

Event Report

Borders and the Rules Based International System: a historical and legal basis **RUSI Whitehall, London SW1A 2ET** **Monday 25 February 2019**



It is a moment of great flux in the international environment. Established rules and structures are increasingly under threat and challenge from all sides. Borders are challenged by non-state terrorist groups and assertive powers claiming land, creating tensions that cut to the core of nationhood. Looking to history, it is possible to see other moments of equal challenge.

This conference co-hosted by JIIA and RUSI brought together experts from around the world to address what lessons might be learned from these historical case studies where legal frameworks have been used to settle disputed borders.

Panel 1: Territorial Issues and the Concept of “Territory” in the West and Asia

Panel 1 considered the role and relevance of historical claims over territorial issues, taking into account how international tribunals have examined historical factors in the context of historical/ancient titles and historical rights. The panel discussed how the non-western countries had their own awareness of territory and border, but, as a result of contact with the West in the 19th century, they accepted the concepts of territory and borders as defined under modern European international law. Some also touched upon the fact that in Asia and other regions, countries try to justify their territorial claims invoking various historical narratives, particularly those that existed in pre-modern times.

Panel 2: Peaceful Resolution of Territorial Disputes through International Law

Panel 2 examined the significance of international law in terms of the peaceful settlement of territorial issues (of both Asia and Europe) and considered how the rule of law in settling territorial issues can be strengthened. It discussed two recent arbitration cases that included elements of historical rights to support countries' claims: The Philippines v China, and Croatia v Slovenia.

Panel 3: Territorial Issues and their Implications for the Regional and Global Order

Panel 3 discussed, from the perspective of international politics, how the international community can manage challenges to the liberal international order respecting international law. Based on the implications of the developments discussed in Panels 1 and 2 for the regional and global order, this panel considered the relationship between power and international law. It also discussed how the rule of law has been contributing to the maintenance of stable international order.

<Agenda>

0930-1000 Registration

1000-1030 Opening Remarks

Professor Malcolm Chalmers, Deputy Director General, RUSI

Yasunori Nakayama, Director General (Acting), JIIA

1030-1200 **Panel 1: Territorial Issues and the Concept of "Territory" in the West and Asia**

Panelists:

- Professor Masaharu Yanagihara, The Open University of Japan
- Dr Shafiah F Muhibat, Head, Department of International Relations, CSIS Jakarta
- Dr Christine Schwöbel-Patel, Associate Professor, Warwick Law School, University of Warwick
- Richard Schofield, Senior Lecturer in Boundary Studies, Department of Geography, King's College London

Moderator: Dr Todd Hall, Associate Professor of International Relations, St Anne's College, University of Oxford

1200-1300 Lunch

1300-1430 **Panel 2: Peaceful Resolution of Territorial Disputes through International Law**

Panelists:

- Professor Atsuko Kanehara, Faculty of Law, Sophia University, Tokyo
- Pia Benosa, Researcher, Institute for Maritime Affairs and Law of the Sea, University of the Philippines

- Dr Dominika Švarc Pipan, State Secretary, Ministry of Justice, Slovenia
- Professor Maja Sersic, Professor of Public International Law, Chair of the Public International Law Department, Faculty of Law, University of Zagreb

Moderator: Dr Jonathan Eyal, Associate Director for Strategic Research Partnerships, RUSI

1500-1630 **Panel 3: Territorial Issues and their Implications for the Regional and Global Order**

Panelists:

- Professor Toshihiro Nakayama, Faculty of Policy Management, Keio University
- Dr Michael J Green, Senior Vice President for Asia and Japan Chair, CSIS
- Professor Steven Haines, Chair, Public International Law, University of Greenwich; Senior Associate Fellow, RUSI
- Dr Nguyen Hung Son, Director, Center for East Sea (South China Sea) Studies, Diplomatic Academy of Vietnam

Moderator: Dr Monika Chansoria, Senior Visiting Fellow, JIIA

1630-1700 Keynote Address

The Rt Hon Mark Field MP, Minister of State for Asia and the Pacific,
Foreign & Commonwealth Office

Chair: Professor Malcolm Chalmers, Deputy Director General, RUSI

1700-1715 Closing Remarks

Professor Malcolm Chalmers, Deputy Director General, RUSI

Yasunori Nakayama, Director General (Acting), JIIA