

Training Workshop Programme 2019

# Islands in Maritime Boundary Delimitation

20–22 November 2019, Singapore



The treatment of islands and low-tide elevations in defining maritime limits and boundaries is often a source of serious disagreement between States.

This workshop provides a unique in-depth exploration of the legal framework, State practice and international jurisprudence on islands.



Freshfields Bruckhaus Deringer

## INTRODUCTION

Islands are capable of having a significant impact on maritime claims. This is because an island is in principle entitled to a territorial sea, exclusive economic zone and continental shelf in the same manner as other land territory. Islands can therefore be at the centre of disputes between States over the delimitation of maritime boundaries. Several issues have become increasingly significant in recent years, including the distinction between islands and rocks for the purposes of Article 121 of the United Nations Convention on the Law of the Sea, the role of islands in the construction of baselines, the significance of artificial “islands” and modifications to high-tide features, as well as the disappearance of existing islands due to rising sea levels.

Facilitated by a team of expert tutors, the workshop will provide a unique in-depth exploration of the legal framework, State practice and international jurisprudence on islands, offering practical advice for policy-making, negotiations and successfully managing and resolving inter-State disputes.

IBRU are delighted to be partnering with Freshfields Bruckhaus Deringer LLP for this workshop.

### Who should attend?

- Diplomats
- Legal advisers
- Researchers and Consultants
- Energy Officials
- Technical Experts
- Ocean surveyors
- Marine scientists
- Geopolitical analysts

## TUTORS



**Ms Shirin Chua, Associate, Freshfields Bruckhaus Deringer**, practices in international investment arbitration, public international law and international commercial arbitration. She represents States and corporations before various international tribunals, and advises on the application of investment protection treaties, the public international law aspects of commercial contracts, and various aspects of public international law including the law of the sea and international human rights law. Prior to joining Freshfields, Shirin worked in the Attorney-General's Chambers of Singapore, where she provided legal advice on various aspects of international law to the Government of Singapore, represented Singapore at bilateral negotiations, and participated as a member of Singapore's legal team in an inter-State arbitration. She also previously served as a law clerk to the Chief Justice and the Judges of the Supreme Court of Singapore.



**Ms Daphne Hong, Director-General of the International Affairs Division (IAD) of the Attorney-General's Chambers, Singapore**, started her legal career as a judicial officer in the Singapore Judiciary, first in the State Courts before joining the Supreme Court as Senior Assistant Registrar and moving to IAD in November 2006. Daphne was attached to Singapore's Permanent Mission to the United Nations in New York as its legal advisor in 2009. From 2010 to 2015, her focus was on international economic law, encompassing trade and investment law and international intellectual property law. Daphne was appointed as Director-General of IAD in August 2016. In this role, she is the Legal Adviser of Singapore and heads the legal department that advises the government on all international law matters and represents Singapore in international negotiations and dispute resolution. The most recent international disputes she was involved in are the applications to the ICJ for the revision and interpretation of its 2008 judgment with regard to the sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge. She is also leading the legal team for the negotiations over Singapore's maritime boundaries.



**Dr Ben Juratowitch QC, Partner, Freshfields Bruckhaus Deringer**, is the head of Freshfields' public international law practice. He has been counsel in a broad range of cases before the International Court of Justice, the International Tribunal for the Law of the Sea, the European Court of Human Rights and international arbitral tribunals. He has extensive experience advising on and acting in cases involving sovereignty over islands, the law of the sea, delimitation of boundaries on land and at sea, and arrangements to share infrastructure or natural resources that straddle boundaries or are in disputed areas. He teaches an annual course of seminars on international dispute settlement at the University of Paris Descartes and has been a visiting fellow in the Faculty of Law at the London School of Economics.



**Ms Youna Lyons, Senior Research Fellow with the Ocean Law and Policy Programme of the Centre for International Law (CIL), National University of Singapore (NUS)**, has dual expertise in law and marine sciences. This uniquely positions Youna to integrate these fields for marine policy-making purposes and has led her to spearhead and coordinate several multidisciplinary research projects at CIL. These include the prospects for re-use of obsolete offshore installations as artificial reefs in Southeast Asia, sensitivity mapping for Singapore in the context of oil spill preparedness and response, and the mapping of shallow features in the South China Sea. Youna has spent the last 11 years of her career in Asia and is, in parallel, completing a PhD with the Australian National Centre for Ocean Resources and Security (ANCORS) at the University of Wollongong. She was trained in oceanography at the University of Washington (2004-2008). Her legal qualifications are two bachelor's degrees in procedural and international law, an LLM in international law from University Paris I Pantheon-Sorbonne and entry to the Paris Bar obtained in 1992.



**Dr Daniel Müller, Senior Associate, Freshfields Bruckhaus Deringer**, has been working in international law and international dispute settlement for over fifteen years. He has represented and assisted a great number of States before international courts and tribunals, in particular before the International Court of Justice, the International Tribunal for the Law of the Sea, and ad hoc arbitral tribunals. He has worked on numerous disputes involving the delimitation of land and maritime boundaries and sovereignty over territory and islands. Daniel advises on the full range of public international law, including the law of treaties, the law of the sea, State succession, human rights law, State responsibility and dispute settlement. Daniel teaches public international law and European Union law at the Université Paris Nanterre.



**Professor Martin Pratt, Director, Bordermap Consulting**, is an internationally-respected expert in boundary-making, border management and territorial dispute resolution, with over twenty years' experience working with governments, international organisations, businesses, scholars and practitioners around the world to resolve and prevent boundary-related conflict. He has extensive practical experience in maritime boundary negotiations and third-party adjudication of boundary and sovereignty disputes. Martin worked at IBRU from 1994-2015, leading the Centre's consultancy and professional training programmes for over a decade, and he remains an Honorary Professor in Geography at Durham University.



**Mr Tan Soo Tet, Deputy Senior State Counsel with the International Affairs Division (IAD) of the Attorney-General's Chambers (AGC) of Singapore**, advises and represents the Singapore Government on a wide range of public international law issues, in particular, maritime boundary delimitation and the law of the sea. He was part of the Singapore legal team dealing with the applications to the ICJ for the revision and interpretation of its 2008 judgment with regard to the sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge. He was also the lead counsel for the negotiations between Singapore and the Eurasian Economic Union on a free trade agreement. Prior to joining the IAD in 2017, Soo Tet practised as a Deputy Public Prosecutor with the Crime Division of the AGC, where he specialised in prosecuting serious sexual crime and domestic worker abuse cases, including before the Singapore High Court and Court of Appeal.

# PROGRAMME

|                          |           |  |
|--------------------------|-----------|--|
| Wednesday<br>20 November | 0830-0900 | <b>Registration</b>  |
|                          | 0900-0915 | <b>Welcome</b>   |
|                          | 0915-1000 | <b>Introduction: Islands and UNCLOS with Professor Tommy Koh,</b><br><i>Ambassador-at-Large, Ministry of Foreign Affairs of Singapore, President of the Third UN Conference on the Law of the Sea</i>  |
|                          | 1000-1030 | <i>Refreshments</i>  |
|                          | 1030-1130 | <b>Defining and distinguishing islands</b> <ul style="list-style-type: none"> <li>• Requirements for insular status (Article 121 UNCLOS)</li> <li>• Distinguishing between islands, rocks and low-tide elevations</li> <li>• “Artificial” islands and modifications to high-tide features</li> <li>• Entitlement to maritime zones of islands, rocks, low-tide elevations</li> </ul>   |
|                          | 1130-1230 | <b>Sovereignty over islands and low-tide elevations</b> <ul style="list-style-type: none"> <li>• Types of island sovereignty dispute</li> <li>• Demonstrating title over disputed islands</li> <li>• Case studies</li> </ul>   |
|                          | 1230-1330 | <i>Lunch</i>   |
|                          | 1330-1430 | <b>Baselines and islands</b> <ul style="list-style-type: none"> <li>• Islands, reefs and identifying the seaward and low-water line</li> <li>• Low-tide elevations and baselines</li> <li>• Islands and straight/archipelagic baselines</li> <li>• Practical application of the rules</li> </ul>   |
|                          | 1430-1500 | <i>Refreshments</i>  |
|                          | 1500-1600 | <b>Mapping insular features in the South China Sea through satellite imagery</b> <ul style="list-style-type: none"> <li>• Presentation on the National University of Singapore’s pluri-disciplinary research project developing satellite image-based mapping of all visible insular geographic features in the South China Sea, including natural and man made features, description of their geographic characteristics, natural coastal and marine habitats and land cover</li> </ul> |
|                          | 1700-1900 | <i>Reception hosted by Freshfields Bruckhaus Deringer</i>  |
| Thursday<br>21 November  | 0900-1000 | <b>The law of maritime delimitation: overview</b> <ul style="list-style-type: none"> <li>• Delimitation principles in international conventions: territorial sea, EEZ, continental shelf</li> <li>• The role of jurisprudence</li> <li>• The evolution of the three-stage approach</li> </ul>  |
|                          | 1000-1100 | <b>Islands, rocks and low-tide elevations in maritime delimitation: part 1</b> <ul style="list-style-type: none"> <li>• Islands and the provisional equidistance line</li> <li>• Islands and special circumstances</li> </ul>  |
|                          | 1100-1130 | <i>Refreshments</i>  |
|                          | 1130-1230 | <b>Islands, rocks and low-tide elevations in maritime delimitation: part 2</b> <ul style="list-style-type: none"> <li>• Examples from case law</li> <li>• Examples from State practice</li> </ul>  |
|                          | 1230-1330 | <i>Lunch</i>   |
|                          | 1330-1700 | <b>Practical exercise</b><br>Working in teams, participants will seek to negotiate an equitable and technically robust maritime boundary in an island-rich setting.  |
|                          | Evening   | <i>Workshop dinner</i>   |
| Friday<br>22 November    | 0900-1015 | <b>Technical considerations in defining islands and maritime delimitation</b> <ul style="list-style-type: none"> <li>• Defining limits and boundaries on the surface of the earth</li> <li>• Constructing limits and boundaries</li> <li>• Locating baselines and insular features: charts, imagery and field surveys</li> </ul>   |
|                          | 1015-1115 | <b>Changes in islands and maritime delimitation</b> <ul style="list-style-type: none"> <li>• Artificial islands, installations and structures</li> <li>• Newly formed islands and disappearance of islands</li> <li>• Implications for baselines, maritime limits and boundary delimitation</li> </ul>   |
|                          | 1115-1145 | <i>Refreshments</i>  |
|                          | 1145-1230 | <b>Round-table panel discussion</b><br>Likely topics include: <ul style="list-style-type: none"> <li>• Implications of the South China Sea Award for maritime jurisdiction</li> <li>• What is an “appropriate basepoint” in maritime delimitation?</li> <li>• Managing maritime space pending settlement of disputes relating to islands</li> </ul>  |
|                          | 1230-1300 | <i>Closing discussion and wrap-up</i>  |

IBRU reserves the right to modify the programme and tutors as necessary without prior notice to participants

Cover Image: Landsat 8 image courtesy of the U.S. Geological Survey. Islands off the coast of the United Arab Emirates.

## Our partners

Freshfields Bruckhaus Deringer LLP is a global law firm with offices throughout Asia, Europe, the Middle-East, and North America. Freshfields act as counsel for and advise States, corporations, international organisations, individuals and non-governmental organisations across the full spectrum of public international law. They act as counsel in cases before all major international courts and tribunals, including the International Court of Justice, the International Tribunal for the Law of the Sea, and arbitral tribunals. Freshfields is widely recognised as having one of the world's leading public international law practices.

Freshfields have handled many high-profile cases including the following recent ones: for Chile before the International Court of Justice in a case brought by Bolivia claiming that Chile is under an obligation to negotiate with it concerning granting it sovereign access to the Pacific Ocean; for Italy in a dispute with India under the United Nations Convention on the Law of the Sea concerning jurisdiction over two Italian marines; for Belize in advisory proceedings before the International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965; for Slovenia before the European Court of Human Rights in relation to the treatment by Croatian authorities of a State-owned Slovenian bank, in one of the Court's few inter-State cases.

For more information about Freshfields visit their website at [www.freshfields.com](http://www.freshfields.com).



## Workshop Venue

Workshop teaching is based at **Maxwell Chambers in Singapore**.

The workshop will take place at this venue throughout the 3 days. You are expected to make your own way to the venue for the start of the workshop each day.

### Address:

32 Maxwell Rd, #03-01, Singapore 069115

<https://www.maxwellchambers.com>



## What will it cost?

The cost of the workshop is **£1,900** per participant. We regret that payment can only be accepted in GBP sterling and we are able to accept payment by most major credit and debit cards.

Full payment **MUST** be received prior to the workshop to guarantee the booking. If full payment is not received before the deadline date of 1 November 2019, any provisional places booked will be removed. Bookings made after 1 November 2019 will only be guaranteed with payment in full and if places are still available.

In addition to tuition and all course materials, the fees cover the following:

- Lunch and refreshment breaks on 20-22 November
- Drinks reception hosted by Freshfields on 20 November
- Evening dinner on 21 November

## How to book

Places are limited and early booking is highly recommended:

- 1 Contact the IBRU Events Team or complete the online booking form at [www.durham.ac.uk/ibru/workshops/booking](http://www.durham.ac.uk/ibru/workshops/booking)
- 2 Acknowledgement of the provisional booking will be sent by email with information on how to pay.
- 3 If payment is not received by the deadline specified, the reserved place will be cancelled and your booking removed to a waiting list.

Your place will only be confirmed when payment is received and if a place is still available.

## Additional information

### Accommodation

Accommodation is not included in the workshop fee and participants are required to book their own accommodation in Singapore at a venue of their choice. We strongly recommend that your accommodation is within easy access of the public transport system in order to travel with greater ease to the workshop venue.

We have agreed a preferential rate for rooms with the **Six Senses Maxwell Hotel** which is a 5 minute walk from the workshop venue.

<https://www.sixsenses.com/en/hotels/maxwell>

- Merchant Room (SGD 260++) and Merchant Deluxe Room (SGD 310++) per room per night
- Rate is valid until Friday, 18 October 2019. The rooms are subject to availability upon confirmation

After this date the best available rate at the time of booking will be applicable.

To book your rooms at this preferential rate, please email Daryl Chung (Mr) at [daryl.chung@sixsenses.com](mailto:daryl.chung@sixsenses.com) and quote the name of the workshop, "Islands and Maritime Boundary Delimitation".

### Travel

You are expected to organise your own travel arrangements to Singapore. Please be aware that if you require a visa to visit Singapore you will be required to apply for your own visa for entry in to the country. Please allow enough time for your visa to be processed before the start of the workshop. A letter on invitation can be provided to support your visa application.

### Language

Teaching and workshop materials will be in English. We regret that we are unable to provide translation or interpreting services.

### Cancellations

Cancellations must be received in writing not later than the 1 November 2019 and will be subject to a £250 cancellation fee, unless a substitute participant is offered. After this date the full registration fee will be charged for all cancellations.

### Programme Changes

IBRU reserves the right to modify the programme as necessary without notice to participants.

## Contact Information

If you have any questions about the workshop please contact the IBRU Events Team.

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