

Year of Call: 2006 (Solicitor in 2000)



Main Areas of Practice

Public International Law
Investment Treaty Arbitration
Commercial Arbitration

Human Rights
Sports
Conflict of Laws

Zachary Douglas has a substantial practice before international courts and tribunals as counsel, expert witness 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 specialist in public international law and arbitration by Chambers and Partners and Legal 500.

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 and ICSID Arbitration Rules and in cases before the English courts and other municipal courts relating to state immunity, human rights and humanitarian law, state succession, challenges to investment treaty awards and money-laundering.

Zachary has acted for 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.

Zachary has been appointed as an arbitrator in more than thirty commercial cases, including as chairman and as sole-arbitrator. Several of these cases have concerned contracts with state parties.

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.

Zachary is fluent in both Russian and French and has conducted bilingual arbitration proceedings in Russian.

Zachary's research at Cambridge University is currently focused on investment treaty arbitration and international law in the English courts. 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.

He lectures in international law, international dispute resolution and conflict of laws.

Recent Cases

Investment Treaty Arbitration

Instructed as leading counsel in several 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 and as junior counsel in *Invesmart v Czech Republic* and the ICSID annulment proceedings in *Azurix v Argentina and others*. Instructed as an expert witness in investment treaty arbitrations and commercial arbitrations with state parties.

Public International Law

Instructed by Georgia in proceedings against the Russian Federation before the International Court of Justice.

Advice on public international law to governments and companies in 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.

Junior 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 and international law aspects of money-laundering (e.g. *Al-Haq v Secretaries of State*, *Ndiku Mutua v Foreign & Commonwealth Office*).

Junior 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

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

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

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

Recent Conference Papers

'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, Cambridge, 16 October 2009.

'Ethics, Issue Conflicts and Arbitrator Challenges', 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.

'Denial of Justice', British Institute for International and Comparative Law, London, 2 April 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.

'Litigating Maritime Boundary Disputes Before International Tribunals', Key note address, International Boundary Dispute Resolution Conference, London, 27-28 February 2007.

'Contrast 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.

'Jurisdictional Conflicts Between National Courts and International Tribunals', University of Amsterdam, 8 September 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.

'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.

'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.

Publications

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.

What Others Say

Chambers & Partners 2010 recommends Zachary as a leading junior in Public International Law and International Arbitration (General Commerce & Insurance) and is mentioned in International Arbitration (Arbitrators).

Legal 500 2009 recommends Zachary Douglas in Commercial Arbitration "fast and efficient" and as a leading junior in Public International Law "outstanding".

A "first-class practitioner" and "definite star of the future", Chambers & Partners 2009 recommends Zachary Douglas as a leading junior in Public International Law and International Arbitration: General Commercial & Insurance.

Chambers & Partners 2008 recommends Zachary as a leading junior in Public International Law: "an independent and articulate thinker who is not afraid to roll his sleeves up and speak his mind".

Legal 500 2008 recommends Zachary Douglas as a leading junior in Commercial Arbitration "a 'top flight junior ' who has acted in several investment treaty arbitrations".

Legal 500 2008 recommends Zachary as a leading junior in Public International Law "rising star".

Education

BCL (Oxford University)

- Proxime Accessit Vinerian Scholarship (2nd Place in BCL)
- John Morris Prize for Conflict of Laws
- First Place in Transnational Commercial Law

LLB & BA (University of Melbourne)

Languages

Russian
French
(Both fluent)