

Training Workshop Programme 2011

Preparing for Boundary Litigation & Arbitration

16-17 May 2011, London, UK

Third party settlement is sometimes the only option for resolving international boundary disputes. Learn to evaluate the benefits and drawbacks of the process to ensure a successful outcome.



INTRODUCTION

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.

Who should attend?

The workshop will be of particular value to:

- Ministers and Ambassadors
- Commercial litigators
- Technical advisors
- Legal advisors
- Diplomatic support staff
- Consultants and researchers

Tutors



Mr Rodman Bundy, Partner, Eversheds LLP holds a BA in history from Yale University and a JD from the Georgetown University Law Center, Washington, D.C.. Since 1984 he has been a partner in the Paris office of Eversheds LLP (which merged with Frere Cholmeley in 1998) specializing in public international law, boundary disputes, oil and gas law and international commercial and investment arbitration. He has acted as Counsel and Advocate for thirty years in numerous public international law matters and arbitrations, most recently on behalf of the Government of Singapore in sovereignty proceedings against Malaysia before the International Court of Justice, the Government of Ukraine in the ICJ maritime delimitation case against Romania, and the Government of Sudan in the Abyei Arbitration. Mr. Bundy is also currently engaged in two further ICJ cases involving boundary disputes.



Mr Robin Cleverly, Law of the Sea Consultant, UK Hydrographic Office, Law of the Sea Division joined the UKHO in 2003 after a long career as a petroleum exploration geologist in the oil industry. As part of his role at the UKHO, he provides technical advice to governments world-wide for the negotiation and delimitation of maritime boundaries, and also to oil majors and independents. He has worked extensively on international maritime boundary court cases, recently for Nigeria vs Cameroon, Barbados vs Trinidad and Tobago, Ukraine vs Romania, Nicaragua vs Honduras, Chile vs Peru, Nicaragua vs Colombia (ICJ pending) and vs Costa Rica (ICJ pending), and for Bangladesh vs Myanmar (ITLOS pending) and vs India (Annex VII tribunal pending). He is a member of the UK delegation for the UK's four submissions to the United Nations Commission on the Limits of the Continental Shelf, and has recently been involved with the discussions over the Ascension Island submission. He also advises governments on issues concerned with oil resource distribution, joint development zones, and delimitation and delineation of the outer continental shelf.



Professor James Crawford SC, FBA, Whewell Professor of International Law, University of Cambridge is one of the world's foremost practitioners of public international law. In addition to scholarly work on statehood, self-determination, collective rights and international responsibility, he has been engaged as counsel in most of the important boundary and sovereignty disputes submitted to the International Court of Justice and other international tribunals (including Libya/Chad, Cameroon/Nigeria, Eritrea/Ethiopia, Malaysia/Indonesia, Nicaragua/Colombia, Romania/Ukraine and the Abyei dispute). He is also actively engaged as an international arbitrator. Professor Crawford was Director of the Lauterpacht Centre for International Law between 1995 and September 2010. He was also a Member of the United Nations International Law Commission (1992-2001) and Special Rapporteur on State Responsibility (1997-2001).



Ms Loretta Malintoppi, Of Counsel, Eversheds LLP has worked in the Paris Office of Eversheds LLP since 1991 and she is currently Of Counsel with the firm. She is dual-qualified in Rome and Paris and specialises in international litigation, including commercial arbitration, investment arbitration and State-to-State arbitration and litigation. Loretta has acted as counsel and advocate in a number of cases before the International Court of Justice and in *ad hoc* arbitrations involving, inter alia, maritime and land boundary disputes, matters of territorial sovereignty, environmental law and State responsibility. Loretta is one of the Vice-Presidents of the International Court of Arbitration of the International Chamber of Commerce.



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, including several disputes submitted to third-party adjudication (Eritrea-Yemen, Indonesia-Malaysia, Barbados-Trinidad and Tobago, and the North-South Sudan Abyei boundary arbitration). 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.



Mr Will Thomas, Partner, Eversheds LLP is a member of the international dispute resolution team. He has been based in Eversheds' Paris office since 2001. Will specialises in public international law, international commercial arbitration and investment arbitration. He has particular expertise in the oil and gas sector. Clients include States, State-owned entities and private multinational companies. His experience includes advising and representing parties in proceedings before the International Court of Justice, the Iran-US Claims Tribunal, ICSID, ICC and *ad hoc* arbitral tribunals. Will has appeared as advocate on numerous occasions, on behalf of both States and private companies. Will has acted as counsel to numerous States and companies involved in international boundary disputes. He has also lectured widely on this subject, including at King's College, London University and at the International Foundation for the Law of the Sea.



Judge Tullio Treves, International Tribunal for the Law of the Sea is Professor of International Law at the University of Milan and a member of the International Tribunal for the Law of the Sea, on which he has served as President of the Seabed Disputes Chamber on two occasions (1999-2002 and 2008-2011), President of the Chamber for Marine Environment Disputes (2002-05) and President of the Chamber for Fisheries Disputes (2005-08). In 2010 he also was appointed to serve on the tribunal constituted under Annex VII of UNCLOS to delimit the disputed maritime boundary between Bangladesh and India. Prior to being elected to ITLOS, Professor Treves acted as Counsel for France in the case concerning the Delimitation of Maritime Areas in the Region of Saint-Pierre-et-Miquelon (1990-1991) and Counsel for Finland in the Passage through the Great Belt (Finland v. Denmark) case before the International Court of Justice (1991-1992). He has also taught at the universities of Sassari and Turin and served as Legal Adviser to the Permanent Mission of Italy to the UN in New York (1984-1992).

PROGRAMME

Monday 16 May	0900-0930	Welcome and opening discussion
	0930-1030	International boundary disputes and their resolution
	1100-1230	Options for third party adjudication <ul style="list-style-type: none">• International law and dispute resolution• The International Court of Justice• <i>Ad hoc</i> arbitration• Dispute resolution under UNCLOS• The International Tribunal for the Law of the Sea
	1230-1330	Lunch
	1330-1430	Case management <ul style="list-style-type: none">• Building a team• Logistics of a boundary case• Coordinating research• The role of the agent
	1430-1500	Drafting a special agreement
	1530-1730	Practical exercise: Negotiating and drafting a special agreement
	1730-1900	Drinks Reception hosted by Eversheds
1900	Workshop dinner hosted by Eversheds	

Tuesday 17 May	0900-1030	Presenting evidence <ul style="list-style-type: none">• Written pleas• Oral arguments
	1030-1200	Technical support in boundary arbitration & litigation <ul style="list-style-type: none">• The role of the technical expert• Presenting technical evidence
	1200-1230	After the judgement <ul style="list-style-type: none">• Appeals, interpretation and revision• Implementing an award
	1230-1330	Lunch
	1330-1630	Practical exercise: Preparing and presenting a memorial
	1630-1700	Wrap-up

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

Partnering with Eversheds

Eversheds LLP and its world wide offices employ over 4,500 people who provide services to the private and public sector business and finance community. Access to all these services is provided through 46 international offices in 28 jurisdictions. Eversheds combines local market knowledge and access with the specialisms, resources and international capability of one of the world's largest law firms.

Their modern London offices are located in the heart of the city close to the nearby financial district and St Paul's Cathedral, with excellent links to central London. For more information about Eversheds visit their website at www.eversheds.com



What will it cost?

The cost of the workshop is **£1,450** per participant.

Fees for UK-based participants are normally subject to VAT of 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 April 2011, any provisional places booked will be removed. Bookings made after 23 April 2011 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:

- Lunch and refreshment breaks on 16 and 17 May
- Dinner hosted by Eversheds on the evening of Monday 16 May

Discounted price of £2,465 (15% discount) if you book on both *Preparing for Boundary Litigation & Arbitration* and *Archive Research for Boundary Dispute Resolution* (18-20 May, see separate flyer)



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/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

Location & Travel to Eversheds LLP

The Eversheds LLP offices are located at **1 Wood Street, London EC2V 7WS**. The offices are within 5 minutes walk of St Paul's tube station which is on the Central line.

Accommodation

Accommodation is not included in the workshop fee and participants are free to book their own accommodation in London at a venue of their choice.

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 23 April 2011 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.

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