Borderlines

ISSUE 15 • SPRING 2017

NEWSLETTER AND CALENDAR OF EVENTS

The Arctic Ocean

simplifying the claims

IBRU

The NEW 2017 Professional Training Workshop Programme

Updated and Simplified IBRU Arctic Map

Durham University

IBRU releases new Arctic map focusing on continental shelf claims and sea ice

IBRU's map of 'Maritime Jurisdiction and Boundaries in the Arctic Region' has been widely reprinted and adapted. Indeed, it is rare to find a map highlighting the legal status of the Arctic Ocean that is not at least partially derived from IBRU's original 2008 release or its subsequent revisions, writes Professor Phil Steinberg.

The popularity of IBRU's Arctic map has been accompanied by frequent misinterpretation, as was discussed in the Spring 2015 edition of Borderlines (Vol. 13).

Part of the problem stems from the complex information portrayed by the map: the intricate formula for determining the limits of outer continental shelf claims; the distinction between claims to sovereign rights and claims to sovereignty; the fact that an overlap in submissions to the Commission on the Limits of the Continental Shelf is normal and not indicative of impending conflict.

But part of the problem is also that the map presents a lot of information. In some contexts, the comprehensiveness of the map is a benefit. In other contexts, though, it can be a distraction. In the worst instances, it can lead to news organisations redrawing the map and presenting their misinterpretations of the Arctic Ocean's complicated legal geography as cartographic fact.

Following the cartographic adage that sometimes 'less is more', IBRU has recently produced a new Arctic map: 'Status of Arctic Waters beyond 200 Nautical Miles from Shore'. Focusing in particular on outer continental shelf claims, viewers familiar with the original Arctic map may be struck by what the new map omits. Although maritime boundaries and median/equidistance lines are still presented, territorial seas and exclusive economic zones (EEZs) on the new map are coloured a uniform light blue, directing attention away from them and toward the areas of continental shelf claims beyond the EEZs. Special zones within EEZs have also been eliminated from the map, as have the labels for the Northwest Passage and the Lomonosov Ridge.

Additionally, because this map is designed for a less technically-minded audience than the original Arctic map, lines whose main purpose was to reveal the methodology behind hypothetical or actual continental shelf claims have been deleted. Thus, on the new, simplified map, there are no depictions of straight baselines or the 350 nautical mile or 2,500 metre + 100 nautical mile continental shelf constraint lines.

We acknowledge that the new map presents less detail for the viewer proficient in the technicalities of the Law of the Sea. Yet it presents a cleaner and perhaps less confusing illustration of claims to the Arctic seabed for those who have a generalist's interest in this particular 'hot' topic.

Mapping sea ice loss

While the (largely unjustified) concerns about a 'scramble for the Arctic' that led to production of the original IBRU Arctic map are still present in the media, this has been joined by what may well be an even bigger 'Arctic story': the region's dramatic decline in summer sea ice extent. In the new map, the omission of some of the details behind the Arctic's legal geography has provided IBRU with an opportunity to portray some of these important changes in the region's cryosphere along with its depiction of the Arctic Ocean's political seascape.

IBRU's decision to add some indication of the extent of sea ice to the map, however, raised a new set of questions regarding what to include and what to exclude.

At its margins, sea ice cover is rarely uninterrupted and different standards exist for classifying when an area of ocean is ice covered and when it is open water. Although any definition of the point at which open water becomes sea ice is arbitrary, IBRU chose to apply the most common standard, the 15% threshold adopted by the United States National Snow and Ice Data Center.

But this still left us searching for a means for representing sea ice extent. Sea ice extent varies from month to month, so if our goal was to show ice cover in a given year we would ideally depict both that year's maximum (typically occurring in March) and its minimum (typically occurring in September). Furthermore, to illustrate the decline of sea ice these data would have to be supplemented with historic data to illustrate change over time. A comprehensive map of Arctic sea ice would soon become very cluttered.

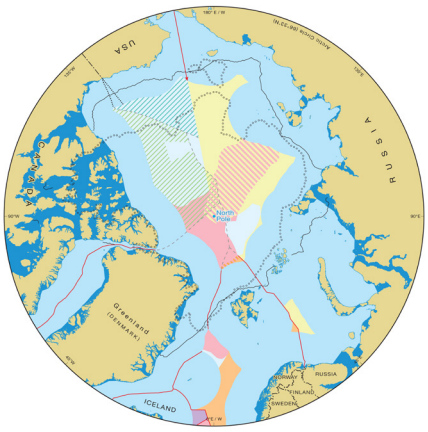
Further questions arose surrounding the identification of 'representative' data. Since sea ice extent is declining at an unprecedented rate, no data point can truly be 'representative'. Given that constraint, it was an open question whether it would be more reasonable to contrast the historic median with the record low to date (which occurred in September 2012) or data for the most recent year (September 2016).

In short, the map needed to include multiple series of sea ice data. However, our ability to do this was hindered not just by data availability and legibility, but also by the need to not crowd out the hypothetical and actual continental shelf claims that remain at the heart of the map.

In the end, working together with Durham University glaciologist Professor Chris Stokes and staff cartographer Chris Orton, IBRU chose to restrict its depiction of sea ice to two data series that refer to sea ice extent minima: the median September sea ice extent from 1981-2010 and the mean daily extent for the most recent year: September 2016.

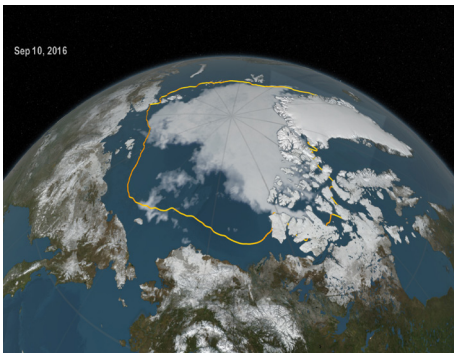
A map for nobody… or everybody

Like all maps, IBRU's 'Status of Arctic Waters beyond 200 Nautical Miles from Shore' map represents a compromise. It is neither a comprehensive depiction of the Arctic Ocean's legal geography nor an illustration of all the complexities and variabilities of sea ice extent and decline. For a technical elaboration of the Arctic Ocean's legal geography IBRU will continue to refer viewers to its original 'Maritime Jurisdiction and Boundaries in the Arctic Region' map, and we will continue to update both maps as new submissions are submitted to and reviewed by the Commission on the Limits of the Continental Shelf.



IBRU's new 'Status of Arctic Waters beyond 200 Nautical Miles from Shore', available at **www.durham.ac.uk/ibru/resources/arctic**

Notwithstanding these limitations, however, by placing the political geography of the Arctic in the context of sea ice extent, and, conversely, by depicting declining sea ice cover against the background of Arctic politics, the 'Status of Arctic Waters beyond 200 Nautical Miles from Shore' map provides an important new resource for those seeking to understand contemporary change in the Arctic region. We hope that, like the original IBRU Arctic map, this map will be widely reprinted and adapted to contribute to public education about law, public order, politics, and environmental change, in the Arctic and beyond.



The 2016 Arctic sea ice summertime minimum, reached on Sept. 10, is 911,000 square miles below the 1981-2010 average minimum sea ice extent, shown here as a gold line.
Source: NASA Goddard's Scientific Visualization Studio/C. Starr

FRONT COVER IMAGE: Sea ice swirls in ocean currents off the east coast of Greenland on Aug. 17, 2012, as seen by the MODIS instrument on board the Terra satellite. Greenland's ice sheet and outlet glaciers can also be seen at left. Source: NASA/Goddard Scientific Visualization Studio

ISA grant observer status to IBRU

At its annual assembly in July 2016, the International Seabed Authority (ISA) granted observer status to IBRU. The ISA was established by the United Nations Convention on the Law of the Sea to manage activities in areas of the seabed beyond national jurisdiction.

Research Fellow Marta Conde Puigmal represented IBRU at the ISA annual assembly. Key items covered at the assembly included discussion of the interim report from the ISA's periodic review (as mandated by Article 154 of UNCLOS), consideration of a number of proposals for amending membership in the ISA's Legal and Technical Commission, and election of Michael Lodge as Secretary-General.

IBRU is keenly interested in the governance of the international seabed, as a space whose presence beyond borders poses challenges and opportunities for a world that is typically understood as divided into bounded state territories. Funding proposals that are currently under review would permit IBRU to continue its seabed research and make further contributions to the practice of seabed governance.

ICE LAW Project

IBRU's Project on Indeterminate and Changing Environments: Law, the Anthropocene, and the World (the ICE LAW Project) has announced a series of workshops, community meetings, and conference panels for 2017.

Following up a successful workshop held in November 2016 by the Indigenous and Local Perspectives Subproject at Sand Point, Alaska to examine community involvement in Arctic search and rescue initiatives, the schedule for 2017 includes:

- 8 April 2017: The Law Subproject will hold a workshop on Laws and Regulations Currently Guiding Human Behaviour in Icy Environments, Rovaniemi, Finland
- 19-21 April 2017: The Mobilities and Migrations Subproject will hold a symposium on polar shipping and navigation, in collaboration with the Company of Master Mariners of Canada and the Nautical Institute, Halifax, Canada
- 11-12 May 2017: The Resources Subproject will hold a workshop on Anticipating Abundance: Economizing the Arctic, Durham, UK
- 12 May 2017: The Territory Subproject will hold a workshop in collaboration with the Amsterdam Centre for Contemporary European Studies, Amsterdam, Netherlands
- Spring 2017: The Indigenous and Local Perspectives Subproject will hold a community meeting on local fishing practices at Bugøynes, Norway
- 8-12 June 2017: The ICE LAW Project will sponsor a pair of sessions at the International Congress of Arctic Social Science, Umeå, Sweden
- 18-21 June 2017: The ICE LAW Project will sponsor a session at the Nordic Geographers Meeting, Stockholm, Sweden

Sea Ice from aboard the U.S. Coast Guard Cutter Healy supporting Geotraces mission to the Arctic. Source: PO2 Cory Mendenhall, DVIDS

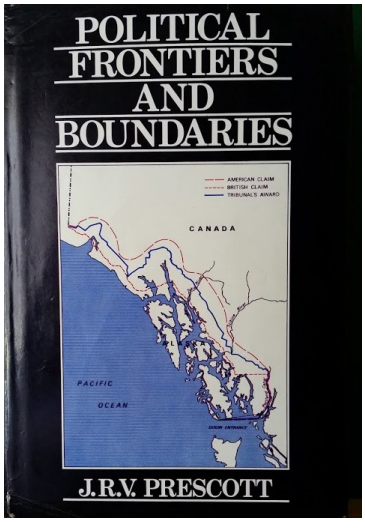
Information on each of these meetings can be found in the 'News' area of the ICE LAW project's website, **www.icelawproject.org**

J.R.V. Prescott published works

For over sixty years, J.R.V. (Victor) Prescott has been one of the leading lights in international boundary studies. His numerous books, including *The Geography of Frontiers and Boundaries* (1965), *The Political Geography of the Oceans* (1975), *The Maritime Political Boundaries of the World* (1985), and *Political Frontiers and Boundaries* (1987), have been widely reprinted and translated.

In addition to these and other volumes, he has authored countless book chapters, journal articles, news commentaries, and government reports as well as serving as an international advocate and practitioner of boundary studies.

In December 2016, his wife, Dorothy, provided IBRU with the definitive bibliography of Victor's works. We are honoured to host this bibliography, as well as a brief biography of Victor, also written by Dorothy, on the IBRU website. **www.durham.ac.uk/ibru/research/maps/prescott**



Review of training workshops in 2016

2016 was another successful year for IBRU professional training workshops.

IBRU workshops were held in Washington DC (in partnership with Foley Hoag LLP), Durham, UK and Dubai, UAE (in partnership with ANCORS, University of Wollongong). With themes including defining and delimiting the outer continental shelf, negotiating international boundaries and islands in maritime jurisdiction, our three workshops covered some of the world's most important boundary matters and welcomed the world's leading experts at tutors to our workshops.

IBRU Director Professor Phil Steinberg acknowledged the success of the workshop programme in 2016: "Our workshops are very highly regarded all over the world and we continue to offer high calibre training with our partners. 2016 was no exception and we would like to thank our partners and tutors for their contributions and look forward to more workshops in 2017."

Last year we welcomed participants from 28 countries to our workshops and they all left with new skills, knowledge and friendships. Participants find our workshops stimulating and after three days they come away with useful tools and ideas which they are able to apply to their own individual issues.

The professional training workshop programme for 2017 can be found in this edition of Borderlines or online **www.durham.ac.uk/ibru/workshops**

Boundaries in the news 2016

In January 2016, **Japan's** Prime Minister called for a summit with **Russia** to discuss sovereignty over the island chain known in Japan as the 'Northern Territories' and in Russia as the 'Southern Kurils' . The bilateral meeting to discuss negotiations took place in September 2016 with the Japanese Prime Minister calling for an end to the 'unnatural state of affairs'. No progress in the negotiations had been made by the end of 2016.

The foreign ministers of **Sudan** and **Egypt** held a joint press conference in January to address the countries' longstanding dispute over the Hala'ib Triangle, a 20,580 km area of the Red Sea that has been a contentious issue between the two countries since 1958, shortly after Sudan gained its independence from British-Egyptian rule in 1956. After Sudan announced it was renewing its complaint against Egypt early in 2016, in November they officially lodged a complaint against Egypt to the United Nations Security Council.

Belgium declared it had decided to hand over a parcel of cut off land on the Meuse River to **The Netherlands.** The exchange was finally settled in December 2016 with a ceremonial signing at the Royal Palace in Amsterdam.

February began with **Vietnam** raising concern over the location of a Chinese oil drilling platform. Vietnam claimed it was overlapping the area between the two continental shelves of Vietnam and **China's** Hainan Island, which has not yet been delimited.

China was involved in another maritime dispute in February, this time with **Japan** involving the Senkaku/Diaoyu islands which has been an escalating problem since 2010. Although Japan claims sovereignty over the islands, for several decades China has considered the islands to be crucial for their maritime strategy following reports of oil reserves in the area.

Also in February, the **Czech Republic** proposed that 52 hectares of forest be ceded to **Poland** as part of a 1958 settlement which found that the Czech government owed a 'land debt' to Poland.

Indonesia and **Timor-Leste** agreed in February to carry out a joint survey of border areas in the East Nusa Tenggara Province which are disputed between the two countries.

In March, **Guyana's** government announced it was preparing to defend the disputed Esequibo region with **Venezuela**. The region comprises almost 40 percent of Guyana's current territory and Venezuela's claim to the territory dates back to a dispute in the late 1800s with what was then British Guyana. Guyana has pressed for the involvement of the International Court of Justice (ICJ) to help solve the dispute but Venezuela wishes to arrange bilateral negotiations.

Timor Leste demanded that **Australia** enter into dialog over the disputed maritime border between the two countries. Timor Leste seeks to negotiate a formal marine border that provides Timor Leste with what it considers to be an equitable share of trans-border resources.

Indonesia and **Vietnam** agreed to accelerate efforts to find a solution to the maritime border dispute involving the Exclusive Economic Zone between both nations.

March saw The Permanent Court of Arbitration (PCA) suspend proceedings in the process of demarcation of the border between **Croatia** and **Slovenia**. A narrow stretch of water in the Piran Gulf is the focus of the dispute. The court stated the suspension was not permanent but will last until the arbitration panel considers the legal implications of Croatia's withdrawal from arbitration proceedings.

In April, the ICJ agreed to hear two maritime disputes between **Nicaragua** and **Colombia.** The court agreed it had jurisdiction to adjudicate on the failing of Colombia to comply with a 2012 ICJ order where Colombia's sovereignty over the San Andres and Providencia islands was affirmed and Nicaragua's maritime territory was expanded surround both islands. It will also hear a second case where Nicaragua asked for the court to draw the "precise course" of the continental shelf between the two countries.
There was further ICJ action when **Bolivia** filed suit against **Chile** over the Saibla River. Bolivia says it owns the Silala spring which rises in Bolivia but flows into Chile, and claims it is not being compensated by Chile for the use of its waters.

April saw **Uzbekistan** deploy troops to the unmarked area of Chalasart on the Kyrgyz-Uzbek border in retaliation for **Kyrgyzstan's** attempt to reclaim a disputed water reservoir. The majority of the twisting 1,314 kilometre-long Uzbek-Kyrgyz border remains undefined. The 58 unmarked segments of the border territories that remain have become a source of violent incidents.

In April, **Egypt** and **Saudi Arabia** agreed to settle a long-standing dispute by delimiting Saudi waters to include Tiran and Sanafir, in the Straits of Tirani. However in January 2017, after many protests, the transfer of the islands was halted by an Egyptian Court who ruled that Egyptian sovereignty over the islands could not be amended in favour of another state.

Lebanon requested the help of **France** in the mediation of its maritime border dispute with **Israel**.

India and **China** concluded the 19th round of talks to resolve their border dispute.

In May, the ICJ announced it would determine jurisdiction of Court in the **Kenya-Somalia** maritime boundary dispute. Preliminary objections raised by Kenya were heard by the court in September 2016. Somalia had filed a complaint with the ICJ in August 2014, asserting that Kenya wrongly claims a triangle of water of more than 100,000 square kilometres.

Negotiators were able to resolve a border management dispute that for four months had seriously impacted the flow of goods across the **Senegal-Gambia** border resulting in a 500km detour to avoid the blockade.

In July the PCA announced a unanimous decision in the South China Sea arbitration between the **Philippines** and **China.** The Arbitration Tribunal, constituted under Article VII of the United Nations Convention on the Law of the Sea, "concluded that there was no legal basis for China to claim historic rights to resources within the sea areas falling within the 'nine-dash line'." A visit in November by the president of the Philippines to Beijing resulted in a formal agreement to pursue bilateral talks on the South China Sea/West Philippines Sea dispute. During the visit, the two countries avoided making any reference to the PCA's ruling which nullified China's claim to the West Philippine Sea and which China refuses to recognise.

August saw negotiations underway to complete the demarcation of **Myanmar's** borders with **India** and **Thailand.**

November saw the lodging of a complaint against **Egypt** by **Sudan** to the United Nations Security Council over Egypt's refusal to discuss the disputed Hala'ib triangle. The Hala'ib triangle is a 20,580 km area on the Red Sea that has been a contentious issue between Egypt and Sudan since 1958, shortly after Sudan gained its independence from British-Egyptian rule in January 1956.

Guatemala agreed to hold a referendum to determine if the country should take its 200 year old territorial dispute with neighbouring **Belize** to the ICJ. In 2008, Belize and Guatemala agreed to submit their dispute to the ICJ, however the resulting agreement was never implemented as neither side could satisfy the requirement that their respective populations approve the agreement through simultaneous referenda in each state.

2017 TRAINING WORKSHOP PROGRAMME

IBRU's unique boundary training programme has been running since 1996, attracting over 1,500 participants from 121 countries around the world.

Our workshops are led by teams of expert tutors and provide a relevant combination of background theory and practical application in an informal teaching environment. Numbers are limited to maximise interaction between tutors and participants so we advise you book early to guarantee your place. There will be three unique workshops held in 2017, with IBRU working with partners around the world to deliver a compelling programme.

20-22 March 2017

Venue:
The Hague, Netherlands

Price
£1,800*

Preparing for Third Party Settlement of Boundary and Territorial Disputes

Although it is widely recognised that boundary disputes are best settled through negotiation, there are times when recourse to third party settlement also needs to be considered as an option. This workshop is designed to help governments and their legal advisors evaluate the benefits and disadvantages of third party adjudication, and to equip them with information and skills to ensure a successful outcome from the process.

Led by highly experienced international lawyers and boundary practitioners, the workshop will offer practical instruction on topics such as: choice of forum; assembling and assessing evidence; building and managing a team; presenting your case and rebutting your opponent's case. The workshop will also examine options for non-binding dispute resolution mechanisms such as mediation, conciliation and Track II diplomacy.

The workshop, organised in partnership with leading international law firm Eversheds, will be of value not only to countries currently involved in boundary litigation or arbitration but also to any country seeking to achieve a peaceful boundary settlement with its neighbours.

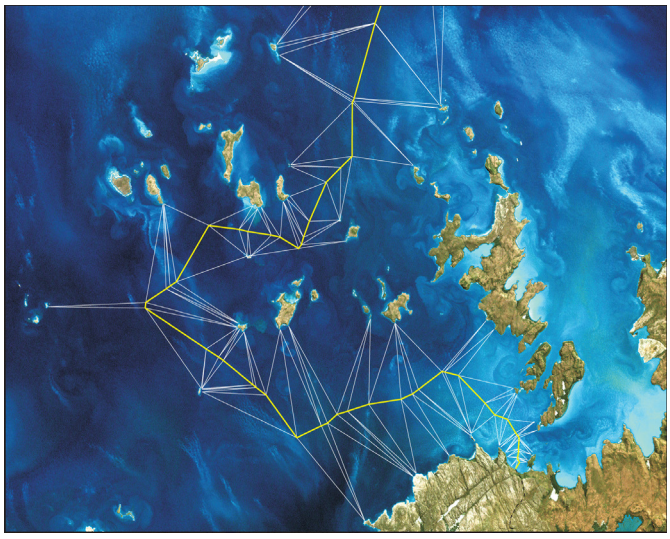
EVERSHEDS

26-28 June 2017

Venue:
London, UK

Price
£2,280* (£1,900 + VAT)

Maritime Boundary Delimitation



Clearly defined maritime boundaries are essential for good international relations and effective ocean management, yet few coastal states have agreed all their maritime boundaries with their neighbours. Part of the reason for this is that boundary delimitation requires a range of specialist legal and technical skills which are not always readily available to governments.

Combining lectures, discussions and practical exercises, IBRU's most popular workshop helps participants develop the skills needed to achieve an equitable division of maritime space and clearly defined maritime boundaries.

18-20 October 2017

Venue:
New York, USA

Hosted by Freshfields LLP

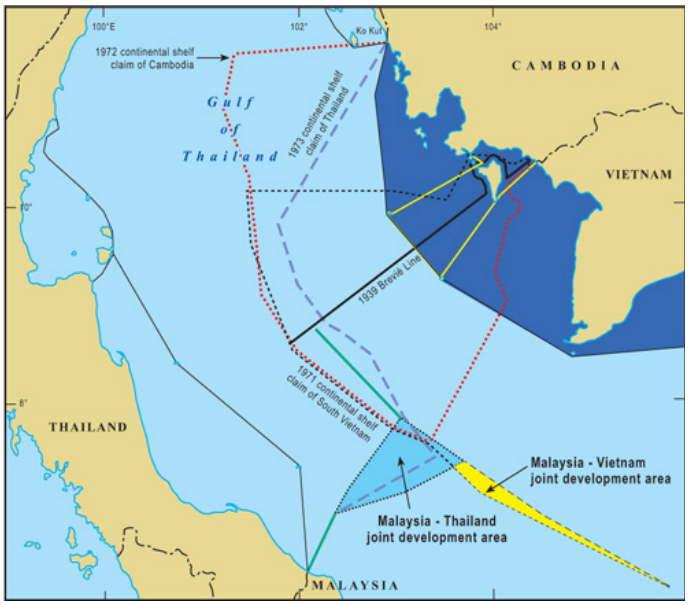
Price
£1,850*

International Boundaries & Transboundary Resources

Many of the world's international boundaries run through areas rich in natural resources, for which there is ever-increasing competition. Most states agree in principle that transboundary resources should be shared in an equitable manner and managed as efficiently as possible. However, in practice it is often very difficult to establish effective regimes that achieve these goals.

Led by a team of expert tutors, this innovative workshop will identify strategies and tools for the effective management of transboundary resources on land and at sea.

We are delighted to be partnering with Freshfields LLP on this workshop. Freshfields will also host this workshop at their offices in New York.



Freshfields Bruckhaus Deringer

To make an enquiry about our workshops, please contact the IBRU Events Team

Tel: +44 (0)191 334 1965 Email: ibru-events@durham.ac.uk
Find out more and book online at www.durham.ac.uk/ibru/workshops

*price does NOT include accommodation

IBRU

Borderlines is the newsletter of IBRU, the Centre for Borders Research at Durham University. It has a readership of more than 3,500 boundary scholars, practitioners and enthusiasts around the world.

Since its founding as the International Boundaries Research Unit in 1989, IBRU has been the world's leading research centre on international boundary making and dispute resolution. Today, IBRU brings together work in international boundary law with the geographic study of borders and bordering in the 21st century.

For more information about IBRU visit our website at **www.durham.ac.uk/ibru**

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