

PROPOSAL TO FACILITATE THE IDENTIFICATION OF MECHANISMS TO ADDRESS THE ISSUE OF DELIMITATION OF THE DISPUTED MARITIME BOUNDARY

Background

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This proposal by truly independent legal and scientific experts in the Law of the Sea affiliated with the Dundee Ocean and Lake Frontiers Institute and Neutrals (DOLFIN) at University of Dundee (UK) is designed to support the two countries' efforts and that of their joint technical team to solve the issue of maritime delimitation between [NAMES OF COUNTRIES] based on international law and scientific and legal precedents pertaining to maritime boundary delimitations.

By engaging neutral experts of international repute to work with the technical team in the manner proposed herein, the process will be guided by independent legal and scientific experts well-versed in the latest boundary technology and precedents and hence should produce acceptable outcome more quickly than might otherwise be the case.

The Neutrals Team

Mr. Robert van de Poll (Canada), International Manager, Law of the Sea, with Fugro N.V. (The Netherlands) and a scientific expert in the law of the sea, and **Prof. Pieter Bekker** (The Netherlands), a partner at CMS and an expert in public international law, individually or collectively have worked on Law of the Sea projects in over 155 countries around the globe and have experience in assisting countries to resolve their legal and scientific Law of the Sea issues. Both are affiliated with the internationally renowned *Centre for Energy, Petroleum and Mineral Law and Policy* (CEPMLP) at the University of Dundee in Scotland (www.cepmlp.org), where Dr. Bekker is a Professor and Chair in International Law and Mr. van de Poll is an Honorary Lecturer in addition to having lectured with the United Nations' IMO (IMLI, Malta).

Prof. Bekker, who worked on land and maritime boundary delimitation cases as a staff lawyer in the Registry of the International Court of Justice (ICJ) for several years, has served as Counsel and Advocate to the Caribbean Regional Fisheries Mechanism (CRFM) in *Case No. 21*, the only advisory proceeding to have come before the full International Tribunal for the Law of the Sea (ITLOS) in Hamburg, in addition to representations before international courts and tribunals for more than two decades.

The Neutrals Workshop Concept

The assistance, in a neutral, collaborative setting, of truly independent experts in a situation where the countries involved face a contentious environment featuring overlapping or opposing claims to maritime areas, will enable those countries to expose their representatives and technical advisers to state-of-the-art Law of the Sea applications and solutions in support of constructive and peaceful settlement of on-going differences concerning maritime areas.

The Neutrals Team proposes to conduct an educational Law of the Sea Legal & Scientific Workshop lasting 2-3 days and customized to reflect the situation presented by the disputed maritime areas between the countries concerned, using all relevant legal and scientific procedures and sources of the Law of the Sea. The Workshop will cover:

- Review and analysis of relevant Coastlines
- Review and analysis of Land Terminus Point
- Review and analysis of Territorial Sea Baselines for each Coastal State
- Analysis of past decisions of international courts and tribunals—especially regional precedents—to suggest possible or probable ways forward for dispute resolution of the unresolved or disputed maritime boundary between the countries involved
- Review of all offshore regional waters (claims to the Commission on the Limits of the Continental Shelf) relating to UNCLOS Article 76 submissions for all relevant Coastal States in the region
- Review of current offshore Oil & Gas Concession Blocks, including determination of how they are or might be impacted by the unresolved maritime boundary and possible solutions.

The Workshop can be customized to the wishes of the countries involved and the joint technical team. After the conclusion of the Workshop, the Neutrals Team will remain available to the technical team and support its subsequent work, including through the production of desktop studies analyzing specific issues or areas.

The work of the Neutrals Team is facilitated by Fugro's Law of the Sea Database, which contains in excess of 75 terabytes of digital data in CARIS LOTS (Law of the Sea GIS applications), allowing for projects to be conducted in great detail anywhere on the planet for all 155 Coastal States as well as Lake States in relation to Law of the Sea (LOS) applications. This database yields all digitally relevant LOS information for the customized LOS Workshop and any follow-on advice.

Having worked on Law of the Sea issues in numerous Coastal States and geographical settings, the vast global knowledge and experience of the Neutrals Team will be brought together into a single customized Workshop developed especially for the countries concerned. At CARIS, Mr. van de Poll was the Product Manager in charge of creating the software that is being used by most of the 78 Coastal States (to date) which have lodged claims under the UNCLOS Article 76 Extended Continental Shelf Program (ECS). This software is considered to be the Global Standard for all LOS applications—both within the Exclusive Economic Zone (EEZ) and for the Extended Continental Shelf (ECS). This has offered Mr. van de Poll the unique opportunity to work with and train most of the geoscientist members of the Commission on the Limits of the Continental Shelf (CLCS), the UNCLOS body in New York that is responsible for reviewing and making rulings on any ECS claims filed with the CLCS by UNCLOS Member States. This software is also being used by most of the international courts and tribunals making rulings on disputed maritime boundaries.

Mr. van de Poll also has worked on most of the EEZ Maritime Legal Limits & Boundaries applications by Coastal States, as this is a component for formal submission to the CLCS. This has provided him with unique exposure to a number of different Government agencies all having to work together to resolve all matters falling under the LOS applications for the Coastal States concerned. He presently has 50 on-going LOS projects for countries around the globe.

Workshop Venue

It is recommended that the Neutrals Workshop be held in a neutral location which is acceptable to the countries involved.

Remuneration

It is proposed that the work of the Neutrals Team be funded by the countries involved through a common fund into which each country contributes an equal share of the fees and expenses of the members of the Neutrals Team. Upon request, the Neutrals Team will be happy to submit a proposed budget of fees and expenses.