

PROFESSOR ZACHARY DOUGLAS

PERSONAL

Family: Married with three children

Citizenship: Australian

Languages: English (native), Russian and French (fluent)

EDUCATION AND PREVIOUS EXPERIENCE

Degrees: BA, LLB (Hons), University of Melbourne
BCL (*Proxime Accessit* Vinerian Scholar), University of Oxford
MA, University of Cambridge
PhD, University of Cambridge

Other Professional Positions and Qualifications: Academic Member, Matrix Chambers, London
Barrister of the Supreme Court of England and Wales
Barrister and Solicitor of the Supreme Court of Victoria

Previous Academic Positions: Lecturer in Law, University of Cambridge, 2007-2011
Fellow and Dean, Jesus College, Cambridge, 2007-2011
University College London, Lecturer in Law, 2005-2007

Previous Law Firm Experience: Senior Associate, Freshfields, Paris, 2001-2005
Associate & Trainee, Cameron McKenna, London, 1998-2000

VISITING PROFESSOR AND LECTURER

2014 Paris Arbitration Academy

2013 Visiting Professor, Paris II Assas

RESEARCH AND PROFESSIONAL ACTIVITIES IN INTERNATIONAL DISPUTE RESOLUTION AND INTERNATIONAL ECONOMIC LAW

Publications (Books): *The International Law of Investment Claims* (Cambridge University Press, 2nd edition, forthcoming).

The International Law of Investment Protection (Cambridge University Press, forthcoming).

Z. Douglas, 'Property, Investment and the Scope of Investment Protection Obligations' in Z. Douglas, J. Pauwelyn & J. Vinuales, *The Foundations of International Investment Law: Bringing Theory into Practice* (OUP: 2014).

‘The Enforcement of Environmental Norms in Investment Treaty Arbitration’ in *Harnessing Foreign Investment to Promote Environmental Protection* (Cambridge University Press, 2013) 415-441.

‘Transposing the Principles Governing the Plea of Illegality in Commercial Arbitration into the Domain of Investment Treaty Arbitration’ in *New Developments in Commercial Arbitration 2012* (Zurich : Schulthess, 2012) 1-28; reprinted in (2013-4) *The Paris Journal of International Arbitration* 855-870

The International Law of Investment Claims (Cambridge University Press, 2009) 616 pages.

Chapter 54 on ‘The ICSID Regime of State Responsibility’ in J. Crawford, A. Pellet & S. Olleson (eds), *The Law of International Responsibility* (Oxford University Press, 2010) 815-42.

Part VI ‘Financial Crime and Private International Law’, in Sir W. Blair & R. Brent (eds), *Banks and Financial Crime: The International Law of Tainted Money* (Oxford University Press, 2008), Chapters 13-18 (‘Introduction’, ‘Money Had and Received’, ‘Know Receipt’, ‘Dishonest Assistance’, ‘Deceit’, ‘Conspiracy’), pp. 335-400.

Publications (Articles): ‘The Plea of Illegality in Investment Treaty Arbitration’ (2014) *ICSID Review—Foreign Investment Law Journal* 1-32.

‘The MFN Clause in Investment Arbitration: Treaty Interpretation Off the Rails’ (2011) 2 *Journal of International Dispute Settlement* 97-114.

‘Can a Doctrine of Precedent be Justified in Investment Arbitration?’ (2010) 25 *ICSID Review—Foreign Investment Law Journal* 104-110.

‘Nothing if Not Critical for Investment Treaty Arbitration: *Occidental, Eureka* and *Methanex*’ (2006) 22 *Arbitration International* pp. 27-51.

‘The Hybrid Foundations of Investment Treaty Arbitration’ (2003) Vol. 74 *British Yearbook of International Law* pp. 151-289.

‘Indirect Expropriation’ (with Jan Paulsson) in N. Horn (ed) *Arbitrating Foreign Investment Disputes* (2004) pp. 145-158.

‘Developments in the Regulatory Framework for Oil Transportation in the Russian Federation’ (2000) Vol. 18 No. 1 *Journal of Energy and Natural Resources Law*.

'Negotiating an Arbitration Clause: the ICSID Option' (2000)
Petroleum Investor.

*Invited Public Lectures
and Seminars:*

'The Enforcement of Arbitral Agreements and Awards
Through Investment Arbitration', AAA/ICC/ICSID 30th Joint
Colloquium on International Arbitration, 6 December 2013,
Paris.

'Integrating Human Rights in International Investment Policies
and Contracts', UN Forum on Business and Human Rights, 4
December 2013, Geneva.

'Concurrent Proceedings in Investment Disputes: Treaty
Arbitrations Brought by Shareholders', Joint IAI-CDIS-
UNCITRAL Conference, 22 November 2013, Paris.

'The Impact of EU Law on Investment Treaty Arbitration',
IBA Conference, 9 October 2013, Boston.

'Different Conceptions of an Investment for Different
Obligations', European University Institute, 13 May 2013 &
Oxford University, 16 May 2013.

'Five Problems in Investment Treaty Arbitration', Course of
Five Lectures in French, Institut des hautes études
internationales, Universitaire Paris II Assas, 4-8 February 2013,
Paris.

'Assistance to the Tribunal: options, advantages and dangers',
Swiss Arbitration Association, Zurich, 1 February 2013.

'The Strategic Use of Different Conceptions of Property by
International Judges and Arbitrators', Geneva-Harvard-
Renmin- Sydney Law Faculty Conference, Geneva, 15 January
2013.

'Counterclaims and Countermeasures', British Institute for
International and Comparative Law, London, 11 May 2012.

'Les litiges en droit des biens culturels : résolution judiciaire et
alternative des différends internationaux', Le Centre du droit
de l'art de l'Université de Genève, 11 Novembre 2011.

Workshop on Immunities and Serious Human Rights
Violations, Geneva Academy, 10 & 11 November 2011

'State Immunity and State Officials', International Law
Association, London, 11 May 2011.

'Jurisdiction Ratione Temporis', International Arbitration

Institute, Paris, 14 October 2010.

Transnational Law Project, LSE, London, 1 September 2010.

'Is There a Role for Precedent in Investment Arbitration?',
Conference on International Investment Arbitration, National
University of Singapore, 20 January 2010.

'Unmeritorious Claims as a Threat to Investment Arbitration?',
50 Years of BITs Conference, Frankfurt, 3 December 2009.

'Stating the Law of Investment Arbitration: A Quixotic
Enterprise?', Lauterpacht Centre for International Law, 16
October 2009.

'Conflicts of Interest in International Investment Arbitration',
13th Investment Treaty Forum, British Institute for
International and Comparative Law, London, 11 September
2009.

'The Distinction between Lawful and Unlawful
Expropriations: Revisiting the Chorzów Factory Case', Sir
Hersch Lauterpacht: Lawyer of Two Cultures, Polish Embassy,
London, 6 November 2008.

'The Participation of States in Commercial, Energy and
Investment Arbitration', Ministry of Foreign Affairs,
Turkmenistan, 12 September 2008 (in Russian).

'Annulment Decisions', British Institute for International and
Comparative Law, London, 9 May 2008.

'The Role of Umbrella Clauses in Treaties', Swiss Invest
Forum, Zurich, 7 March 2008.

'The ILC's Articles on State Responsibility and Investment
Arbitration', British Institute for International and
Comparative Law, London, 12 December 2007.

'Regional Perspective in International Arbitration', ICC
Arbitration Conference, London, 6 November 2007.

'Human Rights and Investment Treaty Arbitration', American
University Washington College of Law, 21 March 2007.

‘Contract Claims Versus Treaty Claims’, ICC Arbitration Conference, London, 8 November 2006.

‘Conflict of Interests in International Arbitration’, The Inn Group (of Law Firms in London), 25 October 2006.

‘Expropriation Insurance’, British Institute of International and Comparative Law, London, 5 June 2006.

‘Critical Analysis of the Eureko v Poland Award’, Lauterpacht Centre for International Law, Cambridge University, 28 May 2006.

‘Litigating ICSID Investment Disputes’, Six Seminars for Practitioners (with Professor Philippe Sands QC, Antonio Parra & Ruth MacKenzie), London, February-March 2006.

‘What Went Wrong in Eureko v Poland’, Ius and Lex Foundation Arbitration Conference, Warsaw, 17 March 2006.

‘Lessons from the Olympics’, International Association of Lawyers Arbitration Conference, Athens, 31 March 2006.

‘Recent Developments in Investment Treaty Arbitration’, International Law Association Lecture, London, 12 October 2005.

Other Academic Activities:

Editor, *ICSID Review—Foreign Investment Law Journal* (Oxford University Press).

Member of Review Board, *Cambridge Journal of International and Comparative Law*.

Editor, *Journal of International Dispute Settlement* (Oxford University Press).

Peer reviewer, Oxford University Press & Cambridge University Press.

Counsel in investment treaty arbitrations:

Saluka v Czech Republic, EMV v Czech Republic, Invesmart v Czech Republic, Suez v Argentina, Vivendi v Poland, Frontier Petroleum Services v Czech Republic, Chevron v Ecuador, KT Asia v Kazakhstan, CEZ v Albania, numerous cases against the Czech Republic in relation to solar subsidies, the ICSID annulment proceedings in *Azurix v Argentina*, and other cases not in the public domain.

Arbitrator in investment treaty and commercial disputes:

Arbitrator in more than 40 investment treaty and commercial arbitrations under ICSID, LCIA, SCC, Swiss and ICC Rules. More than half as chairperson or sole arbitrator.

Expert witness:

Expert witness in several BIT and commercial contract cases involving questions of international investment law, state

responsibility and private international law.

*Counsel in English
courts:*

Czech Republic v EMV (application for annulment of investment treaty award).

RESEARCH AND PROFESSIONAL ACTIVITIES IN GENERAL INTERNATIONAL LAW AND HUMAN RIGHTS

Publications (Articles):

‘State Immunity for the Acts of State Officials’ (2011) 82 *British Yearbook of International Law* 281-348.

‘Do Terrorists Have Human Rights?’ (2002) Vol. 152 No. 7053 *New Law Journal* pp. 1621-9.

‘Constitutional Foundations of Russian Federalism’ (1999) Vol. 4 No. 4 *Sudebnik* pp. 823-868.

*Invited Public Lectures
& Seminars:*

‘Integrating Human Rights in International Investment Policies and Contracts’, UN Forum on Business and Human Rights, Geneva, 4 December 2013.

‘State Immunity and State Officials’, International Law Association, London, 11 May 2011.

‘Denial of Justice’, British Institute for International and Comparative Law, London, 2 April 2008.

‘Litigating Maritime Boundary Disputes Before International Tribunals’, Key Note Address, International Boundary Dispute Resolution Conference, London, 27-28 February 2007.

‘Jurisdictional Conflicts Between National Courts and International Tribunals’, University of Amsterdam, 8 September 2006.

‘The Lasting Influence of Bad Precedents: English Doctrines on the Reception of International Law in the Domestic Courts’, International Law Association Spring Conference, London, 3-4 March 2006.

*Counsel in international
courts:*

Georgia v Russia (ICJ: ethnic discrimination under Convention for Elimination of All Forms of Racial Discrimination).

Croatia v Slovenia (PCA: maritime and territorial boundary delimitation)

Jones & Mitchell v United Kingdom (ECHR: state immunity for acts of torture).

Akcam v Turkey (ECHR: academic freedom of expression).

Counsel in English courts:

Al-Haq v Secretary of State (judicial review of decision of UK Government to maintain economic ties with a third State which is alleged to have committed *jus cogens* violations).

Ndiku Mutua v Foreign & Commonwealth Office (tort claims against British Government for torture of Kenyans during Mau Mau uprising).

Chong Nyok Keyu et al v Secretaries of State (judicial review of British Government's refusal to hold inquiry into massacre of Chinese Malays by British forces in Malaya in 1948).

Sedar Mohammed v Ministry of Defence (tort claim in respect of unlawful imprisonment of Afghan civilian by British forces).

AWARDS AND PRIZES

*BCL
(Oxford University):*

Proxime Accessit Vinerian Scholarship (Second Place in the BCL)
John Morris Prize for Conflict of Laws
First Place in Transnational Commercial Law

*LLB & BA
(University of Melbourne):*

First Class Honours
Butterworths Prize for Torts
Winner of Junior Mooting Competition
Winner of Governor-General's Moot
Scholarship to Study Law at Moscow State University

Publications:

English Law Society Prize for Essay on Human Rights, 2002