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Thank you.



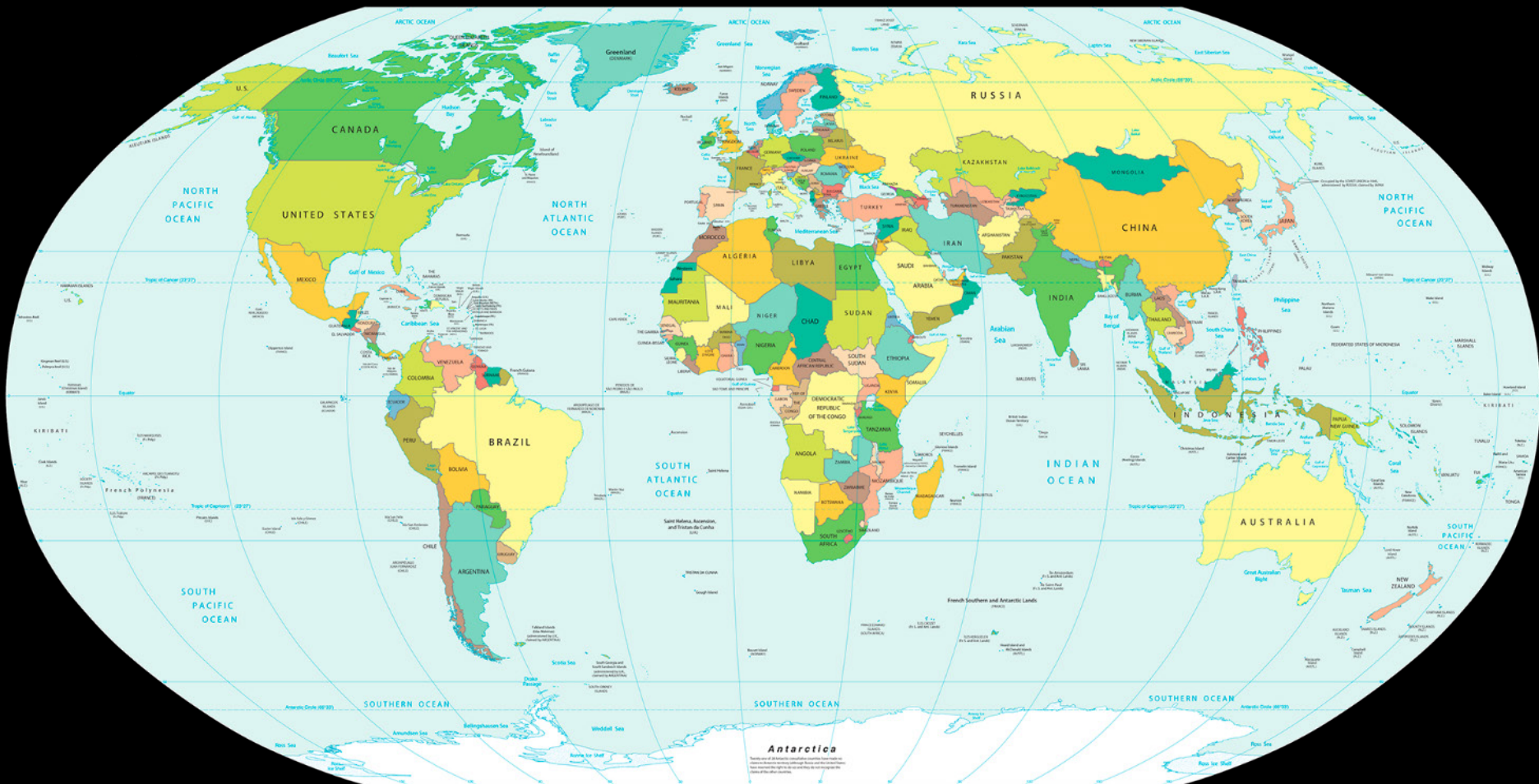
International Boundaries & Boundary Disputes



Martin Pratt

bordermap consulting

Geographical intelligence for international
boundary-making and dispute resolution

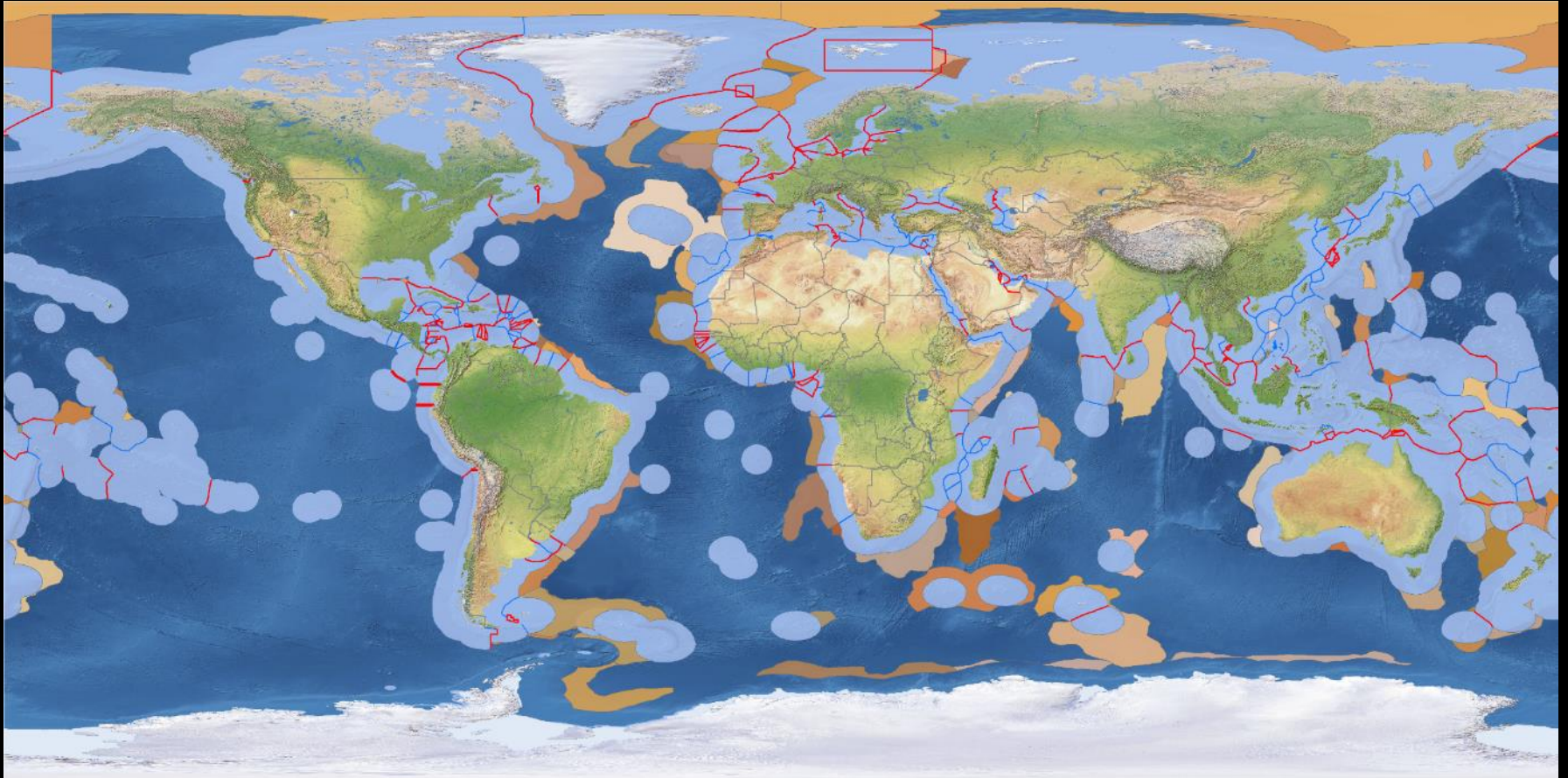


The unstable world political map

- 770 territorial changes 1816-1980 (Goertz and Diehl)
- 31 new states since 1990
- 158 territorial disputes 1950-1997 (Blake)

Africa	41	East & Southeast Asia	22
Americas	25	Middle East	21
Central & South Asia	18	Europe	31
- 39 boundary/sovereignty disputes submitted to third-party adjudication since 1980
- c. 40% of maritime boundaries still to be delimited

Maritime jurisdiction: the global state of play



The razor's edge

“Frontiers are indeed the razor's edge on which hang suspended the modern issues of war or peace, of life or death to nations.”



Lord Curzon of Kedleston

Viceroy of India 1898-1905 and British Foreign Secretary 1919-24

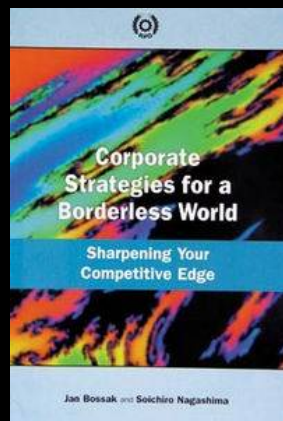
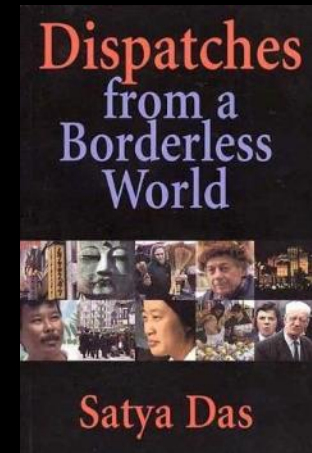
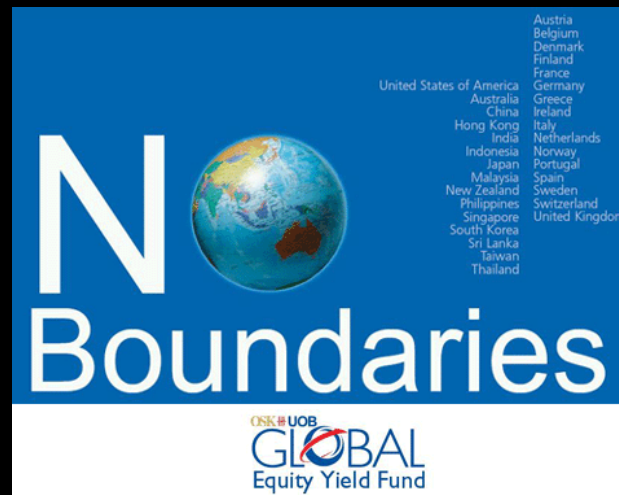
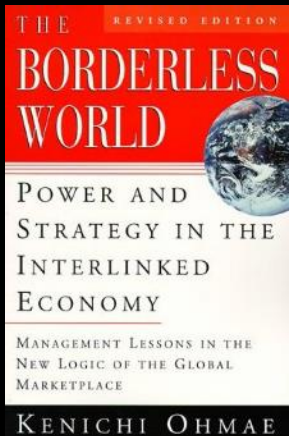
1907 Romanes Lecture, Oxford

The 'borderless world'

“You live in the age of interdependence.

Borders don't count for much or stop much, good or bad anymore.”

Bill Clinton, Harvard University, November 2001



'Schengenland'



The not so borderless world



Israel-Palestine



India-Pakistan



Mexico-USA



Bangladesh-India



South China Sea

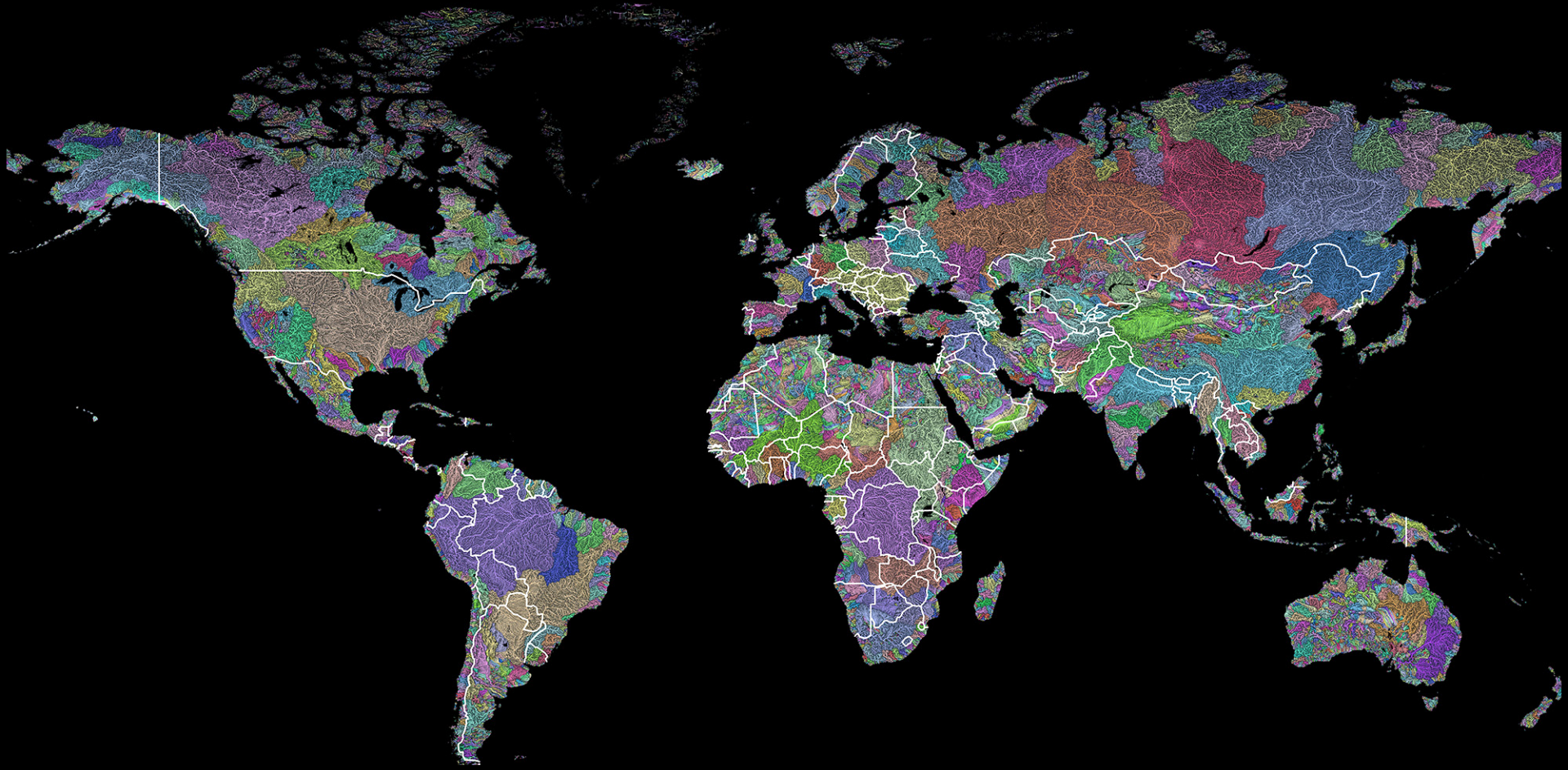


Moldova-Romania

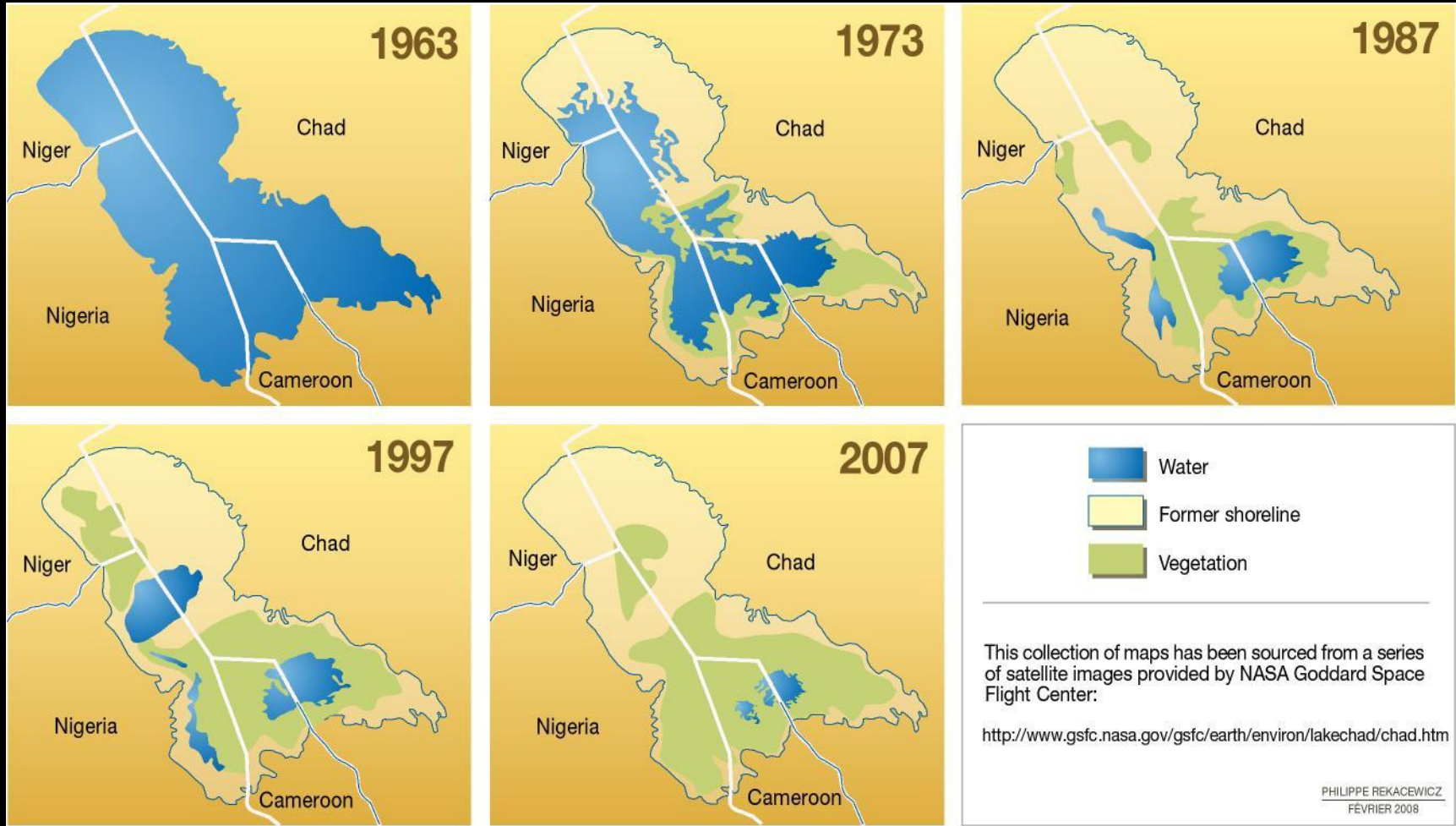
Demand for natural resources



International river basins



Climate change, water and boundaries



Water wars?

“Whiskey is for drinking. Water is for fighting over.”

Mark Twain

“The wars of this century were fought over oil.
The wars of the next century will be fought over water”

Ismail Serageldin, World Bank Vice-President 1995

“The consequences for humanity are grave.
Water scarcity threatens economic and social
gains and is a potent fuel for wars and conflict.”

Ban Ki-moon, UN Secretary General 2008



Climate change, conflict and migration



Types of boundary-related dispute

- Territorial / sovereignty disputes
- Positional disputes
- Maritime jurisdiction disputes
- Functional disputes
- Resource-related disputes

Territorial / sovereignty disputes

- Inter-state sovereignty disputes involving significant areas / populations
 - Kashmir (India, Pakistan, China)
 - Falkland Islands / Islas Malvinas (Argentina, UK)
 - Southern Kuril Islands / Northern Territories (Japan, Russia)
- Disputed / occupied territories involving non-state entities
 - Western Sahara
 - West Bank & Gaza Strip
 - Northern Cyprus

Israel-Palestine



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- Disputed / occupied territories involving non-state entities
 - Western Sahara
 - West Bank & Gaza Strip
 - Northern Cyprus
- ‘Back-burner’ territorial disputes
 - Gibraltar (Spain, UK)
 - Sabah (Philippines, Malaysia)
 - Antarctica

Island sovereignty disputes



Dokdo/Takeshima



Leila/Perejil



Hans Island

Territorial / sovereignty disputes

- Small/uninhabited island sovereignty disputes
 - involving significant maritime space
 - Dokdo/Takeshima (Korea, Japan)
 - Diaoyu/Senkaku Islands (China, Japan)
 - Spratly Islands (Brunei, China, Malaysia, Philippines, Taiwan, Vietnam)
 - Paracel Islands (China, Vietnam)
 - Europa, Bassas da India, Juan de Nova & Glorioso Islands (France, Madagascar)
 - Isla Mbañe, Conga and Cocotier (Equatorial Guinea, Gabon)
 - involving little or no maritime space
 - Imia/Kardak Rocks (Greece, Turkey)
 - Leila/Perejil (Morocco, Spain)
 - Conejo island (El Salvador, Honduras)
 - Hans Island (Canada, Denmark)

Positional disputes

Both sides agree that a boundary has been established, but disagree on the alignment of the boundary.

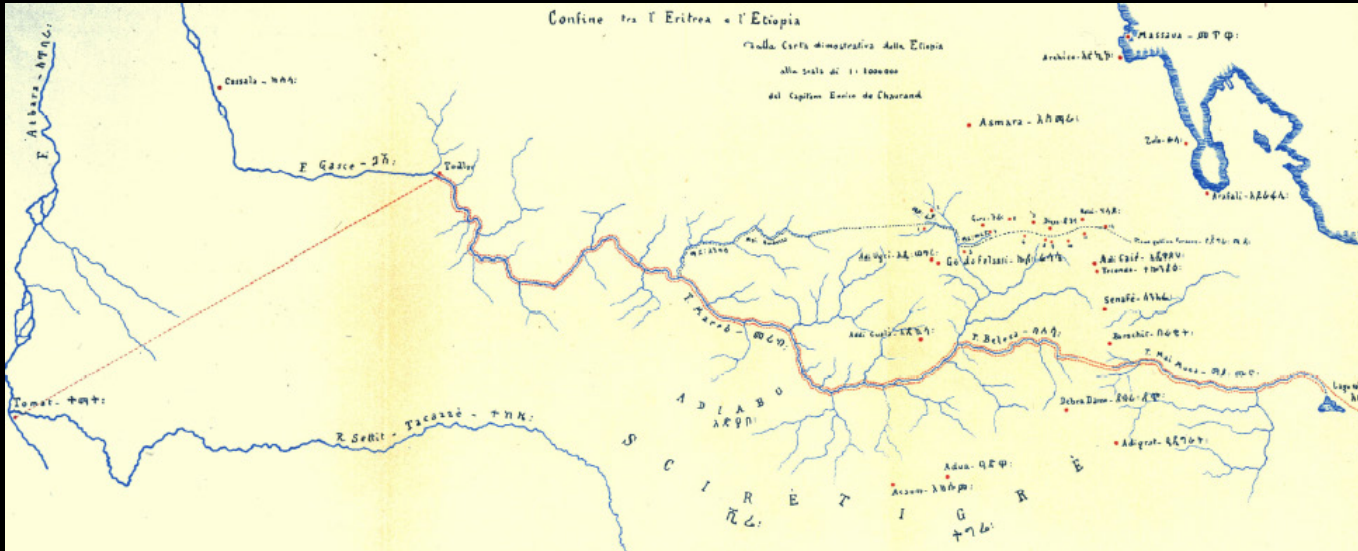
Positional disputes usually arise due to vague or ambiguous description of boundary alignment, often resulting from limited geographical knowledge of the border landscape when boundary was delimited.

“[We] have been engaged in drawing lines on maps where no white man’s foot ever trod; we have been giving away mountains and rivers and lakes to each other, only hindered by the small impediment that we never knew where the mountains and rivers and lakes were.”

Lord Salisbury, 1890

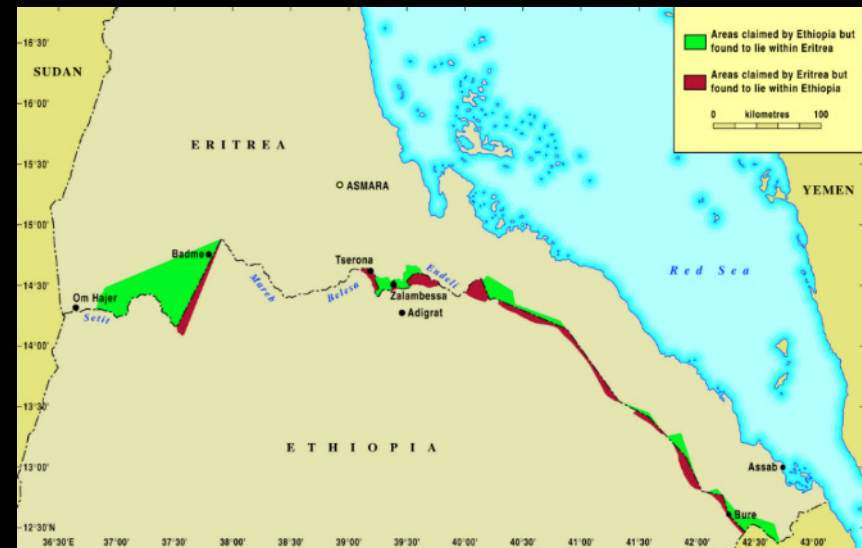
Positional disputes

Eritrea-Ethiopia



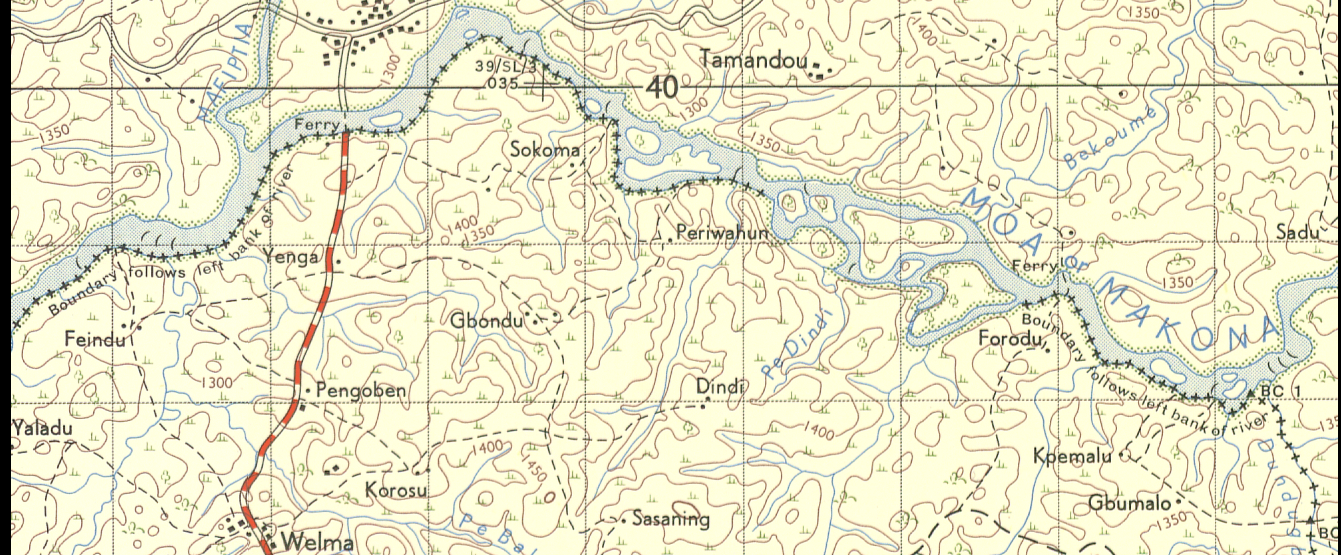
“The line Tomat-Todluc-Mareb-Belesa-Muna, traced on the map annexed, is recognized ... as the boundary between Eritrea and Ethiopia.”

Treaty between Italy and Ethiopia for the Delimitation of the Frontier between Eritrea and Ethiopia, July 1900



Positional disputes

Guinea-Sierra Leone



Demarcation-related positional disputes

- Unilateral demarcation activity
- Demarcation differs from delimitation
 - Demarcators lacked technical ability to identify positions defined by coordinates with precision
 - Demarcators given licence to adjust boundary to reflect local realities, but demarcation never formally incorporated into legal definition of boundary

Maritime jurisdictional disputes

- Disputes linked to sovereignty and land boundary disputes
- Historic internal waters claims
- The creation of maritime security zones / restrictions on navigation and overflight
- Inappropriate straight / archipelagic baselines
- EEZ / continental shelf claims from illegitimate basepoints
- Technical disputes over baselines
- Technical deficiencies in boundary definition
- Disagreement about what constitutes an equitable solution in maritime boundary delimitation, especially coastal geography, and especially the weight that should be accorded to small islands

Functional and resource-related disputes

- Unilateral closure of border crossings
- Access to traditional grazing lands, fisheries, etc.
- Use of boundary rivers and international rivers
- Transboundary hydrocarbons, minerals, groundwater
- Cross-border criminal activity
- Pollution-related disputes

Boundaries still matter...

Clearly-defined and well-managed boundaries remain vital for:

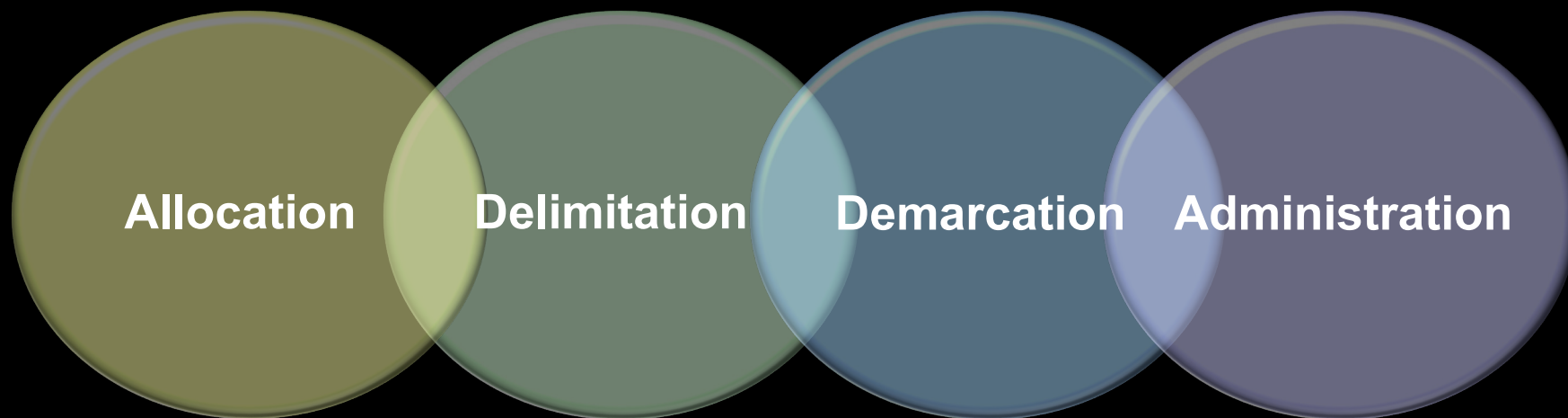
- National security
- Good international relations
- Efficient and equitable use of resources
- Effective local administration
- Borderland prosperity

Boundary-making

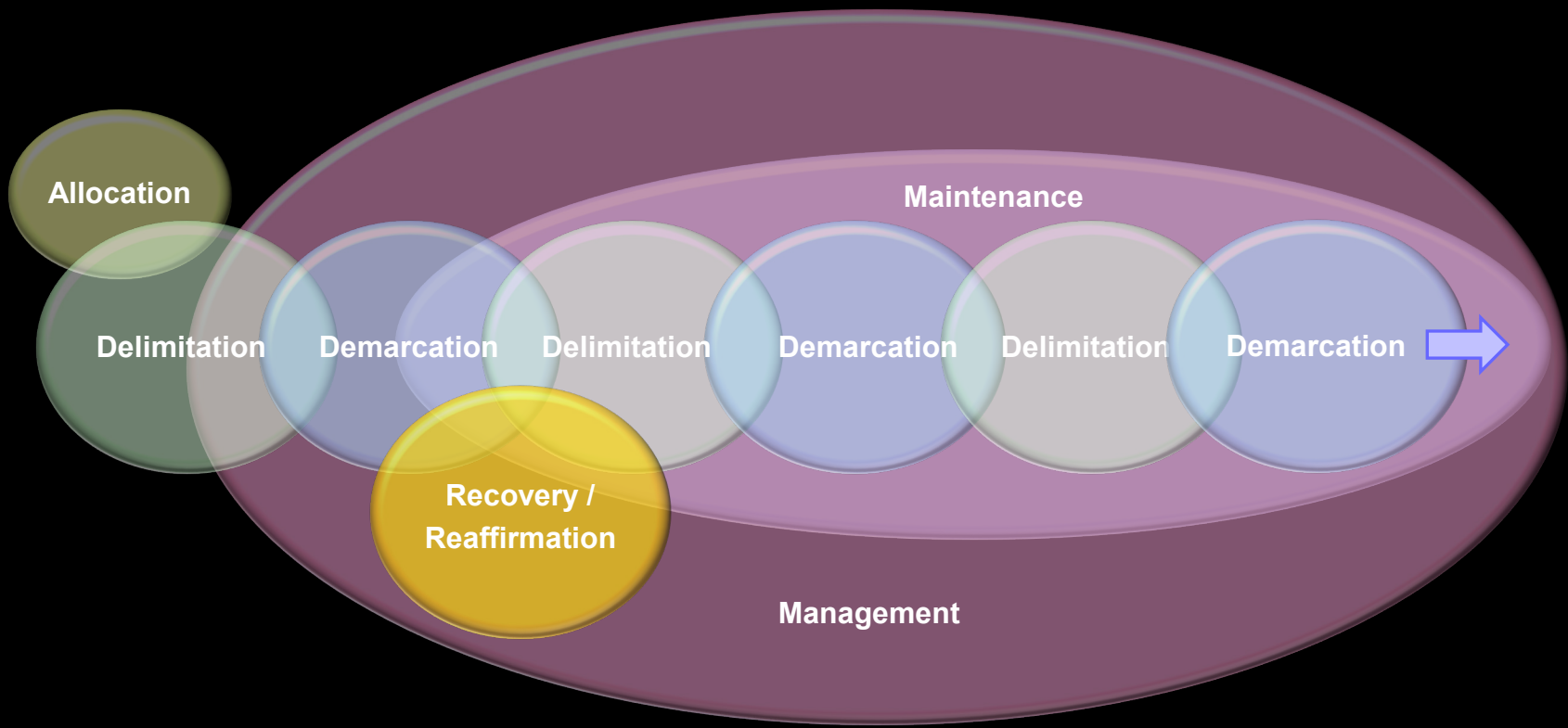
(Thomas Holdich (1916) *Political Frontiers & Boundary-Making*)

Stephen B. Jones (1945) *Boundary-Making: A Handbook for Statesmen, Treaty Editors and Boundary Commissioners*

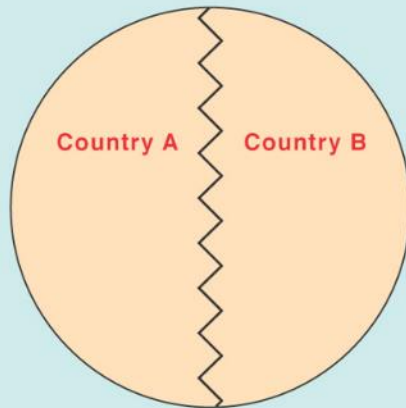
(<https://www.wshein.com/catalog/1359>, US\$45)



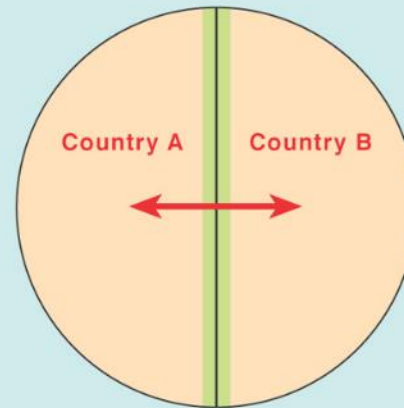
Developing the boundary-making model



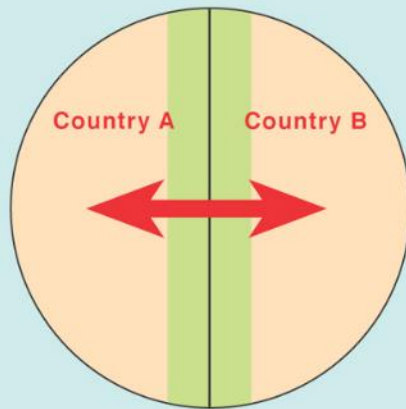
Martinez's model of borderland development



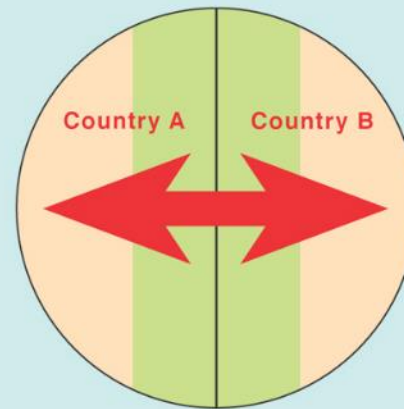
ALIENATED BORDERLANDS



CO-EXISTENT BORDERLANDS



INTERDEPENDENT BORDERLANDS



INTEGRATED BORDERLANDS

(after O.J. Martinez, 1994)

The UN Charter and dispute resolution

Article 2(3)

All members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

Article 33(1)

The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

Negotiate, negotiate, negotiate!



Greece-Turkey



Indonesia-Philippines



Bhutan-China



Ghana-Togo

Negotiate, negotiate, negotiate!



Antigua and Barbuda-UK

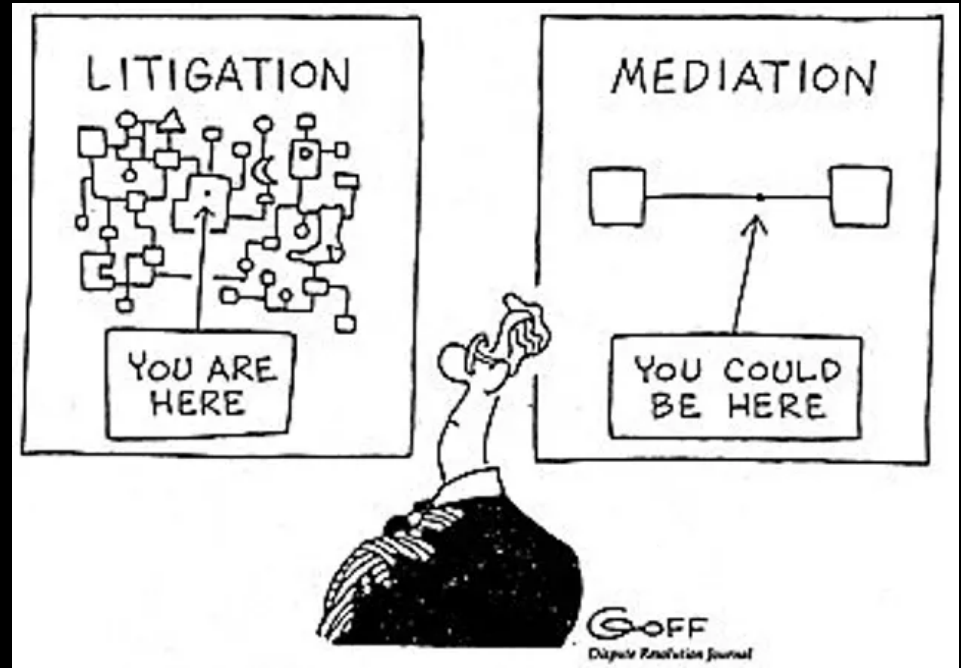
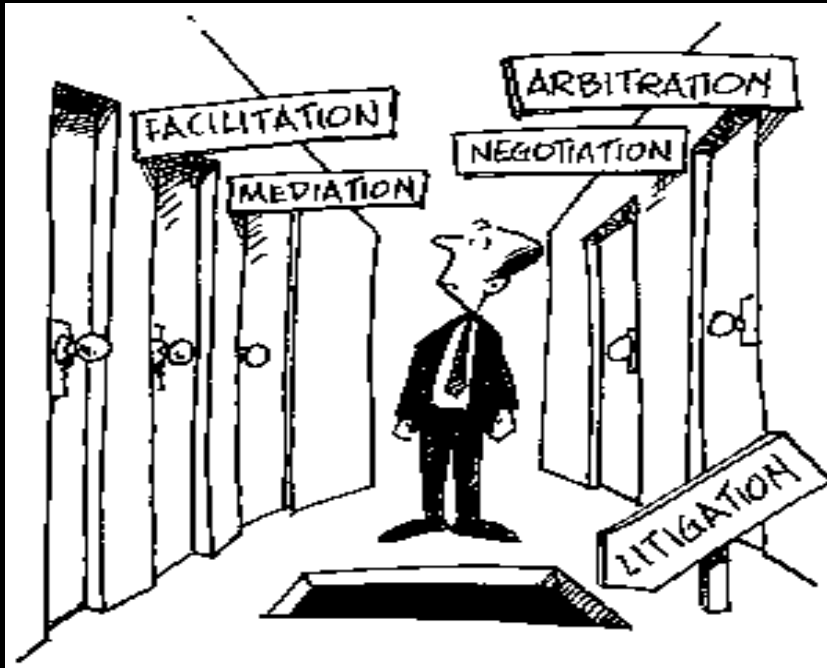


Bhutan-China

Time for adjudication?



Weigh your options



Recent land boundary / sovereignty cases

ICJ cases

Belize/Guatemala (L, M) #
Guyana v. Venezuela (L) #
Costa Rica v. Nicaragua (L) 2018
Burkina Faso/Niger (L) 2013
Cambodia v. Thailand (S) 1962, 2013
Nicaragua v. Colombia (M, S) 2012
Malaysia/Singapore (S) 2008
Nicaragua v. Honduras (M, S) 2007
Benin/Niger (L) 2005
Cameroon v. Nigeria (L, M, S) 2002
Indonesia/Malaysia (S) 2002
Qatar v. Bahrain (M, S) 2001
Botswana/Namibia (S) 1999
Libya/Chad (L) 1994
El Salvador/Honduras (L, M, S) 1992
Burkina Faso/Mali (L) 1986

Arbitrations

Croatia-Slovenia (L, M) 2017
Eritrea-Ethiopia (L) 2002
Eritrea-Yemen (M, S) 1999
Egypt-Israel (L) 1988

L = land boundary, M = maritime boundary,
S = sovereignty, # = ongoing case

Maritime delimitation cases

ICJ cases

Gabon/Equatorial Guinea (L, M, S) #
Guatemala/Belize (L, M, S) #
Nicaragua v. Colombia (M) #
Somalia v. Kenya (M) 2021
Costa Rica v. Nicaragua (M) 2018
Peru v. Chile (M) 2014
Nicaragua v. Colombia (M, S) 2012, 2022
Romania v. Ukraine (M) 2009
Nicaragua v. Honduras (M, S) 2007
Cameroon v. Nigeria (L, M, S) 2002
Qatar v. Bahrain (M, S) 2001
Denmark v. Norway (M) 1993
El Salvador/Honduras (L,M,S) 1992
Libya/Malta (M) 1985
Canada/USA (M) 1984
Tunisia/Libya (M) 1982
Germany/Denmark/Netherlands (M) 1969

ITLOS cases

Mauritius/Maldives (M) #
Ghana/Côte d'Ivoire (M) 2017
Bangladesh/Myanmar (M) 2012

Arbitrations

Croatia-Slovenia (L, M) 2017
Bangladesh-India (M)* 2014
Guyana-Suriname (M)* 2007
Barbados-Trinidad and Tobago (M)* 2006
Eritrea-Yemen (S, M) 1999
Canada-France (M) 1992
Guinea-Guinea Bissau (M) 1985
France-UK (M) 1977
Newfoundland/Labrador-Nova Scotia (M) 2002
Dubai-Sharjah (M) 1981

Recent ICJ functional & resource-related cases

- Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)
Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica) **2015**
- Aerial Herbicide Spraying (Ecuador v. Colombia) *Withdrawn 2013*
- Pulp Mills on the River Uruguay (Argentina v. Uruguay) **2010**
- Dispute regarding Navigational and Related Rights (Costa Rica v. Nicaragua) **2009**
- Gabčíkovo-Nagymaros Project (Hungary/Slovakia)
Negotiations resumed 1998

Programme

Monday

- Mediation and conciliation
- Boundary dispute resolution under international law
- Binding adjudication and arbitration

Tuesday

- Presenting your case
- A view from the bench
- Case management
- Practical exercise: Negotiating and drafting a special agreement

Wednesday

- Practical exercise: Preparing and presenting a Memorial
- Technical support in boundary cases
- After the Judgment

Thank you!



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Geographical intelligence for international
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