IMLI COURSE ON PEACEFUL SETTLEMENT OF MARITIME DISPUTES AND DELIMITATION OF MARITIME BOUNDARIES

April - May 2022

IMO International Maritime Law Institute

Over 30 years serving the rule of international maritime law
One of the main purposes of international law is to contribute to the peaceful settlement of all international disputes. Unlike national law, settlement of disputes in international law requires the consent of all parties. Further, the enforcement of the decisions of international courts and tribunals has posed some serious challenges.

The delimitation of maritime boundaries continues to be a major source of friction between States due to maritime claims. In boundary-making, sensitive questions are raised in relation to State sovereignty, sovereign rights, jurisdiction, and title to valuable natural resources and economic activities.

The potential conflict and security risks of boundary disputes are high, and unresolved maritime boundaries between States may easily affect international peace and security. Today, just over half of the world’s potential maritime boundaries have been agreed, with some of them not even fully concluded.

The 1982 United Nations Convention on the Law of the Sea (UNCLOS) established the maritime zones subject to jurisdiction of coastal States as well as the principles governing the delimitation of maritime boundaries.

The provisions on boundary delimitation stipulated in the Convention reflect the decisions of international courts on delimitation of boundaries disputes which have contributed substantially to the applicable rules in this field.

It is indeed submitted, that the international courts and tribunals have applied the provisions of the Convention and elaborated further on the same by establishing principles which have now crystallized into customary international law.

Hence, an analysis of such decisions is imperative in understanding the regime regulating the delimitation of maritime boundaries.

Further, where States have not been able to successfully delimit their maritime boundaries, the eagerness for exploitation of the rich natural resources of the oceans, has prompted some States to enter into alternative arrangements. Such alternative arrangements do not prejudice any future delimitation and may vary in their content and format according to the needs of particular countries. Therefore, these arrangements for the exploitation of the resources, pending agreements on delimitation of maritime boundaries, need also to be examined, with particular focus on the model arrangements found in State practice.

The IMLI Course on Peaceful Settlement of Maritime Disputes and Delimitation of Maritime Boundaries is intended to provide a comprehensive introduction to, and an analysis of, different international maritime dispute settlement mechanisms as well as the boundary-making process and the alternatives available to States, including any provisional arrangements.

The Course thus explores the major methods of settlement of maritime disputes under UNCLOS and the latter’s delimitation of maritime boundaries provisions.
The Course discusses the development of specific maritime dispute settlement procedures within UNCLOS, and addresses the interaction between these mechanisms, answers the questions on whether there is a fragmentation or cross-fertilisation of international courts and tribunals, and whether the doctrine of stare decisis has a place in international law.

Considering that UNCLOS established the International Tribunal for the Law of the Sea (ITLOS) for the purpose of interpretation and application of the Convention, the Course looks at the role of ITLOS in the peaceful settlement of maritime disputes, with particular emphasis on the ITLOS jurisprudence on the delimitation of maritime boundaries. To this end, it draws from the formidable experience of the ITLOS Judges who will provide participants with insight on the Tribunal's contribution to the field.

The Course brings together world experts in the field who will provide practical perspectives and experiences.
OPENING CEREMONY

Introductory Address
Professor David Attard  (Director, IMLI)

Inaugural Address
Judge Albert Hoffmann  (President, ITLOS)

MODULE 1: GENERAL PRINCIPLES OF SETTLEMENT OF MARITIME DISPUTES

International Dispute Settlement
Judge Kathy-Ann Brown  (Judge, ITLOS)

State Responsibility
Professor Rüdiger Wolfrum  (Director Emeritus, Heidelberg Max Planck Institute for Comparative Public Law and International Law)

Sources of International Law and UNCLOS
Professor David Attard  (Director, IMLI)

Institutional Judicial Bodies vs. ad hoc Arbitration
Professor Tullio Treves  (Pre-eminent Public International Law Expert and Senior Arbitration Counsel)

MODULE 2: INTRODUCTION TO DELIMITATION OF MARITIME BOUNDARIES

Territorial Sea and Contiguous Zone
Professor Norman Martinez  (Professor, IMLI)

The Exclusive Economic Zone
Ms. Elda Kazara-Belja  (Senior Lecturer, IMLI)

The Continental Shelf
Dr. Ángeles Jiménez García-Carriazo  (The Nippon Foundation Lecturer on Global Ocean Governance, IMLI)

The Extended Continental Shelf
Dr. Ángeles Jiménez García-Carriazo  (The Nippon Foundation Lecturer on Global Ocean Governance, IMLI)

The Relationship between the Exclusive Economic Zone and the Continental Shelf
Ms. Elda Kazara-Belja  (Senior Lecturer, IMLI)

Non-judicial Settlement of Maritime Boundaries Disputes
Professor Tanya Sammut-Bonnici  (Pro Rector, Strategic Planning and Enterprise, University of Malta)
MODULE 3: SETTLEMENT OF MARITIME DISPUTES UNDER UNCLOS
Jurisdiction of the Tribunal
Judge Roman Kolodkin (Judge, ITLOS)
Advisory Proceedings
Judge Markiyan Kulyk (Judge, ITLOS)
Seabed Disputes Chamber
Judge Jin-Hyun Paik (Judge, ITLOS)
Provisional Measures
Judge Liesbeth Lijnzaad (Judge, ITLOS)
Conciliation
Professor Rudiger Wolfrum (Director Emeritus, Heidelberg Max Planck Institute for Comparative Public Law and International Law)
Annex VII Arbitration
Mr. Garth Schofield (Senior Legal Counsel, Permanent Court of Arbitration)
Prompt Release
Judge Stanislaw Pawlak (Judge, ITLOS)
Limitations and Exceptions under Part XV Section 3
Mr. Marco Benatar (Legal Officer, ITLOS)

MODULE 4: NON-JUDICIAL AGREEMENTS ON DELIMITATION OF MARITIME BOUNDARIES
Agreements on Delimitation of Maritime Boundaries
Ms. Elda Kazara-Belja (Senior Lecturer, IMLI)
Alternatives to Delimitation Maritime Boundaries
Agreements
Ms. Elda Kazara-Belja (Senior Lecturer, IMLI)
MODULE 5: Case Law

Delimitation of the Continental Shelf Beyond 200 nm (Cases No. 16 And 23)
Judge Jose Luis Jesus (Judge, ITLOS)

Responsibility of States for Activities in the Area (Case No. 17)
Ambassador Helmut Tuerk (Former Chairman of the Review Committee, International Seabed Authority; Former Judge and Vice-President, ITLOS)

Advisory Opinion on Fishing in the EEZ of Other States (Case No. 21)
Judge Oscar Cabello Sarubbi (Judge, ITLOS)

Legality of Enforcement Activities at Sea (Cases No. 2, 19, 24 and 25)
Judge Kriangsak Kittichaisaree (Judge, ITLOS)

The Contribution of ITLOS to the Protection of the Marine Environment
Judge Tomas Heidar (Vice-President, ITLOS)

The Contribution of ICJ to the Development of the Law on Settlement of Maritime Disputes
Judge Maurice Kamga (Judge, ITLOS)

Peace in the Northeast Asia
Professor Thomas Schoenbaum (Shefelman Distinguished Professor of Law University of Washington School of Law)
MODULE 6: BRINGING A CASE TO THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

Consultations and Identification of the Judicial Body
Dr. Ximena Hinrichs Oyarce (Registrar, ITLOS)

Relations between ITLOS and State Parties
Dr. Ximena Hinrichs Oyarce (Registrar, ITLOS)

Filing A Case
Dr. Derek Smith (Partner, Foley Hoag LLP)

The Role of ad hoc Judges
Professor Anna Petrig (Chair of International and Public Law, University of Basel, Switzerland) (TBC)

MODULE 7: PRACTICAL SKILLS

Preparation of Written Pleadings: Research Methodology and Legal Writing
Dr. Derek Smith (Partner, Foley Hoag LLP)

Preparation of Oral Pleadings: Oral Advocacy and Presentation of the Case
Professor Alina Miron (Professor, University of Angers, Law Faculty)

Management of the Case: Identification of Legal Advisors, Creation of Legal Team, Coordination of the Team, Appointment of Agents
Judge Ida Caracciolo (Judge, ITLOS)

Presenting Before International Courts and Tribunals: A Practitioner’s Perspective
Judge Maria Teresa Infante Caffi (Judge, ITLOS)

Treatment of Evidence and Expert Witness
Professor Philippe Gautier (Registrar, ICJ)

Maritime Limits and Boundaries: Delimitation Workshop
Mr. Robert van de Poll (Global Director Law of the Sea, Fugro) and Mr. Pieter Bekker (Partner, CMS Cameron McKenna Nabarro Olswang LLP)
WHO SHOULD ATTEND?

The Course is addressed to government officers who are responsible for advising or representing their Governments in the peaceful settlement of maritime disputes and delimitation of maritime boundaries as well as those who render their services to government departments, including the Ministry of Justice, Ministry of Foreign Affairs, Ministry of Maritime Affairs, or Ministry of Resources. The Course is also suitable for government officers and diplomats who are engaged in the drafting, review and negotiations of maritime agreements, particularly those relating to boundaries.

The Course will be delivered online. Candidates who attend at least 80 per cent of the lectures will be eligible for a Certificate of Attendance.
How to apply:

More information regarding the IMLI's programmes and courses is available on the IMLI website: https://www.imli.org/content/programmes-and-courses

For information on admissions, please contact: admissions@imli.org

TUITION FEE

€ 2,500

To apply, please contact by not later than 14 April 2022 admissions@imli.org.

Bearing in mind that eminent personalities from all over the world deliver lectures in the Institute’s courses, candidates applying to a course shall be flexible as the dates of delivery may be subject to change. The Institute reserves the right to make changes to the programme.