

## DR CHESTER BROWN

### CURRICULUM VITAE

Born 1972

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#### **Practice:**

- Public international law
- International arbitration
- International investment law
- Private international law

#### **Brief biographical detail:**

Dr Chester Brown is Associate Professor in the Faculty of Law at the University of Sydney, Australia, and a door tenant at Essex Court Chambers, London.

Prior to his appointment at the University of Sydney, Dr Brown was Assistant Legal Adviser at the Foreign and Commonwealth Office, where he advised on a broad range of public international law and domestic law issues. These included international investment; privileges and immunities of States, diplomats, and international organisations; international arbitration; the work of the International Law Commission; and the negotiation and drafting of a range of commercial agreements. Dr Brown also participated in the negotiation of bilateral investment treaties, and was a member of the United Kingdom delegation to various multilateral fora, including the Sixth Committee of the UN General Assembly, the Council of Europe's Committee of Legal Advisers on Public International Law, the European Union's 'Comité Juridique', the OECD Investment Committee, and the Conference of the States Parties to the United Nations Convention Against Corruption. Dr Brown was also involved in representing the United Kingdom and the Secretary of State for Foreign and Commonwealth Affairs in international, foreign and domestic litigation.

Before commencing at the Foreign and Commonwealth Office, Dr Brown was a Senior Associate in the International Law and International Arbitration Group of Clifford Chance LLP, London. In this capacity, he advised on, and acted in, complex commercial and investment treaty claims governed by the UNCITRAL, ICSID, ICC, LCIA, and AAA/ICDR Arbitration Rules. These disputes involved major infrastructure projects,

banking and finance transactions, the energy and natural resources sectors, and other commercial matters. Dr Brown had experience of acting for both investors and States, and was responsible for the drafting of pleadings, inter-partes correspondence, and witness statements, and also for carrying out legal research, in addition to supervising junior associates, trainee solicitors, and paralegals.

Dr Brown is the author of *A Common Law of International Adjudication* (Oxford University Press, 2007), a major study dealing with the applicable procedure and remedies before international courts and tribunals. He recently assisted Professor Sir Elihu Lauterpacht QC with the revision of his Hague lectures, titled 'Principles of Procedure in International Litigation'. Dr Brown is a Fellow of the Australian Centre for International Commercial Arbitration, a Member of the ICC (Australia), and an Associate Member of the Chartered Institute of Arbitrators. He speaks German and French.

**Career:**

- 2009 – present: Associate Professor, Faculty of Law, University of Sydney
- 2009 – present: Door tenant, Essex Court Chambers, London
- 2007 – 2009: Assistant Legal Adviser, Foreign and Commonwealth Office, London
- 2006: Visiting Fellow, British Institute of International and Comparative Law, London
- 2005 – 2006: Part-time Lecturer in Public International Law, Faculty of Law, Queen Mary College, University of London
- 2004 – 2007: Associate, and subsequently Senior Associate, International Law and International Arbitration Group, Clifford Chance LLP, London
- 2003 – 2004: College Supervisor in Public International Law, Trinity Hall, Cambridge, and Wolfson College, Cambridge
- 2002 – 2003: Guest Lecturer in Public International Law (undergraduate) and Settlement of International Disputes (LLM), University of Cambridge, Faculty of Law
- 1999 – 2000: Articled Clerk and Solicitor, Mallesons Stephen Jaques, Melbourne

**Professional qualifications:**

- Solicitor and Barrister of the Supreme Court of New South Wales (2009)
- Solicitor of the Supreme Court of England and Wales (2007) (non-practising)
- Barrister and Solicitor of the High Court of Australia (2000)
- Barrister and Solicitor of the Supreme Court of Victoria (2000)

**Education:**

- 2008: Certificate in Law, War and Human Rights, London School of Economics
- 2001 – 2004: PhD in public international law, St John's College, University of Cambridge (supervised by Daniel Bethlehem QC, and examined by Professor Philippe Sands QC and Dr Guglielmo Verdirame)
- 2000 – 2001: BCL (Distinction), Magdalen College, University of Oxford
- 1992 – 1998: BA (German and French) (1st Class Hons), University of Melbourne
- 1992 – 1997: LLB (1<sup>st</sup> Class Hons), University of Melbourne

**Professional memberships:**

- Fellow, Australian Centre for International Commercial Arbitration
- Member, ICC (Australia)
- Associate Member, Chartered Institute of Arbitrators
- Associate Editor, *Transnational Dispute Management*
- European Society of International Law
- American Society of International Law
- British Institute of International and Comparative Law
- International Law Association (British Branch)
- Fellow, Cambridge Commonwealth Society

**Awards and Prizes:**

- Cambridge Commonwealth Trust Bursary (2003)
- McMahon Studentship in Law, St John's College, Cambridge (2003)
- Lauterpacht Fund Stipend, Faculty of Law, University of Cambridge (2003)
- Overseas Research Student (Humanities and Social Sciences) Research Award, University of Cambridge (2003)
- Chevening Oxford-Australia Scholarship (2000)
- Freshfields Scholarship, Oxford University (2000)
- Sir Robert Menzies Memorial Scholarship in Law (2000)

**Selected publications:****Books:**

- *A Common Law of International Adjudication* (OUP, 2007) (also in paperback 2009)

**Journal articles, chapters, and notes:**

- 'Bringing Sustainable Development Issues before Investment Treaty Tribunals', in Markus Gehring, Marie-Claire Cordonnier-Seger, and Andrew Newcombe (eds), *Sustainable Development in World Investment Law* (2010) (forthcoming)
- 'Investment Arbitration as the "New Frontier"' (2009) 28 *The Arbitrator and Mediator* 59
- 'The Cross-Fertilisation of Principles relating to Procedure and Remedies in the Jurisprudence of International Courts and Tribunals' (2008) 30 *Loyola of Los Angeles International and Comparative Law Review* 219
- 'The Use of Precedents of other International Courts and Tribunals in Investment Treaty Arbitration' (2008) 5(3) *Transnational Dispute Management*, available at <[www.transnational-dispute-management.com](http://www.transnational-dispute-management.com)>
- 'The Protection of Legitimate Expectations as a General Principle of Law: Some Preliminary Thoughts' (2008) 5(2) *Transnational Dispute Management*, available at <[www.transnational-dispute-management.com](http://www.transnational-dispute-management.com)>

- ‘The Inherent Powers of International Courts and Tribunals’ (2005) 76 *British Yearbook of International Law* 195
- ‘The Settlement of Disputes Arising in Flexibility Mechanism Transactions under the Kyoto Protocol’ (2005) 21 *Arbitration International* 361
- ‘Disputes Arising under the Kyoto Protocol’s “Flexibility Mechanisms”’ (2005) 3(2) *Oil, Gas and Energy Law Intelligence*, available at <<http://www.gasandoil.com/ogel/>>
- ‘Kyoto Protocol to Enter into Force on 16 February 2005’ (2005) 3(1) *Oil, Gas and Energy Law Intelligence*, available at <<http://www.gasandoil.com/ogel/>>
- ‘Access to International Justice in the *Legality of Use of Force* Cases’ (2005) 64 *Cambridge Law Journal* 267
- ‘The Kyoto Protocol Enters into Force’, *ASIL Insights* (February 2005), available at <<http://www.asil.org/insights/2005/03/insights050301.html>>
- ‘Disputes Arising in “Flexibility Mechanism” Transactions under the Kyoto Protocol’ (2005) 10(1) *International Bar Association Arbitration Committee Newsletter* 7
- ‘Comment: Jurisdiction and Admissibility in International Arbitration’ (2005) 2(1) *Transnational Dispute Management* 3-4, available at <[www.transnational-dispute-management.com](http://www.transnational-dispute-management.com)>
- ‘Hundert Jahre und kein bisschen weise? Zum 100. Jahrestag der Abkommen über Guantanamo Bay’ (2003) 78 *Die Friedens-Warte: Journal of International Peace and Organisation* 395 (co-authored)
- ‘Summary: *Leatch and National Parks and Wildlife Service v Shoalhaven City Council*’ in James Crawford, Daniel Bethlehem, Philippe Sands, Cairo Robb, and Alice Palmer (eds), *International Environmental Law Reports* (2005) vol IV, 57
- ‘Summary: *Commonwealth of Australia and Another v State of Tasmania and Others* (the *Tasmanian Dam Case*)’ in James Crawford, Daniel Bethlehem, Philippe Sands, Cairo Robb, and Alice Palmer (eds), *International Environmental Law Reports* (2005) vol IV, 13
- ‘Translation: *Lingen case*’ in James Crawford, Daniel Bethlehem, Philippe Sands, Cairo Robb, and Alice Palmer (eds), *International Environmental Law Reports* (2005) vol IV, 221 (co-authored)
- ‘Strasbourg Follows Suit on Provisional Measures’ (2003) 62 *Cambridge Law Journal* 532
- ‘“Reasonableness” in the Law of the Sea: The Prompt Release of the *Volga*’ (2003) 16 *Leiden Journal of International Law* 621
- ‘The Evolution and Application of Rules Concerning Independence of the “International Judiciary”’ (2003) 2 *Law and Practice of International Courts and Tribunals* 63
- ‘Armed Activities on the Territory of the Congo (New Application: 2002) (*Democratic Republic of the Congo v Rwanda*) Provisional Measures, Order of 10 July 2002’ (2003) 52 *International and Comparative Law Quarterly* 782

- ‘The Proliferation of International Courts and Tribunals: Finding Your Way Through the Maze’ (2002) 3 *Melbourne Journal of International Law* 453
- ‘Provisional Measures before the International Tribunal for the Law of the Sea: The *MOX Plant Case*’ (2002) 17 *International Journal of Marine and Coastal Law* 267
- ‘Privatising the Commons? A Global Greenhouse Emissions Trading Regime at COP-6’ (2000) 19 *Australian Mining and Petroleum Law Journal* 157 (co-authored)
- ‘The *Environment Protection and Biodiversity Conservation Act 1999* (Cth): A New Role for the Commonwealth in Environment Protection’ (2000) 28(9) *International Business Lawyer* 427 (co-authored)
- “‘People in Greenhouses ...’: The *Kyoto Protocol* and Its Impact on Australian Industry and Legal Practice’ (2000) 74(8) *Law Institute Journal* 54 (co-authored)
- ‘*Esso Australia Resources Ltd v Commissioner of Taxation*’ (2000) 23 *University of New South Wales Law Journal* 173
- ‘International Environmental Law and the Regulation of Offshore Installations: The Case for a South Pacific Regional Protocol’ (1998) 17 *Australian Mining and Petroleum Law Journal* 109
- ‘Facilitating Joint Implementation under the Framework Convention on Climate Change: Toward a Greenhouse Gas Emission Reduction Protocol’ (1997) 14 *Environmental and Planning Law Journal* 356

#### **Book reviews:**

- ‘Book Review of Dan Sarooshi, *International Organisations and their Exercise of Sovereign Powers*’ (2008) 67 *Cambridge Law Journal* 209
- ‘Book Review of Francisco Orrego Vicuña, *International Dispute Settlement in an Evolving Global Society: Constitutionalisation, Accessibility, Privatisation*’ (2005) 74 *Nordic Journal of International Law* 285
- ‘Book Review of Andrea Bianchi (ed), *Enforcing International Law Norms against Terrorism*’ (2005) 64 *Cambridge Law Journal* 757
- ‘Book Review of Société Française pour le Droit International, *La juridictionnalisation du droit international*’ (2004) 75 *British Yearbook of International Law* 390
- ‘Book Review of Yuval Shany, *The Competing Jurisdictions of International Courts and Tribunals*’ (2003) 14 *European Journal of International Law* 1045
- ‘Book Review of Laurence Boisson de Chazournes, Cesare Romano and Ruth Mackenzie (eds), *International Organizations and International Dispute Settlement: Trends and Prospects*’ (2003) 62 *Cambridge Law Journal* 506
- ‘Book Review of Patricia Birnie and Alan Boyle, *International Law and the Environment*’ (2003) 62 *Cambridge Law Journal* 222
- ‘Book Review of Bruno Simma (ed), *The Charter of the United Nations: A Commentary*’ (2002) 23 *Australian Yearbook of International Law* 215
- ‘Book Review of Philippe Sands and Pierre Klein, *Bowett’s Law of International Institutions*’ (2001) 22 *Australian Yearbook of International Law* 227