

Borderlines

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NEWSLETTER AND CALENDAR OF EVENTS

Precarious passage: refugees and asylum-seekers navigate the landscape of protection in Thailand



The NEW 2016
Professional
Training Workshop
Programme

Updated
Arctic Map with
Russian Submission



Durham
University

Forced Migration in Asia-Pacific

Migrant movement in the Asia-Pacific achieved new and unprecedented visibility in May 2015, as traffickers abandoned hundreds of Rohingya asylum-seekers in dilapidated fishing boats in the Andaman Sea, exposing a long-standing network of human trafficking to new international scrutiny. Despite Thailand's status as a centre for regional migration policy development, transit, and settlement, the Thai government's involvement in the Rohingya crisis brought new attention to the challenges of addressing migration issues in the Asia-Pacific. Tahmima Anam wrote in *The Guardian* that the Rohingya crisis represented "the shape of things to come,"¹ what she called the beginnings of an "age of migrants." writes Dr Kate Coddington.

During July and August of 2015, I conducted field research on migrant movements in Thailand as part of a British Council-funded project titled "Navigating a changed landscape: Consequences of regionalised migration policies for Thai policy-makers, non-governmental organizations, and migration trends." Over the course of interviews, it became apparent that the Andaman Sea crisis was paradoxically connected to the Thai government's recent crackdown on human smuggling routes. Spurred in part by increasing international attention to human trafficking in Thailand, especially by the United States' 2014 Trafficking in Persons report, the Thai government had shut down several high-profile smuggling networks that organized the transport of Rohingya refugees through Thailand and on to other countries in the region, principally Malaysia and, to a lesser extent, Indonesia. Without land-based networks in Thailand that could take responsibility for Rohingya refugees after their journey aboard the rickety fishing boats, the boat captains abandoned their passengers, leaving people adrift.

Regional Summit

Before bowing to increasing international pressure, the governments of Thailand, Malaysia and Indonesia initially pushed back the boats containing over 8,000 stranded Rohingya refugees. Thailand then agreed to host a regional summit, which resulted in agreements by Malaysia and Indonesia to admit Rohingya passengers temporarily, until their transfer to a third country could be organized before May of 2016. Tellingly, despite volunteering to organize the regional summit, the Thai government representatives did not attend the press conference where this reluctant settlement was unveiled. The events of May 2015 underscored the complexities of Thailand's role in migration throughout the region a country that has hosted displaced people from Vietnam and Myanmar for decades, yet refuses to legally recognize the category of 'refugee'; a country that has become a regional hub for labour migration yet has been internationally critiqued for ongoing labour abuses in the fishing and food processing industries; a country where migration is both of central concern and yet the subject of very little official government policy.

Navigating a changed landscape

These tensions in Thai migration policy motivated the "Navigating a changed landscape" project, which involved interviews and ethnographic observation with over 30 individuals including a cross-section of academics and practitioners working in the field of migration, primarily at nongovernmental organisations, research universities, and branches of government.



This research was supported by the British Council of Thailand Newton Fund Research Links Travel Grant, and Dr. Coddington's visit was hosted by the Asian Research Center for Migration at Chulalongkorn University, the staff of which is pictured here.

The project was hosted by the Asian Research Center for Migration at Chulalongkorn University, Bangkok, Thailand. Research revealed a precarious landscape of protection for refugees like the Rohingya in Thailand. The Thai government legally recognises the presence of 53,600 'displaced persons' from Myanmar living in nine long-term camps along the Thai-Myanmar border, yet it is not a signatory to the 1951 Refugee Convention or the 1967 Protocol governing international refugee obligations. Indeed, the 2015 refoulement of over 100 Uighur asylum seekers suggested the Thai government's lack of commitment towards protection principles. The over-30,000 refugees from Myanmar living outside the camps join the over-20,000 asylum seekers from Pakistan, Palestine, and other global conflict zones who live in Thailand's urban areas without access to political status, legal representation, or means of legal employment². Many are subject to human rights abuses, detention, and deportation. Tacit agreements between nongovernmental organisations and a shifting constellation of individual policymakers and government officials govern these urban asylum seekers' access to basic services.

The precarious spaces of accommodation between harsh government policies and the everyday lives of refugees offer insight for the European context as well. In a context where the application of international principles for refugee governance, such as the 1951 Convention, has become increasingly arbitrary, exemplified by the new border walls along the Hungarian-Serbian border or Germany's move to limit the number of border entrance points for migrants, it becomes more important to consider where asylum-seekers will end up in a world 'beyond' the 1951 Convention. Offering neither protection nor long-term liveability, the 'grey areas' of urban Thailand may offer insight into how similar ambiguous and precarious spaces will be navigated in Europe and beyond.

¹Tahmima Anam, *The Guardian*, 19 May 2015, The Rohingya crisis is not an isolated tragedy – it's the shape of things to come.

²(2015) 2015 UNHCR country operations profile – Thailand, UNHRC, <http://www.unhcr.org/pages/49e489646.html>, accessed 7 December 2015.

New Maps of Arctic Maritime Claims and Russian Arctic Seabed Claims

IBRU and our consulting partner, Bordermap, have created a new and updated version of the original 2008 map of 'Maritime jurisdiction and boundaries in the Arctic region', which depicts the claims to Arctic seabed resources made, or potentially to be made, by Canada, Denmark, Russia, Norway, and the USA. The extension of coastal states' sovereign rights to resources of the Arctic continental shelf has been ignited by new possibilities for the extraction of the region's oil and gas reserves due to shrinking polar ice and shifts in world energy markets. The updated map was created as a result of a new and updated claim submitted by Russia to the United Nations in August 2015. In addition IBRU have also created a simplified map showing the old and new Russian claims from 2001 and 2015 and the differences between these two Russian claims.

On 3 August 2015, Russia submitted a claim to Arctic seabed territory to the United Nations Commission on the Limits of the Continental Shelf (CLCS). The claim is a follow up to their original claim in 2001 which was returned to the Russian Foreign Ministry due to lack of evidence and scientific data to justify their claim. The new Russian claim reproduces many of the claims made in 2001, however Russia extends the limits of its claim in two areas and retracts them in a third area. As a result, Russia has added around 103,000 square kilometres to its original 1,325,000 square kilometre claim. In the newly created map, the green portions of the Central Arctic Ocean represent areas of the seabed added to the new 2015 claim, red portions represent area retracted from the 2015 claim, and pale yellow represents areas that are included in both the 2001 and 2015 claims.

Background to the creation of the maps

Although there are frequent reports of a “new Cold War” emerging over Arctic resources, to date most political activity in the region has followed the rules and procedures for establishing seabed jurisdiction set out in the 1982 United Nations Convention on the Law of the Sea (UNCLOS). These procedures permit coastal states to

claim exclusive rights to the non-living resources of the seabed beyond 200 nautical miles from coastal baselines, provided certain bathymetric and geological conditions are met. The updated 'Maritime jurisdiction and boundaries in the Arctic region' map and the map of changes in Russian claims depict the filings that states have made, or potentially could make, with the Commission on the Limits of the Continental Shelf (CLCS) to identify areas that meet these bathymetric and geological conditions.

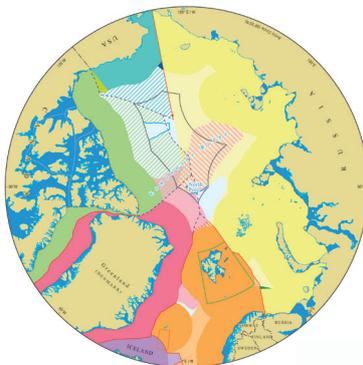
Russia, Norway and Denmark have made submissions to the CLCS; Norway's submission was the subject of CLCS recommendations in 2009 while Denmark's 2014 submission and Russia's 2015 resubmission await review by the CLCS. Canada and the USA continue to gather data in preparation for future submissions to the CLCS, although the USA will probably need to ratify UNCLOS before it can make a submission.

Durham University Professor Phil Steinberg, Director of IBRU, noted, “In filing this claim, Russia is engaging in a process that Norway and Denmark have already followed in the Arctic, that Canada is preparing to follow, and that dozens of other countries have followed in oceans around

the world. Far from being a unilateral acquisition of territory, Russia is joining the world community in following the rule of law in using scientific data to assert limited economic rights to portions of the international seabed.”

Professor Steinberg added, “Once all Arctic submissions are complete, there likely will be considerable overlap in the claimed sea beds of Denmark (through Greenland), Russia, and Canada, including at the North Pole. At that point, a legal process will be instituted to sort through and divide those claims. However, all indications are that the process will be peaceful and orderly.”

The original 'Maritime jurisdiction and boundaries in the Arctic region map' was created by IBRU in 2008, when controversy surrounding the planting of Russia's flag on the seabed beneath the North Pole was leading to widespread speculation about imminent conflict in the Arctic region. The map remains relevant today as a guide for Arctic policy makers. It also serves as a testament to the rule of law and the commitment to the orderly settlement of disputes in the circumpolar North. Both maps are available to download from <https://www.durham.ac.uk/ibru/resources/arctic/>



The 2015 update to the original 2008 Arctic map shows all claims to Arctic seabed that have been submitted to the UN by Denmark, Norway, and Russia, as well as the maximum potential claims that could be made by Canada and the United States.



A second, simplified map has been created to show the difference between the Russian claim submitted on 3 August 2015 and their original claim in 2001.

Research Grants at IBRU

The Leverhulme Trust has awarded a £125,000 International Network grant to the Project on Indeterminate and Changing Environments: Law, the Anthropocene, and the World (the ICE LAW Project), a project of IBRU and the University of the Arctic Thematic Network on Arctic Law.

The ICE LAW Project investigates the potential for a legal framework that acknowledges the complex geophysical environment in the world's frozen regions and explores the impact that an ice-sensitive legal system would have on topics ranging from the everyday activities of Arctic residents to the territorial foundations of the modern state.

In addition to IBRU Director Phil Steinberg, sub-project leaders include Claudio Aporta and Aldo Chircop (Dalhousie University), Gavin Bridge and Kate Coddington (Durham University), Stuart Elden (Warwick University), Stephanie Kane (Indiana University), Timo Koivurova and Anna Stammmer-Gossmann (University of Lapland), and Jessica Shadian (University of Akureyri).

For more information on the ICE LAW Project, see <http://icelawproject.org>.



Scientists in an endless vista of ice, sea, and melt water as seen from the USCG Icebreaker HEALY. Arctic Ocean, Canada Basin. July 22, 2005. Photographer: Jeremy Potter NOAA/OAR/OER.

Farewell after 21 years



In May 2015 IBRU's longest-serving member of staff, Martin Pratt, left IBRU to form his own consulting business, Bordermap Consulting. Over the years, Martin's dedication and expertise helped IBRU to grow into the well-respected specialist boundary unit for which it has become renowned the world over. Borderlines asked him to reflect on his 21 years with IBRU.

When you joined IBRU in 1994, what were you expecting?

Not much, to be honest! IBRU was still dependent on grant funding at the time, and Gerald Blake (founder of IBRU and Professor of Geography at Durham University) was kind enough to offer me a twelve-month contract to help him apply for new research grants. I wasn't terribly successful at that job but Clive Schofield (now Director of Research, ANCORS, University of Wollongong) and I came up with a back-of-a-beer-mat business plan and, to our amazement, the university agreed to support it. The next few years were quite challenging, but our hunch that there was a growing demand for consultancy and training in international boundary issues turned out to be right - luckily for me.

What is your proudest achievement at IBRU?

I have been honoured to contribute in a small way to the peaceful resolution of several boundary and territorial disputes, which has always been central to IBRU's mission. But I am perhaps even more proud of IBRU's professional training programme. It is unique in the world and is clearly highly valued by government officials and other practitioners who face difficult challenges in defining and managing international boundaries on land and at sea. Since the programme began in 1996 we have had more than 1,500 workshop participants from 123 countries, many of whom have become good friends. I learn so much from workshop tutors and participants, and I am thrilled that IBRU has asked me to continue to help lead its training programme over the next few years.

Do you have a favourite memory?

I have too many wonderful memories to be able to single out just one. Boundary-hunting in the middle of the Sahara desert was certainly a highlight, and the global media frenzy following publication of IBRU's map of maritime jurisdiction in the Arctic in 2008 was quite surreal. But ultimately it is friendships that matter most and my fondest memories are tied to the many wonderful people I have met through IBRU. Now that

I live in Canada I am particularly nostalgic about the nights we used to cram twenty or more conference or workshop participants into the back room of the Victoria Inn in Durham and set the world to rights over a few pints of beer - cheers to everyone who was there!

What are your plans for the future?

My family is my first love (which is why I agreed to leave Durham for Calgary!) but boundaries are a close second, and I set up Bordermap Consulting so that I could continue to support effective international boundary-making and peaceful territorial dispute resolution around the world. I will miss being a core member of the IBRU team but I will continue to support the Centre's work and I plan to remain actively involved in boundary-related research projects with various partners - so this is by no means a farewell interview. I am particularly open to invitations to warm places between the months of November and April!

IBRU will continue to work with Martin and Bordermap Consulting, particularly in delivering the professional training workshop programme. For more information on Bordermap and the services they provide, visit www.bordermap.com

Staff Changes at IBRU



2015 saw a number of departures from the IBRU team. Long time IBRU researcher Professor Martin Pratt, who for several years has been directing IBRU'S consulting and training programmes, has formed his own consulting firm, Bordermap, although he will continue to play a key role in IBRU training workshops. We wish Martin success with this new venture.

Research Associate Marta Conde-Puigmal

IBRU also wishes all the best to Research Associate **Dr Kate Coddington**. Since June 2014, Kate has been a crucial member of the IBRU team, taking the lead in a number of joint and individual funding proposals, maintaining the 'Boundary News' portion of the website, and assisting in responding to media queries. Kate has used her time at IBRU to solidify her position as a leading scholar on migration and border management issues in Australia and Southeast Asia while also working with IBRU-affiliated staff on a range of projects.

While we're sad to see Kate go, she won't be going far, as she has been appointed a Lecturer in Durham's Department of Geography. In addition, Kate will be joining IBRU's steering committee. We're delighted to welcome Kate to these new positions.

2015 also saw the departure of **Jane Hogg**, who has been IBRU's Secretary since 2004. Jane has long been a key member of IBRU's administration team and her presence in the office will be sorely missed.

Finally, IBRU welcomes **Dr Marta Conde-Puigmal** as a new Research Associate. Marta joins IBRU from the Institute of Science and Environmental Technology at the Autonomous University of Barcelona (ICTA-UAB) where she researched mining conflicts, exploring why conflicts occur as well as the strategies and discourses adopted by resistance movement including the links made between science and activism. In her dissertation, Marta examined and compared how different communities in Namibia and Niger reacted to the expansion of uranium mining projects.

At IBRU, Marta will be working closely with Director Phil Steinberg on various initiatives, with a special focus on governance issues related to the expansion of seabed mining in territorial and extraterritorial spaces.

Boundaries in the news 2015

In December 2014, the governments of Denmark and Greenland submitted information on the outer limits of the northern continental shelf of Greenland to the Commission on the Limits of the Continental Shelf (CLCS). This was followed in August 2015 by a Russian re-submission for a claim to the Arctic seabed which was first submitted in 2001 but rejected through lack of evidence.

At the start of 2015 **Thailand** announced that a section of the disputed boundary between Thailand and **Cambodia's** Preah Vihear will be "redrawn", although the issue of the disputed boundary near the Preah Vihear Temple has not yet been discussed at the meetings of the Cambodia-Thailand Joint Commission for Bilateral Agreement.

In March, **Côte d'Ivoire** submitted a request for provisional measures to the Special Chamber of ITLOS regarding the delimitation of the maritime boundary with **Ghana** which was filed in September 2014. Ghana filed a statement of case (memorial) on 4 September 2015. Côte d'Ivoire has until 4 April 2016 to file its response.

Costa Rica and Nicaragua's hearing before the International Court of Justice in The Hague, Netherlands, began in April 2015. The court heard arguments regarding the status of the San Juan River which forms the boundary between the two countries.

In May, **Burkina Faso and Niger** complied with the 2013 International Court of Justice ruling that required the two countries to exchange territory along 620 miles of disputed border. The countries agreed to swap eighteen towns, resulting in Burkina Faso gaining fourteen towns and Niger gaining four towns.

Also in May the hearing began on the case of **Bolivia v Chile** to determine if the court had jurisdiction over the case, something Chile disputed. In September 2015 the ICJ ruled

it did indeed have jurisdiction and that Chile had an obligation to negotiate the century old dispute regarding access to the Pacific Ocean by Bolivia. Hearings on the case will continue in The Hague for several years.

In June, **India and Bangladesh** signed an agreement to exchange more than 150 territorial enclaves, ending an over forty year boundary dispute that affects nearly 52,000 residents on either side of the border, a territorial dispute that dates back to colonial-era border demarcation.

There were revelations in the ICJ in July when it was suggested that an ICJ Judge involved in negotiations between **Slovenia** and **Croatia** had broken impartiality rules of the court and this has caused fallout in both countries. Slovenia and Croatia have been negotiating access to 13 square kilometres of disputed territory that surrounds Piran Bay on the Adriatic Sea since 2011.

Also at the ICJ in July, **Somalia** submitted claims to its disputed sea border with **Kenya**. The disputed territory amounts to over 100,000 square kilometres of Indian Ocean territory which has shown to contain potential gas reserves. The ICJ invited Somalia to submit a claim after efforts to negotiate a settlement outside of court failed in 2014. The ICJ has asked Kenya to formally respond to Somalia's claim by May 2016 when hearings will begin. Kenya objected to the case being brought before the ICJ stating it was "invalid". If Kenya succeeds in their objection, the case will return to negotiations.

Despite the 2014 ICJ ruling on the maritime boundary in the case of **Chile v Peru**, tensions remained high in 2015. Peru now claims nine acres of land along the Chile-Peru border which has exacerbated tensions with Chile.

In the on-going **South China Sea** dispute, India announced diplomatic support for the Philippines following the claim brought against China in 2013 in the Permanent Court of Arbitration, which China has refused to recognise.

2016 TRAINING WORKSHOP PROGRAMME

IBRU's unique boundary training programme has been running since 1996 attracting over 1,450 participants from 121 countries around the world.

Our workshops are led by teams of expert tutors and provide a relevant combination of background theory and practical application in an informal teaching environment. Numbers are limited to maximise interaction between tutors and participants so we advise you book early to guarantee your place. There will be three unique workshops held in 2016, with IBRU working with partners around the world to deliver a compelling programme.

**23-25
May
2016**

Venue:
Durham University, UK

Price
£2,460 (£2050+VAT)
Fee includes 3 nights' bed and breakfast accommodation at Durham Radisson Blu Hotel

Negotiating International Boundaries

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 course will include practical instruction on building and preparing a negotiating team, negotiation strategy and tactics, and drafting an agreement. Day two of the workshop will take the form of a boundary negotiation exercise in which participants will work in teams to resolve a boundary dispute based on a real-world scenario.

**26-28
September
2016**

Venue:
The Hague, Netherlands

Price
£1750*

Preparing for Third Party Settlement of Boundary and Territorial Disputes

Although it is widely recognised that boundary disputes are best settled through negotiation, there are times when recourse to third party settlement also needs to be considered as an option. This workshop is designed to help governments and their legal advisors to evaluate the benefits and disadvantages of third party adjudication, and to equip them with information and skills to ensure a successful outcome from the process.

Led by highly experienced international lawyers and boundary practitioners, the workshop will offer practical instruction on topics such as: choice of forum; assembling and assessing evidence; building and managing a team; presenting your case and rebutting your opponent's case. The workshop will also examine options for non-binding dispute resolution mechanisms such as mediation, conciliation and Track II diplomacy.

The workshop, organised in partnership with leading international law firm Eversheds, will be of value not only to countries currently involved in boundary litigation or arbitration but also to any country seeking to achieve a peaceful boundary settlement with its neighbours.



 **EVERSHEDS**

**14-16
November
2016**

Venue:
Dubai, United Arab Emirates

Price
£2,400*

Islands in Maritime Jurisdiction & Boundary Delimitation

The treatment of islands and low-tide elevations in defining maritime limits and boundaries is often a source of serious disagreement between states. Debates frequently arise over whether an island is entitled to generate maritime zones beyond a territorial sea, or whether an insular feature qualifies as an island under the law of the sea at all. Even when there is no dispute over an island's legal status, neighbouring states often disagree over whether certain islands should be given the same weight as other land territory in constructing a maritime boundary. Nearly all governments dealing with maritime jurisdiction and boundary delimitation have to address islands in one form or another and this workshop has been designed to support good practice in this context.

Led by experienced scholars and practitioners, the workshop will provide a unique in-depth exploration of the legal framework, state practice and international jurisprudence on islands, offering practical advice for policy-making and negotiations.

IBRU is delighted to host this workshop in partnership with the Australian National Centre for Ocean Resources and Security (ANCORS), University of Wollongong, one of the world's leading centres for research, education and training on ocean law, maritime security and natural marine resource management.



Landsat 8 image courtesy of the U.S. Geological Survey Islands of the Coast of the United Arab Emirates

To make an enquiry about our workshops, please contact the IBRU Events Team

Tel: +44 191 334 1965 Email: ibru-events@durham.ac.uk

Find out more and book online at www.durham.ac.uk/ibru/workshops

*price does NOT include accommodation



Borderlines is the newsletter of IBRU Centre for Borders Research at Durham University. It has a membership of more than 3500 boundary scholars, practitioners and enthusiasts around the world.

Since its founding as the International Boundaries Research Unit in 1989, IBRU has been the world's leading research centre on international boundary making and dispute resolution. Today, IBRU brings together work in international boundary law with the geographic study of borders and bordering in the 21st century.

For more information about IBRU visit our website at www.durham.ac.uk/ibru

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