

Training Workshop Programme 2015

# Preparing for Third Party Settlement of Boundary & Territorial Disputes

4-6 May 2015, The Hague, The Netherlands



Third party settlement can be an effective means of boundary dispute resolution. Learn to evaluate the pros and cons to ensure a successful outcome from the adjudication process.



# INTRODUCTION

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 to 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, 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.

The workshop will include a session at the Peace Palace in The Hague, home to the International Court of Justice and the Permanent Court of Arbitration.

## Tutors



**Mr Rodman Bundy**, Director, Dispute Resolution Group, Eversheds LLP, is a member of the New York bar and former member of the Paris bar. Mr. Bundy currently practices out of the Singapore office of the law firm Eversheds LLP. He has acted for some thirty years as counsel and advocate in more than 25 cases before the International Court of Justice and international arbitral tribunals involving issues of disputed sovereignty, maritime delimitation and State responsibility. Most recently, Mr. Bundy has appeared in the Cambodia/Thailand case involving the interpretation of the ICJ's judgment in the Temple of Preah Vihear case, the Pedra Branca case between Singapore and Malaysia, the Peru-Chile maritime delimitation case, the Nicaragua-Colombia sovereignty and delimitation case and the Slovenia-Croatia boundary arbitration.



**Judge Jean-Pierre Cot**, International Tribunal for the Law of the Sea (ITLOS), has been a member of the Tribunal since 2002 and was re-elected in 2011. Judge Cot was also President of the Chamber for Marine Environmental Disputes 2008-2011. Judge Cot is Emeritus Professor at the University of Paris-I (1999-present) and Associate Research Fellow, Université Libre de Bruxelles (1999-present). He has been Counsel and Advocate in a number of cases before the International Court of Justice including: *Frontier Dispute (Burkina Faso/Republic of Mali)*, *Territorial Dispute (Libyan Arab Jamahiriya/Chad)*, *Kasikili/Sedudu Islands (Botswana/Namibia)*, *Armed activities on the territory of the Congo (Democratic Republic of the Congo v. Burundi)*, *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria)*, *Sovereignty over Pulau Litigan and Pulau Sipadan (Indonesia/Malaysia)*. Judge Cot was a member of an arbitral tribunal in the Bay of Bengal Maritime Boundary Arbitration between Bangladesh and India; member of an arbitral tribunal in the case *The Republic of the Philippines v. The People's Republic of China*; Judge *ad hoc*, International Court of Justice, *Maritime Delimitation in the Black Sea (Romania v. Ukraine)*, *Aerial Herbicide Spraying (Ecuador v. Colombia)*, *Territorial and Maritime Dispute (Nicaragua v. Colombia)*, *Temple of Preah Vihear, Interpretation (Cambodia v. Thailand)* and *Questions relating to the Seizure and Detention of Certain Documents and Data (Timor-Leste v. Australia)*.



**Philippe Couvreur**, Registrar, International Court of Justice, is serving his second term of seven years as Registrar of the International Court of Justice. His first term lasted from 2000 to 2007. Prior to this, he was Principal Legal Secretary at the International Court of Justice, from 1995 to 2000. He started to work for the ICJ in 1982 as Special assistant in the offices of the Registrar and Deputy-Registrar. After four years in this capacity, he moved on to become the Secretary between 1986 and 1994 and subsequently as First Secretary from 1994 to 1995. M. Couvreur has been a guest lecturer in public international law at the Law Faculty of the Université Catholique de Louvain since 1997.



**Philippe Gautier**, Registrar, International Tribunal for the Law of the Sea (ITLOS), has been the Registrar of ITLOS since 2001. He was Deputy Registrar of the Tribunal from 1997 to 2001. He is also Professor at the Catholic University of Louvain (Louvain-la-Neuve). He began his career in the Belgian Ministry of Foreign Affairs (1984-1997), where he served as Head of the Treaties Division (1995-1997) and as Head of the Law of the Sea Office (1991-1995). He is Doctor of Law and holds a Masters in Philosophy from the Catholic University of Louvain (Louvain-la-Neuve) where he has been teaching since 1993. He is the author of numerous publications on law of treaties, protection of the environment, law of international organizations, settlement of international disputes, law of the sea and Antarctica.



**Ms Loretta Malintoppi**, Of Counsel, Eversheds LLP, is based in the Singapore office of Eversheds LLP. She is dually-qualified (Paris and Rome Bars) and specializes in public international law and international arbitration, both commercial and investment arbitration. Ms Malintoppi has appeared as counsel and advocate before the International Court of Justice and has also represented states in *ad hoc* public international law arbitrations. She has acted as counsel, advocate and arbitrator in a number of arbitrations regarding disputes arising out of international commercial contracts and has represented private companies, States and State entities in UNCITRAL, ICC and ICSID proceedings. She is currently a Vice-President of the ICC International Court of Arbitration. Ms Malintoppi has written a number of articles on investment arbitration and State-to-State litigation and is one of the co-authors of *The ICSID Convention – A commentary* published by Cambridge University Press in 2009. She is also a member of the Editorial Board of *The Law and Practice of International Courts and Tribunals*, editor of the series *International Litigation in Practice Series*, and a member of the advisory board of the *Journal of World Investment and Trade*.

**Professor Alain Pellet**, University Paris Ouest Nanterre la Défense (retired), is a member of the *Institut de Droit international*, former member and former President of the International Law Commission, President of the French Society for International Law, designated to the Panel of ICSID Arbitrators by the Chairman of the Administrative Council. He is the author of numerous articles and a co-author of the leading treaty in French in public international law. Alain has acted as counsel and advocate in some 50 cases before the International Court of Justice, as well as several international and transnational arbitrations, most recently on behalf of Nicaragua in its disputes with Costa Rica and Colombia, of Thailand in the case concerning the interpretation of the 1962 Judgment in the *Case concerning the Temple of Preah Vihear*, of Somalia in the case of *Maritime Delimitation in the Indian Ocean*, of Côte d'Ivoire in the *Dispute Concerning Delimitation of the Maritime Boundary with Ghana* before the ITLOS.



**H.E. Mr. Virachai Plasai**, Ambassador and Permanent Representative of Thailand to the United Nations in New York, is a career diplomat who has been with the Ministry of Foreign Affairs of Thailand since 1987. Previously, he was Ambassador of Thailand to the Netherlands, and Director-General of the Department of Treaties and Legal Affairs and of the Department of International Economic Affairs. He was member of the legal counsel to the Royal Thai Government in various international litigation cases, including several landmark WTO disputes such as *US - Shrimp/Turtle*, *Thailand - H beams*, and *US - Byrd Amendment*. He also served as Agent for the Kingdom of Thailand before the International Court of Justice in the second *Temple case* (2011-2013). In addition, he has extensive experience in international adjudication, including serving as panelist/arbitrator in a number of WTO dispute cases including *EC - Bed Linen*, *US - Gambling Services*, and *US - Large Civil Aircraft*. He also chaired the WTO Panel on *China - Certain Measures Affecting Electronic Payment Services*.



**Professor Martin Pratt**, Consultancy Director, IBRU, has two decades' experience advising governments, commercial organisations and NGOs on land and maritime boundary issues around the world. Recent third-party adjudications in which he has served as a geographical expert include: the land and maritime boundary arbitration between Croatia and Slovenia; the maritime boundary arbitration between Bangladesh and India; and the Temple of Preah Vihear (Request for Interpretation) case between Cambodia and Thailand at the International Court of Justice. Martin coordinates IBRU's training workshop programme and consultancy activities, the Centre's GIS resources and the *int-boundaries* email list. In 2010 Martin received the Michael Barrett Award of the Royal Institution of Chartered Surveyors for his contribution to boundary studies.



**Mr Dirk Pulkowski**, Senior Legal Counsel, Permanent Court of Arbitration (PCA). The PCA is an independent intergovernmental organization, established in 1899 for the settlement of international disputes. Mr. Pulkowski has administered numerous arbitrations between states, international investment arbitrations, and contract-based arbitrations. He was appointed as registrar in the boundary dispute between Croatia and Slovenia and has been involved in several other state-state arbitrations at the PCA. Prior to joining the PCA in 2009, Mr. Pulkowski worked as a practicing lawyer (*Rechtsanwalt*) in the international trade and arbitration group of an international law firm. Mr. Pulkowski holds a doctorate in law, *summa cum laude*, from Ludwig-Maximilians-Universität, Munich, Germany, and an LL.M. degree from Yale Law School, New Haven, United States. He is qualified to practice law in Germany. Mr. Pulkowski has published widely on topics of general international law, investment law, WTO law, and dispute settlement.



**Mr Will Thomas**, Partner, Eversheds LLP, is a member of Eversheds' international dispute resolution team and head of the International Arbitration Group (IAG). He has been based in Eversheds' Paris office since 2001. Will specialises in public international law, international commercial arbitration and investment arbitration. He has particular expertise in the oil and gas sector. Clients include States, State-owned entities and private multinational companies. His experience includes advising and representing parties in proceedings before the International Court of Justice (ICJ), the Iran-US Claims Tribunal, ICSID, ICC, LCIA and *ad hoc* arbitral tribunals. Will has appeared as advocate on numerous occasions, on behalf of both States and private companies. In particular, Will has acted as counsel to numerous States and companies involved in international boundary disputes. He has also lectured widely on this subject, including at King's College, London University, the International Foundation for the Law of the Sea, the University of Versailles and Sciences Po in Paris.



## PROGRAMME

### Who should attend?

- Diplomats
- Ministers and Ambassadors
- Legal advisors
- Technical advisors
- Consultants and researchers
- Commercial litigators

Monday 4 May	0830-0900	<b>Registration</b>
	0900-1000	<b>International boundary disputes and their resolution</b>
	1000-1100	<b>Choosing a forum and bringing a case</b>
	1130-1230	<b>Case management</b>
	1230-1330	<b>Lunch</b>
	1330-1430	<b>The role of the agent</b>
Tuesday 5 May	1430-1515	<b>Evidence to support your case</b>
	1545-1715	<b>Practical exercise: Negotiating and drafting a special agreement</b>
	0900-0945	<b>Technical Support in boundary cases</b>
	0945-1045	<b>“A view from the bench”</b>
	1115-1245	<b>Presenting your case: making the most of written pleadings and oral arguments</b>
	1245-1345	<b>Lunch</b>
Wednesday 6 May	1345-1430	<b>After the judgement</b>
	1430-1700	<b>Practical exercise: Preparing and presenting a Memorial</b>
	1900	<b>Workshop dinner with guest speaker Judge James Crawford</b>
	1000-1130	<b>Observation of Hearing: <i>Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile)</i></b>
	1200-1300	<b>Fora for third-party adjudication 1: The International Tribunal for the Law of the Sea</b>
	1300-1400	<b>Lunch</b>
1400-1500	<b>Fora for third-party adjudication 2: Arbitration</b>	
1500-1600	<b>Fora for third-party adjudication 3: The International Court of Justice</b>	
1600-1630	<b>Concluding discussion</b>	

IBRU reserves the right to change or modify the programme and tutors participating without prior notice to participants

## THE VENUE

### The Hague, The Netherlands

The Hague is the seat of the Dutch government and parliament, the Supreme Court, and the Council of State. The city has a population of around 500,000 and is only a 30 minute train journey from the capital City Amsterdam and the main hub airport. For more information on The Hague visit <http://denhaag.com/en>

### Hilton, The Hague and Peace Palace

The workshop will be held at the Hilton, The Hague, The Netherlands for the first two days. The final day of the workshop will be held in The Peace Palace Library.

The hotel is a short taxi or tram ride from the central station which has trains arriving every 20 minutes from Amsterdam airport. The hotel is a 5 minute walk from the Peace Palace.



Hilton, The Hague



### What will it cost?

The cost of the workshop is **£1,650** 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 **20 April 2015**, any provisional places

booked will be cancelled. Bookings made after 20 April 2015 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 4, 5 and 6 May
- Workshop dinner on the evening of Tuesday 5 May

### 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.
- 4 If necessary, please ensure you have the relevant visa in place for your travel to The Netherlands before paying for your place.

### Additional Information

#### Accommodation

**Accommodation is not included in the workshop fee.**

IBRU have negotiated a special rate at the Hilton The Hague. The bed and breakfast rate of €189 per room is only available until 20 April 2015. This rate includes internet access. If you would like to take advantage of this offer please follow the link to the personalized online booking page for this event. <http://www.hilton.com/en/hi/groups/personalized/A/AMSHHHI-GIBRU-20150502/index.jhtml>

#### Workshop Seminar

Workshop seminars will be held at The Hilton hotel on Monday and Tuesday. On Wednesday 6 May seminars will take place within the Peace Palace Library which is a short 5-10 minute walk from the hotel.

#### 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 20 April 2015 and will be subject to a £50 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.

IBRU Centre for Borders Research, Department of Geography,  
Durham University, DH1 3LE, United Kingdom

Tel: +44 (0)191 334 1961 Fax: +44 (0)191 334 1962

Email: [ibru-events@durham.ac.uk](mailto:ibru-events@durham.ac.uk)

Web: [www.durham.ac.uk/ibru/workshops](http://www.durham.ac.uk/ibru/workshops)