

Borderlines

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NEWSLETTER AND
CALENDAR OF EVENTS

Borderlines is the newsletter of the International Boundaries Research Unit at Durham University. It has a readership of more than 3,000 boundary scholars, practitioners and enthusiasts around the world. In addition to highlighting the activities of the Unit, we are keen to include information on boundary-related events, publications and research at other institutions. Please send information relating to relevant activities to Michelle Speak at the address below.



International Boundaries Research Unit

Department of Geography
Durham University
DH1 3LE, United Kingdom
Telephone: +44 (0)191 334 1961
Fax: +44 (0)191 334 1962
Email: ibru@durham.ac.uk
www.dur.ac.uk/ibru

Contact

Ms Michelle Speak
Director of External Relations
Telephone: +44 (0)191 334 1965
Email: michelle.speak@durham.ac.uk
for information about workshops and
training services

Mr Martin Pratt
Director of Research
Telephone: +44 (0)191 334 1964
Email: m.a.pratt@durham.ac.uk
for information about research and
consultancy services



Editorial:

Boundary-making under UNCLOS: 25 years on

2007 will see the 25th anniversary of the opening for signature of what is arguably the most wide-ranging and sophisticated treaty ever agreed by the international community, the United Nations Convention on the Law of the Sea (UNCLOS).

UNCLOS has transformed the governance of the world's oceans in many ways, but nowhere has its impact been more profound than in the realm of maritime jurisdiction and boundary delimitation. Key jurisdictional aspects of the law of the sea that were codified in UNCLOS included: setting the maximum breadth of the territorial sea at 12 nautical miles; establishing the exclusive economic zone and redefining the extent of the continental shelf over which states may claim sovereign rights; and shifting the focus of boundary delimitation beyond the territorial sea towards achieving an "equitable solution".

Twenty five years on, boundary scholars are still arguing over what constitutes an equitable division of maritime space. However, in recent years courts and tribunals charged with delimiting maritime boundaries have all begun their deliberations by identifying the median line between the relevant coasts and then asking whether any circumstances exist which justify a departure from the median line. The adoption of an increasingly consistent approach to maritime boundary delimitation by judicial bodies is welcome, and states which have yet to agree their boundaries will find much to assist

them in recent decisions of the International Court of Justice and the April 2006 award of the arbitral tribunal established to determine the boundary between Barbados and Trinidad and Tobago - the first boundary to be settled under the compulsory dispute resolution mechanisms of UNCLOS.

Much work remains to be done. IBRU has identified 425 potential international maritime boundaries, of which fewer than half (204) have been subject to any delimitation or joint development agreement. Moreover, many of those agreements only define part of the potential boundary, and more than fifty have yet to enter into force. At the current rate of progress - around five agreements per year - it will take nearly fifty years for the global process of maritime delimitation to be completed. However, given the number of disputes relating to maritime jurisdiction around the world, that is probably an optimistic assessment.

Many of the world's maritime jurisdictional disputes concern the interpretation of the UNCLOS guidelines relating to straight baselines (Article 7) and/or what constitutes a rock which is not entitled to an exclusive economic zone or continental shelf (Article 121(3)). While the 25th anniversary of UNCLOS should rightly be a time for celebrating the Convention's many successes, perhaps it would also be an appropriate time to review some of its more problematic provisions?



Between a rock and a hard place: the disputed islets of Dokdo / Takeshima continue to complicate maritime delimitation between Korea and Japan.
Image courtesy of Joshua Davies.

CONFERENCE REVIEW: BORDER MANAGEMENT IN AN INSECURE WORLD



IBRU held its 7th international conference in Durham on 5-7 April 2006.

The theme of border management was chosen in recognition of the fact that boundaries around the world are coming under increasing strain as states try to find a balance between the seemingly incompatible goals of making their borders both open and secure.

The conference brought together 150 scholars and practitioners from 39 countries, with 55 speakers presenting papers on topics such as the changing nature of border security, post-conflict border management, the use of technology in border surveillance and control, managing maritime zones and boundaries, and the role and impact of boundary

commissions. Other sessions had a regional focus, with papers discussing the management of borders in West Africa, Central and South Asia, and an expanding Europe. A workshop was also held for participants interested in developing collaborative research projects in the field of border management.

While the papers covered a multiplicity of themes, a number of trends became apparent over the course of the conference. Most notable was the increasing securitisation aspect of border management, with many presenters highlighting the proliferation of high-tech security measures to deter cross-border crime, terrorism, trafficking, and illegal migration. A second related trend was the increase in border fencing that has taken place in recent years.

Abstracts of all papers are still available on the conference website, and papers from the maritime boundaries and boundary commissions sessions will be published in forthcoming issues of *Ocean Development and International Law* and the *Journal of Historical Geography*.

Participants left Durham with a wealth of new knowledge on a critical but often-overlooked aspect of boundary-making. The feedback we have received about the conference has been incredibly positive and we are already planning our next conference for Spring 2009 to celebrate the 20th anniversary of IBRU's foundation. Watch this space!

Conference website:
www.geography.dur.ac.uk/conf/bmiwparticipants

Recent publications by IBRU staff and associates

Amoore, Louise (2006) **'Biometric borders: governing mobilities in the war on terror'** *Political Geography* 25(3)

Bialasiewicz, Luiza, Elden, Stuart & Painter, Joe (2005) **'The constitution of EU territory'**, *Comparative European Politics* 3(3)

Donaldson, John (2005) **'Fencing the line: analysis of the recent rise in security measures along disputed and undisputed boundaries'** in Zureik, E and Salter, M (eds) *Global Surveillance and Policing: Borders, Security, Identity*

Donaldson, John and Williams, Alison (2005) **'Understanding maritime jurisdictional disputes: the East China Sea and beyond'**, *Columbia Journal of International Affairs* 59(1)

Elden, Stuart (2006) **'Contingent sovereignty, territorial integrity and the sanctity of borders'** *SAIS Review of International Affairs* 26(1)

Pratt, Martin (2006) **'A terminal crisis? Examining the breakdown of the Eritrea-Ethiopia boundary dispute resolution process'**, *Conflict Management and Peace Science* 23(4)

Pratt, Martin (2006) **'The role of the technical expert in maritime delimitation cases'**, in Lagoni, R and Vignes, D (eds) *Maritime Delimitation: Proceedings of the 2004 Symposium of the International Foundation for the Law of the Sea*.

Staff developments



Alison Williams



Louise Amoore



Marcus Power

IBRU has welcomed a new colleague, Dr Alison Williams, who has joined us as a Postdoctoral Research Associate. Alison is working with colleagues in the Politics-State-Space cluster in the Geography department to prepare grant applications for projects that will further strengthen IBRU's research portfolio. These include a proposal to update Stephen Jones' classic guide to *Boundary-Making* and a large project to investigate the concept of territorial integrity. The Geography department has also welcomed two new political geographers: Louise Amoore has interests in biometric borders and security, and Marcus Power's research includes the geopolitics of imperialism and development in Africa.

2007 Training Workshop Programme

IBRU workshops aim to provide a relevant combination of background theory and practical application. Course numbers are limited to create an informal teaching environment and maximize interaction between tutors and participants. Reservations can be made now for any of the following events.

Archive Research for Boundary Dispute Resolution

**30 April-
2 May 2007**

Venue: London, UK

Price: £1,250*
excluding accommodation



Most countries' archives contain a wealth of material relating to international boundaries, much of which can be crucial to the

understanding of boundary and territorial disputes. However, the size and complexity of many archives means that finding relevant material and compiling an accurate picture of the key issues is rarely a straightforward task. This workshop, led by experienced archivists, researchers and case managers, is designed to help participants appreciate how archive material can be used to help build a

case, and to provide practical guidance on how to make the best possible use of time available for archive research. The workshop will include practical sessions at The National Archives (formerly the Public Record Office) and the British Library. There will also be an optional one-day extension trip to the archives at the UK Hydrographic Office in Taunton on 3 May.

An Introduction to Technical Aspects of Maritime Boundary Delimitation

2-4 July 2007

Venue:
Collingwood College,
Durham University,
UK

Price: £1,395*
including accommodation
and all meals

Maritime boundary delimitation involves a range of political, legal and technical skills. Some politicians and lawyers are happy to leave the technical aspects of the delimitation process to their technical experts. Yet without a basic understanding of charts, datums, coordinates and other geographical and technical

issues, it is almost impossible to get a real sense of the area at stake. The purpose of this workshop is to provide non-technicians with a hands-on introduction to the concepts and tools involved in defining a maritime boundary from a technical perspective. No prior technical knowledge is required



and scientific jargon will be kept to a minimum!

Resolving Boundary Disputes Through Arbitration and Other Third-Party Proceedings

**2-4 October
2007**

Venue:
Offices of LeBoeuf,
Lamb, Greene and
MacRae LLP,
Washington DC, USA

Price: £1,250*
excluding accommodation

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 evaluate the pros and cons of boundary litigation and arbitration, 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:



Image courtesy of Munehiro Ishisa

choice of forum; assembling and assessing evidence; building and managing a team; presenting your case and rebutting your opponent's case.

The workshop, organised in collaboration with LeBoeuf, Lamb, Greene & MacRae LLP, 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.

LEBOEUF LAMB
LEBOEUF, LAMB, GREENE & MACRAE LLP

**To book a place please contact Ms Michelle Speak Email: ibru-events@durham.ac.uk
Tel: +44 (0)191 334 1965 or book online at www.dur.ac.uk/ibru/workshops**

* Workshop fees for UK-based participants are normally subject to VAT at 17.5%.

New address and a new look for the IBRU website

As part of Durham University's development of a single integrated web portal, the IBRU website has moved to a new address www.dur.ac.uk/ibru

The site has a new design which complies fully with W3C accessibility standards; we hope you find the new design appealing and the site easy to use. The site continues to offer all of the features found on the previous site, including:

- reports on boundary and territorial developments around the world
- information about boundary-related conferences and training courses hosted by IBRU and other organisations
- a boundary news archive containing over 18,000 reports from around the world covering the period 1991-2002
- details of IBRU's publications and a 'purchase and download' service
- links to more than 175 other boundary-related websites



Links from external sites to pages on IBRU's old website (www-ibru.dur.ac.uk) will automatically be forwarded to the new site, but webmasters are encouraged to update links as appropriate. We also welcome comments and suggestions for improving the website.

Making boundaries work on the ground

In November 2006 IBRU teamed up with the Ministry of Foreign Affairs of the Kingdom of Thailand to organise the *First International Symposium on Land and River Boundary Demarcation and Maintenance in Support of Borderland Development*.

The symposium, the first of its kind, was held in Bangkok on 7-9 November and was attended by more than a hundred participants from twenty-four countries. Representatives from fifteen governments made presentations on demarcation and maintenance activities along their boundaries and led round-table discussions on the practical challenges of boundary-making in Europe, Africa, the Americas and southeast Asia. Discussions highlighted the particular challenges posed by river boundaries - which account for around 25% of the world's total land boundary length - and the fact that boundary commissions rarely have sufficient human or financial resources to fulfil their mandates effectively.

Among the key conclusions of the symposium was agreement that uncertainty over boundary alignment increases the risk of disputes between states and hinders borderland development. Making boundaries visible on the ground may help to eliminate such uncertainty and can provide a foundation for development. However, demarcation should not be seen as an end in itself - it is only part of the ongoing process of boundary-making.

The full conclusions of the symposium, along with copies of most of the presentations, are available on the IBRU website at www.dur.ac.uk/ibru/conferences/thailand2006. IBRU would like to thank the Thai Ministry of Foreign Affairs for its initiative in organising the symposium and its wonderful hospitality during the event. We also look forward to the follow-up symposium which will be held in Mozambique in 2008.



Symposium participants examine a boundary marker on the new 'Friendship Bridge' across the Mae Sai river between Myanmar and Thailand.

Keep in touch with other boundary enthusiasts: Join the int-boundaries e-mail list

Int-boundaries is an e-mail forum established by IBRU for the exchange of information, ideas and opinions between people who are interested in the delimitation, demarcation and management of international boundaries. Subscription is free and there are no restrictions on who may join. The list's archives and details of how to sign up are available at www.jiscmail.ac.uk/lists/int-boundaries.html