



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 arbitrator, counsel, and expert witness, and also frequently appears as lead counsel 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 Public and Private 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 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.

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 a hundred cases under the LCIA, ICC, Swiss, UNCITRAL, SCC and ICSID Rules, including as chairperson and as sole-arbitrator in more than half of those cases. Zachary is currently the presiding arbitrator in four commercial arbitrations with a value ranging between USD 500 million and 3 billion. He was appointed by the President of the World Bank to the ICSID Panel of Arbitrators in 2017 for a six-year term.

Zachary has acted as lead counsel in the Supreme Court, Court of Appeal and the High Court of England and as co-counsel and expert in other municipal courts relating to state immunity, human rights and humanitarian law, state succession, constitutional law, challenges to arbitral 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

HERES WHAT THEY SAY:

Chambers and Partners 2017 describe Zachary as “Very responsive, knowledgeable and helpful.” “Very good and very smart, he is always on top of things.”

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 and 2016 rank 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 encyclopedia. His knowledge is phenomenal.”) and is one of 16 individuals world-wide listed in Public International Law: Most in Demand Arbitrators (“Standout individual”).

Legal 500 2015 and 2016 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.

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

Gabriel Resources v Romania

Champion Holding Co v Arab Republic of Egypt

JSC Tashkent Mechanical Plant v Kyrgyz Republic

Görkem İnşaat Sanayi v Turkmenistan

J&P-AVAX SA v Lebanese Republic

Omega Engineering v Panama

Rizzani de Eccher S.p.A. et al v Kuwait

Gardabani Holdings B.V. et al v Georgia

BM Muhendislik v United Arab Emirates

Edmond Khudyan v Armenia

Sacyr, S.A. v Panama

Appointed as chairperson in the following ICSID cases:

Resort Company Invest Abidjan v République de Côte d'Ivoire

Emergofin B.V. and Velbay Holdings Ltd. v Ukraine

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

Erhas Dis Ticaret and others v Turkmenistan

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Oleg Deripaska v Montenegro

(and several other investment treaty cases under the UNCITRAL, ICC and SCC Rules involving Libya, Ecuador, Austria, and Poland).

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. Counsel for multiple claimants against the Russian Federation relating to the expropriation of Ukrainian investments in Crimea. 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

Lead counsel in cases before the English Courts (Privy Council, Court of Appeal, High Court) and other municipal courts involving issues of non-justiciability, the act of state doctrine, state immunity, state succession, human rights and humanitarian law, international law aspects of money laundering and private international law: e.g. *Sophocleous v Secretaries of State*, *Botas v Tepe*, *Nyoro et al v Foreign & Commonwealth Office* (Kenyan Emergency Group Litigation), *Campaign Against the Arms Trade v Secretary of State* (for Oxfam intervening), *Pearl Petroleum Company Limited v Kurdistan Regional Government of Iraq*. Formerly junior counsel: *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*, *JSC Mezhdunarodniy Promyshlenniy Bank v Pugachev*.

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 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 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 arbitrations under the LCIA, UNCITRAL, ICC and Swiss Rules. Recent appointments include acting as chairperson in three separate ICC arbitrations concerning the Korean banking sector, the energy sector in Central Africa and the telecommunications sector in Southern Africa as well as the sole arbitrator in an LCIA arbitration relating to the alleged expropriation of a port facility in East Africa. Other recent cases include acting as chairperson in a dispute 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

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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 lead counsel in applications under the Arbitration Act 1996 before the English High Court (e.g. *Ruby Roz v Kazakhstan*) and formerly junior counsel (e.g. *Czech Republic v EMV*).

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

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

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.

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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

- First Place in Transnational Commercial Law

LLB(Hons) & BA (University of Melbourne)

LANGUAGES

Russian

French

(Both fluent)

NATIONALITY

Australian

Zachary is regulated by the Bar Standards Board and accepts instructions under Standard Contractual Terms, details of which can be found on our website under Code of Conduct.