

出國報告（出國類別：國際會議）

## 參加「海域劃界」研習會議出國報告

服務機關：內政部（地政司）

姓名職稱：張科長倩維、廖科員宜真

派赴國家：新加坡

出國期間：103年9月23日至9月27日

報告日期：103年12月22日



## 摘要

近來，由於資源、區域安全等問題，導致東亞地區海域主權爭端逐漸高漲、海域情勢日趨複雜，英國國際邊界研究單位（International Boundaries Research Unit, IBRU）援往例與新加坡國立大學合作於今（2014）年9月24日至26日在新加坡舉辦「海域劃界」研習會。會議採專業研習方式進行，課程包含（1）導言；（2）地理學之內涵；（3）基線與等距中線；（4）海域劃界的技術課題；（5）海域劃界談判之挑戰－南海案例研究；（6）海域劃界之工具與資源；（7）達成公平的解決方案；（8）劃界談判實例；（9）協議實踐，以及4堂實務演練之課程，協助學員有效運用地圖其他地理資訊，學習如何劃定海域邊界、解決劃界爭議，並透過實務模擬演練讓參與者了解並掌握劃界工作之關鍵地理技術及資源。

透過派員參與國際會議之機會，可汲取國際知名學者對於國家主權、疆界及海域劃界管理與爭端解決之最新見解與經驗，並掌握國際專業研究單位之研究新知與技術能量，可作為後續處理國家主權、主權權利與海洋法治建立、海域管理與劃界分析、紛爭協調解決之重要參考。



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## 壹、緣起及目的

1982 年「聯合國海洋法公約」(United Nations Convention on the Law of the Sea, UNCLOS) 體制下，沿海國可主張自領海基線向外量起 12 浬領海、24 浬鄰接區、200 浬專屬經濟海域，以及陸地領土自然延伸的大陸礁層，為爭取大陸礁層及海域權益，各國紛紛積極投入大陸礁層調查與相關資料建置工作。臺灣四面環海，與鄰國的專屬經濟海域或大陸礁層範圍主張重疊嚴重，為防範鄰近國家恣意擴張海域主張，侵犯我國海洋權益，同時為確保我國海域疆界、大陸礁層能源礦產資源及漁業資源的探勘、開發、養護與管理權益，並因應未來與周邊國家可預見之海域劃界談判，本部自 95 年起開始執行「我國大陸礁層調查計畫」、「我國大陸礁層與島礁調查計畫」以及 104 年即將推展之「我國海域調查與圖資整合發展計畫」，分期辦理我國大陸礁層科學調查、科學調查資料更新及建置、我國海域島礁圖資建置及監測管理、國際海洋法政研析、海域劃界資料整合分析等工作，以務實維護我國海域權利。

英國國際邊界研究單位 (International Boundary Research Unit, IBRU) 成立於 1989 年，是全球唯一研究國際邊界與領土問題的專業研究單位。創辦以來，每年定期於英國舉辦研習會，深受各國相關人員歡迎，除此之外，IBRU 亦提供劃界相關資訊與諮詢服務，致力於領土各項爭議之和平解決。本年度 IBRU 與新加坡國立大學於 103 年 9 月 24 至 26 日在新加坡國立大學國際法中心合作舉辦「海域劃界」研習會，會議探討主題包含海域劃界基礎、海域邊界定義、海域劃界案例、海域劃界技術等，對於我國在未來海域劃界與談判上具有實質的幫助。

本部指派地政司張科長倩維與廖科員宜真參加本研習課程，共同學習劃界相關專業知識、技術，汲取國際劃界案例與經驗，並掌握國際專業研究單位之研究新知與技術能量，對本部刻正執行之計畫，實有助益，將作為後續處理國家主權、主權權利與海洋法治建立、海域管理與劃界分析、紛爭協調解決之重要參考。

## 貳、出國行程

### 一、會議地點、時間

會議地點：新加坡國立大學國際法中心（Centre for International Law,  
National University of Singapore）

會議時間：103 年 9 月 24 日至 103 年 9 月 26 日（共 3 天）

### 二、出國行程

日期	預訂停留地點	行程
103/9/23（二）	臺北－新加坡	從桃園國際機場搭機前往新加坡（去程）。
103/9/24（三）	新加坡國立大學 國際法中心	報到暨會議研習課程。
103/9/25（四）	新加坡國立大學 國際法中心	會議研習課程。
103/9/26（五）	新加坡國立大學 國際法中心	會議研習課程。
103/9/27（六）	新加坡－臺北	從新加坡樟宜機場搭機返回臺灣（回程）。



## 參、會議重要內容

### 一、主辦單位

本（103）年度於新加坡舉辦之「海域劃界」研習會議（Practical Aspects of Maritime Boundary Delimitation）係由英國德倫大學（Durham University, United Kingdom）國際邊界研究單位（International Boundary Research Unit，IBRU）與新加坡國立大學國際法中心（Centre for International Law，National University of Singapore）合辦。

### 二、師資

本研習會議邀請海洋法、國際法、測量與地理資訊等相關領域之專家學者擔任授課講師，師資說明如下：

- Professor Robert Beckman，新加坡國立大學國際法中心主任（Director, Centre for International Law, NUS）
- Mr John Brown，英國水道測量局海洋法顧問（Lew of the Sea Consultant, UK Hydrographic Office）
- Mr Rodman Bundy，Eversheds 律師事務所合夥人（Partner, Eversheds LLP）
- Mr Gavin McLaren，Freshfields 律師事務所合夥人（Partner, Freshfields Bruckhaus Deringer）
- H.E. Arif Havas Oegroseno，印尼駐歐盟大使（Indonesian Ambassador to Belgium, Luxembourg and the European Union）
- Professor Martin Pratt，國際邊界研究單位諮詢總監（Consultancy Director, IBRU）
- Captain J. Ashley Roach，新加坡國立大學國際法中心訪問學者（Navy(retired) and Senior Visiting Scholar and Global Associate, Centre for International Law, National University of Singapore.）
- Professor Clive Schofield，澳洲臥龍崗大學澳洲國立海洋資源暨安全中心研究主任（Director of Research, Australian National Centre for Ocean Resources and Security, University of Wollongong, Australia）
- Professor Philip Steinberg，英國德倫大學政治地理學教授兼國際邊界研究單位執行主任（Professor of Political Geography & Director, IBRU, Durham University）

## 二、會議議程

103年9月24日(三)		
時間	議程	講師
09:00-09:45	<p>導言：海域界限於海洋法及國際實踐之重要性。</p> <p>Welcome &amp; Introduction</p> <p>The significance of maritime boundaries in ocean law and state practice.</p>	Robert Backman、Martin Pratt
09:45-10:30	<p>地理學之內涵：地理學對於海域劃界之重要性、區域與海岸、海岸線長度、岸線及海岸一般方向。</p> <p>Understanding the geographical context</p> <ul style="list-style-type: none"> <li>● The importance of geography in maritime boundary delimitation.</li> <li>● Relevant area and relevant coasts.</li> <li>● Coastline length, coastal fronts and the general direction of the coast.</li> </ul>	Martin Pratt
11:00-12:30	<p>基線與等距中線：識別正常基線、直線基線與群島基線的適用情形、等距中線之內涵與重要性、選取基點。</p> <p>Baselines and equidistance lines</p> <ul style="list-style-type: none"> <li>● Identifying the normal baseline.</li> <li>● Can straight/archipelagic baselines be used in boundary delimitation?</li> <li>● The nature and significance of the equidistant line.</li> <li>● Selection basepoints.</li> </ul>	Clive Schofield
13:30-14:30	<p>海域劃界的技術課題：坐標與基準、地圖投影、「直」線。</p> <p>Technical issues in maritime delimitation</p> <ul style="list-style-type: none"> <li>● Coordinates and datums.</li> <li>● Map and chart projections.</li> <li>● 'Straight' lines.</li> </ul>	John Brown
14:30-16:00	<p>實務演練 1：等距中線。</p> <p>Practical exercise 1</p> <p>Equidistance lines.</p>	—

16:30-17:30	海域劃界談判之挑戰－南海案例研究。 Challenges in negotiating maritime boundaries.	Robert Backman、Clive Schofield
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103年9月25日(四)		
時間	議程	講師
09:00-10:00	海域劃界之工具與資源：地理資訊系統與工具、參考資源、技術支援與法律援助。 Tools and resources for maritime boundary delimitation <ul style="list-style-type: none"> <li>● Geographic information systems and tools.</li> <li>● Reference resources</li> <li>● Sources of technical and legal assistance</li> </ul>	Martin Pratt
10:00-11:00	達成公平的解決方案：衡平原則與適用情況、編輯等距中線、其他劃界方法。 Achieving and equitable solution <ul style="list-style-type: none"> <li>● Equitable principles and relevant circumstances.</li> <li>● Modifying equidistant lines.</li> <li>● Other methods of delimitation.</li> </ul>	Rodman R. Bundy
11:30-13:00	實務演練 2：藉由團隊合作模式，於兩相鄰國家間劃定符合公平性及合理性之海域界限。 Practical exercise2 Working in teams, participants will seek to adjust an equitable and technically robust maritime boundary between two neighboring states.	—
14:00-15:30	劃界談判實例：籌組團隊、資料蒐集研究、談判邏輯。 Practicalities of boundary negotiation <ul style="list-style-type: none"> <li>● Building and preparing a team.</li> <li>● Research.</li> <li>● Logistics of negotiation.</li> </ul>	—
16:00-17:30	實務演練 3：藉由團隊合作模式，進行劃界談判演練。 Practical exercise3 Working in teams, develop a negotiating brief to	—

	construct an opening position in a boundary negotiation.	
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103年9月26日(五)		
時間	議程	講師
09:00-10:45	協議實踐：爭端協議流程。 From agreement to implementation ● Drafting a text agreement. ● Approval/ratification. ● Deposit and due publicity.	—
11:00-12:30	實務演練 4：研擬協議或臨時協議。 Practical exercise4 Drafting an agreement of provisional arrangement.	—
14:00-15:00	結論 Wrap up	—

### 三、會議情形

本次研習會議除我國外，另有澳洲、汶萊、柬埔寨、喀麥隆、中國大陸、哥倫比亞、迦納、印尼、日本、韓國、馬來西亞、新加坡、莫三比克、緬甸、納米比亞、阿曼、菲律賓、塞內加爾、新加坡、泰國、英國、美國、越南等 23 個國家，共 46 位學員參與。研習課程之特色在於法治、技術、理論與實務並重，更藉由實務演練課程，透過實際案例模擬，加深學員對各課程重點的瞭解。

#### (一) 第一天 (103/9/24)

首日課程主要針對海域劃界的基本法則與技術課題進行介紹，並特別以「南海案例研究」探討海域劃界所面臨的挑戰。在一開始的課程介紹中，Robert Backman 及 Martin Pratt 即指出海洋在政治、地理、經濟、環境和文化上的重要性，但卻因其流動性、各深度之使用差異、難以瞭解、難以管轄等特性，及其大部分非屬國家領土，而成為法律難以適用的區域。

正式課程首先由 Martin Pratt 就海洋法進行通盤性概略的介紹；接者，Clive Schofield 以國際法的角度，說明基線與等距中線之意義、重要性及各種基線劃定方式、海圖選定原則，包括低潮高地、群島水域、河

口、海灣各種海岸地形劃界考量因素及規範要求；其後，由 **John Brown** 重點說明坐標與基準、地圖投影等海域劃界相關等技術課題，並配合實務演練 1 之課程，讓學員直接使用尺規於地圖上繪製兩國之等距中線，瞭解海岸相向或相鄰國家，其海域劃界之基本原則。

接下來，本日最後一堂課，將論壇聚焦於亞太地區的海域劃界爭端，透過地理議題、基線問題、爭議島嶼主權、歷史性權利等問題剖析，由政治、劃定合作及共同開封層面探討爭端的解決之道。討論過程引起參與學員與專家學者們廣泛討論，突顯南海主權糾紛和平解決的諸多挑戰。

## （二）第二天（103/9/25）

次日，第一堂課由 **Martin Pratt** 針對海域劃界可運用的資源與工具進行介紹，包含美國海洋法律事務部、全球海疆資料庫、**VLIZ** 海疆地理資料庫等，並讓學員如何結合衛星影像及相關圖資，透過現代化 **GIS** 工具進行海域劃界分析工作。

第二堂課 **Rodman R. Bundy** 先從國際法院規約第 38 條國際法法源談起，次針對聯合國海洋法公約有關海域劃界相關條文之立法意旨及條文進行，包括：第 15 條、第 83 條海岸相鄰或相向國家領海及大陸礁層劃界原則與第 121 條島嶼制度等，並以國際法院歷年涉及海域劃界相關判例如 1969 年北海大陸礁層案、1982 年突尼西亞－利比亞案、1985 年利比亞－馬爾他案、2009 年羅馬尼亞－烏克蘭案、2012 年尼加拉瓜－哥倫比亞案等案例，由各國地理位置、條件、海岸線與島嶼特性之差異與法院判決結果，說明劃定兩國公平性及合理性之海域界限，需就海岸線之一般形狀、任何特殊和獨立特徵的存在、大陸礁層地之地理、地質條件和自然資源、海岸線實際走向、海岸線長度間比例程度及對同一地區其他大陸礁層的實際和預期影響程度等進行評估。

實務演練課程，採分組方式，以 **Tasmania** 與 **Victoria** 作為模擬案例，各組依據主辦單位設定之國家角色，就兩國間如何劃定符合公平性及合理性之海域界限進行討論。首先，實務演練 2，主辦單位於 **Tasmania** 與 **Victoria** 間海域之海圖上，繪製一條等距中線，讓學員配合前一日所學習有關等距中線之內涵及地理上的考量因素，分組討論該線是否公平地劃分兩國間的海域，討論過程中，有學員提出了海岸線並非固定不變，並以其他國家在河川劃界之案例，認為應該因應海岸線實際情況劃定界限，方合乎公平。然經充分討論後，認為劃定明確界線對於兩國海域管

理之重要性，仍採取選定本國合適基點作為界線劃設之基礎；實務演練 3，延續前次演練分析之結果，並增加 Tasmania 與 Victoria 海域間有關資源的相關資訊，包含油井平台與兩國漁民的傳統漁業區。為竭盡所能最大化自身的海洋資源與海域權益，應將重要的資源分布位置納入優先考量，如油井平台是否位於我方主張範圍內？是否涵蓋傳統漁場？經過考 Tasmania 與 Victoria 間政治、社會、經濟、環境與安全等相關因素，擬定與另一國家的談判內容，進一步分析對方退讓或力爭的區域，並預先擬定可接受最低底線，再安排與對方國家代表進行劃界談判。

### （三）第三天（103/9/26）

最後一天課程，由海域劃界協議書之架構開始說明如何擬定協議文件，並以 1974 年日本與韓國兩毗鄰國家南部大陸礁層合作協議為案例，說明爭端解決與協議之流程。

為使學員加深對爭端協議流程之瞭解，實務演練 4 延續前一日演練內容，將分別代表 Tasmania 與 Victoria 的分組結合，以實際模擬談判與協議文件擬定之流程。其中，特別應注意，在整個談判的會議中，須由專人製作會議紀錄，且紀錄內容應經雙方認可，避免認知不同而無法達成協議。

## 肆、心得

海域劃界所需考量的層面非常廣，海洋法公約中簡單規定了相關劃界原則，如：第 15 條領海劃界的中線原則、第 74 條專屬經濟海域和第 83 條大陸礁層劃界的衡平原則。這些原則應如何落實在談判桌上，讓相關海域相鄰、相向甚或重疊的國家間能夠達成劃界協議，則需要多方考量。國際法院歷來有關海域劃界方面的判決，目前已經發展出「衡平/相關情形原則」的劃界方法，並應經過三步驟加以落實：一、先畫出暫定中線。二、考量相關情形加以調整。三、再經過分配比例測試（proportionality test）。

此外，基點基線的劃定是海域劃界的基礎，亦容易受到爭議各方質疑，必須審慎研議、仔細規劃，才能避免我國的國家實踐成為未來他國攻擊的目標，或造成對我不利的結果。例如在釣魚臺列嶼基線劃定上，我國公布的第一批領海基線公告採用正常基線；中國大陸則採直線基線。中國大陸的直線基線畫法遭受許多質疑，相對來說，我國政府在處理基點基線的問題上，則較為合理、亦更為謹慎。

本次研習課程，結合法律和談判實務操作，除了能瞭解海域劃界原則、考量事項及國際司法機關重要的劃界案例外，透過實習、討論與模擬談判，更可加深劃界談判重點資訊的印象，令人獲益良多。由於，海洋劃界事務涵蓋海洋法政、影像判識與應用及地理資訊系統等專業領域，透過課程研習與分組練習，可讓法律與技術背景之成員，互相瞭解各自領域之專業知識，且在與其他國家組員之互動，以及談判桌上交替詰問，間接瞭解各國民情與習慣，強化自身專業領域並與最新海洋資訊接軌，對於海洋事務人才培育，極有助益。

## 伍、建議

### 一、利用參與國際研討會機會，蒐集周邊國家最新權益主張及論述基礎

透過國際會議之場合，可汲取國際知名學者對於國家主權、疆界及海域劃界管理與爭端解決之最新見解，並由近距離直接互動之方式，蒐集周邊國家對於東海釣魚臺列嶼、南海島礁主權等議題之看法，反思如何強化我國劃界主張策略，更有助後續劃界談判協商的順利進行。

### 二、鼓勵業務同仁及專家學者參與國際劃界研習訓練，建立國際海域劃界的智庫

我國目前為止的相關國際談判經驗，除承辦人員參與外，亦需要相關國際法專家學者參與、擔任法律顧問、提供專業法律諮詢意見、政策建議，甚至一起參與國際談判。目前我國正積極與菲律賓進行漁業談判，未來在東海、南海區域除漁業資源協議外，勢必將面臨相關海域劃界問題。因此，未來國家亟需海洋劃界談判及法律、科技等專業人才。

本部於大陸礁層與島礁調查計畫執行期間，業已與國內海洋地質、地理資訊製圖及國際海洋法等學者，建立極為密切的合作關係。惟海域劃界屬國際事務，需要不斷蒐集國際情資、培養專業智庫、適時在國際發聲。故建議編列相關預算，未來相關訓練活動應鼓勵政府相關部會多指派相關業務同仁參加、同時鼓勵學界一同參與學習，俾建立我國海域劃界事務的人才智庫。

### 三、在國內舉辦海域劃界議題實習工作坊，培育劃界及談判人才

藉由此次研習課程，可發現東南亞國家均派遣多名行政官員參與訓練，可見其積極向海洋發展、維護權益的企圖心。正當周邊國家積極從事海域劃界各項準備工作、甚至大舉延攬國際級專家作為顧問之時，我們亦應深刻思考國內現狀並有所作為。海域劃界談判除要熟悉國際海洋法等相關規定外，亦需綜合考量各種因素、取得衡平劃界結果，因此，劃界談判人才必須熟悉國際法、劃界技術、漁業、礦業、地理、地質、歷史等相關知識。因此，就政府部門面向，應集結內政部、外交部、漁業署、經濟部、能源局等承辦部會、統籌訓練，使未來可能在國家對外劃界談判的相關人員，事先熟悉相關法律規定及實務操作方法，培養第一線專業海域劃界談判人員。此外，強化與學界之合作，規劃相關實務研習課程，邀請國際劃界談判專家與我國國內學者進行實務經驗交流、學習。進而，由國內學者做為種子、建立智庫、負責國內政府官員及學生的教育訓練，長期培訓我國海洋法領域之人才。



## 陸、研討會照片



圖 1、海域劃界研習課程師資群



圖 2、國際邊界研究室 Professor Martin Pratt 授課照片



圖 3、澳洲臥龍崗大學 Professor Clive Schofield 授課照片



圖 4、英國水道測量局海洋法顧問 Mr John Brown 授課照片





圖 5、Eversheds 律師事務所 Mr Rodman Bundy 授課照片



圖 6、課程研習情形



圖 7、課程期間問題研討情形



圖 8、練習繪製等距中線（實務演練 1）



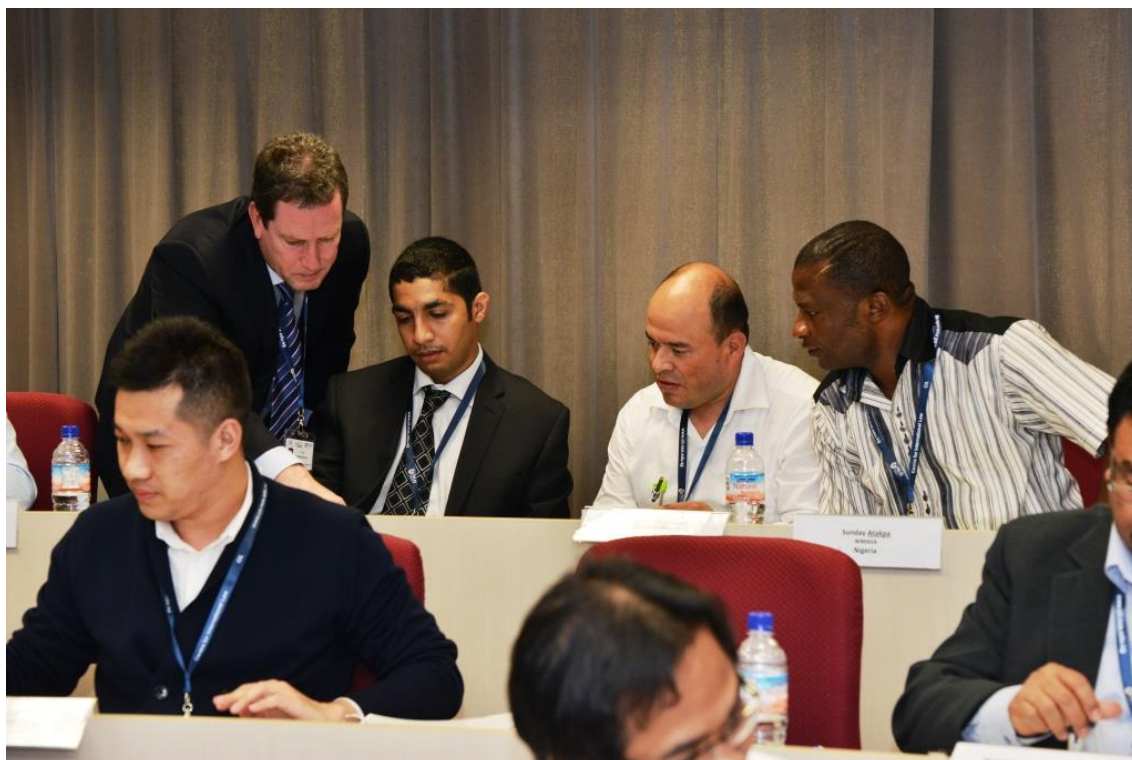


圖 9、講師與學員互動情形



圖 10、會議茶敘時間交流情形



圖 11、圓桌論壇討論情形



圖 12、張科長倩維參與分組討論情形（右 2）





圖 12、廖科員宜真參與分組討論情形（右 3）



圖 13、各組實作成果分享



MARITIME BOUNDARY DELIMITATION WORKSHOP  
24-26 September 2014

圖 14、全體與會人員合影



## 柒、附錄

### 一、研習課程簡章

Training Workshop Programme 2014

# Practical Aspects of Maritime Boundary Delimitation

24-26 September 2014, Centre for International Law, National University of Singapore



**CIL**  
Centre for International Law  
National University of Singapore

Develop the skills needed to achieve an equitable division of maritime space and clearly defined maritime boundaries through practical exercises and theoretical discussion

**IBRU**

## INTRODUCTION

Clearly defined maritime boundaries are essential for good international relations and effective ocean management, yet few coastal states have agreed upon all their maritime boundaries with their neighbours. Part of the reason for this is that boundary delimitation requires a range of specialist legal and technical skills which are not always readily available to governments.

Combining lectures, discussions and practical exercises, this workshop helps participants develop the skills needed to achieve an equitable division of maritime space and clearly defined maritime boundaries.

IBRU is delighted to be partnering with the Centre for International Law at the National University of Singapore.

## Tutors



**Professor Robert Beckman, Director, Centre for International Law, National University of Singapore**, heads the ocean law and policy programme as well as being Director of the Centre for International Law, a university-wide research centre at the National University of Singapore (NUS) which was established in 2009. Professor Beckman is also an Associate Professor at the NUS Faculty of Law, where he has taught for more than 35 years. He currently teaches Ocean Law & Policy in Asia and International Regulation of Shipping. Prof Beckman lectures in the summer programme at the Rhodes Academy of Oceans Law & Policy in Rhodes, Greece. He is an expert on the issues of law of the sea in Southeast Asia, including piracy, maritime security, the South China Sea and the Straits of Malacca and Singapore. His latest publications include: "The UN Convention on the Law of the Sea and the Maritime Disputes in the South China Sea", *American Journal of International Law*, (2013) Beckman & Schofield, "Defining EEZ Claims from Islands: A Potential South China Sea Change", *The International Journal of Marine and Coastal Law*, (2014).



**Mr John Brown, Law of the Sea Consultant, UK Hydrographic Office** began his sea-going career in 1974 and trained as a navigating officer. He joined the UK Hydrographic Office in 1993 after working as a surveyor in the offshore industry for several years. He joined the Law of the Sea Division – a small team of internationally recognised experts within the UKHO – in 2003. John is currently working with several foreign governments on delimitation and baseline issues and has taken part in a number of boundary negotiations, both bilateral and third party adjudication as well as being a member of the UK's delegation for boundary negotiations. He lectures to senior Royal Navy professional courses, to postgraduate courses at King's College London and Lund University in Sweden and has been a faculty member of the annual IFLOS Summer Academy in Hamburg since 2008. He was elected a Fellow of the Royal Institute of Navigation in 2009, was invited to serve as a member of the Greenwich Forum in 2012 and is currently the Vice Chair of the joint IHO/IAG Advisory Board on Law of the Sea (ABLOS).



**Mr Rodman Bundy, Partner, Eversheds LLP**, is a member of the New York Bar. Rod holds a BA in history from Yale University and a JD from the Georgetown University Law Center, Washington, D.C.. Now based in Eversheds' Singapore office, from 1984 to 2013, Rod was a partner in the Paris office of Eversheds LLP (which merged with Frere Cholmeley in 1998) specializing in public international law, boundary disputes, oil and gas law and international commercial and investment arbitration. Rod has acted as Counsel and Advocate for over thirty years in numerous public international law matters and arbitrations, most recently on behalf of the Government of Colombia in its maritime boundary and sovereignty dispute with Nicaragua, the Government of India in the Kishenganga Arbitration brought by Pakistan, the Government of Cambodia in the case concerning the interpretation of the ICJ's Judgment in the Temple of Preah Vihear case, the Government of Slovenia in its boundary arbitration with Croatia, the Government of Peru in its maritime delimitation case with Chile and the Governments of Singapore and Indonesia in two separate sovereignty cases with Malaysia before the ICJ.



**Mr Gavin McLaren, Partner, Freshfields Bruckhaus Deringer** is head of the Asia-Pacific energy and natural resources practice. He acts for multi-national corporations, governments, international organisations and financial institutions across the Asia Pacific. Gavin is particularly sought after for his abilities in structuring and negotiating complex cross border mergers and acquisitions, joint ventures and project developments. Gavin also provides public international law advice to governments and energy companies in connection with overlapping international boundary claims. He has been recognised as a leading lawyer by legal directories (including Chambers Global, APL 500 and Who's Who Legal Guides) and was twice listed in ALB's Hot 100 Lawyers for Asia.



**H.E. Arif Havas Oegroseno, Indonesian Ambassador to Belgium, Luxembourg and the European Union**, is a career diplomat who has served in the Indonesian diplomatic service for more than 25 years. Prior to assuming his Ambassadorial post he was Indonesia's Director-General for Legal and International Treaty Affairs. During his tenure, he was chief negotiator for numerous bilateral and regional negotiations, including Indonesian maritime boundaries. He was also the Head of the Indonesian Delegation on the Submission of the Outer Limit of Indonesian Continental Shelf, and the Indonesian High Level Legal Expert of the ASEAN Charter assigned to conclude the ASEAN Dispute Settlement Mechanisms. In 2010-11 he served as the President to the State Parties of the 20th Conference of the United Nations Convention on the Law of the Sea. He has written numerous op-ed articles in national and international media, contributed essays in numerous academic publications and spoken in numerous national, regional and international conferences, including speaking before the special commemorative event of International Law Commission of the UN. He also lectures in national, European, and American universities, and is a regular lecturer at the Rhodes Academy of Oceans Law & Policy.



**Professor Martin Pratt, Consultancy Director, IBRU**, has two decades' experience advising governments, commercial organisations and NGOs on land and maritime boundary issues around the world. Recent projects in which he has served as a geographical expert include the maritime boundary arbitration between Bangladesh and India, the land and maritime boundary arbitration between Croatia and Slovenia, and maritime boundary negotiation in the southwest Indian Ocean. Martin coordinates IBRU's training workshop programme and consultancy activities; the Unit's GIS resources and the *int-boundaries* email list. In 2010 Martin received the Michael Barrett Award of the Royal Institution of Chartered Surveyors for his contribution to boundary studies.



**Captain J. Ashley Roach, JAGC, U.S. Navy (retired) and Senior Visiting Scholar and Global Associate, Centre for International Law, National University of Singapore**, was attorney adviser in the Office of the Legal Adviser, U.S. Department of State, from 1988 until he retired at the end of January 2009. He was responsible for law of the sea matters. He has taught, advised and published extensively on national maritime claims and other law of the sea issues, including piracy and armed robbery at sea. He has negotiated, and participated in the negotiation of, numerous international agreements involving law of the sea issues. He received his LL.M. (highest honors in public international law and comparative law) from the George Washington University School of Law in 1971 and his J.D. from the University of Pennsylvania Law School in 1963.



**Professor Clive Schofield, Director of Research, Australian Centre for Ocean Resource and Security (ANCORS), University of Wollongong (UOW), Australia**. Clive also leads the Sustaining Coastal and Marine Zones research theme of the UOW Global Challenges Program. He is a political geographer and international legal scholar whose research interests relate to international boundaries and particularly maritime boundary delimitation. Clive currently holds an Australian Research Council Future Fellowship and a PhD (geography) from Durham University and an LL.M. from the University of British Columbia, Canada. He has researched and published primarily on issues related to the delimitation of maritime boundaries, geo-technical issues in the law of the sea, maritime security and regarding maritime boundary disputes and their resolution. Clive has been involved in the peaceful settlement of boundary and territory disputes, for example through the provision of technical advice and research support to governments engaged in boundary negotiations and in dispute settlement cases before the International Court of Justice and is co-author (with Professor Victor Prescott, Emeritus Professor of Geography, University of Melbourne) of, *The Maritime Political Boundaries of the World* (2005).



**Professor Philip Steinberg, Professor of Political Geography & Director of IBRU, Durham University**, has written extensively on the history of the law of the sea and its development in the context of regional and global uses and perceptions of maritime space. He has published widely on this topic and in related areas of communications law and Polar politics, with research being funded by the U.S. National Science Foundation, the European Commission, and the International Council for Canadian Studies. He has authored six books and over fifty journal publications and book chapters, including most recently "Steering Between Scylla and Charybdis: The Northwest Passage as Territorial Sea" (*Ocean Development and International Law* 45(1)); "Contesting the Arctic: Politics and Imaginaries in the Circumpolar North (I.B. Tauris)", and "Maintaining Hegemony at a Distance: Ambivalence in U.S. Arctic Policy" (in *Polar Geopolitics*, Edward Elgar). Prior to his position at Durham, Phil obtained a PhD in Geography from Clark University and taught for sixteen years at Florida State University.



( 接續前頁 )

## PROGRAMME

### Who should attend?

- Diplomats
- Legal advisors
- Exploration & production managers
- Energy officials
- Researchers & consultants
- Pipeline and cable planners
- EEZ contractors
- Fisheries managers
- Technical experts

<b>Wednesday</b> 24 September	0900-0945	<b>Welcome &amp; Introduction</b> <ul style="list-style-type: none"><li>• The significance of maritime boundaries in ocean law and state practice</li></ul>
	0945-1030	<b>Understanding the geographical context</b> <ul style="list-style-type: none"><li>• The importance of geography in maritime boundary delimitation</li><li>• Relevant area and relevant coasts</li><li>• Coastline length, coastal fronts and the general direction of the coast</li></ul>
	1100-1230	<b>Baselines and equidistance lines</b> <ul style="list-style-type: none"><li>• Identifying the normal baseline</li><li>• Can straight/archipelagic baselines be used in boundary delimitation?</li><li>• The nature and significance of the equidistant line</li><li>• Selecting basepoints</li></ul>
	1230-1330	<b>Lunch</b>
	1330-1430	<b>Technical issues in maritime delimitation</b> <ul style="list-style-type: none"><li>• Coordinates and datums</li><li>• Map and chart projections</li><li>• 'Straight' lines</li></ul>
	1430-1600	<b>Practical exercise 1</b> Equidistance lines
	1630-1730	<b>Challenges in negotiating maritime boundaries</b> <ul style="list-style-type: none"><li>• South China Sea case study</li></ul>
<b>Thursday</b> 25 September	0900-1000	<b>Tools and resources for maritime boundary delimitation</b> <ul style="list-style-type: none"><li>• Geographic information systems and tools</li><li>• Reference resources</li><li>• Sources of technical and legal assistance</li></ul>
	1000-1100	<b>Achieving an equitable solution</b> <ul style="list-style-type: none"><li>• Equitable principles and relevant circumstances</li><li>• Modifying equidistant lines</li><li>• Other methods of delimitation</li></ul>
	1130-1300	<b>Practical exercise 2</b> Working in teams, participants will seek to adjust an equitable and technically robust maritime boundary between two neighbouring states.
	1300-1400	<b>Lunch</b>
	1400-1530	<b>Practicalities of boundary negotiation</b> <ul style="list-style-type: none"><li>• Building and preparing a team</li><li>• Research</li><li>• Logistics of negotiation</li></ul>
	1600-1730	<b>Practical exercise 3</b> Working in teams, develop a negotiating brief to construct an opening position in a boundary negotiation
<b>Friday</b> 26 September	0900-1045	<b>From agreement to implementation</b> <ul style="list-style-type: none"><li>• Drafting a text agreement</li><li>• Approval/ratification</li><li>• Deposit and due publicity</li></ul>
	1100-1230	<b>Practical exercise 4</b> Drafting an agreement or provisional arrangement
	1230-1400	<b>Lunch</b>
	1400-1500	<b>Wrap up</b>

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

Cover image: A group of participants work on a practical maritime exercise at an IBRU/CIL Maritime Boundaries Delimitation workshop. Source: CIL

## 二、參與人員名單



### Practical Aspects of Maritime Boundary Delimitation

#### PARTICIPANTS

- |  |                   |
|--|-------------------|
| 1. Mr Don Abbey, Senior Surveyor, Woodside Energy P/L  | Australia         |
| 2. Mrs Idariani Damit, Research Officer, Prime Minister's Office   | Brunei Darussalam |
| 3. Miss Sharon Awang Sitai, Researcher, Prime Minister's Office  | Brunei Darussalam |
| 4. Mr Mohd Effendi Hj Maidin, Officer, Prime Minister's Office   | Brunei Darussalam |
| 5. Mr Dara In, PhD Candidate, Law, University College London   | Cambodia          |
| 6. Ms Koy Pisey, Secretary General, National Authority in Charge of Borders  | Cambodia          |
| 7. Mr Gregoire Mvongo, Director, Ministry of Territorial Administration and Decentralization                                   | Cameroon          |
| 8. Mr Roger Mbolo Bisso, Attaché to the Secretary of the Prime Minister, Prime Minister's Office                               | Cameroon          |
| 9. Mr Jian Guo, PhD Candidate, Nanjing University  | China             |
| 10. Captain Juan Francisco Herrera Leal, Attache Navy to Colombia in London, Colombian Navy                                    | Colombia          |
| 11. Mr Woelikplim Elikplimi, Archivist/Documentation Officer, Ghana National Petroleum Corporation                             | Ghana             |
| 12. Mr Nana Adusei Poku, Geomatic Engineer, Ghana National Petroleum Corporation   | Ghana             |
| 13. Miss Louisa Amoako Quaicoe, Legal Officer, Ghana National Petroleum Corporation  | Ghana             |
| 14. Ms Esther Rajagukguk, Staff of Directorate for Political, Security and Territorial Affairs, Ministry of Foreign Affairs    | Indonesia         |
| 15. Mr Sawago Nagamori, Kasumigaseki 2-2-1, Treaties Division, International Legal Affairs Bureau, Ministry of Foreign Affairs | Japan             |
| 16. Mr Minchul Kim, Second Secretary, International Legal Affairs Division of the Ministry of Foreign Affairs                  | Republic of Korea |
| 17. Mr Zha Hyoung Rhee, Director, International Legal Affairs Division of the Ministry of Foreign Affairs                      | Republic of Korea |
| 18. Mr Kamarul Azam Kamarul Baharin, Principal Assistant Director, Department of Survey and Mapping Malaysia                   | Malaysia          |
| 19. Mrs Neusa Andre Cesar, Technician, National Institute of the Sea and Boundary  | Mozambique        |
| 20. Mr Khes Salimo, Technician, National Institute of the Sea and Boundary   | Mozambique        |
| 21. Mr Sunn Linn, Assistant Director, Union Attorney General's Office  | Myanmar           |

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|-----|---|-------------|
| 22. | Ms Yin Myo Su Hlaing, Staff Officer, Union Attorney General's Office  | Myanmar     |
| 23. | Mr Uzochukwu Okafor, Surveyor-General, Ministry of Lands and Resettlement   | Namibia     |
| 24. | Mrs Rachel Munyakazi, Land Surveyor, Ministry of Lands and Resettlement   | Namibia     |
| 25. | Mr Andreas Amukwaya, Chief Surveyor, Ministry of Lands and Resettlement   | Namibia     |
| 26. | Captain Sunday Daniel Atakpa, Head of Hydrographic Survey, NIMASA   | Nigeria     |
| 27. | Mrs Zahra Al-Lawati, Senior Legal Researcher, Ministry of Legal Affairs   | Oman        |
| 28. | Mr Fahad Khamis Al Abri, Officer, Hydrographic Department, Royal Navy of Oman   | Oman        |
| 29. | Mr Maximo Paulino Sison III, Associate Solicitor, Office of the Solicitor General   | Philippines |
| 30. | Ms Sarah Jane Fernandez, Assistant Solicitor General, Office of the Solicitor General   | Philippines |
| 31. | Engineer Isaac Mabaya, GIS Officer, Cameroon-Nigeria Mixed Commission   | Senegal     |
| 32. | Engineer Augustin Muhizi, Head of the CNMC Cartographic Unit, Cameroon-Nigeria Mixed Commission   | Senegal     |
| 33. | Ms Penny Lee Yong Ng, Deputy Director, Civil Aviation Authority of Singapore  | Singapore   |
| 34. | Mr David Low, Deputy Senior State Counsel, Attorney Generals Chambers   | Singapore   |
| 35. | Miss Ye-Min Wu, Assistant Director/Special Projects-Boundary Issues, Ministry of Foreign Affairs  | Singapore   |
| 36. | Miss Felicia Li Si Chua, 3 Country Officer/Special Projects-Boundary Issues, Ministry of Foreign Affairs                                | Singapore   |
| 37. | Ms Chui Wah Yap, Head (National ANS Policy), Civil Aviation Authority of Singapore  | Singapore   |
| 38. | Miss Yi Chen Liao, Ministry of Foreign Affairs  | Taiwan      |
| 39. | Miss Chien-Wei Chang, Ministry of Foreign Affairs   | Taiwan      |
| 40. | Mr Darm Boontham, Director, Boundary Division, Department of Treaties and Legal Affairs, Ministry of Foreign Affairs                    | Thailand    |
| 41. | Mr Manachai Wattanawongsarat, First Secretary, Boundary Division, Department of Treaties and Legal Affairs, Ministry of Foreign Affairs | Thailand    |
| 42. | Mrs Barbara Amono-Oceng, Head, External Political Section, British Embassy Hanoi  | UK          |
| 43. | Mr Tobias Megraw, Geospatial Analyst, National Geospatial-Intelligence Agency   | USA         |
| 44. | Mr Oliver Lewis, Attorney-Adviser, US Department of State   | USA         |
| 45. | Mr Tran Phuong Hoang, Official, National Boundary Committee, Ministry of Foreign Affairs  | Vietnam     |
| 46. | Mr Viet Phuong Le, Deputy Head of Division, Department of International Law and Treaties, Ministry of Foreign Affairs                   | Vietnam     |