



## PROFESSOR ZACHARY DOUGLAS QC

**MAIN AREAS OF PRACTICE:**

Arbitration  
Commercial and Corporate law  
Human Rights  
International Law  
Mediation  
Sports Law

Solicitor 2000  
Called to the Bar 2006  
Appointed to Silk 2015

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Professor Zachary Douglas QC has a substantial practice before international courts and tribunals as counsel, arbitrator and expert witness, and also frequently appears before the English courts and the courts of other common law jurisdictions in cases with a public or private international law element. He is a Professor of International Law at the Graduate Institute of International and Development Studies in Geneva and was formerly a member of the Faculty of Law of Cambridge University. Zachary is recognised as a leading specialist in public international law and arbitration by Chambers and Partners and Legal 500 and received the award for International Arbitration at the 2011 Chambers and Partners Bar Awards. He is listed in the Chambers and Partners' Top 100 UK Bar.

Zachary has been instructed by States in relation to proceedings in the International Court of Justice and the Tribunal for the Law of the Sea. He has acted as counsel in investment treaty arbitrations and commercial arbitrations under the ICC, LCIA, SCC, UNCITRAL, Swiss and ICSID Arbitration Rules and has served as an arbitrator in more than eighty cases under the LCIA, ICC, Swiss, UNCITRAL and ICSID Rules, including as chairperson and as sole-arbitrator in more than half of those cases.

Zachary has acted as counsel in cases before the English courts and other municipal courts relating to state immunity, human rights and humanitarian law, state succession, constitutional law, challenges to investment treaty awards, private international law, civil fraud and money laundering. He has represented individuals and companies in proceedings before the European Court of Human Rights. He has also acted in dozens of cases before the Court of Arbitration for Sport, having formerly represented the International Olympic Committee.

In addition to contentious matters, Zachary has advised governments on issues of public international law (law of the sea, treaty law, international human rights, sovereign immunity, humanitarian law, state succession), arbitration legislation and constitutional reform. He has also advised multinational companies on issues of corporate social responsibility and international humanitarian law.

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## DIRECTORIES' RECOMMENDATIONS

### HERE'S WHAT THEY SAY:

Chambers and Partners 2016 says that "he should be on anyone's list for arbitrations" and "he has a general knowledge of PIL that is as good as almost anyone's in the field, but what makes him invaluable as a team mate on a complex international dispute is his ability to present complex legal issues in a compelling manner."

Chambers and Partners Global 2015 ranks Zachary in Band 1 for Silks in Arbitration (International), Band 1 for Silks in Public International Law ("For international law he's a one-man library, never mind an encyclopaedia. His knowledge is phenomenal." "He's a very good advocate and has a sense of priorities in terms of presenting persuasive arguments on the issues.") and is one of 16 individuals world-wide listed in Public International Law: Most in Demand Arbitrators ("Standout individual").

Legal 500 2015 rank Zachary as Band 1 in International Arbitration (counsel) and Public International Law saying that he is "probably one of the brightest people in international arbitration globally" and "he is flying in the investment arbitration sphere".

Chambers Top 100 UK Bar says that Zachary "has an exceptional talent for thinking outside the box, and is capable of developing creative and compelling arguments when others might simply have given up without a fight. He is ever the gentleman, is good spirited and is a pleasure to work with."

Zachary is fluent in Russian and French and has conducted bilingual arbitration proceedings in both languages. He is the author of one of the leading studies on investment treaty arbitration 'The International Law of Investment Claims' published by Cambridge University Press in 2009. Zachary was a Visiting Professor at the Université Panthéon-Assas Paris II in 2013 and a member of the Faculty for the Paris Arbitration Academy in 2014. Zachary was formerly a Solicitor-Advocate at Freshfields in Paris until 2005.

## RECENT CASES

### Investment Treaty Arbitration

Appointed as an arbitrator in the following ICSID cases:

*Veolia Propreté v Arab Republic of Egypt*

*Slovak Gas Holding BV, GDF International SAS and E.ON Ruhrgas International GmbH v Slovak Republic*

*Accession Mezzanine Capital L.P. and Danubius Kereskedőház Vagyonkezelő Zrt. v Hungary*

*Standard Chartered Bank (Hong Kong) Limited v Tanzania*

*Indorama International Finance Limited v Arab Republic of Egypt*

*Mercer International Inc. v Canada*

*Orange S.A. v Hashemite Kingdom of Jordan*

*Beijing Urban Construction Group Co. Ltd v Republic of Yemen*

*Fábrica de Vidrios Los Andes, C.A. and Owens-Illinois de Venezuela, C.A. v Venezuela*

*Mathias Kruck and others v Kingdom of Spain*

*Stadtwerke München GmbH, RWE Innogy GmbH, and others v Kingdom of Spain*

*Koch Minerals v Venezuela*

*Italba Corporation v Uruguay*

Appointed as an arbitrator in the following non-ICSID investment treaty cases:

*TS Investment Corp v Republic of Armenia*

*Erhas and others v Turkmenistan*

Formerly instructed as lead counsel in investor-state arbitrations under the ICSID and UNCITRAL arbitration rules including: *EMV v Czech Republic*, *Frontier v Czech Republic*, *Suez v Argentina*, *Vivendi v Poland*, *Chevron v Ecuador*, *KT Asia v Kazakhstan*, multiple cases under the Energy Charter Treaty and various BITs arising out of changes to the solar energy legislation in the Czech Republic and several other cases not in the public domain. Instructed as junior counsel in *Invesmart v Czech Republic*, *CEZ v Albania* and the ICSID annulment proceedings in *Azurix v Argentina*. Also counsel in *Saluka v Czech Republic*.

### Public and Private International Law

Instructed by Georgia in proceedings against the Russian Federation before the International Court of Justice and by Croatia in its maritime boundary and territorial dispute with Slovenia.

Advice on public international law to governments and companies in

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contentious and non-contentious matters in the areas of the law of the sea (especially maritime boundaries), treaty law, sovereign immunity, international human rights, international investment law, international humanitarian law (especially in relation to occupying powers in Iraq), international organizations.

Counsel in cases before the English Courts and other municipal courts involving issues of non justiciability, the act of state doctrine, state immunity, state succession, human rights and humanitarian law and international law aspects of money laundering: e.g. *Al Haq v Secretaries of State*, *Ndiku Mutua v Foreign & Commonwealth Office* (the 'Mau Mau' case), *Chong Nyok Keyu et al v Secretaries of State* (the 'Batang Kali' case), *Serdar Mohammed v Ministry of Defence*, *Pearl Petroleum Company Limited v Kurdistan Regional Government of Iraq*, *Nyoro et al v Foreign & Commonwealth Office* (Kenyan Emergency Group Litigation), as well as commercial cases involving matters of private international law (e.g. *JSC Mezhdunarodniy Promyshlennyi Bank v Pugachev*).

Counsel in cases before the European Court of Human Rights involving questions of public international law such as state immunity: e.g. *Jones & Mitchell v United Kingdom*.

#### **Commercial Arbitration**

Appointed as arbitrator in more than sixty commercial arbitrations under the LCIA, UNCITRAL, ICC and Swiss Rules. Recent appointments include acting as chairperson in an ICC arbitration concerning a supply agreement in the nuclear energy sector, chairperson in a Swiss Rules arbitration concerning a corporate dispute in the steel sector; chairperson in multiple LCIA arbitrations concerning a shareholders' dispute involving a major Russian bank; sole-arbitrator in three related LCIA cases relating to franchise and marketing agreements; co-arbitrator in an LCIA case concerning a shipbuilding contract; chairperson in an LCIA case relating to a share purchase agreement; chairperson in an ICC arbitration concerning a purchase agreement for crude oil; co-arbitrator in an ICC arbitration involving a contract with a state oil company; and many others.

Counsel in numerous commercial arbitrations under ICC, LCIA, SCC and UNCITRAL Arbitration Rules, especially involving parties from Russia and the Caspian Region. Instructed as counsel in applications under the Arbitration Act 1996 before the English High Court (e.g. *Czech Republic v EMV, Ruby Roz v Kazakhstan*).

#### **Corporate Responsibility**

Advice to multinational companies on their responsibilities under the UN Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises, as well as under international humanitarian law. Counsel in cases for and against multinational companies before municipal courts involving questions of responsibility under international law.

#### **Sports Arbitration**

Counsel to the IOC in all the disputes arising out of the Salt Lake City Winter Olympic Games and Athens Olympic Games before the Court of Arbitration for Sport.

#### **Constitutional Law**

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Advice on the establishment of a constitutional court, parliamentary procedures and elections and law on political parties.

## RECENT CONFERENCE PAPERS AND PUBLIC LECTURES

Keynote Speech on 'International Responsibility for Domestic Adjudication', Harvard Arbitration Association, 10 April 2015, Harvard University.

Keynote Speech on 'The Future of International Arbitration', Dutch Arbitration Association Annual Conference, 17 September 2014, Amsterdam.

'The European Commission's Report on Investment Treaty Arbitration', British Foreign and Commonwealth Office, 24 April 2014, London.

'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.

Transactional 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.

## SELECTED PUBLICATIONS

'International Responsibility for Domestic Adjudication: Denial of Justice Deconstructed' (2014) Vol. 63 International and Comparative Law Quarterly 867-900.

'State Immunity for the Acts of State Officials' (2011) Vol.82 British Yearbook of International Law 281-348.

Cinq problématiques d'actualité en droit des investissements, (Editions Pedone, 2015).

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 (Oxford University Press: 2014).

'The Plea of Illegality in Investment Treaty Arbitration' (2014) ICSID Review-Foreign Investment Law Journal 1-32.

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

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

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.

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

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

Chapters 13-18 on 'Financial Crime and Private International Law' in W. Blair & R. Brent (eds), Banks and Financial Crime: The International Law of Tainted Money (Oxford University Press, 2008).

'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.

'Do Terrorists Have Human Rights?' (2002) Vol. 152 No. 7053 New Law Journal pp. 1621-9 [The extended version of this article was awarded the English Law Society Human Rights Prize in 2002].

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

## EDUCATION

MA & PhD (Cambridge University)

BCL (Oxford University)

- Proxime Accessit Vinerian Scholarship (2nd Place in BCL)

- John Morris Prize for Conflict of Laws

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- First Place in Transnational Commercial Law  
LLB(Hons) & BA (University of Melbourne)

## LANGUAGES

Russian

French

(Both fluent)

Zachary accepts instructions under Standard Contractual Terms, details of which can be found on our website under Our Service.