



Freshfields Bruckhaus Deringer

Public international law

2020



A first class public international law practice

Freshfields acts as counsel for and advises States, corporations, international organisations, individuals and non-governmental organisations across the full spectrum of public international law.

We serve as counsel in cases before all major international courts and tribunals, including the International Court of Justice, the International Tribunal for the Law of the Sea, inter-State arbitral tribunals, the European Court of Justice and the European Court of Human Rights.

We also have an active advisory practice, evaluating risks and opportunities presented by issues of public international law to help our clients determine their best course of action.

We are experienced in working collaboratively with government officials, eminent professors and independent practitioners of international law, as well as technical experts such as hydrographers and cartographers to formulate and implement coherent and co-ordinated strategies.

Issues on which members of our team have recent experience include:

- sovereignty over territory, including islands
- boundary disputes
- the law of the sea
- international human rights law
- rights to natural resources, including hydrocarbons, minerals, fisheries, rivers and other fresh water
- inter-State arrangements for sharing resources

- the formation, dissolution and secession of States, and recognition of governments
- the law of treaties: drafting, reservations, interpretation, application, modification, succession and termination
- international environmental law
- trans-boundary pollution
- control over airspace
- State immunity and diplomatic immunity
- issues of public international law arising before national or regional courts or regulatory authorities
- business and human rights issues
- international sanctions
- international humanitarian law
- international criminal law

Members of our public international law practice come from both common law and civil law backgrounds, and between them work in many languages. They hold doctorates in international law, regularly teach postgraduate courses at leading universities, and deliver and publish academic and practical papers on international law and its application.

Wherever public international law intersects with any national law or other area of specialisation, our team can collaborate with other members of the firm with the relevant expertise from among our pool of over 2,800 lawyers.



“Top-tier firm with a stellar reputation in PIL circles.”

Chambers Global - PIL, 2020

Freshfields has been ranked as “Band 1” every year for public international law by Chambers Global.

Inter-State disputes

States ask us to serve as their counsel and to advise them because we work collaboratively with them to define and implement the best available strategy.

Our experience representing States before different international courts and tribunals and advising them on issues of public international law includes:

- counsel for **Belize** in the case before the International Court of Justice (ICJ) concerning Guatemala's claims over Belize and delimitation of their maritime boundary
- counsel for **Chile** in a dispute with Bolivia before the ICJ concerning Bolivia's claim to sovereign access to the Pacific Ocean
- counsel for **Italy** in a dispute with India before the International Tribunal for the Law of the Sea (ITLOS) and an arbitral tribunal constituted under the UN Convention on the Law of the Sea (UNCLOS) concerning which of them could exercise criminal jurisdiction over two Italian Marines
- counsel for **Slovenia** in proceedings against Croatia before the European Court of Human Rights
- counsel for **Belize** in advisory opinion proceedings before the ICJ on whether the decolonisation of Mauritius was lawfully completed under international law
- counsel for **Chile** before the ICJ in its case with Peru concerning their maritime boundary
- counsel for **Bahrain** against Qatar before the ICJ in their dispute concerning sovereignty over territory and maritime boundaries
- counsel for **Liechtenstein** in its case against Germany before the ICJ concerning assets taken from Liechtenstein at the end of the Second World War
- advising **Slovenia** on a standing basis on issues of State succession
- advising **multiple States** on disputed sovereignty over islands
- advising **multiple States** on a standing basis on public international law issues as they arise



Heavily involved in state-to-state disputes, with substantial expertise in boundary delimitation, sovereignty disputes and state immunity.

Chamber Global - PIL, 2020

A public international law practice that is 'outstanding in legal precision and sophistication'.

Legal 500 - Europe, 2017

Enjoys a first-class reputation noted for its experience in state-to-state disputes.

Chambers Global - PIL, 2016

Advising international organisations and businesses

International law reaches beyond States. We advise international organisations and businesses on their rights, obligations, risks and opportunities created by international law.

Natural resources in disputed areas, international sanctions, business and human rights concerns – these and other issues have put public international law on the agendas of businesses across the globe.

Selected examples of our experience include:

- advising an **international telecommunications company** on issues related to State succession, including questions of acquired rights
- advising **development banks** on their immunities and privileges in non-member States
- advising **energy companies** on investments affected by disputes as to which State has jurisdiction over a particular area, or whether an entity granting rights is a State, or which group should be regarded as the government of a particular State
- advising the **European Bank for Reconstruction and Development** on a boundary dispute between one of its borrowers and a neighbouring State
- advising Germany's largest cargo container shipping line **Hapag-Lloyd AG** on its purchase of the United Arab Shipping Company, which was created by multilateral treaty
- advising a **major energy company** concerning rights in a disputed maritime area administered by an international organisation formed by the States in dispute to manage the resources in the disputed area
- advising **international businesses** on business and human rights issues, including in the energy, transportation, manufacturing and technology sectors
- advising an **international inter-governmental organisation** in consolidated commercial arbitrations concerning disputes arising under contracts for the provision of goods and services to it
- advising on various **sanctions-related issues**, including on the impact of EU and UK sanctions against Russian and Ukrainian individuals; on the implications in Russia of EU and US economic sanctions; on legal restrictions on establishing certain joint ventures in the oil and gas sector arising because of EU and US sanctions; on issues concerning export controls arising in the context of sanctions on Iran and the lifting of them; and on violations of US sanctions on Syria



Further commended for its deep understanding of international sanctions and human rights.

Chambers Global - PIL, 2020

The team is regularly engaged by sovereign states, commercial entities, international organisations and NGOs.

Chamber Global - PIL, 2019

'Freshfields are of the highest quality and they are very good both on the substance and on the efficient running of the case'.

Chambers Global - PIL, 2017

Disputes between States and foreign investors

We are well-known for representing States and investors in complex investor-State disputes. During the last five years, we have worked on 80 investor-State arbitration matters and have won or successfully settled 90% of our investment arbitrations.

Selected examples of our experience include:

- counsel for the **Republic of South Africa** when foreign investors claimed that implementation of its black economic empowerment policies in its mining sector contravened investment protection treaties
- counsel for the **Republic of Kenya** in an arbitration concerning the withdrawal of a license to exploit geothermal energy
- counsel for the **Republic of Turkey** in three arbitrations commenced by a foreign investor under the Energy Charter Treaty (ECT), and in related proceedings before the European Court of Human Rights
- counsel for the **Government of Romania** in an arbitration concerning the interaction between the Treaty on the Functioning of the European Union and the bilateral investment treaty (BIT) between Romania and Sweden, and, separately, in a case arising in the petrochemical industry involving allegations of breach of the ECT
- counsel for the **Government of Grenada** in an arbitration concerning oil and gas exploration in the region of a disputed maritime boundary
- counsel for **East Mediterranean Gas** and its shareholders in four arbitrations against the Republic of Egypt and Egyptian State-owned entities concerning the cessation of gas supply from Egypt to Israel during the Arab Spring
- counsel for **Stans Energy Corp**, a Canadian company, in an arbitration against the Kyrgyz Republic for breaches of Stans' rights under the Kyrgyz Foreign Investment Law with respect to its licenses to exploit rare earth minerals deposits
- counsel for **Deutsche Telekom** in an arbitration against the Republic of India concerning the cancellation of an agreement for the long-term lease of satellite capacity and spectrum
- counsel for **Sunflower, Eurus and Portigon** against the Kingdom of Spain in three separate arbitrations brought by those investors relating to changes to Spain's regulatory regime affecting investments in the renewable energy sector
- counsel for **numerous investors** in claims against different Latin American States including Argentina, Colombia, Venezuela, Uruguay, Bolivia and Ecuador concerning the international responsibility of those States for breaches of treaties on the protection of foreign investments



Highly active in major investment treaty disputes, representing both sovereign states and investors.

Chambers Global - PIL, 2020

Strong track record representing sovereign states in ICSID and UNCITRAL cases.

Chambers Global - International Arbitration, 2020

A terrific practice that is considered a perfect choice for really high-stakes arbitrations where you need the best practitioners and a team that is really well-coordinated.

Chambers Global – International Arbitration, 2019

Our experience

Our *pro bono* work

In addition to advising States, international organisations and businesses on issues of public international law, we work *pro bono* on some of the most important international law issues affecting individuals and NGOs.

We have a track record of being instructed to represent clients on a *pro bono* basis on some of the most significant public international law mandates, both advisory and contentious.

Recent examples of our *pro bono* work include:

- assisting **REDRESS** with three *amicus curiae* submissions before the International Criminal Court concerning the charging of rape and sexual slavery as torture, and reparations for international crimes committed in the Democratic Republic of Congo and the Central African Republic
- representing in proceedings before the African Commission on Human and Peoples' Rights, together with **REDRESS** and Chadian counsel, 7,000 of the victims of widespread human rights violations committed by the Republic of Chad during the regime of Hissène Habré from 1982 to 1990
- filing complaints with the **United Nations Human Rights Committee** on behalf of human rights defenders concerning violations of the International Covenant on Civil and Political Rights
- representing a coalition of NGOs focused on freedom of speech, led by the **International Press Institute**, in an intervention before the European Court of Human Rights
- advising the **International Federation of Red Cross and Red Crescent Societies** on issues of public international law, including assisting with preparing "The Legal Framework for Migrants & Refugees – An Introduction for Red Cross & Red Crescent Staff & Volunteers"
- advising **Independent International Legal Advocates** (an NGO founded to work with the public international law departments of small and developing States), with regard to negotiating a new legally binding instrument on the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction
- assisting the **Human Dignity Trust** regarding claims before the Inter-American Commission on Human Rights
- representing **asylum seekers** before domestic courts and tribunals in the review of decisions affecting their human rights
- advising **international NGOs** on the negotiation of multilateral treaties
- advising **international NGOs** on the application of international and regional sanctions regimes



They are fantastic to work with and have a super team of young lawyers who do spectacular work.

Chambers Global - PIL, 2019

The group continues to be considered a '*truly outstanding firm*' and a '*strong force*' in the PIL field.

Chambers Global - PIL, 2018

Key contacts



Ben Juratowitch QC

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Ben is the head of Freshfields' public international law practice. He has been counsel for a broad range of States, corporations, international organisations and individuals before the ICJ, ITLOS, European Court of Human Rights and international arbitral tribunals. He teaches an annual course of seminars on international dispute settlement at the University of Paris Descartes and has published widely on issues of international law.



Will Thomas

Partner

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Will specialises in public international law, investment arbitration and international commercial arbitration involving States and State-owned entities. He has advised parties before the ICJ, the Iran-US Claims Tribunal, the ECtHR and numerous international arbitral tribunals. He is a visiting lecturer at King's College, London and Sciences Po, Paris.



Ben Juratowitch QC is celebrated as 'extremely accomplished' with 'a very sharp mind'.

Who's Who Legal, 2020

Ben Juratowitch QC is a highly respected advocate who stands out for his expertise in a range of PIL matters, including issues of sovereignty, boundary disputes and human rights. A source says: 'He's very good at asking the right questions and understanding the political sensitivities in any given case.' Another interviewee adds: 'In terms of advocacy he's very clear, very well organised and effective.'

Chambers Global, 2020

Ben Juratowitch QC is a popular choice for public international law disputes ... 'He is a pleasure to deal with. He is exceptionally smart, quick to get on top of a brief, and then launches in with determination.'

Chambers Global, 2019

'the best advocate I have come across in my career'; 'He understood perfectly what the tribunal was asking and gave precise and very intelligent answers on legal issues.'

Who's Who Legal, 2018

'combines an excellent legal mind with a very strategic and practical approach'

Legal 500, 2016



"Not only does he provide excellent legal advice, but he also has a very good feeling for the client's circumstances and needs. He is brilliant in the preparation and analysis of complex topics and in cross-examination."

Chambers UK, 2020

William Thomas is noted for the breadth of his PIL practice, which incorporates investor-state arbitration, human rights disputes and disputes between sovereign nations. One source praises his "rounded practice," adding: "He has a good pure PIL pedigree and does investor-state work as well."

Chambers Global, 2020

"[P]rofound international law knowledge and very client-friendly approach."

Chambers Global, 2019

'Excellent – a good advocate as well as being very sound in his judgement of running cases'

Chambers UK, 2019

'He is very intelligent, can pinpoint key issues and is excellent in cross-examination'

Chambers Global, 2018

'An excellent lawyer ... a proper PIL specialist'

Chambers Global, 2017

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