

# **‘Sustainable Development in World Investment Law’**

An International Legal Experts Seminar

9:30 – 6:00pm / 13 July, 2008

Lauterpacht Centre for International Law

Cambridge, United Kingdom

## **List of Biographies**

### **Profiles of Chairs/Keynotes**

**Prof. Georges Abi-Saab** is Honorary Professor of International Law at the Graduate Institute of International Studies in Geneva (having taught there from 1963 to 2000); Honorary Professor at Cairo University’s Faculty of Law; and a Member of the Institute of International Law. Professor Abi-Saab served as consultant to the Secretary-General of the United Nations for the preparation of two reports on “Respect of Human Rights in Armed Conflicts” (1969 and 1970), and for the report on “Progressive Development of Principles and Norms of International Law Relating to the New International Economic Order” (1984). He represented Egypt in the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law (1974 to 1977), and acted as Counsel and advocate for several governments in cases before the International Court of Justice (ICJ) as well as in international arbitrations. He has also served twice as judge ad hoc on the ICJ, as Judge on the Appeals Chamber of the International Criminal Tribunals for the Former Yugoslavia and for Rwanda, and as a Commissioner of the United Nations Compensation Commission. He is a Member of the Administrative Tribunal of the International Monetary Fund and of various international arbitral tribunals (ICSID, ICC, CRCICA, etc.) Professor Abi-Saab graduated in law from Cairo University and pursued his studies in law, economics and politics at the Universities of Paris, Michigan (MA in Economics), Harvard Law School (LLM and SJD), Cambridge and Geneva (Docteur es Sciences Politiques). He also held numerous visiting professorships, inter alia, at Harvard Law School, the Universities of Tunis, Jordan, the West Indies (Trinidad), as well as the Rennert Distinguished Professorship at NYU School of Law and the Henri Rolin Chair in Belgian Universities. Professor Abi-Saab is the author of numerous books and articles, including “Les exceptions préliminaires dans la procédure de la Cour internationale: Etude des notions fondamentales de procédure et des moyens de leur mise en oeuvre” (Paris, Pedone, 1967); “International Crises and the Role of Law: The United Nations Operation in Congo 1960-1964” (Oxford University Press, 1978); “The Concept of International Organization” (as editor) (Paris, UNESCO, 1981; French edition, 1980).

**Prof. James Crawford** SC, FBA, is Director of the Lauterpacht Centre, University of Cambridge, Whewell Professor of International Law and a Fellow of Jesus College. He was a Member of the United Nations International Law Commission from 1992-2001 and Special Rapporteur on State Responsibility (1997-2001). In addition to scholarly work on statehood, self-determination, collective rights and international responsibility, he has appeared frequently before the International Court of Justice including in the Advisory Opinions on Nuclear Weapons (1996) and the Israeli Wall/Barrier (2004). He has also appeared before other international tribunals, and is actively engaged as an international arbitrator.

**Prof. Armand De Mestral** teaches international law, international trade law, and the law of the European Community. His current research interest is the law of international economic integration. He has prepared books, articles and studies in English and French on international trade law and on Canadian comparative and constitutional law and international law. He has served on WTO and NAFTA dispute settlement and arbitration tribunals. He served as president of the Canadian Red Cross Society from 1999 - 2001. He was made member of the Order of Canada in December 2007.

**Prof. Campbell McLachlan** teaches international law at the Victoria University of Wellington. He took his undergraduate degree at Victoria, then went to Europe, where, after completing his PhD at the University of London, he practised in the field of international litigation. He was a partner in the firm of Herbert Smith and Head of its International Law Practice Group. Campbell also took a very active part in the international law academic community. He was a member of the Law Faculty of the University of Cambridge; taught at the University of London; and was Joint Hon Secretary of the British Branch of the International Law Association. Campbell's research interests include the practice and procedure of international courts and tribunals; foreign relations law and international commercial law.

**Prof. Jan Paulsson**, who annually teaches a segment on the enforcement of arbitral awards under the aegis of the Lauterpacht Centre for International Law at Cambridge University, is the head of the international arbitration and public international law groups of Freshfields Bruckhaus Deringer. He is also President of the London Court of International Arbitration and of the World Bank Administrative Tribunal. His latest book, entitled *Denial of Justice in International Law* (Cambridge University Press, 2005), was developed from his 2003 Hersch Lauterpacht Memorial Lectures.

**Prof. dr. Nico Schrijver** is Professor of International Law at Leiden University and Academic Director of the LL.M. (adv.) programme in Public International Law. He was previously employed at Vrije Universiteit Amsterdam and the Institute of Social Studies in The Hague. Prof. Schrijver is Visiting Professor Europe and North-South Co-operation at the Université Libre de Bruxelles. He is a Member of the Permanent Court of Arbitration, Peace Palace, The Hague and of various governmental advisory bodies. Prof. Schrijver is Senior Special Fellow of UNITAR and member of the UN High Level Task Force on the Right to Development. He is the former Chair of the Board of Directors of the Academic Council on the United Nations System (ACUNS), Co-General Editor of the Netherlands Yearbook of International Law, President of the Netherlands Society of International Law and Chairman of the International Law Association's Committee on Sustainable Development.

## Profiles of Panellists

**Ms. Freya Baetens** is a PhD researcher (W.M. Tapp Scholar) at Gonville & Caius College, Cambridge University. She is also a Cambridge European Trust Scholar, fellow of the Cambridge European Society and serves as Editor-in-Chief of the Cambridge Student Law Review. Her PhD project focuses on the influence of public international rules on the interpretation of substantive protection standards in investor-state arbitrations, supervised by Prof. James Crawford. In 2005, she obtained a Cand. Jur. / Lic. Jur. magna cum laude from Ghent University (Belgium) and in 2006 she graduated as a Fulbright Scholar in the LL.M. programme with honours at Columbia University (US). She previously interned at two international law firms, the Belgian Supreme Court, an investment bank, the United Nations and the Permanent Court of Arbitration. Currently, she is an international law supervisor at Cambridge and the tribunal assistant for the *Azurix v. Argentina* annulment panel. She also participates in a BIICL project analysing investment treaties between China and the EU Member States, and she is a member of the ILA Committee on Islam and International Law.

**Prof. Andrea K. Bjorklund** teaches courses in international arbitration and litigation, international trade, international investment, conflict of laws, and contracts at the University of California, Davis, School of Law. Professor Bjorklund serves on the International Law Association's Committee on the Law of Foreign Investment, and has written extensively on investor-state arbitration issues. She is co-author of *Investment Disputes Under NAFTA: An Annotated Guide to NAFTA Chapter 11*. Prior to entering the academy, Professor Bjorklund defended the U.S. government in investor-State arbitrations brought under the NAFTA as an attorney-adviser in the U.S. Department of State's Office of the Legal Adviser, and also worked for Commissioner Thelma J. Askey on the U.S. International Trade Commission. She was also in private practice with Miller & Chevalier in Washington, D.C., and she clerked for Judge Sam J. Ervin, III, on the U.S. Court of Appeals for the Fourth Circuit.

**Dr. Chester Brown** is Assistant Legal Adviser at the Foreign and Commonwealth Office. He was formerly a Senior Associate in the International Law and International Arbitration Group at Clifford Chance LLP, London. After completing his undergraduate studies in Arts (French and German) and Law at the University of Melbourne, Chester worked as a Solicitor at Mallesons Stephen Jaques. He also holds a BCL from the University of Oxford and a PhD from the University of Cambridge. He is the author of "A Common Law of International Adjudication", which was published by Oxford University Press in 2007.

**Dr. W. Bradnee Chambers** is the Senior Programme Officer of the Institute for Advanced Studies at United Nations University. Chambers is specialized in public international law and international relations and works on environmental treaty and international economic legal issues. He holds a PhD in International Law from the University of Edinburgh, an LL.M in International Law from University of Nottingham, UK, and a MA in International Relations from the Graduate School of European and International Affairs, Reading University, UK. Before working at UNU-IAS, Chambers worked at the Transnational Corporation Division of UNCTAD (Geneva), where he researched and wrote chapters on National Legislation and the Regulations Relating to Transnational Corporations. He joined the UNU-IAS in 1996 where he has served in various capacities including the Institute's Legal Advisor and Secretary of its Advisory Board. He has also continued his role as a senior researcher having moved through the ranks as a Research Associate, Associate Fellow, Research Fellow and Coordinator of the Institute's PhD and Postdoctoral Fellowship Programme. Recent books include *Interlinkages and the Effectiveness of Multilateral Environmental Agreement* (2008), *WTO and Developing Countries: Policy Approaches* (with Gary Sampson, 2008), *Institutional Interplay and the Biosafety Regime* (with Oran Young, 2008). Chambers will join UNEP as Head of Interlinkages in its Division of Law and Conventions (DELIC) from Sept 2008.

**Prof. Marie-Claire Cordonier Segger**, MEM (Yale), BCL & LL.B (McGill) is a leading international lawyer in the field of sustainable development. She is Director of the Centre for International Sustainable Development Law (CISDL) in Canada, and a Fellow of the Lauterpacht Research Centre for International Law (LRCIL) at Cambridge University Faculty of Law in the United Kingdom. She is also head of International Affairs for the Canadian Ministry of Natural Resources. She provides legal advice on the implementation of international sustainable development treaties to the United Nations and to governments in Africa, Asia and Latin America. She also serves as a Visiting Professor for the University of Victoria Faculty of Law, an instructor of international law for the International Development Law Organisation, chairs the International Law on Sustainable Development Partnership under the auspices of the UN Commission on Sustainable Development and lectures in sustainable development internationally. She has authored or edited over fifty publications, including eleven books. Her most recent books include: *Sustainable Development in World Trade Law* (Kluwer Law International, 2005) with Dr M. Gehring; *Sustainable Development Law: Principles, Practices and Prospects* (Oxford University Press, 2004) with A. Khalfan; and

Sustainable Justice: Reconciling Economic, Social and Environmental Law (Martinus Nijhoff, 2004) with H. E. Judge C.G. Weeramantry.

**Mr. Zachary Douglas** has a substantial practice before international courts and tribunals as counsel and arbitrator, and also appears before the English courts in cases with an international law element. He is a lecturer at the Faculty of Law of Cambridge University and a Fellow of Jesus College. Prior to joining Matrix, Zachary practised for several years in international arbitration and public international law at Freshfields in Paris. Zachary is recognised as a leading junior in public international law by Chambers and Partners.

**Dr. Markus W. Gehring** is Lead Counsel for Sustainable International Trade, Investment and Competition Law with the Centre of International Sustainable Development Law (CISDL). He is a Lecturer in International and European Law at the Centre of International Studies and a Fellow in Law at Cambridge University (Robinson College). He holds an LL.M from Yale and a Dr Jur from Hamburg. He is a member of the Frankfurt Bar, and a former associate member of the Brussels Bar.

**Mr. Jarrod Hepburn**, BCL, LLB (Hons), BE (Hons), LMusA is a Legal Research Fellow with the CISDL in the Trade, Investment and Competition Law Research Programme. Jarrod's research interests lie in the relations between trade, investment and development, balancing wealth creation and traditional ways of life, and sustainable development law's role in poverty eradication. In 2008 he completed the BCL at Oxford University as a Chevening Scholar, and will commence an MPhil next year. Jarrod is admitted to practice in Australian federal and state jurisdictions, and has experience in the Competition group of the Australian corporate law firm Mallesons Stephen Jaques.

**Mr. Paul Stanton Kibel** is a Visiting Professor and Co-Director of the Environmental Law Program at Golden Gate University School of Law in San Francisco. He is Faculty Editor of the Golden Gate University Environmental Law Journal, and has taught Water Policy at University of California at Berkeley's Goldman School of Public Policy. He is the author of numerous law review articles and the books 'The Earth on Trial: Environmental Law on the International Stage' (Routledge 1999) and 'Rivertown: Rethinking Urban Rivers' (MIT Press 2007). He holds a B.A. from Colgate University in New York and an LL.M. from the University of California at Berkeley's Boalt Hall Law School.

**Professor Céline Lévesque** is Associate professor, Faculty of Law, Civil Law Section at the University of Ottawa. Her main research area is international investment law. She has published a number of articles in the area, including on NAFTA Chapter 11 and expropriation and is the author of the chronicle on investment in the Canadian yearbook of international law (1999-2003, 2006-). Before joining the Faculty, she worked at the World Bank (1995-1998). She holds a LL.L. (U. of Ottawa), LL.B. (Dalhousie U.), LL.M. (College of Europe) and a M.A. (George Washington U.). Professor Lévesque is currently a Scholar-in-Residence in the Trade Law Bureau of the Canadian Department of Foreign Affairs and International Trade where she is involved in NAFTA Chapter 11 litigation as well as bilateral investment treaty negotiations (2008-2010).

**Ms. Mahnaz Malik**, after obtaining a B.A. (Hons) and M.A in law from Cambridge University as a British Council Chevening scholar, qualified as an Attorney at Law in New York, Solicitor in England & Wales and an Advocate in Pakistan. Before joining IISD in 2005 as an Associate, Mahnaz advised companies and governments for over half a decade at international law firm Simmons & Simmons' London and Hong Kong offices in a range of sectors, particularly in energy, finance and telecommunications. She has advised on arbitrations conducted under the auspices of leading international arbitral institutions such as the LCIA, ICC and ICSID, and regularly speaks, advises and writes on investment and sustainable development related issues. Her recent work with the IISD includes advising a group of 20 Southern and Eastern African countries on their regional investment agreement; two Asian states on negotiations with more developed counterparts and a

Central Asian state on its model investment treaty. She has been instrumental in developing and delivering a 14 day training course on international investment treaty negotiations and disputes for over 30 government officials from Latin America by coordinating a team of City law firms, international organisations, think tanks and NGOs. Mahnaz has also organised a landmark conference in collaboration with the American Bar Association and the New York State Bar Association attended by over 80 lawyers, including those from the World Bank and UNCTAD, to provide developing countries advice on international investment agreements with the United States. Mahnaz is a member of the ICC Commissions on Arbitration and Anti-Corruption. She was recently awarded the Financial Times Legal Innovator of the Year 2007 Award in the UK. She was listed as a "Leadership Maker" in Asian Legal Business's 100 Hot Lawyers 2005. Her other accolades include the 2001 National Awards for the Trainee Solicitor of the Year and the Trainee Solicitor Most Likely to Succeed on the International Stage by the Law Society of England & Wales; the 2005 Wig & Pen Pro Bono Award at the Law Society's Young Solicitor Group Pro Bono Law Awards; and the Shining Star award from President Musharraf of Pakistan (2004).

**Prof. Andrew Newcombe** joined the Faculty Law, University of Victoria, Canada in 2002. Prior to joining the Faculty, he worked with the International Arbitration and Public International Law groups at Freshfields Bruckhaus Deringer, Paris. Professor Newcombe researches and teaches in the area of international economic law, international arbitration and commercial and consumer law. The focus of his current research is international investment treaty law. His recent publications include "Sustainable Development and Investment Treaty Law" (2007) 8 Journal of World Investment and Trade 357. His book, *The Law and Practice of Investment Treaties* with co-author Lluís Paradell, will be published by Kluwer Law International in fall 2008. Professor Newcombe created and maintains the investment treaty arbitration website (<http://ita.law.uvic.ca>). He has been a Research Fellow with the Centre for International Sustainable Development Law since 2005.

**Dr. Marcos A. Orellana** is Senior Attorney at CIEL since November 2002, where he focuses on trade, finance, and human rights. Prior to joining CIEL, Mr. Orellana was affiliated as a Fellow to the Lauterpacht Research Centre for International Law of the University of Cambridge, UK. He also was a visiting scholar with the Environmental Law Institute in Washington DC. Previously, Mr. Orellana lectured on international law and environmental law at the Universidad de Talca, Chile, and provided legal support to various non-governmental organizations in Chile. In 1997-8, Mr. Orellana was awarded a scholarship to undertake the LL.M. program at American University, during which time he also worked as an intern at the World Bank's Inspection Panel. Mr. Orellana has previously acted as a consultant to various international governmental and non-governmental organizations. He also has provided legal counsel to the Chilean Ministry of Foreign Affairs on international environmental issues, and in that capacity has joined official delegations to meetings of select MEAs. Mr. Orellana currently lectures on the Law of the Sea and on International Institutions and Sustainable Development at American University, Washington College of Law.

**Ms. Åsa Romson** is currently finishing her PhD in environmental law at the University of Stockholm, Department of Law. Her doctoral project focuses on investment and environmental protection.

**Ms. Emma Saunders-Hastings** is a PhD candidate in International Relations at Harvard University. She graduated from the University of Cambridge with a first class MPhil in International Relations and has researched investment from a political economy and legal perspective.

**Mr. Audley Sheppard** is a partner in the international arbitration and international law groups of Clifford Chance LLP. He is a Visiting Professor at the School of International Arbitration, Queen Mary, London. Audley advises investors and states on issues of investment protection. Audley also sits as an arbitrator.

**Ms. Vuyelwa Kuuya** is a Research Fellow of the Lauterpacht Centre for International Law in Cambridge University, and a research associate of First Africa (Ltd). She is the main researcher on the joint First Africa (Pty) Ltd and Lauterpacht Centre Project on Corporate Complicity. She also works on a part time basis at Shearman & Sterling LLP (London) in the Mergers & Acquisitions Department. She is a graduate of the University of Cape Town (LLB) and University College London (LLM). Her research interests also include the justiciability and privatisation of the provision of socio-economic rights, indigenous rights in natural resource extraction, international sustainable development law, international counter-terrorism law and Alternative Dispute Resolution.