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**APRIL - MAY 2024**

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



**IMO International Maritime Law Institute**

**35 YEARS SERVING THE RULE OF INTERNATIONAL MARITIME LAW**

# SYNOPSIS

*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. On the other hand, the enforcement of the decisions of international courts and tribunals has posed some serious challenges.*

*In the international landscape, the delimitation of maritime boundaries continues to be a significant 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 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 provisions on delimitation of maritime boundaries.*

*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 distinguished Judges of ITLOS 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 to the its participants.*



***Distinguished speakers of the IMLI Course on Peaceful Settlement of Maritime Disputes and Delimitation of Maritime Boundaries 2023***

## OPENING CEREMONY

### Introductory Address

Professor Norman A. Martinez Gutierrez (*Director, IMLI*)

### Inaugural Address

Judge Tomas Heidar (*President, ITLOS*)

## MODULE 1: GENERAL PRINCIPLES OF SETTLEMENT OF MARITIME DISPUTES

### International Dispute Settlement

Judge Kathy-Ann Brown (*Judge, ITLOS*)

### Jurisdiction of the International Tribunal for the Law of the Sea

Dr. Ximena Hinrichs Oyarce (*Registrar, ITLOS*)

### Relations between ITLOS and State Parties

Dr. Ximena Hinrichs Oyarce

### State Responsibility

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

### Sources of International Law and UNCLOS

Judge Professor David Attard (*President of the Seabed Disputes Chamber, ITLOS*)

## MODULE 2: INTRODUCTION TO DELIMITATION OF MARITIME BOUNDARIES

### Territorial Sea and Contiguous Zone

Professor Norman A. Martinez Gutierrez

### The Exclusive Economic Zone

Ms. Elda Kazara-Belja (*Senior Lecturer, IMLI*)

### The Continental Shelf

Dr. Ángeles Jiménez García-Carriazo (*Ramon y Cajal Research Fellow, University of Cadiz*)

### The Extended Continental Shelf

Dr. Ángeles Jiménez García-Carriazo

### The Relationship between the Exclusive Economic Zone and the Continental Shelf

Ms. Elda Kazara-Belja

### The Three-Stage Approach in Maritime Boundary Delimitation

Dr. Murat Sumer (*The Nippon Foundation Lecturer in International Maritime Law, IMLI*)

## **Technical Aspects of the recent Maritime Boundary Delimitation Cases**

Dr. Robin Cleverly (*Maritime Boundary Expert - Marbdy Consulting*)

## **Equitable Considerations in the Maritime Boundary Delimitation**

Dr. Murat Sumer

## **The Role of Islands in Maritime Boundary Delimitation**

Professor Clive Schofield (*Head of Research at the WMU - Sasakawa Global Ocean Institute, WMU*) TBC

## **The Contribution of ICJ to the Development of the Law on Settlement of Maritime Disputes**

Mr. Lesther Antonio Ortega Lemus (*Strategic Adviser - LexOceana*)

## **The Contribution of ITLOS to the Development of the Law on Settlement of Maritime Disputes**

Judge Maurice Kamga (*Judge, ITLOS*)

## **MODULE 3: SETTLEMENT OF MARITIME DISPUTES UNDER UNCLOS**

### **Advisory Proceedings**

Judge Markiyan Kulyk (*Judge, ITLOS*)

### **Seabed Disputes Chamber**

Judge Jin-Hyun Paik (*Former Judge, ITLOS*) TBC

### **Provisional Measures**

Judge Jielong Duan (*Judge, ITLOS*) TBC

### **Conciliation**

Judge Frida María Armas Pfirter (*Judge, ITLOS*)

### **Annex VII Arbitration**

Mr. Garth Schofield (*Co-Deputy Secretary General, Permanent Court of Arbitration*) TBC

### **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**

Judge Konrad Jan Marciniak (*Judge, ITLOS*)

### **Alternatives to Delimitation Maritime Boundaries Agreements**

Ms. Elda Kazara-Belja

## MODULE 5: CASE LAW

**Delimitation of the Continental Shelf Beyond 200 nm  
(Cases No. 16 And 23)**

Judge Jose Luis Jesus (*Judge, ITLOS*)

**Delimitation of the Continental Shelf: Nicaragua v.  
Colombia Case**

Judge Peter Tomka (*Judge, ICJ*) TBC

**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 Liesbeth Lijnzaad (*President of the Chamber for Marine  
Environment Disputes, ITLOS*)



## MODULE 6: BRINGING A CASE TO THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

### Consultations and Identification of the Judicial Body

Professor Alina Miron (*Professor of International Law at the University of Angers*)

### 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*)

## MODULE 7: PRACTICAL SKILLS

### Preparation of Written Pleadings: Research Methodology and Legal Writing

Dr. Derek Smith

### Preparation of Oral Pleadings: Oral Advocacy and Presentation of the Case

Professor Alina Miron

### 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 Professor Pieter Bekker (*Partner, CMS Cameron McKenna Nabarro Olswang LLP, Chair Centre for Energy, Petroleum and Mineral Law and Policy, University of Dundee*)

## 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 in a hybrid mode. Candidates who attend at least 80 per cent of the lectures will be eligible for a Certificate of Attendance.*





# TUITION FEE

€ 2,500

*To apply, please contact by not later than 5 April 2024  
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.*



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**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](mailto:admissions@imli.org)

