

Training Workshop Programme 2018

Maritime Boundary Delimitation

13 - 15 November 2018, New York, USA



Develop the skills needed to achieve an equitable division of maritime space and clearly defined maritime boundaries through practical exercises and theoretical discussion

Cooley



INTRODUCTION

Clearly defined maritime boundaries are essential for good international relations and effective ocean management, yet few coastal states have agreed all their maritime boundaries with their neighbours. Part of the reason for this is that boundary delimitation requires a range of specialist legal and technical skills which are not always readily available to governments.

Combining lectures, discussions and practical exercises, IBRU's most popular workshop helps participants develop the skills needed to achieve an equitable division of maritime space and clearly defined maritime boundaries.

IBRU are delighted to be partnering Cooley LLP for this workshop in their offices in New York.

Who should attend?

- Diplomats
- Legal advisers
- Researchers & consultants
- Energy officials
- Exploration and production managers
- Pipeline and cable planners
- EEZ contractors
- Fisheries managers
- Technical experts

TUTORS



Mr Joshua Brien, Special Counsel, Cooley LLP, has acted for a range of Governments throughout the world, including small-island States and the developing world. This has included engagement in matters before the International Court of Justice and the Tribunal for the Law of the Sea in contentious and advisory proceedings. He has extensive experience advising on law of the sea, with particular expertise concerning maritime boundary delimitation, the management of offshore resources including petroleum and minerals, the preparation and defence of continental shelf submissions to the United Nations Commission on the Limits of the Continental Shelf made under UNCLOS, and the legal aspects of the pioneer activity of deep-seabed mining. Joshua has been directly engaged in the successful conclusion of over 15 maritime boundary delimitation agreements in the Caribbean, African and Asia-Pacific regions over the past decade and has prepared over 19 Submissions to the CLCS. He continues to advise a range of States on the preparation of new submissions and in respect of the examination of existing Submissions.



Ambassador Jagdish Dharamchand Koonjul, Permanent Representative of Mauritius to the United Nations, was previously Secretary for Foreign Affairs of Mauritius and from 2011 to 2015 and served as his country's Ambassador to Belgium and Permanent Representative to the European Union. Mr. Koonjul also served as Ambassador/Head of Bilateral Directorate for Asia and the Middle East from 2006 to 2011, prior to which he was Ambassador and Permanent Representative of Mauritius to the United Nations in New York (2001 to 2006). During his previous tenure at the United Nations, he served as Vice-President of the Economic and Social Council from 2003 to 2004; as his country's chief representative to the Security Council from 2001 to 2002; and as President of the Security Council in January 2002. From 2003 to 2006, he served as Chairman of the Alliance of Small Island Developing States. He has also been actively involved in marine and oceanography issues, serving as Team Leader of the Mauritius Continental Shelf Project from 2008 to date. In 2009, he was Team Leader for Strategic Planning of the Mauritius Oceanography Institute.



Professor Martin Pratt, Director, Bordermap Consulting, is an internationally-respected expert in boundary-making, border management and territorial dispute resolution, with over twenty years' experience working with governments, international organisations, businesses, scholars and practitioners around the world to resolve and prevent boundary-related conflict. He has extensive practical experience in maritime boundary negotiations and third-party adjudication of boundary and sovereignty disputes, most recently serving as a technical advisor to Côte d'Ivoire in the Dispute concerning delimitation of the maritime boundary between Ghana and Côte d'Ivoire in the Atlantic Ocean before a Special Chamber of the International Tribunal for the Law of the Sea. Martin worked at IBRU from 1994-2015, leading the Centre's consultancy and professional training programmes for over a decade, and he remains an Honorary Professor in Geography at Durham University.



Mr John Brown, Law of the Sea Consultant, Cooley LLP, retired as Head of the Law of the Sea Group from the UK Hydrographic Office in 2016 and joined Cooley LLP. John began his sea-going career in 1974 and trained as a navigating officer, joining the UK Hydrographic Office in 1993 after working as a surveyor in the offshore industry for several years. He joined the small team of internationally acknowledged experts in the Law of the Sea Group at the end of 2002 where he advised UK Government departments on Law of the Sea matters and provided technical input to UK maritime zone legislation, and acted as technical expert during several successful major illegal fishery prosecutions which culminated in record fines against the plaintiffs. John has worked with several foreign governments on maritime delimitation, baselines and maritime zones and has taken part in a number of boundary negotiations; both bilateral and third party adjudication – including acting on behalf of Nicaragua as Scientific and Technical Advisor at the International Court of Justice. He has also been a member of the UK delegation during boundary negotiations. John became Head of the Law of the Sea Group in 2015.



Judge Liesbeth Lijnzaad, Judge, International Tribunal for the Law of the Sea (ITLOS), is a former Legal Adviser of the Netherlands Ministry of Foreign Affairs and head of its international law department (2006 – 2017). She is a member of the Permanent Court of Arbitration and of the San Remo Institute of International Humanitarian Law. Professor Dr E.Lijnzaad is also endowed professor Practice of International Law at Maastricht University. She studied law and history, receiving master's degrees in international law (1985) and Dutch law (1987) from the University of Amsterdam, and holds a PhD in international law from Maastricht University in 1994.



Mr Luigi Santosuosso, Senior Legal Officer, United Nations Division for Ocean Affairs and the Law of the Sea, works in the Office of Legal Affairs of the United Nations, where he focuses on the work of the Commission on the Limits of the Continental Shelf, as Deputy-Secretary of the Commission, and of the Meeting of States Parties to the United Nations Convention on the Law of the Sea, as Secretary of the Meeting. Prior to joining the Division, he worked as legal officer at the Treaty Section of the Office of Legal Affairs of the United Nations. Before joining the United Nations he worked as legal advisor to the Government of Sierra Leone during five sessions of the Preparatory Commission for the Establishment of the International Criminal Court, and as associate at the international law faculties of the Universities of Milan, Parma and Campobasso. He holds a PhD degree from the University of Naples and an LLM degree from Harvard Law School.

PROGRAMME

Tuesday 13 November	0900-0945	Welcome & Introduction <ul style="list-style-type: none">• The significance and value of maritime boundaries• The global state of play• Challenges of maritime boundary delimitation
	0945-1045	Maritime jurisdiction: the legal framework <ul style="list-style-type: none">• The evolution of the law of the sea• Maritime jurisdiction and boundaries under UNCLOS• The role of the United Nations in supporting maritime delimitation and ocean governance
	1045-1115	<i>Refreshments</i>
	1115-1245	Identifying an equitable solution 1 <ul style="list-style-type: none">• The importance of case law• The evolution of the three-stage approach to delimitation by judicial bodies
	1245-1345	<i>Lunch</i>
	1345-1515	Identifying an equitable solution 2 <ul style="list-style-type: none">• 'Relevant circumstances' in case law• The role of proportionality in case law• The significance and value of state practice
	1515-1545	<i>Refreshments</i>
	1545-1700	Negotiating maritime boundaries <ul style="list-style-type: none">• Building and preparing a negotiating team• Negotiation strategy and tactics• Drafting a maritime boundary agreement
	1715-1900	<i>Reception hosted by Cooley LLP</i>
Wednesday 14 November	0900-1100	Technical aspects of maritime delimitation <ul style="list-style-type: none">• The role of the technical expert• Making sense of technical issues• The significance of baselines in delimitation• Constructing equidistance lines and other potential boundary lines• Geographical tools and data resources for maritime boundary delimitation
	1100-1130	<i>Refreshments</i>
	1130-1245	Delimitation of the continental shelf beyond 200M <ul style="list-style-type: none">• Legal framework• Relevant case law• State practice
	1245-1345	<i>Lunch</i>
	1345-1700	Practical exercise <p>Working in teams, participants will seek to delimit an equitable and technically robust maritime boundary between two neighbouring states</p>
	Evening	<i>Workshop dinner</i>
Thursday 15 November	0900-1015	Options for resolving maritime boundary disputes <ul style="list-style-type: none">• Dispute resolution mechanisms under UNCLOS• Advantages and disadvantages of different third-party dispute resolution mechanisms
	1015-1045	<i>Refreshments</i>
	1045-1215	Natural resources management in the EEZ and continental shelf <ul style="list-style-type: none">• Case study: Joint Mauritius/Seychelles ECS Management Area
	1215-1245	Round-table discussion <p>This session will address maritime boundary-related topics not examined elsewhere in the programme and issues raised during the workshop. Potential topics include:</p> <ul style="list-style-type: none">• Islands and 'rocks' under UNCLOS Article 121• "Provisional arrangements of a practical nature"• Sources of assistance for maritime boundary delimitation
	1245-1300	<i>Closing discussion and wrap-up</i>

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

Cover image: Construction of a median line using CARIS LOTS software

The venue

Cooley LLP has 900+ lawyers across 13 offices in the United States, China and Europe. Clients partner with Cooley on transformative deals, complex IP and regulatory matters, and high-stakes litigation, where innovation meets the law.

Cooley's multi-disciplinary Public International Law practice represents and advises States and provides them with technical assistance and research support on the full range of Public International Law issues. UK Chambers & Partners have consistently recognised Cooley as a leader amongst the select group of firms practising Public International Law and its experience includes:

- Acting in some of the most significant international land and maritime boundary claims before the International Court of Justice (the ICJ), before the International Tribunal on the Law of the Sea (ITLOS), and before Arbitral Tribunals established under the 1982 United Nations Convention on the Law of the Sea (UNCLOS)
- Advising and representing clients on related exploration and production issues, maritime boundary negotiations, national boundaries between subdivisions of States, the development of

offshore joint development zones, the management of marine resources including offshore oil and gas deposits and, a range of related Law of the Sea matters including seabed mining and international fisheries law and enforcement

- Providing advice on the law of State responsibility, treaty interpretation, domestic implementation of international obligations, the law of international organisations, international intellectual property law, human rights, international environmental law, sovereign and diplomatic immunity, anti-corruption issues, and claims arising from corruption

The firm's New York office is conveniently located in the Midtown district of New York next to Bryant Park. For more information about Cooley, visit their website at www.cooley.com

Workshop Venue:

The offices of Cooley LLP, New York

The Grace Building, 1114 Avenue of the Americas, 46th Floor, New York, NY 10036-7798, USA

What will it cost?

The cost of the workshop is **£1,900** per participant. 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 26 October 2018, any provisional places booked will be removed.

Bookings made after 26 October 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 13, 14 and 15 November
- Drinks reception on the evening of Tuesday 13 November
- Workshop dinner on the evening Wednesday 14 November

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 New York 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.

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 26 October 2018 and will be subject to a £150 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.

Venue

The Cooley offices can be located at the following address :

The Grace Building, 1114 Avenue of the Americas, 46th Floor, New York, NY 10036-7798, USA

The workshop will take place at this venue throughout the 3 days. You are expected to make your own way to the venue for the start of the workshop each day.

In order to enter the building each day, you will need a photographic form of identification such as your passport.

Contact Information

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

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