Training Workshop Programme 2016

Islands in Maritime Jurisdiction & Boundary Delimitation

14 -16 November 2016, Dubai, United Arab Emirates

ANCORS
AUSTRALIAN NATIONAL CENTRE FOR
OCEAN RESOURCES & SECURITY

UNIVERSITY
OF WOLLONGONG
AUSTRALIA

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INTRODUCTION

The treatment of islands and low-tide elevations in defining maritime limits and boundaries is often a source of serious disagreement between states. Debates frequently arise over whether an island is entitled to generate maritime zones beyond a territorial sea, or whether an insular feature qualifies as an island under the law of the sea at all. Even when there is no dispute over an island's legal status, neighbouring states often disagree over whether certain islands should be given the same weight as other land territory in constructing a maritime boundary. Nearly all governments dealing with maritime jurisdiction and boundary delimitation have to address islands in one form or another and this workshop has been designed to support good practice in this context.

Led by experienced scholars and practitioners, the workshop will provide a unique in-depth exploration of the legal framework, state practice and international jurisprudence on islands, offering practical advice for policy-making and negotiations.

IBRU is delighted to host this workshop in partnership with the Australian National Centre for Ocean Resources and Security (ANCORS), University of Wollongong, one of the world's leading centres for research, education and training on ocean law, maritime security and natural marine resource management.

Who should attend?

- Diplomats
- Legal advisers
- Technical experts
- Researchers and consultants
- Energy officials
- Pipeline and cable layers
- Ocean surveyors
- Marine scientists
- Geopolitical analysts

Tutors

Professor Stuart Kaye, Director and Professor of Law, Australian National Centre for Ocean Resources and Security (ANCORS), University of Wollongong (UOW), is a former Dean and Winthrop Professor of Law at the University of Western Australia and held a Chair in Law at the University of Melbourne from 2006 to 2010. He was Dean and Professor of Law at the University of Wollongong between 2002 and 2006. He holds degrees in arts and law from the University of Sydney, winning the Law Graduates' Association Medal, and a doctorate in law from Dalhousie University. He is admitted as a barrister of the Supreme Courts of New South Wales, Tasmania and Queensland.Stuart Kaye has an extensive research interest in the law of the sea and international law. He has written a number of books, including Australia's Maritime Boundaries (2001), The Torres Strait (1997), International Fisheries Management (2001), Freedom of Navigation in the Indo-Pacific Region (2008) and over 100 books, articles and chapters. He was appointed to the International Hydrographic Organization's Panel of Experts on Maritime Boundary Delimitation in 1995 and in 2000 was appointed to the List of Arbitrators under the Environmental Protocol to the Antarctic Treaty. He was chair of the Australian International Humanitarian Law Committee from 2003 to 2009, for which he was awarded the Australian Red Cross Society Distinguished Service Medal. He was elected a Fellow of the Royal Geographical Society in 2007 and a Fellow of the Australian Academy of Law in 2011

Mr Lawrence Martin, Foley Hoag LLP, is a partner in the firm's Washington office and Deputy Chair of its International Litigation and Arbitration Department. 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. He was counsel to the prevailing party in two of the most important Law of the Sea disputes involving islands: Territorial and Maritime Dispute (Nicaragua v. Colombia) and the Philippines v. China arbitration. Reflecting his capabilities at representing clients in high-profile disputes, he has been ranked among the top practitioners in public international law matters by Chambers Global (2014-2016).

Mr Yuri Parkhomenko, Foley Hoag LLP, is an international dispute resolution lawyer in the firm's International Litigation and Arbitration Department.Yuri specializes in the representation of sovereign States before the International Court of Justice, the International Tribunal on the Law for the Sea and ad hoc tribunals in disputes involving sovereignty claims, maritime and land boundary delimitation, treaty interpretation, trans-boundary environmental harm, human rights and humanitarian law. Yuri also advises foreign governments in non-contentious matters on a wide range of public international law issues, including utilization of trans-boundary resources. Yuri was counsel to the prevailing party in two of the most important Law of the Sea disputes involving islands: Territorial and Maritime Dispute (Nicaragua v. Colombia) and the Philippines v. China arbitration. Yuri joined Foley Hoag in 2009 after his eight-year public international law practice at the Office of the Legal Adviser of the Ukrainian Ministry of Foreign Affairs and the Embassy of Ukraine in the United States.

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. 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.

Professor Clive Schofield, Director of Research at the Australian Centre for Ocean Resource and Security (ANCORS), University of Wollongong (UOW), is also the Leader of the University's Sustaining Oceans and Coastal Communities research theme within the UOW Global Challenges Program. He is a past Australian Research Council (ARC) Future Fellow and QEII Senior Research Fellow. He holds a PhD (geography) from the University of Durham, UK and an LLM from the University of British Columbia, Canada. Clive's research interests relate to international boundaries and particularly maritime boundary delimitation and marine jurisdictional issues. Clive serves as an International Hydrographic Office (IHO)-nominated Observer on the Advisory Board on the Law of the Sea (ABLOS) and is a member of the International Law Association's Committee on International Law and Sea Level Rise. He has also been involved in the peaceful settlement of boundary and territory disputes. For example he has provided technical advice and research support to governments engaged in boundary negotiations and in dispute settlement cases before the International Court of Justice (ICJ) and in international arbitration cases and has been appointed as a Peacebuilding Adviser on behalf of the United Nations and World Bank. Additionally he recently served as an independent expert witness in the international arbitration case between the Philippines and China.

PROGRAMME

Monday 14 November

Time	Session
0830-0900	*Registration*
0900-0915	**Welcome & Introduction**
0930-1000	**The regime of islands under the law of the sea** • Historical development • Efforts to codify the law of the sea related to islands • Competing national interests and proposals
1000-1030	*Refreshments*
1030-1200	**Defining islands** • Requirements for insular status • Capacity of islands to generate entitlement to maritime zones • Distinguishing between islands and "rocks" • Low-tide elevations
1200-1300	*Lunch*
1300-1430	**Baselines and islands** • Significance and value of baselines • Islands, reefs and identifying the seaward low-waterline • Low-tide elevations and baselines • Sea level rise and impacts on insular features • Practical application of the rules
1430-1500	*Refreshments*
1500-1700	**Technical considerations in defining islands and insular baselines** • Defining the low-water line • Vertical datum issues • The use of charts and imagery in identifying insular features • Practical exercise

Tuesday 15 November

Time	Session
0900-1030	**The law of maritime delimitation** • Delimitation principles in international conventions • The role of jurisprudence • The evolution of the three-stage approach
1030-1100	*Refreshments*
1100-1230	**Islands in maritime delimitation** • Examples from case law • Examples from state practice
1230-1330	*Lunch*
1330-1700	**Practical exercise** Working in teams, participants will seek to negotiate an equitable and technically robust maritime boundary in an island-rich setting.
1430-1500	*Refreshments*
Evening	***Workshop dinner cruise***

Wednesday 16 November

Time	Session
0900-1015	**Case study: the South China Sea (Philippines v. China) case** • Overview of the case • Significance of the award for islands beyond the South China Sea
1015-1045	*Refreshments*
1045-1145	**Artificial islands, reclaimed islands and transient islands** • Defining artificial islands, installations and structures • Safety zones, sea defences, harbour works and land reclaimation • Transient islands • Implications for baselines, maritime limits and boundary delimitation
1145-1245	**Island sovereignty disputes** • Types of island sovereignty dispute • Demonstrating title over remote and/or uninhabited islands • Case studies
1245-1300	*Closing discussion and wrap-up*

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

Cover image: Landsat 8 image couresy of the U.S. Geological Survey. Islands off the coast of the United Arab Emirates.

INFORMATION

What will it cost?

The cost of the workshop is **£2,400** 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 **1 November 2016**, any provisional places booked will be removed. Bookings made after 1 November 2016 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 14, 15 and 16 November
- Workshop dinner on the evening Tuesday 15 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 Dubai at a venue of their choice. We strongly recommend that your accommodation is within easy access of the public transport system or a short taxi ride away from the workshop venue at UOWD in order to travel with greater ease to the workshop venue each day. Please contact IBRU for hotel recommendations.

Travel
You are expected to orgaise your own travel arrangements to Dubai. Please be aware that you may **require a VISA to enter the United Arab Emirates** 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. To find aout if you will require a visa visit **www.visitdubai.com/en/travel-planning/travel-tools/visa-and-entry-information**

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 **1 November 2016** 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

Dubai, the capital of the Emirate of Dubai is the most populous city in the United Arab Emirates.

The workshop will be held at the University of Wollongong in Dubai (UOWD) which was established in the United Arab Emirates in 1993 by the University of Wollongong in Australia. The UOWD is located in the heart of Dubai's vibrant education and training cluster, Dubai Knowledge Park, which is in close proximity to the public transport hub adjacent to Dubai Internet City (DIC). **www.uowdubai.ac.ae**

Contact Information

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

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