

# VIAC – Questionnaire for Arbitrators

1. **Name:** Tony Cole
2. **Citizenship:** Australia/United Kingdom
3. **Contact information:**  
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4. **Current position:**
  1. Reader in Arbitration and Investment Law, University of Leicester
  2. Of Counsel, Gentium Law Group Sàrl
5. **Education:**
  1. The University of Michigan Law School, Ann Arbor, MI, USA: Juris Doctor, cum laude, May 2004
  2. St. John's College, Annapolis, MD, USA: Bachelor of Arts (Liberal Arts), May 1997
6. **Practiced experience in arbitration**
  - How many arbitrations have you participated in (domestic/international); under which Rules?  
3-5: ICC and ICDR rules
  - How often have you acted as Chairman?  
0
  - How often have you acted as Sole Arbitrator?  
0
  - How often have you acted as Co-Arbitrator?  
0
  - How often have you acted as Counsel?  
3-5
  - How often have you acted in a different function (e.g. Administrative Secretary)?  
0
7. **Publications and other activities in arbitration (e.g. training sessions, seminars, conferences, articles and others):**

## 1. Books

The UNCITRAL Model Law on International Commercial Arbitration: A Critical Commentary (Cambridge University Press 2019) (with Shahla Ali, Ilias Bantekas, Manuel Gomez and Pietro Ortolani) [coordinating author]

Arbitration in the European Union (with Pietro Ortolani and Barbara Warwas) (Kluwer 2018) [coordinating author]

Arbitration and the State in the European Union (with Pietro Ortolani and Barbara Warwas) (Kluwer 2017) [coordinating author]

International Arbitration: The Practice and the Theory (with Pietro Ortolani) (Routledge 2016)

The Roles of Psychology in International Arbitration (editor and contributor) (Series: International Arbitration Library) (Kluwer 2016)

The Structure of Investment Arbitration (Routledge 2013) (paperback edition released in 2015; US edition released in 2015)

## 2. Studies

“Legal Instruments and Practice of Arbitration in the EU” (2015) (with Ilias Bantekas, Christine Riefa, Federico Ferretti, Barbara Warwas and Pietro Ortolani) (study funded by the European Parliament) (principal investigator and lead author)

## 3. Articles and Chapters

“Arbitration in Western Europe: Insights from a Large-Scale Empirical Study”, *American Review of International Arbitration* (forthcoming, 2017) (with Pietro Ortolani and Barbara Warwas) [peer-reviewed]

“Arbitration in Scandinavia and the Baltic States: Insights from a Large-Scale Empirical Study”, *American Review of International Arbitration* (forthcoming, 2017) (with Pietro Ortolani and Barbara Warwas) [peer-reviewed]

“Arbitration in Eastern Europe: Insights from a Large-Scale Empirical Study”, *American Review of International Arbitration* (forthcoming, 2017) (with Pietro Ortolani and Barbara Warwas) [peer-reviewed]

“Arbitration from the Perspective of Psychology”, in *The Oxford Handbook of International Arbitration* (Thomas Schultz & Federico Ortino eds.) (Oxford University Press 2017) [invited]

“The Legitimacy of Online Arbitration in Europe”, in *The Brave New World of Arbitration: The Role of Technology and the Internet in International Arbitration* (Christian Aschauer & Maud Piers eds.) (2016) (in-process at Cambridge University Press) (with Pablo Cortés) [invited]

“Issues in Cross-Disciplinary Work in Law and Psychology”, in *The Roles of Psychology in International Arbitration* (Tony Cole ed.) (forthcoming Kluwer 2016) (with Cornel Marian & Ula Cartwright-Finch)

- “Arbitration in Southern Europe: Insights from a Large-Scale Empirical Study”, *American Review of International Arbitration* (2015) (with Pietro Ortolani and Barbara Warwas) [peer-reviewed]
- “Diversity in Arbitration in Europe: Insights from a Large Scale Empirical Study”, *Transnational Dispute Management* (2015) (with Pietro Ortolani) [peer-reviewed]
- “Legal Instruments and Practice of Arbitration in the EU”, *Transnational Dispute Management* (2015) (with Ilias Bantekas, Christine Riefa, Federico Ferretti, Barbara Warwas and Pietro Ortolani) (republication of European Parliament study) (principal investigator and lead author) [peer-reviewed]
- “Non-Binding Documents and Literature”, in *International Investment Law: The Sources of Rights and Obligations* (Eric De Brabandere and Tarcisio Gazzini eds.), (Brill 2012) [invited]
- “The Boundaries of Most Favored Nation Treatment in International Investment Law”, 33 *Michigan Journal of International Law* 537 (2012)
- “Justice in the Diffusion of Innovation” (with Allen Buchanan & Robert Keohane), 19(3) *Journal of Political Philosophy* 306 (2011) [peer-reviewed]  
- republished in *Global Justice and Bioethics* (Joseph Millum & Ezekiel J. Emanuel eds.) (Oxford 2011)
- “Power-Confering Treaties: The Meaning of ‘Investment’ in the ICSID Convention” (with Anuj Kumar Vaksha – PhD supervisee), 24(2) *Leiden Journal of International Law* 355 (2011) [peer-reviewed]
- “Authority and Contemporary International Arbitration”, 70 *Louisiana Law Review* 801 (2010)
- “Commercial Arbitration in Japan: Contributions to the Debate on Japanese ‘Non-Litigiousness’”, 40 *New York University Journal of International Law and Politics* 29 (2007)  
- republished in 7 *Transnational Dispute Management* (2010)
- “The Committee of the Regions and Subnational Representation to the European Union”, 12 *Maastricht Journal of European and Comparative Law* 49 (2005) [peer-reviewed]
- “Labor Standards and the Generalized System of Preferences: The European Labor Incentives”, 25 *Michigan Journal of International Law* 179 (2003) [student note]
- “The Parol Evidence Rule: A Comparative Analysis and Proposal”, 26(3) *University of New South Wales Law Journal* 680 (2003)
- “Scalia and the Institutional Approach to Law”, 34 *University of Toledo Law Review* 559 (2003)

#### 4. Book Reviews and Professional Publications

- “ICS v. Argentina”, 27 *ICSID Review – Foreign Investment Law Journal* 268 (2013) [invited case comment]

“Repsol May Never Get Paid for YPF”, *New Statesman* (online), 24 April 2012 [invited blog post]

“Is Argentina allowed to seize YPF?”, *New Statesman* (online), 23 April 2012 [invited blog post]

“Abdulrahman Yahya Baamir – Shari’a Law in Commercial and Banking Arbitration: Law and Practice in Saudi Arabia”, 12 *Journal of Banking Regulation* 192 (2011) [invited]

“Arbitrator Appointments in Investment Arbitration: Why Expressed Views on Points of Law Should Be Challengeable,” 1 *Investment Treaty News Quarterly* 13 (2010) [invited]

“International Company for Railway Systems (ICRS) and Privatization Holding Company (PHC) v. Hashemite Kingdom of Jordan (ICSID Case No. ARB/09/13)” (with Yazan D. Haddadin – PhD student), 7 *Transnational Dispute Management* (2010)

“Susan Easton (ed.) – *Marx and Law* (2008)”, 30 *Philosophy in Review* 24 (2010)

“Ronald Charles Wolf – *Trade, Aid and Arbitrate* (2003)”, *Global Law Books* (2007), available at <http://www.globallawbooks.org/reviews/detail.asp?id=398>

“Larry Laudan – *Truth, Error and Criminal Law* (2006)”, 27 *Philosophy in Review* 417 (2007)

“William Outhwaite – *The Future of Society* (2006)”, 27 *Philosophy in Review* 286 (2007)

“New York State Courts May Order Provisional Remedies in Support of International Arbitration,” *World Arbitration and Mediation Report*, 17 *World Arbitration & Mediation Report* 176 (2006)

“Vittorio Hösle – *Morals and Politics* (2004)”, 26 *Philosophy in Review* 259 (2006)

“Roberto Toniatti, Francesco Palermo & Marco Dani (eds.) – *An Ever More Complex Union* (2004)”, *Maastricht Journal of European and Comparative Law*, 13 *Maastricht J. Eur. & Comp. L.* 258 (2006) [invited]

## **Research Funding**

€278,191.00 from European Parliament for a study on arbitration in the European Union and Switzerland (Principal Investigator)

£2,500 grant from Transnational Dispute Management for three one-day conferences on The Roles of Psychology in International Arbitration

£2,000 grant from Brunel Law School for three one-day conferences on The Roles of Psychology in International Arbitration

£2,500 grant from Brunel University for three one-day conferences on The Roles of Psychology in International Arbitration

£1,850 grant from the University of Warwick for a conference on The Role of

Social Norms in Building a Low Carbon Society, July 2009 (in cooperation with Kai Spiekermann and Dan Priel)

### **Symposia and Workshops Organized**

Two online symposia on issues relating to the impacts of international investment arbitration on State governance and human rights [hosted on OGEMID from 2013-2014, each seminar taking place over two weeks, with eight contributors] [lead organiser and moderator]

“The Roles of Psychology in International Arbitration” (a three-day conference exploring the insights that psychology can provide on international arbitration; co-funded by Brunel University, Transnational Dispute Management and Brunel Law School):

[http://www.brunel.ac.uk/law/news-and-events/events/bcsiacbi-brunel-centre-for-the-study-of-international-arbitration-and-cross-border-investment/ne\\_283957](http://www.brunel.ac.uk/law/news-and-events/events/bcsiacbi-brunel-centre-for-the-study-of-international-arbitration-and-cross-border-investment/ne_283957), May 22-24, 2013

Online Symposium on *Abaclat and Others (Case formerly known as Giovanna a Beccara and Others) v. Argentine Republic*, ICSID Case No. ARB/07/5, July 2012 [in cooperation with Julian Mortenson, organised and moderated two week symposium on OGEMID]

Online Symposium on *Spyridon Roussalis v. Romania*, ICSID Case No. ARB/06/1, January 2012 [organised and moderated week-long symposium on OGEMID]

The Role of Social Norms in Building a Low Carbon Society (in cooperation with Kai Spiekermann and Dan Priel), July 2009 [one-day workshop]

Diversity or Cacophony: New Sources of Norms in International Law, March 19-20, 2004, University of Michigan Law School [two day conference]

### **Invited Presentations of Research**

Conference: “Arbitration Futures: The Next 10 Years” (member of panel on “Arbitration in 2026”; keynote speech to Under-40 Session), 10<sup>th</sup> Congress of the Commercial Arbitration Centre of the Portuguese Chamber of Commerce and Industry, Lisbon, Portugal, 7-8 July, 2016

Workshop: Co-presentation (presentation made by my co-author) “The Brave New World of Arbitration: The Role of Technology and the Internet in International Arbitration”, Ghent, Belgium, 11-12 January, 2016

Conference: “International Dispute Resolution: Diversity Towards Convergence?”, Krakow, Poland, 15-16 October, 2015

Conference: Co-presentation (I was the invitee, but I arranged for a co-author to present a co-authored paper in my place): “Dispute Resolution in M&A/JV Transactions”, Warsaw, Poland, 28-29 May, 2015

Participant in the UNCTAD Expert Meeting on “The Transformation of the International Investment Agreement Regime”, Geneva, Switzerland, February 2015

Presentation to the JURI Committee of the European Parliament: “Legal Instruments and Practice of Arbitration in the EU”, Brussels, Belgium, February 2015

Workshop: “Towards a Theory of Arbitration: A Decentering Approach to Globalization”, Chinese University of Hong Kong, Hong Kong, China, June 2014

Conference: “International Arbitration: The Role of Law”, Stockholm, Sweden, Thursday, May 2014

Conference: “FT MIGA Summit: Managing Global Political Risk: Old Risks, New Moment”, London, UK, December 2011

Conference: “The Most-Favoured-Nation Treatment of Substantive Rights”, Association for International Arbitration, Brussels, Belgium, October 2010

Presentation of “Most-Favoured Nation Treatment in International Investment Law”, Louisiana State University, Baton Rouge, USA, March 2010

Presentation of “Justice in the Diffusion of Innovation” (with Allen Buchanan & Robert Keohane), Yale University, New Haven, USA, March 2010

Conference: “Investment Treaty Arbitration: Evolution and Revolution in Substance and Procedure”, Sydney Law School, Australia, February 2010

**8. Membership in arbitral institutions / functions in arbitral institutions/organizations:**

Chartered Institute of Arbitrators (Fellow)

**9. Languages**

Mother tongue: English

Working languages (i.e. languages in which you have both a spoken and written command so that you may conduct arbitral proceedings in this language):

**10. In which legal system have you trained?**

U.S.A. (New York). I also teach English contract/commercial law.

**11. What is your main jurisdiction of practice?**

My law firm office is located in Switzerland. I teach at a university located in the United Kingdom. I a Member of the New York Bar.

**12. Special expertise or specializations (please list a maximum of three):**

I have an intimate knowledge of arbitration law and practice across the EU, having advised the European Parliament on this.

International sales

Investment law

**13. Date of birth:**

29 May, 1969

I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate. I understand that the above information will be used for VIAC's internal use and may be given to interested persons and may be put on VIAC's website.

Date and signature

13 September, 2016