

Training Workshop Programme 2019

# Resolving International Boundary Disputes

8–10 July 2019 Paris, France



Advice and practical guidance on how to resolve international boundary disputes, recognising that an equitable agreement cannot always be reached through negotiations.



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## INTRODUCTION

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International boundaries continue to be a major source of friction between neighbouring states. Many land boundaries remain poorly defined and only just over 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 options of dispute resolution involving third-party mediation, conciliation, arbitration and adjudication.

IBRU is delighted to be running this workshop in partnership with Foley Hoag, which has one of the world's foremost boundary dispute resolution practices.

### Who should attend?

- Ministers and Ambassadors
- Diplomatic support staff
- Legal advisors
- Technical advisors
- Commercial litigators
- Consultants and researchers

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## TUTORS

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**Mr Juan Jeannet Arce, Political Affairs Officer, United Nations Secretariat**, serves in the Mediation Support Unit (MSU) in New York. The MSU, housed in the UN Department of Political and Peacebuilding Affairs, is the office responsible for providing support to on-going mediation, good offices, and preventive diplomacy efforts. In this role, Juan coordinates the work of the Standby Team of Senior Mediation Advisers, and is the focal point for mediation support in the Middle East, Gulf, and Afghanistan. Previously he was the focal point for the Americas and Caribbean, and in this context supported the facilitated talks between the Government of Colombia and the Revolutionary Armed Forces of Colombia (FARC), and advised on UN efforts to mediate in the Guyana-Venezuela border controversy. Prior to this role, he served with the United Nations Assistance Mission in Afghanistan in support of Afghan peace and reconciliation efforts, and before that in the Security Council Affairs Division at UN Headquarters, focused on the use of targeted sanctions against



**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 Yuri Parkhomenko, Foley Hoag LLP**, is an international dispute resolution lawyer in the firm's International Litigation and Arbitration Department. Yuri specializes in the representation of sovereign States before the International Court of Justice, the International Tribunal on the Law for the Sea and *ad hoc* tribunals in disputes involving sovereignty claims, maritime and land boundary delimitation, treaty interpretation, trans-boundary environmental harm, human rights and humanitarian law. Yuri also advises foreign governments in non-contentious matters on a wide range of public international law issues, including utilization of trans-boundary resources. Yuri was counsel to the prevailing party in two of the most important Law of the Sea disputes involving islands: *Territorial and Maritime Dispute (Nicaragua v. Colombia)* and the *Philippines v. China* arbitration. Yuri joined Foley Hoag in 2009 after his eight-year public international law practice at the Office of the Legal Adviser of the Ukrainian Ministry of Foreign Affairs and the Embassy of Ukraine in the United States.



**Dr. Derek Smith, Foley Hoag LLP**, practices in the areas of international dispute resolution, public international law and petroleum law. Derek represents government clients with regard to the settlement of international boundary disputes, with a particular emphasis on those that implicate oil and gas development. He has extensive experience in establishing unitization agreements and other legal mechanisms for handling trans-boundary resources. Derek represents governments and state entities in international arbitration and other dispute settlement proceedings, including at ICSID, the ICC and the International Court of Justice. He also works with governments of petroleum producing countries and national oil companies in the full range of matters related to oil and gas exploration, production and monetization, including the resolution of disputes.



**Ms Alejandra Torres Camprubi, Foley Hoag LLP**, is an international dispute resolution attorney in Foley Hoag's International Litigation and Arbitration Department. Based in the firm's Paris office, Alejandra is admitted to practice in the Madrid Bar as well as the Paris Bar as an EU lawyer. She focuses her practice on public international law, international investment arbitration, and set-aside proceedings before French courts. She has particular experience representing sovereign States and State-owned entities in arbitration proceedings administered by ICSID and the PCA, as well as in inter-State cases before the ICJ and ITLOS. Her areas of expertise include international environmental law, with a particular focus on climate change law and policy, and the interaction of this field with the international law of the sea and the law on statehood. She acted as legal counsel in the United Nations climate change negotiations and has recently been a post-doctoral research fellow at the Fridtjof Nansen Institute in Oslo, as part of an international and interdisciplinary project on the legal consequences of the Anthropocene for International Law.



**Professor Dr. Rudiger Wolfrum, Managing Director, Max Planck Foundation for International Peace and the Rule of Law**, is a Professor of International Public Law and a former Judge at the International Tribunal for the Law of the Sea (ITLOS) where he served from 1996 to 2017. He was Vice President of ITLOS 1996-1999 and President of ITLOS from 2005-2008. He is a Member of the International Environmental Board of Arbitration, The Hague (since 2001), has been a Member of the Arbitration Panel on Antarctica since 2017, and has been a member of several international arbitral tribunals such as Chagos Archipelago (Mauritius v. United Kingdom) and the South China Sea (Philippines v. China). Since 2013, he has been the Managing Director of the Max Planck Foundation for International Peace and the Rule of Law.

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# PROGRAMME

|                  |                                       |   |
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| Monday<br>8 July | 0830-0900                             | <b>Registration</b>   |
|                  | 0900-1000                             | <b>International boundaries and boundary disputes</b> <ul style="list-style-type: none"> <li>• The purpose and value of international boundaries</li> <li>• Boundary-making: the global state of play</li> <li>• Types of dispute involving international boundaries</li> </ul>         |
|                  | 1000-1030                             | <b>Boundary dispute resolution under international law</b> <ul style="list-style-type: none"> <li>• The UN charter and dispute resolution</li> <li>• The principle of consent to adjudication or arbitration of boundary disputes</li> <li>• Dispute resolution under UNCLOS</li> </ul> |
|                  | 1030-1100                             | <i>Refreshments</i>   |
|                  | 1100-1200                             | <b>Negotiation</b> <ul style="list-style-type: none"> <li>• Benefits and drawbacks of negotiation</li> <li>• Negotiation strategy and tactics</li> <li>• Drafting a boundary agreement</li> </ul>   |
|                  | 1200-1300                             | <b>Mediation</b> <ul style="list-style-type: none"> <li>• Benefits and drawbacks of mediation</li> <li>• Case studies</li> </ul>  |
|                  | 1300-1400                             | <i>Lunch</i>  |
|                  | 1400-1515                             | <b>Conciliation</b> <ul style="list-style-type: none"> <li>• Benefits and drawbacks of conciliation</li> <li>• Compulsory conciliation under UNCLOS</li> <li>• Case studies</li> </ul>  |
|                  | 1515-1545                             | <i>Refreshments</i>   |
|                  | 1545-1700                             | <b>Binding adjudication and arbitration</b> <ul style="list-style-type: none"> <li>• Options for binding adjudication</li> <li>• Choosing a forum</li> </ul>  |
| 1730-1900        | <i>Reception hosted by Foley Hoag</i> |   |

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|-------------------|-----------|---|
| Tuesday<br>9 July | 0900-1030 | <b>Case management</b> <ul style="list-style-type: none"> <li>• Building and preparing a team</li> <li>• Assembling and assessing evidence</li> <li>• Developing legal arguments</li> <li>• Filing the application</li> </ul> |
|                   | 1030-1100 | <i>Refreshments</i>   |
|                   | 1100-1230 | <b>Presenting your case</b> <ul style="list-style-type: none"> <li>• Written pleadings</li> <li>• Oral arguments</li> </ul>   |
|                   | 1230-1330 | <i>Lunch</i>  |
|                   | 1330-1500 | <b>'A view from the bench'</b>  |
|                   | 1500-1700 | <b>Practical exercise part 1: Negotiating and drafting a <i>compromis</i> / special agreement</b>   |
|                   | Evening   | <i>Workshop dinner</i>  |

|                      |           |  |
|----------------------|-----------|--|
| Wednesday<br>10 July | 0900-1030 | <b>Practical exercise part 2: Preparing a memorial</b>   |
|                      | 1030-1100 | <i>Refreshments</i>  |
|                      | 1100-1200 | <b>Technical support in boundary negotiation and dispute settlement</b> <ul style="list-style-type: none"> <li>• The importance of geographical expertise</li> <li>• Technical issues in boundary-making</li> <li>• Bringing the landscape alive: the art of the cartographer</li> </ul> |
|                      | 1200-1230 | <b>After the Judgment</b> <ul style="list-style-type: none"> <li>• Implementing the decision</li> <li>• Post-Judgment actions</li> </ul>   |
|                      | 1230-1300 | <i>Closing discussion and wrap-up</i>  |

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

Cover Image: Participants attending a 2016 IBRU-Foley Hoag workshop in Washington DC

## Our partners

Foley Hoag has offices in Boston, Paris and Washington DC and since its creation in 1943 has become a high-performing firm with a long record of success across a wide range of industries.

Through their international Litigation & Arbitration Group, Foley Hoag regularly represents Sovereign States in disputes over maritime and land boundaries. The firm has been counsel in more maritime boundary cases before international courts and arbitral tribunals than any other law firm in the world. Foley Hoag has helped clients achieve victories in maritime boundary cases before the International Tribunal for the Law of the Sea (ITLOS) in Hamburg and the International Court of Justice (ICJ) in The Hague.

[www.foleyhoag.com](http://www.foleyhoag.com)



## Workshop Venue

### The Intercontinental Paris le Grand Hotel

2 Rue Scribe : Paris ,75009, France

<https://www.ihg.com/intercontinental/hotels/gb/en/paris/parhb/hoteldetail>

The Intercontinental Paris Le Grand is a four star hotel in central Paris with stunning views of Palais Garnier, home to the esteemed Paris Opera.

The hotel has two acclaimed restaurants, Café de la Paix, with its rich cultural history, and La Verrière, set in a beautiful winter garden. With an illustrious history hosting Paris's most exclusive events, the spectacular Salon Opera ballroom has been magnificently restored to reach new heights of elegance.



## What will it cost?

The cost of the workshop is **£1,900** per participant. Payment can only be accepted in GBP sterling. 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 **21 June 2019**, any provisional places booked will be removed.

Bookings made after 21 June 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 8, 9 and 10 July
- Drinks reception on the evening of 8 July
- Workshop dinner on the evening 9 July

## 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

### Venue

**The Intercontinental Paris le Grand Hotel**

2 Rue Scribe : Paris ,75009, France

<https://www.ihg.com/intercontinental/hotels/gb/en/paris/parhb/hoteldetail>

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.

### Accommodation

Accommodation is not included in the workshop fee and participants are required to book their own accommodation in Paris. We recommend you stay at the **Intercontinental Paris Le Grand Hotel** if possible, which is also the venue for the workshop programme, or in a hotel in close proximity to the workshop venue.

### Travel

You are expected to organise your own travel arrangements to Paris. Please be aware that you **may require a visa to enter France** and you will be required to apply for your own visa for entry into the country. Please allow enough time for your visa to be processed before the start of the workshop. A letter of invitation can be provided to support your visa application.

### Language

Teaching and workshop materials will be in English.

### Cancellations

Cancellations must be received in writing not later than the 21 June 2019 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.

## Contact Information

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

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