

Training Workshop Programme 2010

# Boundary Dispute Resolution

12 – 14 April 2010, Durham University, United Kingdom



**International boundaries continue to be a major source of friction between neighbouring states. Gain knowledge, practical advice and guidance on how to solve international boundary disputes on land and at sea.**

  
**IBRU**  
International Boundaries  
Research Unit

## INTRODUCTION

International boundaries continue to be a major source of friction between neighbouring states. Many land boundaries remain poorly defined and fewer than half of the world's potential maritime boundaries have been even partially agreed. Governments recognise the value of clearly-defined boundaries, yet the political, economic and social complexities of boundary regions often make resolving competing territorial and jurisdictional claims extraordinarily difficult.

Led by experienced boundary negotiators, technical experts and legal advisors, this workshop will provide advice and practical guidance on how to resolve international boundary disputes. Through a combination of lectures and practical exercises, the course will first explore how to overcome deadlock in boundary negotiations. Recognising that an equitable agreement cannot always be reached through negotiations, the workshop will also examine the benefits and potential drawbacks of third-party dispute resolution mechanisms such as mediation, conciliation, arbitration and adjudication.

### Who should attend? The workshop will be of particular value to:

- Ministers and ambassadors
- Legal advisers
- Technical advisers
- Diplomatic support staff
- Commercial litigators
- Consultants and researchers

## Tutors



**David Anderson, former Second Legal Adviser, UK Foreign & Commonwealth Office and former Judge, International Tribunal for the Law of the Sea** was a member of the Legal Advisers to the Foreign and Commonwealth Office (1960-1996) and Judge of the International Tribunal on the Law of the Sea (1996-2005). While with the FCO, he attended the Third UN Conference on the Law of the Sea and negotiated over a dozen maritime boundary treaties in several different seas and oceans. He has written extensively about maritime boundaries, including contributions to all five volumes of *International Maritime Boundaries* (Nijhoff).



**Rodman Bundy, Partner, Eversheds LLP** holds a BA in history from Yale University and a JD from the Georgetown University Law Center. Since 1984 he has been a partner in the Paris office of Eversheds LLP (which merged with Frere Cholmeley in 1998) specializing in public international law, boundary disputes, oil and gas law and international commercial and investment arbitration. He has acted as Counsel and Advocate for thirty years in numerous public international law matters and arbitrations, most recently on behalf of the Government of Singapore in sovereignty proceedings against Malaysia before the ICJ, the Government of Ukraine in the ICJ maritime delimitation case against Romania, and the Government of Sudan in the Abyei Arbitration. Mr. Bundy is also currently engaged in two further ICJ cases involving boundary disputes.



**Chris Carleton, Head of the Law of the Sea Division, UK Hydrographic Office** spent the last ten years of a 30-year career as a hydrographic surveyor in the Royal Navy specialising in the technical aspects of the law of the sea. In 1996 Chris joined the Hydrographic Office to head the newly-formed Law of the Sea Division. His 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 world-wide to all departments of the UK Government, and on a commercial basis to foreign Governments, law firms, academia and industry. He has taken part in many boundary negotiations, both bilateral and third party adjudication, and has done a considerable amount of work for the United Nations.



**Stephen Fietta, Partner, Latham & Watkins LLP** is a partner in Latham & Watkins' Public International Law Practice Group, based in London. His practice focuses exclusively on public international law, representing both sovereign States and corporate clients. In particular, he advises States and energy companies in connection with land and maritime boundary issues, sovereignty over natural resources and the provisions of the UN Convention on the Law of the Sea (UNCLOS). He regularly advises on associated negotiations and dispute resolution procedures. Mr Fietta appeared as Counsel for the Government of Barbados in the first maritime boundary arbitration under UNCLOS. Chambers' Global Directory for 2008 and 2009 names Mr Fietta as one of the world's "up and coming" public international law practitioners.



**Martin Pratt, Director of Research, International Boundaries Research Unit** joined IBRU 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. Recent projects include providing technical advice on delimitation of a disputed section of the boundary between Guinea and Sierra Leone, and acting as advisor to the African Union Border Programme. Martin coordinates IBRU's training workshop programme and consultancy activities; he also manages IBRU's website, the Unit's GIS resources and the *int-boundaries* email list.



**Will Thomas, Associate, Eversheds LLP** is a member of Eversheds' international dispute resolution team, specialising 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 and ad hoc arbitral tribunals. 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 and at the International Foundation for the Law of the Sea.



# PROGRAMME

Monday 12 April	0900-0930	<b>Introduction</b>
	0930-1045	<b>International boundary disputes and their resolution</b> <ul style="list-style-type: none"><li>• The legal basis for territorial sovereignty and maritime jurisdiction</li><li>• Sources of dispute</li><li>• Types of dispute</li><li>• Dispute resolution mechanisms</li></ul>
	10.45-1.15	<b>Refreshment break</b>
	1115-1245	<b>The evolving law of maritime delimitation</b> <ul style="list-style-type: none"><li>• International conventions on the law of the sea</li><li>• Key case law</li><li>• Implications for maritime boundary dispute resolution today</li></ul>
	1245-1345	<b>Lunch</b>
	1345-1515	<b>Practical considerations in boundary negotiations</b> <ul style="list-style-type: none"><li>• Political and legal factors in boundary negotiations</li><li>• Pre-negotiation preparations</li><li>• Negotiation strategy and tactics</li><li>• Drafting an agreement</li></ul>
	15.15-15.45	<b>Refreshment break</b>
Tuesday 13 April	1545-1715	<b>Geographical and technical issues in boundary disputes</b> <ul style="list-style-type: none"><li>• Datums, coordinates and straight lines</li><li>• The use and abuse of maps, charts and remotely-sensed imagery</li><li>• Geographical and technical tools for boundary-making and dispute resolution</li><li>• Presenting technical information to non-technicians</li></ul>
	1900	<b>Dinner</b>
	All day	<b>Negotiation exercise</b> <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>
Wednesday 14 April	1900	<b>Dinner, Senate Suite, Durham Castle</b>
	0900-1030	<b>Third-party assistance in boundary dispute resolution</b> <ul style="list-style-type: none"><li>• Mediation, conciliation and Track II diplomacy</li><li>• Third-party adjudication</li><li>• Maritime boundary dispute resolution procedures under UNCLOS</li></ul>
	10.30-11.00	<b>Refreshment break</b>
	1100-1230	<b>Practical considerations in third-party boundary adjudications</b> <ul style="list-style-type: none"><li>• Submitting a case</li><li>• Case management</li><li>• Assembling, assessing and presenting evidence</li><li>• Implementing the decision</li></ul>
	12.30-13.00	<b>Wrap-up</b>
13.00-14.00	<b>Lunch</b>	

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

## 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)

### What will it cost?

The cost of the workshop is £1650 per participant.

Fees for UK based participants are normally subject to VAT of 17.5%. 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. In addition to tuition and all course materials, the fees cover the following:

- Accommodation in a single en-suite room at Collingwood College for the nights of 11–13 April 2010
- Evening dinner on 11-13 April 2010
- Breakfast, lunch and refreshment breaks on 12–14 April 2010.

Accommodation for additional nights can be arranged at extra cost, subject to availability.



Durham Castle - previously the chief residence of the Bishops of Durham, part of Durham's World Heritage Site and the venue for the IBRU workshop dinner.

### 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, letter or fax with information on how to pay.
- 3 Once payment is received, a booking confirmation will be sent along with additional travel information.
- 4 If payment is not received by the deadline specified the place will be released. The original booking will be transferred to a waiting list and the place will only be confirmed when payment is received and if a place is still available.

### Additional Information

#### Venue

Workshop accommodation and teaching will be based at Collingwood college which is part of Durham University (approximately 20 minutes walk from the city centre). Full details of the venue will be sent to participants following payment and confirmation of the booking.

#### Language

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

#### Cancellation of a booking

Cancellations must be received in writing no later than Friday 19 March 2010 and will be subject to a £50 cancellation fee unless a substitute participant is offered. After this date the full registration fee will apply. A substitute may be made at any time for a registered participant. IBRU must be informed as early as possible of any changes to participants attending.

#### Travel to Durham

Durham is located in the North East of the United Kingdom and is accessible by road, rail and has direct links with major airports, including London. Maps and full details of travel information will be sent to all participants following the receipt of payment and confirmation of the booking.



### Contact Information

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

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