



THE LONDON INTERNATIONAL BOUNDARY CONFERENCE

PANEL 6: FUTURE CHALLENGES IN TERRITORIAL AND DELIMITATION DISPUTES

One of the main premises for the inauguration of the Conference was the observation that the professional and academic disciplines involved in international boundary disputes might move towards a more integrated approach for their resolution. Building upon the preceding presentations, seasoned commentators will consider how progress might be made here, as well as presenting their views on what the future might hold in several applied contexts.

Professor Michael Reisman

Professor Michael Reisman is chairing this session.

Professor Maurice Mendelson QC

Possible sources of territorial and delimitation disputes in the future

It is always risky predicting the future, but some types of disputes seem very likely, and others possible.

One of the main generators of disputes is natural resources. Despite the advent of “fracking”, the world is likely to remain hungry for sources of energy, and this will continue to give rise to conflicting territorial claims and issues of delimitation, both terrestrial and maritime. Other minerals are or may become very scarce too, which can generate disputes, not only in the usual areas, but also possibly in areas which have previously been immune to this kind of conflict, such as the deep sea-bed, the Arctic, the moon and perhaps planets and asteroids.

Problems of access to and conservation of fisheries may become more acute. Climate change and growing populations may also produce more (and more intense) conflicts over access to fresh water.

Although territorial and boundary conflict is often resource-driven, it is not the only source of contention. Neighbouring countries often dislike each other anyway, due to history, ideology (including religion), the need to justify the resources dedicated to the armed forces, the *raison d'être* of being a separate nation, or simply because mutual dislike is often what human proximity produces.

Stephen Fietta

Future challenges from a maritime delimitation perspective, in particular the development of subjectivity regarding the identification of base points



THE LONDON INTERNATIONAL BOUNDARY CONFERENCE

A series of recent judicial and arbitral decisions has shown a growing tendency on the part of international judges and arbitrators to intervene in what should, arguably, be purely objective or technical exercises in maritime delimitation. Examples have been in the identification of relevant basepoints and relevant coasts, which can play a critical role in any maritime delimitation result, and the methodology adopted for outer shelf delimitation in the Bay of Bengal. This presentation will identify the recent interventionist trend and consider its potential implications for the future of maritime delimitation negotiations and third-party dispute resolution.

Professor Julian Minghi

A geographer's view on the future of boundary dispute resolution

My research has focused on the nature and function of boundaries and on their influence in creating distinctive borderlands and borderscapes, especially in the European region. For the past six decades the emphasis in Europe has been away from boundary and territorial disputes and toward greater political union and the decline in hostility in border areas. The end of the Cold War and collapse of communist regimes in Eastern Europe had some traumatic consequences in the 1990s but the contemporary mindset is still a focus on the post-World War II process of closer union among European states. But given recent developments resulting from the world financial crisis starting in 2007-2008, serious challenges to this trend are emerging. The possibility of States leaving or being forced out of the European Union and/or the emergence of more structured membership categories would lead to a retrogression in the conflict-to-harmony process which in turn could well rekindle long-dormant boundary or territorial disputes. I will address some hypothetical cases.