

Training Workshop Programme 2016

# Negotiating International Boundaries

23-25 May 2016, Durham, UK



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.



# 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 the negotiation of 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 programme will be structured around a full-day boundary negotiation exercise in which participants will work in teams to resolve a boundary dispute based on a real-world scenario. The course will also include practical instruction on building and preparing a negotiating team, negotiation strategy and tactics, and drafting an agreement.

## Who should attend?

- Ministers and Ambassadors
- Legal Advisers
- Diplomatic Support Staff
- Technical Advisers
- Consultants and Researchers
- Geopolitical Analysts

## Tutors



**Mr Charles Claypoole, Partner, Latham & Watkins LLP**, is a member of Latham and Watkins' International Arbitration and Public International Law Practice Groups and specialises in public international law. Charles advises both States and corporate clients on a wide range of contentious and non-contentious public international law and related dispute resolution issues. These include: State sovereignty over natural resources; land and maritime boundary issues, including in respect of joint development and unitization; the UN Convention on the Law of the Sea (UNCLOS); the protection of international investments under bilateral and multilateral investment treaties; State immunity; international humanitarian and human rights law. Charles has advised several States in international boundary disputes, including Yemen in the Yemen-Eritrea territorial sovereignty and maritime delimitation arbitration, Ethiopia in the proceedings before the *Eritrea-Ethiopia Boundary Commission*, *Indonesia in the case concerning Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia / Malaysia)* and *Ukraine in the case concerning Maritime Delimitation in the Black Sea (Romania v. Ukraine)*, before the International Court of Justice. Charles is recommended in the 2015 edition of Chambers & Partners which describes him as "the engine room" of Latham & Watkins' public international law practice.



**Professor Liesbeth Lijnzaad, Legal Advisor, Netherlands Ministry of Foreign Affairs and Professor in the Practice of Law, Maastricht University**, heads the international law department in the Netherlands Ministry of Foreign Affairs. In that capacity she has acted as the Agent for the Netherlands in cases before the International Court of Justice, the International Tribunal for the Law of the Sea, the International Criminal Court as well as the US Supreme Court. As the Legal Advisor she participates in the 6th Committee of the UN General Assembly, the EU's working group on International Law (COJUR) and the Comité Ad Hoc du Droit International (CADHI) of the Council of Europe. She was the CAHDI chair for 2012 -2014. She was one of the vice-presidents of the 2011 International Conference of the Red Cross and Red Crescent. On behalf of the Minister of Foreign Affairs of the Netherlands, she is the Acting President of the Administrative Council of the Permanent Court of Arbitration. From 2010 - 2015, she was the co-chair of the UNGA's Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond

areas of national jurisdiction (BBNJ). She is a member of the Permanent Court of Arbitration and of the San Remo Institute of International Humanitarian Law. Liesbeth is also endowed professor Practice of International Law (part time) at Maastricht University. She is a member of the editorial board of the Netherlands International Law Review and a board member of the Royal Netherlands Association for International Law (KNVIR). Also she is a member of the Board of the Theo van Boven Fund of the University of Maastricht. She studied law and history, receiving master's degrees in international law (1985) and Dutch law (1987) from the University of Amsterdam, and a PhD in international law from Maastricht University in 1994.

**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 international 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 Chris Whomersley, former Deputy Legal Adviser in the United Kingdom's Foreign & Commonwealth Office**, spent more than thirty-six years as a member of the Legal Advisers in the United Kingdom's Foreign and Commonwealth, rising to become Deputy Legal Adviser. He advised on a wide variety of topics, but for the last ten years of his career he was responsible for law of the sea matters, both bilaterally and multilaterally. He was involved in several maritime delimitation negotiations, around the United Kingdom as well as around the UK's overseas territories in the Caribbean. In particular Chris was responsible for the negotiations to establish the UK's EEZ boundaries with its eight maritime neighbours. In 2014 Chris was honoured by Her Majesty the Queen for his services to international law.



# PROGRAMME

Monday 23 May	0830-0900	<b>Registration</b>
	0900-0915	<b>Welcome &amp; Introduction</b>
	0915-1000	<b>Boundary-making and the importance of boundary negotiations</b> <ul style="list-style-type: none"><li>• Theory and practice of international boundary-making</li><li>• Boundary uncertainty and boundary disputes</li><li>• Types of negotiation</li></ul>
	1000-1100	<b>Legal principles in territorial and maritime negotiations</b> <ul style="list-style-type: none"><li>• The place of international law in negotiations</li><li>• Acquiring and losing title to territory</li><li>• The significance of evidence</li><li>• The law of the sea and maritime delimitation</li></ul>
	1130-1245	<b>Building and preparing a negotiating team</b> <ul style="list-style-type: none"><li>• Required expertise</li><li>• Mandate</li><li>• Team dynamics</li><li>• Negotiating brief</li><li>• Support services</li><li>• Timeframe, venues, costs</li></ul>
	1345-1515	<b>Negotiation strategy and tactics</b> <ul style="list-style-type: none"><li>• Objectives</li><li>• Initial contact</li><li>• Opening positions</li><li>• Tactics</li><li>• Making concessions</li></ul>
1545-1700	<b>The role of the technical expert during negotiations</b> <ul style="list-style-type: none"><li>• Before negotiations</li><li>• During negotiations</li><li>• After negotiations</li></ul>	

Tuesday 24 May	All day	<b>Negotiation exercise</b> 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.
	<i>Evening</i>	<i>Workshop dinner</i>

Wednesday 25 May	0900-0945	<b>Negotiation debrief</b>
	0945-1045	<b>Drafting an agreement</b> <ul style="list-style-type: none"><li>• The law of treaties</li><li>• Elements of a boundary agreement</li><li>• Ratification and deposit with the United Nations</li></ul>
	1115-1230	<b>Options for boundary settlement when negotiations break down</b> <ul style="list-style-type: none"><li>• Mediation and conciliation</li><li>• Track II diplomacy</li><li>• Third-party adjudication</li></ul>
	1230-1300	<i>Closing discussion and wrap-up</i>

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

## THE VENUE

Durham is located in the North East of England about 250 miles north of London. It lies on main road and rail lines between London and Edinburgh and nearby airports offer connections to London Heathrow, Paris and Amsterdam.

The workshop will be held at the Radisson Blu Hotel in Durham city centre. With picturesque views of the River Wear, the hotel is close to Durham Railway Station and a short drive takes you to the two regional airports.



## INFORMATION

### What will it cost?

The cost of the workshop is **£2,460** per participant. This price includes VAT of 20% and three nights accommodation.

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 **5 May 2016**, any provisional places booked will be removed and your accommodation

booking cancelled. Bookings made after 5 May 2016 will only be guaranteed with payment in full and if places and bedrooms in the hotel are still available.

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

- Accommodation in a single ensuite room at the Radisson Blu for the nights of 22, 23 and 24 May
- Lunch and refreshment breaks on 23, 24 and 25 May
- Drinks reception on Monday 23 May
- Workshop dinner on the evening Tuesday 24 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.

### Additional information

#### Accommodation

Accommodation is included in the workshop fee and will be at the Radisson Blu Hotel. Accommodation is for a single ensuite room with wi-fi and breakfast for three nights from Sunday 22 May 2016.

#### Travel

You are expected to organise your own travel arrangements to Durham. Please be aware that if you are not a UK citizen you **may require a visa to enter the United Kingdom** 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 **5 May 2016** 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 reserve the right to modify the programme as necessary without notice to participants.

#### Venue

The Radisson Blu Hotel can be found at: **Frankland Lane, Durham, DH1 5TA. United Kingdom**  
[www.radissonblu.com/en/hotel-durham](http://www.radissonblu.com/en/hotel-durham)



### Contact Information

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

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