

VIAC – Questionnaire for Arbitrators

1. Name: Prof. Zachary Douglas KC

2. Citizenship: Australian and Swiss

3. Contact information:

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4. Current position: Professor of International law and Dispute Settlement, Geneva Graduate Institute and King's Counsel and Barrister, 3VB Chambers

5. Education: BA & LLB (Hons) University of Melbourne; BCL (Hons) University of Oxford; MA & PhD (University of Cambridge)

6. Practiced experience in arbitration

- How many arbitrations have you participated in (domestic/international); under which Rules? **More than 200 as an arbitrator and counsel under ICC, LCIA, ICSID, ICSID Additional Facility, UNCITRAL, SCC, Swiss, LMAA, CAS rules.**
- How often have you acted as Chairman? **In 31 cases.**
- How often have you acted as Sole Arbitrator? **In 20 cases.**
- How often have you acted as Co-Arbitrator? **In 106 cases.**
- How often have you acted as Counsel? **In approximately 50 cases.**
- How often have you acted in a different function (e.g. Administrative Secretary)? **In 3 cases.**

7. Publications and other activities in arbitration (e.g. training sessions, seminars, conferences, articles and others): I teach arbitration and dispute settlement in the MIDS programme in Geneva and as a visiting professor in other academic institutions. I am a member of the ICC Institute.

Some representative publications:

'The Umbrella Clause Revisited' (2023) ICSID Review.

'L'équilibre État/investisseur dans le contentieux de l'investissement' in Santulli & Martin-Bidou (eds) *Le droit international pour un monde nouveau* (2023).

'Instead of Principles, Slogans' (2022) ICSID Review.

'When Does an Investment Treaty Claim Arise? And Excursus on the Anatomy of the Cause of Action' in *IAI Jurisdiction in Investment Treaty Arbitration* (2018) 321-358.

'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).

'Property, Investment and the Scope of Investment Protection Obligations' in *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* 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 *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 *Banks and Financial Crime: The International Law of Tainted Money* (Oxford University Press, 2008).

'Nothing if Not Critical for Investment Treaty Arbitration: Occidental, Eureko and Methanex' (2006) 22 *Arbitration International* 27-51.

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

'Indirect Expropriation' (with Jan Paulsson) in *Arbitrating Foreign Investment Disputes* (2004) 145-158.

**8. Membership in arbitral institutions / functions in arbitral institutions/organizations:
LCIA and ICC.**

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): **Russian and French**

In which legal systems have you trained?

- | | | |
|---------------------------------------|--|--|
| <input type="checkbox"/> Civil Law | <input type="checkbox"/> Common Law | |
| <input type="checkbox"/> Austrian Law | <input type="checkbox"/> Hungarian Law | <input type="checkbox"/> Swiss Law |
| <input type="checkbox"/> Czech Law | <input type="checkbox"/> Polish Law | <input type="checkbox"/> Ukrainian Law |
| <input type="checkbox"/> German Law | <input type="checkbox"/> Slovakian Law | <input type="checkbox"/> European Law |

Other I completed part of my law degree at Moscow State University and I have published on Russian law. I also have a good knowledge of Swiss and French law and certain aspects of European law. I have done a large number of cases involving the application of Russian law, Ukrainian law and the law of several other countries of the former Soviet Union.

10. What is your main jurisdiction of practice?

England

11. In which jurisdictions are you admitted to the bar?

England and Australia

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

- | | | | |
|--|--|--|--|
| <input type="checkbox"/> Antitrust/Unfair competition | <input type="checkbox"/> Damages | <input type="checkbox"/> Insolvency | <input type="checkbox"/> Natural resources |
| <input type="checkbox"/> Aviation | <input type="checkbox"/> Distribution | <input type="checkbox"/> Insurance | <input type="checkbox"/> Power plants |
| <input type="checkbox"/> Banking & Finance | <input type="checkbox"/> Domain name disputes | <input type="checkbox"/> Intellect. property (IP) | <input type="checkbox"/> Private Intern. Law |
| <input type="checkbox"/> Capital markets | <input type="checkbox"/> Employment | <input type="checkbox"/> Investment arbitration | <input type="checkbox"/> Public Intern. Law |
| <input type="checkbox"/> CISG | <input type="checkbox"/> Energy | <input type="checkbox"/> ISDS/Foreign inves. | <input type="checkbox"/> Real estate |
| <input type="checkbox"/> Civil fraud disputes | <input type="checkbox"/> Engineering | <input type="checkbox"/> Joint ventures | <input type="checkbox"/> Shipping |
| <input type="checkbox"/> Commercial disp. / transactions | <input type="checkbox"/> Entertainment | <input type="checkbox"/> Licensing | <input type="checkbox"/> Sports |
| <input type="checkbox"/> Commodity market | <input type="checkbox"/> Healthcare & Pharmac. | <input type="checkbox"/> Life sciences | <input type="checkbox"/> State/Public contracts |
| <input type="checkbox"/> Company/Corporate/M&A | <input type="checkbox"/> Hotel/Gastro./Tour. | <input type="checkbox"/> Maritime arbitration | <input type="checkbox"/> Technology |
| <input type="checkbox"/> Construction | <input type="checkbox"/> Inform. technology (IT) | <input type="checkbox"/> Media | <input type="checkbox"/> Telecommunication |
| <input type="checkbox"/> Contract law | <input type="checkbox"/> Infrastructure | <input type="checkbox"/> Mining | <input type="checkbox"/> Transport |
| <input type="checkbox"/> Other _____ | | | |

13. Date of birth: **23.10.1974**

VIAC offers arbitration practitioners the possibility to present themselves on its website. VIAC reserves the right to publish any presentations submitted and to remove it as the case may be. Parties are free to nominate an arbitrator of their choice and so is the VIAC Board when appointing an arbitrator. These presentations do not constitute recommendations but may assist the parties in choosing an arbitrator willing to conduct proceedings according to the Vienna Rules. The fact that an arbitration practitioner appears on this list, does not authorize this person to use the title "VIAC-arbitrator".

I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate.

I hereby consent that the data provided in this questionnaire may be processed for the appointment of arbitrators and published by VIAC. This includes in particular publication on the website of VIAC as well as use in any presentations, etc. This consent may be withdrawn at any time by contacting VIAC at our general contacts, in particular by email addressed to office@viac.eu. The consequence of any such withdrawal will be that my data will no longer be processed by VIAC. For further information, see our privacy statement at <http://www.viac.eu>.

31.1.2024
Date