

Training Workshop Programme 2012

Evidence in Boundary Dispute Resolution

16-18 April 2012, Durham, United Kingdom



Practical advice on how to assemble,
assess and present evidence in
boundary negotiations and third-party
adjudication

**IBRU**
International Boundaries
Research Unit

INTRODUCTION

International territorial disputes usually arise due to differing interpretations of a wide range of complex historical, geographical, political and legal information. The key to success in negotiations or third-party adjudication to settle such disputes is the effective use of evidence to support your claims and build a more convincing case than your neighbour.

Treaties, *travaux préparatoires*, diplomatic correspondence, administrative records, maps, survey reports, diaries and ethnographic studies are just some of the many sources of evidence that have had a critical bearing on the outcome of boundary, sovereignty and maritime jurisdictional disputes. Using case studies and practical exercises led by leading practitioners, this workshop will provide participants with advice and skills in assembling, assessing and presenting evidence to ensure a favourable outcome for your country.

Who should attend?

- Diplomats
- Negotiators
- Archivists
- Legal Counsel
- Researchers
- Technical Advisers

Tutors



Mr Charles Claypoole, Senior Associate, Latham & Watkins LLP, is a member of Latham and Watkins' International Arbitration and Public International Law Practice Groups with a focus on public international law. Charles advises both States and private 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) before the International Court of Justice. Charles is recommended in the 2011 edition of *Legal 500* as an expert in public international law and as having "deep knowledge of international boundary disputes and the Law of the Sea".



Mr Tim Daniel, Partner, Edwards Wildman Palmer UK LLP, is internationally-recognised for his experience and expertise in international law. Tim has acted for a number of governments and parastatals, particularly in the developing world. This work has included representation of states before the International Court of Justice in boundary disputes and in international arbitration disputes. Tim has acted for the Government of Nigeria since the mid-1970s, and led the team advising Nigeria in the boundary dispute with Cameroon before the International Court of Justice. He also assisted Nigeria in its negotiation of maritime boundary treaties with Equatorial Guinea, São Tomé e Príncipe and Benin and continues to advise on a number of national and international boundaries relating both to Nigeria and other parts of the world. Tim has extensive experience of asset tracing, both in the commercial/insolvency sector and, currently, on behalf of states. He has been recognised as a leader in the fields of public international law, administrative and public law (including judicial review) in leading legal directories.



Dr. John W. Donaldson, Senior Research Associate, International Boundaries Research Unit, joined IBRU as a Research Associate in 2003. Since that time he has conducted research in several archives around the world and has written widely on a variety of boundary issues including river boundaries. In 2006, he created the International River Boundaries Database and has collected information on over 1100 river boundary sections worldwide. He holds a PhD concerning boundary demarcation practices in southern Africa and an MA in international boundaries, both from Durham University, and currently serves as an advisor to the African Union Border Programme.



Mr Coalter Lathrop, Principal, Sovereign Geographic, is an expert in the legal and geographic aspects of boundary delimitation. Coalter has assisted government clients in the peaceful resolution of boundary disputes both through negotiation and in litigation before the International Court of Justice, the International Tribunal for the Law of the Sea, and ad hoc tribunals. He has also assisted coastal states with their submissions to the Commission on the Limits of the Continental Shelf. Coalter holds a J.D. and LL.M. in International and Comparative Law from Duke University School of Law, a master's degree in ocean policy from the University of Washington and a B.A. from Duke University. Coalter has published widely in leading international law journals and was recently appointed editor of the American Society of International Law's acclaimed series *International Maritime Boundaries*. He is a Fulbright Specialist on ocean law, and holds leadership positions in the American Society of International Law and the International Law Association. He also teaches courses on Law of the Sea and International Environmental Law at Duke Law School.



Mr Brendan Plant, Lecturer in International Law, University of Cambridge, is a doctoral candidate with research focusing on the settlement of international disputes. He currently teaches public international law at a number of Cambridge colleges, having previously lectured in the US and the UK. Prior to his doctoral studies, Brendan was a Research Fellow in Public International Law at the British Institute of International and Comparative Law, in which capacity he co-authored the monograph *Evidence before the International Court of Justice*. Brendan was an officer of the Bahrain Independent Commission of Inquiry, and has served as a consultant for a wide range of research institutes and NGOs, including Amnesty International, Greenpeace International, the Commonwealth Foundation, the Consiglio Nazionale Forense, the European Centre for Minority Issues and the Australian Red Cross. Brendan is a Solicitor of the Supreme Court of New South Wales and the High Court of Australia, and has practised in leading commercial law firms in London and Sydney.



Professor Martin Pratt, Director of Research, International Boundaries Research Unit, has been a member of the IBRU research team since 1994 and coordinates the Unit's training programmes and consultancy activities. He has advised governments, NGOs and commercial organisations on a wide range of boundary and sovereignty disputes around the world, and has extensive experience conducting research in archives in the UK and overseas. Martin has served as an advisor to the African Union Border Programme and the International Boundaries Task Force of the United Nations Geographic Information Working Group. In 2010 he received the Michael Barratt Award of the Royal Institute of Chartered Surveyors for his contribution to the understanding of international boundary issues.

PROGRAMME

Monday 16 April	0830-0900	Registration
	0900-1045	Introduction: boundary disputes and their resolution <ul style="list-style-type: none">• Title to territory and rights over maritime space• Types of boundary and territorial dispute• Options for dispute resolution• The role of evidence in boundary dispute resolution
	1045-1115	Refreshments
	1115-1230	Types of evidence <ul style="list-style-type: none">• Documentary evidence• Testimonial evidence• Expert evidence
	1230-1330	Lunch
	1330-1500	The treatment of evidence by the International Court of Justice <ul style="list-style-type: none">• Rules & procedures relating to evidence• Admissibility and use of evidence• 'Effectiveness v. legality'
	1500-1530	Refreshments
	1530-1700	Evidence in boundary and sovereignty cases 1 <ul style="list-style-type: none">• Examples from cases including Eritrea-Yemen, Indonesia-Malaysia, Eritrea-Ethiopia
1845	Workshop dinner at Durham Castle	

Tuesday 17 April	0900-1030	Geographic evidence in boundary and sovereignty disputes <ul style="list-style-type: none">• Maps as evidence of title and boundary alignment• The treatment of maps by courts and tribunals• Other geographic evidence
	1030-1100	Refreshments
	1100-1300	Evidence in boundary and sovereignty cases 2 <ul style="list-style-type: none">• Case study: the <i>Land and Maritime Boundary between Cameroon and Nigeria</i> case
	1300-1400	Lunch
	1400-1700	Practical exercise <p>Working in teams, participants will evaluate evidence in a fictional boundary and sovereignty dispute and prepare evidence-based arguments in support of their state's claims</p>

Wednesday 18 April	0900-1030	Evidence in maritime boundary delimitation <ul style="list-style-type: none">• Evidence relating to coastal geography• Fishing and oil practice• Security, environment and other relevant circumstances
	1030-1100	Refreshments
	1100-1230	Assembling, assessing and presenting evidence <ul style="list-style-type: none">• Research• Working in archives• Information management and assessment• Presenting evidence in negotiations, written pleadings and oral hearings
	1230-1300	Closing discussion and wrap-up

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

Cover Image: Reuters/Vreeker

INFORMATION

The Venue

The Durham Marriott Royal County Hotel

Situated on the banks of the River Wear in the centre of Durham City, the Durham Marriott Hotel Royal County offers sensational views of England's famous Durham Castle and Cathedral. The hotel, part of which dates back to the 17th century, offers modern amenities while preserving historic charm and exquisite features. The elegantly furnished guest rooms feature a dedicated workspace, hair dryer, adjustable climate control, and high-speed Internet service. Guests also have access to the indoor pool and fitness centre. For more information on the Durham Marriott Royal County as a venue, please visit: www.DurhamMarriottRoyalCounty.co.uk



What will it cost?

The cost of the workshop is **£1,860** (£1,550 + VAT) per participant. All fees are subject to UK VAT at 20%

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 **23 March 2012**, any provisional places booked will be removed. Bookings made after 23 March 2012 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:

- Single ensuite accommodation at the Durham Marriott Royal County Hotel on the nights of 15, 16 and 17 April
- Breakfast, lunch and refreshment breaks on 16, 17 and 18 April
- Dinner on the evenings of 15, 16 and 17 April

Accommodation for additional nights may be available and must be booked directly with the Marriott Durham Royal County Hotel.

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
- 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 and travel

Workshop accommodation and teaching will be based at the Durham Marriott Royal County Hotel which is located in the heart of Durham city centre. Full details of the venue will be sent to participants following payment and confirmation of the booking.

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

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 23 March 2012 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.

International Boundaries Research Unit, 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

Web: www.durham.ac.uk/ibru/workshops

