

Training Workshop Programme 2013

Boundaries and Water

10-12 June 2013, Foley Hoag LLP, Washington DC, USA



Three quarters of the world's land boundaries follow rivers for at least part of their course and many pass through other fresh water bodies such as lakes creating numerous boundary-making challenges. Learn more about the complex relationship between boundaries and fresh water and how to develop effective strategies for delimitation and the management of transboundary resources.



INTRODUCTION

In one form or another, water – or the absence of water – plays a major role in nearly every international land boundary setting. Three quarters of the world's land boundaries follow rivers for at least part of their course, and many also pass through lakes and/or swamps, creating numerous practical boundary-making challenges. There are more than 260 international river basins and at least 273 transboundary aquifers, many of which are not being managed or shared responsibly. The effects of climate change are creating further challenges for transboundary water management strategies – as UN Secretary-General Ban Ki-moon said: “The consequences for humanity are grave. Water scarcity threatens economic and social gains and is a potent fuel for wars and conflict.”

This innovative workshop is designed to assist governments develop effective strategies for both the definition of international water boundaries and the peaceful management of transboundary water resources. Through lectures and practical exercises it will highlight relevant international legal frameworks and examine both good and bad state practice in addressing challenges such as: identifying boundaries in rivers, lakes and swamps; ensuring equitable navigational and non-navigational uses of international watercourses; and transboundary groundwater exploitation and management.

IBRU are very pleased to be working in partnership with international law firm Foley Hoag LLP to deliver this professional training workshop.

Tutors



Professor Paul Bishop, Professor of Physical Geography, University of Glasgow has served as a professor at the University of Glasgow since 1998, having previously directed the Graduate School of Environmental Science at Monash University in Melbourne. His research focuses on the evolution of river systems over time-scales ranging from years to millions of years. He has advised the Mekong River Commission on border issues along the Mekong River near Vientiane, and in the latter area he has provided advice to mining companies exploring for gems in ancient river systems. He currently sits on the Science Innovation and Strategy Board which is the principal advisory board for the UK's Natural Environment Research Council. Paul holds a PhD on the long-term evolution of river systems in south east Australia and a DSc from the School of Earth Sciences at Macquarie University (Sydney).



Mr Lawrence Martin, Foley Hoag LLP is a partner in the firm's Washington office and a member of its international litigation and arbitration practice group. Larry concentrates his practice in international disputes, typically involving foreign sovereign governments and/or their agencies and instrumentalities. He represents foreign sovereign interests in proceedings before the world's leading dispute resolution fora, including the International Court of Justice (ICJ), the International Centre for the Settlement of Investment Disputes (ICSID), the Permanent Court of Arbitration (PCA) and the International Tribunal for the Law of the Sea (ITLOS). Larry has particular experience in international environmental cases and disputes relating to the Law of the Sea. Larry also frequently represents foreign sovereigns in litigation before the courts of the United States. Reflecting his capabilities at representing clients in high-profile disputes, he has been named one of Washington, D.C.'s top lawyers by Washingtonian magazine and identified in Chambers Global 2011 Guide in its rankings of the top international law practitioners.



Professor Stephen McCaffrey, McGeorge School of Law, University of the Pacific is one of the world's foremost authorities on international water law. He was a member of the United Nations International Law Commission from 1982-91 and chaired that prestigious organization's 1987-88 session, only the third American to do so. He served as special rapporteur for the commission's draft articles on the law of the non-navigational uses of international watercourses, which formed the basis of the 1997 U.N. Convention on the subject. Stephen was Counsellor on International Law in the State Department in 1984-85 and represents countries in disputes before the International Court of Justice and other fora. He also advises the Palestinians in connection with the Permanent Status talks with Israel and is Legal Adviser to the Nile River Basin Negotiation Committee. He has published numerous law review articles and has authored or co-authored several books, including the casebook, *International Environmental Law*, the treatises, *The Law of International Watercourses*, and *Understanding International Law*.



Professor Sean D. Murphy, George Washington University Law School is a Member of the U.N. International Law Commission and is the Patricia Roberts Harris Research Professor of Law at the George Washington University Law School, where he teaches Public International Law, U.S. Foreign Relations Law, and International Environmental Law. Sean received his J.D. from Columbia University, LL.M. from Cambridge University, and S.J.D. from the University of Virginia. From 1987 to 1998, he served in the Office of the Legal Adviser at the U.S. Department of State, specializing in international environmental law, military affairs, and dispute resolution. He has appeared in dozens of cases before international courts and tribunals, including on issues of boundary delimitation and environmental claims.



Professor Martin Pratt, Director of Research, International Boundaries Research Unit has two decades' experience advising governments, commercial organisations and NGOs on land and maritime boundary issues around the world. Recent projects in which he has served as a geographical expert include the maritime boundary arbitration between Barbados and Trinidad and Tobago, the Abyei arbitration between northern and southern Sudan, and maritime boundary negotiation in the southwest Indian Ocean. Martin coordinates IBRU's training workshop programme and consultancy activities; he also manages IBRU's website, the Unit's GIS resources and the int-boundaries email list. In 2010 Martin received the Michael Barrett Award of the Royal Institution of Chartered Surveyors for his contribution to boundary studies.



Mr Shaminder Puri, Secretary General of the International Association of Hydrogeologists (IAH) has chaired the IAH International Commission on Transboundary Aquifer Resources Management (TARM) since 1998. Through his work with TARM, he helped establish a Centre for Shared Aquifer Resources Management for Africa (a UNESCO Category II Centre) in 1998 and helped guide adoption of the Draft Articles on the Use of Transboundary Aquifers by the UN General Assembly. His experience in hydro-environmental management spans 30 years and assignments have included sector analyses of water supply investments for the Asian Development Bank and supervision of the EU's Aral Sea projects. Shammy is currently an expert Environment Advisor to the EC's Coal Sector Policy Support Programme in Ukraine. Holding a postgraduate degree in hydrogeology and engineering geology from Warsaw University and a master's degree in civil engineering from the University of Birmingham, he has produced several hundred detailed technical and policy relevant reports, papers and articles.



Mr Paul Reichler, Foley Hoag LLP is one of the world's most respected and experienced practitioners of Public International Law, specializing for more than 25 years in the representation of Sovereign States in disputes with other States, and in disputes with foreign investors. He belongs to a select group of elite lawyers with extensive experience litigating on behalf of Sovereign States before the International Court of Justice in The Hague, and the International Tribunal on the Law of the Sea in Hamburg," (Chambers Global 2010). Among many other clients and cases, he was Counsel and Advocate for Nicaragua in the historic case of *Nicaragua v. United States of America* (1984-1986), regarding the illegal use of force in international relations, and for Uruguay in the landmark case of *Argentina v. Uruguay* (2006-2010), concerning international environmental protection and sustainable development. Paul has particular experience representing and advising Sovereign States in land and maritime boundary disputes with neighboring States and disputes over transboundary environmental harm.



Dr. Derek Smith, Foley Hoag LLP practices in the areas of international dispute resolution, public international law and petroleum law. Derek represents government clients with regard to the settlement of international boundary disputes, with a particular emphasis on those that implicate oil and gas development. He has extensive experience in establishing unitization agreements and other legal mechanisms for handling trans-boundary resources. Derek represents governments and state entities in international arbitration and other dispute settlement proceedings, including at ICSID, the ICC and the International Court of Justice. He also works with governments of petroleum producing countries and national oil companies in the full range of matters related to oil and gas exploration, production and monetization, including the resolution of disputes.

PROGRAMME

Who should attend?

- Diplomats
- Border managers
- Geomorphologists
- Geopolitical analysts
- Legal advisors
- Hydrologists
- Environmental consultants
- Cartographers

Monday 10 June	0800-0900	Registration
	0900-0945	Welcome & Introduction
	0945-1100	Fresh water systems and their complexity <ul style="list-style-type: none">• The fluvial system• International catchments and basins
	1100-1130	Refreshments
	1130-1300	Introduction to transboundary water law <ul style="list-style-type: none">• Multilateral conventions• Rights and responsibilities of upstream and downstream states
	1300-1400	Lunch
	1400-1500	Groundwater and transboundary water usage <ul style="list-style-type: none">• Transboundary aquifers• Strains on transboundary fresh water bodies
	1500-1530	Refreshments
	1530-1700	Practical exercise 1: transboundary water management <p>Working in teams, participants will seek to identify and implement an equitable and efficient transboundary water management regime</p>

Tuesday 11 June	0900-1015	Defining boundaries in rivers <ul style="list-style-type: none">• Boundaries in navigable and non-navigable rivers• Alternations in the course of boundary rivers
	1015-1045	Refreshments
	1045-1200	Interpreting terms in river boundary definition <ul style="list-style-type: none">• Main channel, banks, <i>thalweg</i>• Mekong case study
	1200-1300	Lunch
	1300-1615	Resolving disputes related to water boundaries <ul style="list-style-type: none">• State practice• Case law• Options for third-party assistance in dispute resolution
	(1430-1500)	Refreshments
	1615-1700	Mechanisms for transboundary water management and conflict resolution <ul style="list-style-type: none">• The role and function of international commissions
	Evening	Workshop dinner

Wednesday 12 June	0900-1030	Boundaries in lakes and other water bodies <ul style="list-style-type: none">• Defining lake boundaries• Sharing resources in divided lakes• The Caspian Sea – an exceptional case?
	1030-1100	Refreshments
	1100-1230	Practical exercise 2: defining water boundaries <p>Working in teams, participants will work to establish mutually-acceptable clearly-defined and practical boundaries in a variety of water bodies</p>
	1230-1300	Closing discussion and wrap-up

IBRU reserve the right to change or modify the programme and tutors participating without prior notice to participants

What will it cost?

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

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 **17 May 2013**, any provisional places booked will be removed. Bookings made after 17 May 2013

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 10, 11 and 12 June
- Workshop dinner on the evening Tuesday 11 June

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

Accommodation

Accommodation is not included in the workshop fee and participants are required to book their own accommodation in Washington DC at a venue of their choice. We strongly recommend that your accommodation is within easy access of the public transport system in order to travel with greater ease to the workshop venue.

Travel

You are expected to organise your own travel arrangements to Washington DC. Please be aware that if you are not a US citizen you **will require a VISA or ESTA to enter the United States of America** and you will be required to apply for your own visa for entry in to the country. Please allow enough time for your visa to be processed before applying for the workshop.

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 17 May 2013 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.

The Venue

The workshop will take place over 3 days in the offices of Foley Hoag LLP.

The offices of Foley Hoag LLP are located at **1717 K St NW, Washington, DC 20036-5342**. You are expected to make your own way to the venue for the start of the workshop each day.

Partnering with Foley Hoag

Foley Hoag has offices in Boston, Paris and Washington DC and since its creation in 1943 has become a high-performing firm with a long record of success across a wide range of industries.

Foley Hoag regularly represents Sovereign States in disputes over maritime and land boundaries. The firm has been counsel in more maritime boundary cases before international courts and arbitral tribunals than any other law firm in the world. In 2012, Foley Hoag helped clients achieve victories in maritime boundary cases before the International Tribunal for the Law of the Sea (ITLOS) in Hamburg and the International Court of Justice (ICJ) in The Hague.

The firm's Washington D.C. office is conveniently located in the heart of the business district, just three blocks north and west of the White House. For more information about Foley Hoag visit their website at www.foleyhoag.com



Contact Information

If you have any questions about the workshop please contact the IBRU Events Team.

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