

Copyright statement

This presentation was prepared for use at the IBRU/Eversheds training workshop *Negotiating Maritime Boundaries* held in The Hague on 6-8 June 2022.

The content of the presentation is copyright © of the author. The presentation may be used by workshop participants for non-commercial training purposes, subject to acknowledgement of the author and the workshop at which the presentation was originally made. All other uses of the presentation must be approved in advance by the copyright holder.

Questions concerning use of this presentation should be directed in the first instance to:

Liz Buxton, External Relations & Marketing Manager, IBRU,
Department of Geography, Durham University DH1 3LE, UK

Tel: +44 191 334 1965 ♦ Fax: +44 191 334 1962 ♦ Email: e.a.buxton@durham.ac.uk

Thank you.



Drafting a boundary agreement

Prof.dr Liesbeth Lijnzaad
Maastricht University

Drafting an agreement

Boundary treaty is a legal instrument

- Once agreement has been reached: write it down in a systematic way
- Law of Treaties (VCLT) applies – follow existing rules, draft in clear and consistent language

Structure of the treaty:

- a. Preamble: we are great neighbours etc.
- b. First things first: **this is the line + technical information about the line**
- c. Other arrangements related to establishing the delimitation
- d. Dispute settlement
- e. Languages of the treaty
- f. Publication and depository

Drafting an agreement

Preamble (not binding, gives background on why having a treaty)

- ‘We are good neighbours and want to settle the boundary’
- (Any other additional considerations)

The line - core message: *this is the line*

- Be clear and precise: coordinates and all relevant technical information (one should be able to **reproduce the line with the information provided**)
- Other arrangements to be reflected in boundary agreement (if they are part of it)
 - if separate agreements: consider how to tie them together
- A picture of the line (not binding, for information only – easy access)

Other issues

- Institutional arrangements, such as boundary commissions
- Arrangements related to delimitation, such access to common resources
- Review process if agreed
- Dispute settlement
- Etc. (anything you need)

Drafting an agreement

Ratification and entry into force, deposit

Once everything is agreed and put on paper: next steps

- Agree, adopt and authenticate text, artt.9-10 VCLT
 - Express consent to be bound ('ratification'), art.11-15 VCLT
 - > Sometimes no expression of consent to be bound!
 - Entry into force at time agreed in treaty
 - Publish text, give due publicity to charts and lists of coordinates
-
- **Deposit of agreement** with depository, and United Nations
 - Depository identified in treaty
 - Obligation to deposit all treaties with UN Secretariat, art.102 UN Charter
 - Obligation to deposit all charts or list of geographical coordinates of delimitations –
'The coastal State shall deposit a copy of each such chart or list with the Secretary-General of the United Nations..... ' Artt.16(2), 75(2) and 84(2) UNCLOS