

Negotiating International Boundaries

Monday 7 – Wednesday 9 April 2008



Tutors:

- David Anderson, former Legal Advisor, UK Foreign and Commonwealth Office and Judge, International Tribunal for the Law of the Sea
- John Brown, Law of the Sea Officer, United Kingdom Hydrographic Office
- Chris Carleton, Head of the Law of the Sea Division, United Kingdom Hydrographic Office
- Martin Pratt, Director of Research, International Boundaries Research Unit
- Derek C Smith, Partner, Dewey & LeBoeuf LLP

Introduction

Few things, if any, are more important to a state than its territory and sovereign rights. It is therefore vital for anyone involved in negotiating the boundaries of the state to be as well prepared as possible. This workshop, led by some of the world's most experienced boundary negotiators, is designed to equip participants with the knowledge and skills required to conclude a successful boundary agreement.

The course will include practical instruction on building and preparing a negotiating team, negotiation strategy and tactics, and drafting an agreement. It will also offer sessions examining the legal principles of territorial negotiations, the role of the technical expert in negotiations, and options for boundary settlement when negotiations break down. Day two of the workshop will take the form of a boundary negotiation exercise in which participants will work in teams to resolve a boundary dispute based on a real-world scenario.



Who should attend?

The workshop will be of particular value to:

- Diplomats
- Legal advisers
- Technical experts
- Border managers
- Military liaison officers
- Transboundary resource managers
- Consultants
- Archive researchers
- Negotiation support staff

Tutors



David Anderson is a former Second Legal Adviser to the Foreign and Commonwealth Office and Judge of the International Tribunal on the Law of the Sea (1996-2005). He attended the Third UN Conference on the Law of the Sea. He has negotiated over a dozen maritime boundary treaties in several different seas and oceans, including the Caribbean and Indian Ocean, the Pacific and the North Atlantic. David Anderson is also a Visiting Professor in the Law Department at Durham University. He has contributed to the American Society of International Law's study *International Maritime Boundaries*.



John Brown began his sea-going career in 1974 and trained as a navigating officer. He joined the UK Hydrographic Office in 1993 after working as a surveyor in the offshore industry for several years. Since joining the Law of the Sea Division he has obtained an MA in International Boundary Studies from King's College London. He has advised several UK government departments on Law of the Sea matters and has assisted with technical input to UK maritime zone legislation. He is currently working with several foreign governments on delimitation issues, and lectures to senior Royal Navy professional courses and at King's College London.



Chris Carleton has been the UK government's technical expert on law of the sea issues worldwide since 1986 and is currently the Head of the Law of the Sea Division at the UK Hydrographic Office. The Division provides technical interpretation of all matters relating to the determination and application of maritime zones, boundaries and on the law of the sea issues worldwide to all departments of the UK government, and on a commercial basis to foreign governments, law firms, academia and industry. Chris has been involved in many boundary negotiations and third party adjudications, and has done a considerable amount of work for the United Nations.



Martin Pratt joined the International Boundaries Research Unit in 1994 and is now the Unit's Director of Research. He has written extensively on land and maritime boundary issues around the world and has advised governments, commercial organisations and NGOs on a wide range of boundary and sovereignty disputes. Martin coordinates IBRU's training workshop programme and consultancy activities; he also manages the Unit's website, GIS resources and the int-boundaries email list.



Derek Smith practises in the areas of petroleum law, international dispute resolution and public international law. Dr Smith represents numerous government clients with regard to the settlement of international boundary disputes that implicate oil and gas development and assists them in establishing legal mechanisms for handling transboundary resources. He also advises private oil companies on boundary and resource questions. Prior to joining Dewey & LeBoeuf, Dr Smith was an attorney at the United States Department of Justice, where he handled immigration and cross-border cooperation matters. Dr Smith is fluent in Spanish and proficient in French and German.

Cover picture:

Bhutan delegation leader Lyonpo Khandu Wangchuk greets Chinese deputy foreign minister Wang Yi at boundary negotiations in Thimphu in 2004 (reproduced with the kind permission of Ugyen Penjor).

Programme

Monday 7 April	0900-0930	Introduction: the purpose and value of boundary negotiations
	0930-1100	Legal principles in territorial negotiations <ul style="list-style-type: none">• The place of law in negotiations• Acquiring and losing title to territory• Evidence• Essential elements of modern territorial disputes• Maritime boundaries
	1130-1300	Building and preparing a negotiating team <ul style="list-style-type: none">• Required expertise• Mandate• Team dynamics• Negotiating brief• Support services• Timeframe, venues, costs
	1300-1400	<i>Lunch</i>
	1400-1530	Negotiation strategy and tactics <ul style="list-style-type: none">• Objectives• Initial contact• Opening positions• Tactics• Making concessions
	1600-1700	The role of the technical expert during negotiations <ul style="list-style-type: none">• Before negotiations• During negotiations• After negotiations
Tuesday 8 April	All day	Negotiation exercise <p>Working in teams, participants will seek to negotiate an agreement defining the land and maritime boundaries between the fictional states of New Tasmania and Van Diemen's Land. The scenario involves legal, technical and management-related problems which will require ingenuity and diplomacy to resolve.</p>
	Evening	Workshop dinner at Auckland Castle
Wednesday 9 April	0900-0945	Negotiation debrief
	0945-1030	Drafting an agreement <ul style="list-style-type: none">• The law of treaties• Precedents• Elements of a boundary agreement• Ratification and deposit with the United Nations
	1100-1200	The role of the energy industry in resolving boundary disputes <ul style="list-style-type: none">• Why boundaries matter to the energy industry• Case studies
	1200-1245	Options for boundary settlement when negotiations break down <ul style="list-style-type: none">• Mediation and conciliation• Track II diplomacy• Third-party adjudication
	1245-1300	Wrap up
	1300	<i>Lunch</i>

What will it cost?

The cost of the workshop will be £1,395 per participant. Fees for UK-based participants are normally subject to Value Added Tax (VAT) of 17.5%. We regret that payment can only be accepted in £ sterling. However, we are able to accept payment by major credit and debit cards. Full payment **MUST** be received prior to the appropriate workshop to guarantee the booking.

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

- accommodation in a single en-suite room in Collingwood College for the nights of 6-8 April
- evening dinner on 6-8 April
- lunch and refreshment breaks on 7-9 April.



Auckland Castle – the 800 year-old seat of the Bishop of Durham and venue for the IBRU workshop dinner.

How to book

Places are limited and IBRU workshops are frequently oversubscribed. Please use the following procedure to book a place:

- 1 Contact Astrid Alvarez at IBRU to confirm whether a place is still available.
- 2 Once confirmed, complete an online booking form at www.dur.ac.uk/workshops/booking, or request a hard copy from IBRU.
- 3 This provisional booking will then be acknowledged, and sent with information on how to pay and a deadline for payment of the fee.
- 4 If payment is not received by the deadline given, the place will automatically be released. The original booking will be transferred to a waiting list, and the place only confirmed when payment is received and if a place is still available.

Other administrative information

Venue

Workshop accommodation and teaching will be based at Collingwood College, which is part of Durham University.

Language

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

Cancellation

Cancellations must be received in writing not later than Friday 21 March 2008, and will be subject to a £50 cancellation fee unless a substitute participant is offered. After this date the full registration fee will apply. Substitutions for registered participants may be made at any time, but we would appreciate prior notification.

Programme changes

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

Travel to Durham

Full details of the venue, plus maps and travel information will be sent to all participants following registration.



Further information

If you have any questions about the workshop please contact Ms Astrid Alvarez, External Relations and Business Development Manager, International Boundaries Research Unit, Department of Geography, Durham University, DH1 3LE, United Kingdom

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