan President Uhuru Kenyatta and top government officials signed deals worth Sh10 billion (\$100 million) with a sixty-member American delegation led by the US Under-Secretary for Commerce, Gilbert Kaplan.<sup>xxxviii</sup> Barely a month later, Ray Washburne, President and CEO of the Overseas Private Investment Corporation (Opic), a US Government's development finance institutions, landed in Nairobi with a delegation to discuss more investment opportunities and visit America-funded projects.<sup>xxxix</sup> Apparently, USA's interests are driven by competition with China in Africa given the realization that East Africa offshore zones have potential oil discoveries.

One may read the USA sentiments in the Kenya-Somalia maritime dispute through pronouncements such as those of Washington-based think tank, the American Enterprise Institute (AEI). The AEI, which is said to have influence inside the Trump administration, has sided with Kenya in its maritime territorial dispute with Somalia.<sup>xi</sup> AEI resident scholar Michael Rubin appears to argue that Somalia government should not antagonize states that helping it improve security because “after decades of disaster, quick riches and short-term cash can come at a price too high to bear.”<sup>xli</sup> It could be argued that France will also seek to protect its interests; given that it’s multinational Total Oil was contracted by Kenya in the disputed maritime zone. Indeed, on 13<sup>th</sup> March, 2019 French President Emmanuel Macron visited Kenya, where expectedly the Total Oil exploration activities in the disputed maritime area were discussed. Same support for Kenya is expected of Italy, whose multinational Eni is involved in the oil exploration in the disputed maritime zone.

Taking the dispute a notch higher, both Somalia and Kenya have addressed the international community through their envoys at the UN, giving their position on the disputed maritime zone. In a note verbale dated 5<sup>th</sup> March, 2019, the Permanent Mission of the Federal Republic of Somalia to the United Nations informed that Kenya had been “making inaccurate statements to the international community about Somalia’s conduct in the disputed area between the two countries.”<sup>xlii</sup> On its part, Kenya has written to all Permanent Missions and Permanent Observer Missions to the UN advising them “to caution their companies against investing” in certain specific blocks in the disputed area, which Kenya claims “lie squarely within their maritime zones.”<sup>xliii</sup>

To these Western states, East and Horn of Africa vast possibilities of oil and gas discoveries provide a better option to the currently volatile Middle East oil producing zones.

## Way forward

The ruling by the ICJ notwithstanding, Kenya and Somalia need to focus more on cooperation to enhance the historical ties as well as economic and security interests for the mutual benefit of the two countries.

On its part Kenya needs to wake to the realization that Somalia is gradually asserting itself as a sovereign independent state, and the earlier Kenya and other states begin treating Somalia as a partner and not a weak state without a strong government, the better for diplomatic relations. Somali Government is no longer a passive victim of exploitation.

Definitely, Somalia still needs Kenya and other African states so as to achieve effective governance and sustainable peace and security. Somalia should not abandon intra-Africa relations in the quest for Western alliances based on nefarious interests in Somalia resources. It shall be a tragedy akin to that in South Sudan; if Somalia now ‘reborn,’ feels it does not need Kenya and Africa at this point when the usual global powers are looking at Somalia’s potential rich natural resources.

Indeed, as Somalia observed in their Note Verbale, the destiny and future of the people of the two countries are “indissolubly interconnected.”<sup>xliv</sup> This should be the guiding principle as Somalia and Kenya seek to resolve their maritime disputed through peaceful mechanisms.

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- <sup>i</sup> Amb. Macharia Kamau, Principle Secretary Ministry of Foreign Affairs, Kenya, twitter update @AmbMKamau, 17/02/2019, Time 15:54 P.M
- <sup>ii</sup> Simiyu V.G, “Kenya’s Entry into Somalia: Securing Lessons from History,” in Mwagiru M, (ed), Contemporary Security in Africa, *Journal of the National Defence College*, Kenya, *Special Issue on Somali*, Vol 3 Number 2 November, 2015, pp. 6-7
- <sup>iii</sup> “Kenya Summons Its Ambassador to the Federal Republic of Somalia and Instructs the Ambassador to somalia to Depart to Somalia for Consultations” Statement Issued by Amb. Macharia Kamau Principal Secretary Ministry of Foreign Affairs, Kenya, February, 16, 2019
- <sup>iv</sup> “Kenya Summons Its Ambassador to the Federal Republic of Somalia and Instructs the Ambassador to somalia to Depart to Somalia for Consultations” Statement Issued by Amb. Macharia Kamau Principal Secretary Ministry of Foreign Affairs, Kenya, February, 16, 2019
- <sup>v</sup> “Kenya Summons Its Ambassador to the Federal Republic of Somalia and Instructs the Ambassador to somalia to Depart to Somalia for Consultations” Statement Issued by Amb. Macharia Kamau Principal Secretary Ministry of Foreign Affairs, Kenya, February, 16, 2019
- <sup>vi</sup> “Kenya Summons Its Ambassador to the Federal Republic of Somalia and Instructs the Ambassador to somalia to Depart to Somalia for Consultations” Statement Issued by Amb. Macharia Kamau Principal Secretary Ministry of Foreign Affairs, Kenya, February, 16, 2019
- <sup>vii</sup> Federal Republic of Somalia, Ministry of Foreign Affairs and International Cooperation, *Note Verbale*, REF: MFA/FRS/OM/1090/19, 17 February, 2019
- <sup>viii</sup> Federal Republic of Somalia, Ministry of Foreign Affairs and International Cooperation, *Note Verbale*, REF: MFA/FRS/OM/1090/19, 17 February, 2019
- <sup>ix</sup> Federal Republic of Somalia, Ministry of Foreign Affairs and International Cooperation, *Note Verbale*, REF: MFA/FRS/OM/1090/19, 17 February, 2019
- <sup>x</sup> Vates Corp twitter @Vatescorp, Vates Corp is a Nairobi based consultancy that focuses on political and security risk in Sub-Sahara Africa February 2019
- <sup>xi</sup> See Blomfield Adrian twitter@adrianblomfield, February 2019, Blomfield is a Journalist who covers Africa for Daily Telegraph
- <sup>xii</sup> Malkhadir Muhumed, “Anxiety as Kenya mum on oil blocks row despite talks,” Standard Digital, 10th Mar 2019 <https://www.standardmedia.co.ke/article/2001315971/anxiety-as-kenya-mum-on-oil-blocks-row-despite-talks>
- <sup>xiii</sup> Oil Review Africa, “Somalia opens first offshore licensing round” 13 February 2019 <http://www.oilreviewafrica.com/exploration/exploration/somalia-opens-first-offshore-licensing-round>
- <sup>xiv</sup> Daily nation,
- <sup>xv</sup> See Blomfield Adrian twitter@adrianblomfield, February 2019, Blomfield is a Journalist who covers Africa for Daily Telegraph
- <sup>xvi</sup> Friederike Müller-Jung, “Kenya or Somalia: Who owns the sea and what lies beneath?” <https://www.dw.com/en/kenya-or-somalia-who-owns-the-sea-and-what-lies-beneath/a-19557277> (Accessed 07/03/2019)
- <sup>xvii</sup> See Blomfield Adrian twitter@adrianblomfield, February 2019, Blomfield is a Journalist who covers Africa for Daily Telegraph
- <sup>xviii</sup> Mutambo Aggrey, “Kenya loses round one in sea row case with Somalia” Nation Media, THURSDAY FEBRUARY 2 2017 (<https://www.nation.co.ke/news/Kenya-sea-row-case-Somalia/1056-3797642-ittkag/index.html> Accessed 07/03/2019)
- <sup>xix</sup> [Abdi Latif Dahir](#) “Kenya and Somalia are facing off in court over an oil-rich triangle of the Indian Ocean” September 19, 2016. <https://qz.com/africa/785326/a-maritime-border-case-between-kenya-and-somalia-has-began-at-the-international-court-of-justice-in-the-hague/> (Accessed 07/03/2019)

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- <sup>xx</sup> “The Federal Government of Somalia’s Position toward the UN SRSG: Reactions from Parties and Future Implications,” *Horn Institute for Peace and Development (HIPAD)*, FEBRUARY 9, 2019 (<http://hipad.net/the-federal-government-of-somalias-position-toward-the-un-srsg-reactions-from-parties-and-future-implications/> accessed 20/03/2019)
- <sup>xxi</sup> “The Federal Government of Somalia’s Position toward the UN SRSG: Reactions from Parties and Future Implications,” *Horn Institute for Peace and Development (HIPAD)*, FEBRUARY 9, 2019 (<http://hipad.net/the-federal-government-of-somalias-position-toward-the-un-srsg-reactions-from-parties-and-future-implications/> accessed 20/03/2019)
- <sup>xxii</sup> Interview with Morris Odhiambo, a leading civil society personality in Kenya; Odhiambo is also pursuing a PhD in international studies, 16 February, 2019
- <sup>xxiii</sup> Interview with Morris Odhiambo, a leading civil society personality in Kenya; Odhiambo is also pursuing a PhD in international studies, 16 February, 2019
- <sup>xxiv</sup> The East African, “Kenya eyes wider Horn of Africa market, starting with Ethiopia” Saturday, 9 march, 2019 <https://www.theeastafrican.co.ke/business/Kenya-eyes-wider-Horn-of-Africa-market/2560-5016952-3f92paz/index.html>
- <sup>xxv</sup> Donald B. kipkorir, “Our Maritime Dispute with Somalia, And Free Advice To Prof. Gitu Muigai, Our Attorney General,” Facebook, 19 September 2016, Nairobi (\*Kipkorir is senior lawyer in Kenya)
- <sup>xxvi</sup> The East African,( AFP) “Kenya, Somalia to ‘work towards peace’ in maritime border spat” 6 March, 2019
- <sup>xxvii</sup> The East African, “Kenya eyes wider Horn of Africa market, starting with Ethiopia” Saturday, 9 march, 2019 <https://www.theeastafrican.co.ke/business/Kenya-eyes-wider-Horn-of-Africa-market/2560-5016952-3f92paz/index.html>
- <sup>xxviii</sup> “Somali president in Addis Ababa for talks with Ethiopia PM,” African News, 5 march 2019 <https://www.africanews.com/2019/03/05/somali-president-visits-ethiopia-pm-for-bilateral-talks//>
- <sup>xxix</sup> Mutambo Aggrey, “Ethiopia seeks to legitimise port deals with Somalia.” Daily Nation, 16 June 2018 <https://www.nation.co.ke/news/africa/Ethiopia-Somalia-joint-port-deals/1066-4616104-e7g12uz/index.html>
- <sup>xxx</sup> Al Jazeera, Ethiopia, “Eritrea leaders visit S Sudan to discuss peace deal,” 4 March 2019 <https://www.aljazeera.com/news/2019/03/ethiopia-eritrea-leaders-visit-sudan-discuss-peace-deal-190304182657043.html>
- <sup>xxxi</sup> David Goldman, “British Strategic Interest in Somalia Oil, Intelligence on Exploration Licenses,” May 15, 2012 <https://intelligencebriefs.com/british-strategic-interest-in-somalia-oil-intelligence-on-exploration-licenses/>
- <sup>xxxii</sup> David Goldman, “British Strategic Interest in Somalia Oil, Intelligence on Exploration Licenses,” May 15, 2012 <https://intelligencebriefs.com/british-strategic-interest-in-somalia-oil-intelligence-on-exploration-licenses/>
- <sup>xxxiii</sup> David Goldman, “British Strategic Interest in Somalia Oil, Intelligence on Exploration Licenses,” May 15, 2012 <https://intelligencebriefs.com/british-strategic-interest-in-somalia-oil-intelligence-on-exploration-licenses/>
- <sup>xxxiv</sup> Mark Townsend and Tariq Abdinasir,(The observer) “Britain leads dash to explore for oil in war-torn Somalia,” *The Guardian*, 25 February, 2012 <https://www.theguardian.com/world/2012/feb/25/britain-oil-dash-somalia>
- <sup>xxxv</sup> Oil Review Africa, “Somalia opens first offshore licensing round” 13 February 2019 <http://www.oilreviewafrica.com/exploration/exploration/somalia-opens-first-offshore-licensing-round>
- <sup>xxxvi</sup> Rawlings Otini, “Kenya expels oil giant Statoil from exploration plan,” Daily Business, Monday, November 5, 2012 <https://www.businessdailyafrica.com/corporate/Kenya-expels-oil-giant-Statoil-from-exploration-plan-/539550-1612432-mt1s20z/index.html>

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<sup>xxxvii</sup> Kipchumba Some and Nyaboga Kiage, “Kenya recalls ambassador to Somalia, orders Somali envoy out” Saturday February 16 2019 <https://www.nation.co.ke/news/Kenya-recalls-envoy-to-Somalia/1056-4985464-ykxptsz/index.html>

<sup>xxxviii</sup> Business daily, “US steps up Kenya focus with fresh layer of investments” Sunday, JULY 29, 2018 <https://www.businessdailyafrica.com/datahub/US-steps-up-Kenya-focus-with-fresh-layer-of-investments/3815418-4687410-ahjwtoz/index.html>

<sup>xxxix</sup> Business daily, “US steps up Kenya focus with fresh layer of investments” Sunday, JULY 29, 2018 <https://www.businessdailyafrica.com/datahub/US-steps-up-Kenya-focus-with-fresh-layer-of-investments/3815418-4687410-ahjwtoz/index.html>

<sup>xi</sup> Kevin J. Kelley, “US think tank tells off Somalia in maritime row” Daily Nation, Sunday, march 10, 2019 <https://mobile.nation.co.ke/news/US-think-tank-tells-off-Somalia-in-maritime-row/1950946-5017226-qu3hccz/index.html>

<sup>xli</sup> Kevin J. Kelley, “US think tank tells off Somalia in maritime row” Daily Nation, Sunday, march 10, 2019 <https://mobile.nation.co.ke/news/US-think-tank-tells-off-Somalia-in-maritime-row/1950946-5017226-qu3hccz/index.html>

<sup>xlii</sup> Permanent Mission of the Federal Republic of Somalia to the United Nations, *Note Verbale*, No SOM/MSS/37/19, 5<sup>th</sup> March, 2019,

<sup>xliii</sup> Permanent Mission of the Republic of Kenya to the United Nations, *Note Verbale* No 214/19, 19<sup>th</sup> March, 2019

<sup>xliv</sup> Federal Republic of Somalia, Ministry of Foreign Affairs and International Cooperation, *Note Verbale*, REF: MFA/FRS/OM/1090/19, 17 February, 2019