

Training Workshop Programme 2017

# International Boundaries & Transboundary Resources

18–20 October 2017 New York, USA



Control over natural resources is an issue that underlies many unresolved inter-State boundary disputes. This workshop will help to identify strategies and tools for the effective management of transboundary resources on land and at sea.



Freshfields Bruckhaus Deringer

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## INTRODUCTION

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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.

Control over natural resources is also an issue that underlies many unresolved inter-State disputes concerning sovereignty over territory, maritime areas associated with that territory, and international boundaries on land and at sea.

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. This will cover issues arising between States, and issues arising between States and companies wishing to exploit resources in both delimited and undelimited areas. This workshop will also address inter-State disputes affecting areas where there are, or are thought to be, hydrocarbons or other natural resources. In particular, it will address recent developments arising from attempts to resolve such disputes by negotiation, conciliation, arbitration and litigation.

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

### Who should attend?

- Diplomats
- Government legal advisers
- Energy officials
- Boundary commissioners
- Exploration & production managers
- Borderland planners & managers
- Water policy officials
- Fisheries managers
- Researchers and consultants

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## TUTORS

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**Mr Vladimir Jares, Deputy Director, Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs of the United Nations Secretariat**, has worked for the United Nations Secretariat since December 1992. He has dealt with a number of issues concerning ocean affairs and the law of the sea, including those related to the implementation of the United Nations Convention on the Law of the Sea, maritime spaces, maritime boundary delimitation as well as certain depositary functions of the Secretary-General of the United Nations. He has been a member of the team which provides services to the Commission on the Limits of the Continental Shelf and, currently, he is the CLCS Secretary.



**Dr Ben Juratowitch QC, Partner, Freshfields Bruckhaus Deringer**, is the global head of Freshfields' public international law practice. He represents clients before international courts and tribunals in disputes between states and in disputes between foreign investors and states. He has been counsel for a broad range of states, corporations, international organisations and individuals 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 in the energy and natural resources sector, in particular advising States and corporations on issues concerning trans-boundary resources. 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.



**Mr Gavin MacLaren, Partner, Freshfields Bruckhaus Deringer**, leads the Asia-Pacific energy and natural resources practice and is a partner in Freshfields' Singapore office. He acts for multi-national corporations, governments, international organisations and financial institutions across Asia-Pacific. He is particularly sought after for his abilities in structuring and negotiating complex cross-border mergers and acquisitions, joint ventures and project developments. Gavin also provides public international law advice to governments and energy companies in connection with overlapping international boundary claims.



**Ms Alexandra van der Meulen, Associate, Freshfields Bruckhaus Deringer**, is a member of our international arbitration and public international law practices. She specialises in investment arbitration, public international law and international commercial arbitration, and represents states and corporations before international arbitral tribunals and the International Court of Justice. Alexandra advises on a range of international law issues, including international commercial disputes, the application of investment protection treaties, land and maritime boundaries, sovereignty over territory, treaty drafting and interpretation, and international human rights law. Prior to joining the firm, Alexandra worked in the legal department of the International Monetary Fund. She also worked for the United Nations in New York and Jordan.



**Dr Daniel Müller, Associate, Freshfields Bruckhaus Deringer**, practises in public international law and international arbitration. He represents States, corporations and individuals before international courts and tribunals, including the International Court of Justice, the International Tribunal for the Law of the Sea and arbitral tribunals. Daniel provides advice on sovereignty over territory, on land and maritime boundaries, on the law of treaties, on the law of the sea, on State succession, on State responsibility, and on the application of investment protection treaties. Prior to joining Freshfields, Daniel worked as a consultant for a variety of States. 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 Will Thomas, Partner, Freshfields Bruckhaus Deringer**, specialises in public international law and international arbitration. He has represented parties before both the International Court of Justice and the Iran-US Claims Tribunal, as well as acting in numerous institutional and ad hoc arbitral proceedings. Will has extensive experience in the energy and projects sectors, with a focus on disputes in the Middle East, the Far East and Africa. His clients include States, State entities and private multinational companies. Beyond his private practice, Will also lectures at Sciences Po, Paris and King's College, London University, including in particular on international boundary and sovereignty disputes.

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# PROGRAMME

Wednesday 18 October	0830-0900	<b>Registration</b>
	0900-0915	<b>Welcome</b>
	0915-1030	<b>Introduction: International boundaries &amp; transboundary resources</b> <ul style="list-style-type: none"> <li>• Transboundary resources: a global survey</li> <li>• Conflicts over transboundary resources</li> <li>• The need for effective management</li> </ul>
	1030-1100	<i>Refreshments</i>
	1100-1230	<b>Options for resolving boundary disputes impacting on transboundary resources</b> <ul style="list-style-type: none"> <li>• Negotiation / mediation / conciliation</li> <li>• Third party dispute resolution: international litigation and arbitration</li> </ul>
	1230-1330	<i>Lunch</i>
	1330-1500	<b>The role of the United Nations in supporting effective maritime delimitation &amp; ocean governance</b>
	1500-1530	<i>Refreshments</i>
	1530-1700	<b>Relevant legal principles for resolving boundary disputes</b> <ul style="list-style-type: none"> <li>• Maritime boundary disputes</li> <li>• Territorial and sovereignty disputes</li> </ul>
1715-1900	<i>Reception hosted by Freshfields</i>	

Thursday 19 October	0900-1030	<b>Legal principles of transboundary petroleum resource management</b> <ul style="list-style-type: none"> <li>• 'Disputed-border deposits' v 'Cross-border deposits'</li> <li>• Comparing Joint Development Agreements and Unitization Agreements</li> <li>• When is there an obligation to cooperate?</li> <li>• The 'rule of capture'</li> </ul>
	1030-1100	<i>Refreshments</i>
	1100-1230	<b>A case study: lessons from managing transboundary energy resources in Southeast Asia</b>
	1230-1330	<i>Lunch</i>
	1330-1430	<b>The role of the private sector in transboundary resource exploitation and management</b>
	1430-1500	<i>Refreshments</i>
	1500-1700	<b>Practical exercise</b>
	Evening	<i>Workshop dinner</i>

Friday 20 October	0900-1030	<b>Transboundary water resource management</b> <ul style="list-style-type: none"> <li>• Issues and challenges in managing transboundary waters and international rivers</li> <li>• Legal frameworks for transboundary water management</li> <li>• Evaluating optimal and equitable allocations</li> <li>• Case studies</li> </ul>
	1030-1100	<i>Refreshments</i>
	1100-1230	<b>Regimes for transboundary resource management: the role &amp; value of mixed commissions</b> <ul style="list-style-type: none"> <li>• Boundary commissions</li> <li>• Transboundary energy commissions</li> <li>• Transboundary water commissions</li> <li>• Transboundary environmental commissions</li> </ul>
	1230-1300	<i>Closing discussion and wrap-up</i>

**Cover Image:** Laos fishing boats on the Mekong River, the transboundary river between Laos and Thailand. Source: DEZALB

## The venue

Freshfields Bruckhaus Deringer LLP (Freshfields) is a global law firm with offices throughout Europe, the Middle-East, Asia, and Central North America. It is widely recognised as one of the world's leading international arbitration practices across key jurisdictions and industry sectors.

The Freshfields International Arbitration team has handled many high-profile cases including: Representing 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; Representing Italy in a dispute with India under the United Nations Convention on the Law of the Sea concerning jurisdiction over two Italian marines; Representing the Government of Kenya in an arbitration governed by Kenyan law concerning the withdrawal of a licence to exploit geothermal energy; Representing a Middle Eastern energy company in ICC arbitration proceedings concerning a price revision dispute under a gas pipeline supply agreement.

The firm's New York office is conveniently located in the Midtown East district of New York just off Lexington Avenue. For more information about Freshfields US LLP visit their website at [www.freshfields.com](http://www.freshfields.com).

### Workshop Venue:

**The Offices of Freshfields Bruckhaus Deringer US LLP  
601 Lexington Ave, 31st Floor, New York, NY 10022, USA**



## What will it cost?

The cost of the workshop is **£1,850** per participant.

We regret that payment can only be accepted in GBP sterling, however, 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 October 2017, any provisional places booked will be removed.

Bookings made after 1 October 2017 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 18, 19 and 20 October
- Drinks reception on the evening of Wednesday 18 October
- Workshop dinner on the evening Thursday 19 October

## 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 New York 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.

### Travel

You are expected to organise your own travel arrangements to New York. Please be aware that if you are not a US citizen you **will require a VISA to enter the United States of America** and 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 applying for the workshop.

### 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 **1 October 2017** and will be subject to a £150 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.

### The Venue

The Freshfields offices can be located at the following address :  
**601 Lexington Ave, New York, NY 10022, USA**

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.

## Contact Information

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

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