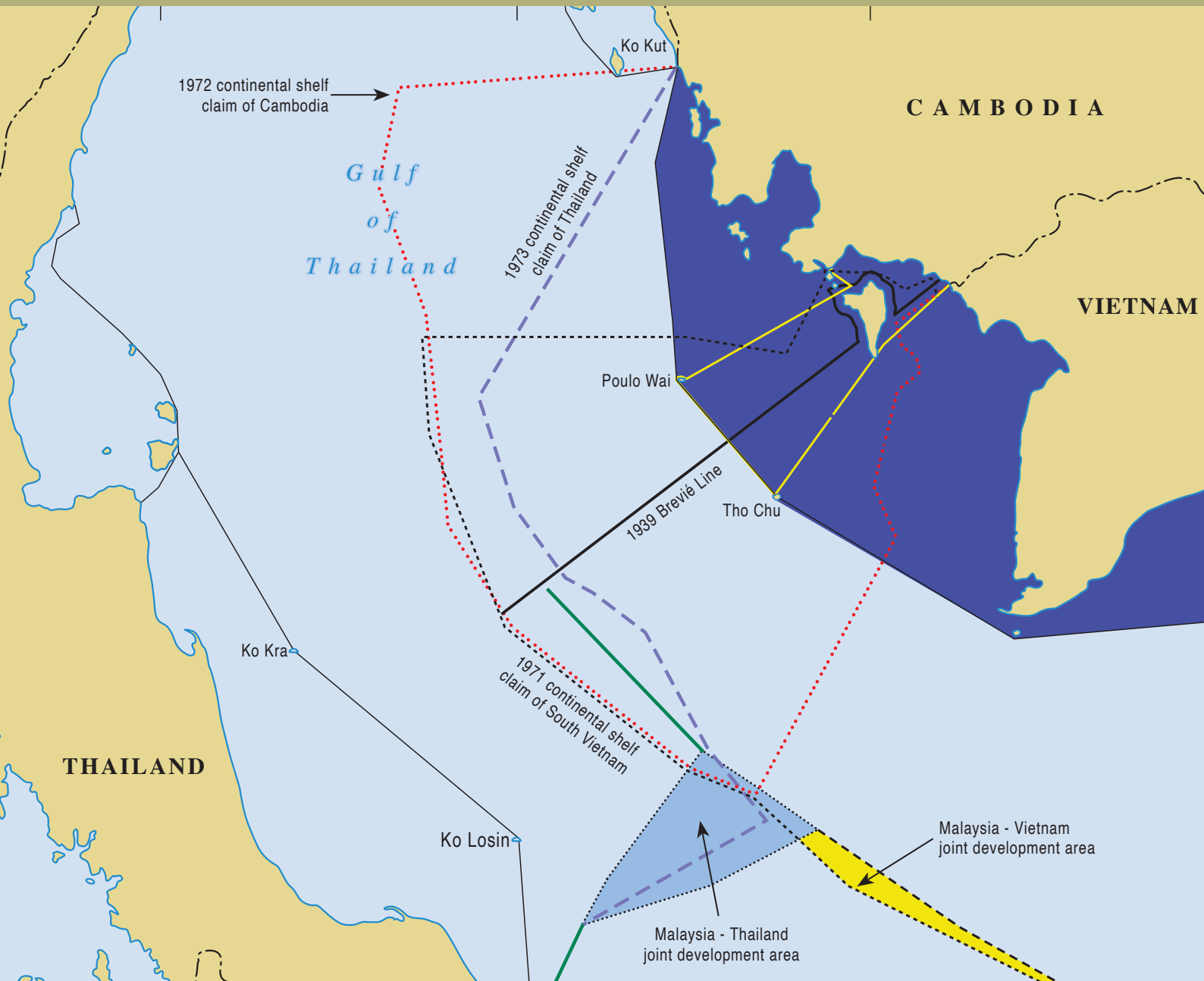


Training Workshop Programme 2023

# International Boundaries & Transboundary Resources

25-27 October 2023

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.



## INTRODUCTION

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 & consultants

## TUTORS

**Ms Anika Havaldar**, Associate, Freshfields Bruckhaus Deringer

**Mr Josh Kelly**, Associate, Freshfields Bruckhaus Deringer

**Professor Neil Kraik**, Associate Professor of Law, School of Environment, Enterprise and Development, University of Waterloo

**Professor Gabriel Eckstein**, Director of the Energy, Environmental, and Natural Resource Systems Law Program, Texas A&M University School of Law

**Ms Alexandra van der Meulen**, Counsel, Freshfields Bruckhaus Deringer

**Mr Victor Mosoti**, Chief Counsel in the International and Environmental Law Unit, World Bank

**Professor Martin Pratt**, Director, Bordermap Consulting

**Ms Camille Strosser**, Associate, Freshfields Bruckhaus Deringer

**Mr Will Thomas KC**, Partner, Freshfields Bruckhaus Deringer

## The venue

Freshfields Bruckhaus Deringer LLP (Freshfields) is a global law firm with offices throughout Europe, the Middle-East, Asia, and North America.

They are widely recognised as one of the world's leading international arbitration practices across key jurisdictions and industry sectors.

Their International Arbitration team have handled many 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, in interim measures proceedings before the International Tribunal for the Law of the Sea and in an arbitration administered by the Permanent Court of Arbitration; 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 and acting for an oil and gas company in a dispute arising under a long term gas supply agreement, ad hoc UNCITRAL arbitral proceedings.

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



# PROGRAMME

Wednesday 25 October	0830-0900	<b>Registration</b>
	0900-0915	<i>Welcome</i>
	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>• Obligations to seek to settle disputes peacefully</li> <li>• Diplomatic/political procedures: negotiation, mediation, conciliation</li> <li>• Third party adjudication: ICJ, ITLOS, ad hoc arbitration</li> <li>• Other dispute resolution proceedings: investor-State arbitration, treaty-specific fora</li> </ul>
	1230-1330	<i>Lunch</i>
	1330-1500	<b>The role of the World Bank in supporting transboundary resource development &amp; management projects</b>
	1500-1530	<i>Refreshments</i>
	1530-1700	<b>Sovereignty &amp; jurisdiction: relevant legal principles for resolving boundary disputes</b> <ul style="list-style-type: none"> <li>• Territorial sovereignty and resource ownership / control</li> <li>• Maritime jurisdiction, boundaries and resource allocation</li> </ul>
Thursday 26 October	0900-1230	<b>Cooperation agreements: the case of offshore 'disputed-border' and cross-border' hydrocarbon deposits</b> <ul style="list-style-type: none"> <li>• Unilateral v. cooperative exploitation</li> <li>• 'Disputed-border deposits' and 'cross-border deposits'</li> <li>• Key features of cooperation agreements: rights and obligations of the parties; resource allocation; dispute resolution mechanisms</li> </ul>
	1030-1100	<i>Refreshments</i>
	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> Working in teams, participants will develop proposals for transboundary energy resource exploitation in a variety of political, legal and geographical settings
	Evening	<i>Workshop dinner</i>
Friday 27 October	0900-1030	<b>Deep sea mining</b> <ul style="list-style-type: none"> <li>• Resources of the deep seabed               <ul style="list-style-type: none"> <li>- Current interest in deep seabed minerals</li> <li>- Exploration and exploitation developments</li> </ul> </li> <li>• Coastal State jurisdiction / The Area               <ul style="list-style-type: none"> <li>- Defining the Area</li> <li>- Coastal state rights</li> <li>- Extended continental shelf</li> </ul> </li> <li>• Working with the International Seabed Authority               <ul style="list-style-type: none"> <li>- Organs of the ISA</li> <li>- Regulatory Authority</li> <li>- Contracts</li> <li>- Current status of negotiations</li> </ul> </li> <li>• Deep sea mining dispute resolution</li> </ul>
	1030-1100	<i>Refreshments</i>
	1100-1230	<b>Transboundary water management</b> <ul style="list-style-type: none"> <li>• Transboundary fresh water: the global context               <ul style="list-style-type: none"> <li>- Key legal instruments for water law:                   <ul style="list-style-type: none"> <li>- 1997 UN Watercourses Convention</li> <li>- 1992 UNECE Convention on Transboundary Watercourses &amp; International Lakes</li> <li>- 2008 ILC Draft Articles on the Law of Transboundary Aquifers</li> </ul> </li> <li>- Significant case law</li> </ul> </li> <li>• Recent developments and case studies</li> </ul>
	1230-1300	<b>Closing discussion and wrap-up</b>

## What will it cost?

The cost of the workshop is **£1,950** 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 12 October 2023, any provisional places booked will be removed. Bookings made after 12 October 2023 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 25, 26 and 27 October
- Workshop dinner on the evening Thursday 26 October

### How to book

Places are limited and early booking is highly recommended:

1. Contact the IBRU Team or complete the online booking form at: <https://www.durham.ac.uk/research/institutes-and-centres/ibru-borders-research/training-and-workshops/professional-training-workshops/>
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.



## The venue

### 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 the 13 October 2023 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.

### 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.

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

Tel: +44 (0) 191 334 1965

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

Web: <https://www.durham.ac.uk/ibru>



Cover Image: The Gulf of Thailand showing the joint development areas between Thailand and Malaysia