



157 Glebe Avenue
Ottawa, ON K1S 2C4
www.jeremyksharpe.com

JEREMY K. SHARPE

Nationality: United States

jks@jeremyksharpe.com

Mobile: +1-613-266-4907



Professional Experience

Independent Practice, Ottawa, ON, 1/2020-present

- Arbitrator

Investor-State

- Suffolk (Mauritius) Limited, Mansfield (Mauritius) Limited and Silver Point Mauritius v. Portuguese Republic, ICSID Case No. ARB/22/28, president (pending)
- Eurasian investor v. Middle Eastern State, UNCITRAL/PCA, appointed by respondent (pending)
- Alexander Nelin v. Republic of Cyprus, ICSID Case No. ARB/18/41, president (discontinued November 2021)

International Commercial

- Co-arbitrator in ICDR case concerning an internet domain (pending)

- Expert

- B-Mex, LLC et al. v. United Mexican States, ICSID Case No. ARB(AF)/16/3, tribunal-appointed expert on privilege issues (pending)

- United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory (UNRoD), Member of the Board, Vienna, Austria, 1/2023-present

- By appointment and as a representative of the United Nations Secretary-General
- Three-member Board responsible for establishing and maintaining the Register of Damage; establishing rules and regulations; determining claims eligibility; determining criteria for damage and the procedure for collecting and registering claims (guided by the ICJ's

advisory opinion on the Wall and principles of international law and due process); and determining the inclusion of claims in the Register of Damage

- Advisory
 - Advising Government of Ukraine on international claims and reparations issues arising out of Russian invasion
 - Advising an Asian State on public international law issues
 - Advised an Asian State on coordination of its defense in international investment disputes
 - Advised Government of the United Kingdom on international trade and investment law
 - Advised the United Nations Commission on International Trade Law (UNCITRAL) Secretariat on ISDS reform
 - United States Department of State:
 - Member of the U.S. Delegation to UNCITRAL Working Group III (ISDS reform)
 - Member of the Secretary of State's Advisory Committee on Private International Law
- Academic
 - National University of Singapore Faculty of Law, Visiting Professor, 2024
 - Columbia Law School, Lecturer-in-Law and Senior Fellow, International Claims and Reparations Project (ICRP), 5/2022-present
 - ICSID Review – Foreign Investment Law Journal, co-editor (Notes)
 - Member of the UNIDROIT/ICC Working Group on International Investment Contracts; Co-Chair of Subgroup 4 (choice of law and dispute settlement)

Shearman & Sterling LLP, Partner, International Arbitration and Public International Law Groups, London and Paris, 9/2015-12/2019

U.S. Department of State, Office of the Legal Adviser, Washington, DC (1/2007-8/2015)

- Chief of Investment Arbitration, Office of International Claims and Investment Disputes, 7/2011-8/2015
- Attorney-Adviser, Office of African and Near Eastern Affairs, 9/2009-7/2011
- Legal Adviser, United States Embassy Baghdad, 2/2008-3/2009
- Attorney-Adviser, Office of International Claims and Investment Disputes, 1/2007-2/2008, 4/2009-9/2009

Georgetown University Law Center, Washington, DC, Adjunct Professor, 2010-2015

- International Courts and Tribunals: Theory and Practice (2012-2015)
- International Transitional Justice (2010-2011)

White & Case LLP, Associate, International Arbitration Group, Washington, DC, 11/2003-1/2007

Iran-United States Claims Tribunal, Legal Assistant to Judge Charles N. Brower, The Hague, The Netherlands, 8/2001-9/2003

Akin Gump Strauss Hauer & Feld LLP, Associate, Litigation Practice Group, New York, NY, 9/2000-8/2001

Cases + Advisory (until 31 December 2019)

◆ **Counsel**

Republic of Ecuador v. United States—represented the respondent in an UNCITRAL arbitration under the Ecuador-United States bilateral investment treaty concerning the interpretation of the treaty’s “effective means” provision

Cairn Energy PLC and Cairn UK Holdings Ltd. v. Republic of India—represented the claimants in an UNCITRAL arbitration in Stockholm under the India-United Kingdom bilateral investment treaty concerning retroactive tax measures

Rasia FZE and J. Borkowski v. Armenia—represented the claimants in early phase of an ICSID arbitration under the Armenia-United States bilateral investment treaty and two concession agreements concerning a railway and high-speed roadway

Hela Schwarz GmbH v. People’s Republic of China—represented the respondent in early phase of an ICSID arbitration under the PRC-Germany bilateral investment treaty concerning real property

Fraport AG Frankfurt Airport Services Worldwide v. Republic of the Philippines, represented the respondent in an ICSID arbitration under the Germany-Philippines bilateral investment treaty concerning construction of an airport terminal

EDF (Services) Limited v. Romania—represented the respondent in an ICSID arbitration under the Romania-United Kingdom bilateral investment treaty concerning airport services

Canadian Cattlemen v. United States—represented the respondent in an UNCITRAL arbitration under NAFTA Chapter Eleven concerning health measures

Glamis Gold Ltd. v. United States—represented the respondent in an UNCITRAL arbitration under NAFTA Chapter Eleven concerning mining operations

Grand River Enterprises et al. v. United States—represented the respondent in an UNCITRAL arbitration under NAFTA Chapter Eleven concerning tobacco-related measures

CANACAR et al. v. United States—represented the respondent in an UNCITRAL arbitration under NAFTA Chapter Eleven concerning transportation services

Stanford Ponzi Scheme Victims v. United States—represented the respondent in UNCITRAL arbitrations under NAFTA Chapter Eleven, CAFTA-DR Chapter Ten, U.S.-Peru Trade Promotion

Agreement Chapter Ten, U.S.-Chile Free Trade Agreement Chapter Ten, and U.S.-Uruguay Bilateral Investment Treaty concerning investment services

Apotex Holdings Inc. and Apotex Inc. v. United States—represented the respondent in an UNCITRAL arbitration under NAFTA Chapter Eleven concerning importation of pharmaceuticals

Apotex Inc. v. United States (Claims 1-2)—represented the respondent in an UNCITRAL arbitration under NAFTA Chapter Eleven concerning pharmaceutical applications

Represented the United States as non-disputing treaty party in:

- Mercer International Inc. v. Government of Canada, NAFTA/ICSID Additional Facility
- Spence International Investments v. Republic of Costa Rica, CAFTA-DR/UNCITRAL
- Adel A. Hamadi al Tamimi v. Sultanate of Oman, US-Oman Free Trade Agreement/ICSID
- Renco Group Inc. v. Republic of Peru, US-Peru Trade Promotion Agreement/UNCITRAL
- Mesa Power Group, LLC v. Government of Canada, NAFTA/UNCITRAL
- KBR, Inc. v. United Mexican States, NAFTA/UNCITRAL
- Bilcon of Delaware et al. v. Government of Canada, NAFTA/UNCITRAL
- Detroit International Bridge Co. v. Government of Canada, NAFTA/UNCITRAL
- Teco Guatemala Holdings Inc. v. Republic of Guatemala, CAFTA-DR/UNCITRAL
- Chemtura Corp. v. Government of Canada, NAFTA/UNCITRAL
- Railroad Development Corp. v. Republic of Guatemala, CAFTA-DR/UNCITRAL
- St. Marys VNCA LLC v. Government of Canada, NAFTA/ICSID Additional Facility

Represented the Republic of the Philippines in an ICC arbitration in Singapore concerning an airport terminal

Represented a consortium of Areva and Siemens in a €6.1 billion ICC arbitration in Stockholm against a Finnish utility concerning the construction of a nuclear power plant in Finland

Represented a Middle East/North African joint venture in ICC proceedings against Japanese and Korean companies over the construction of a fertilizer plant in North Africa

Represented a Canadian mining company in two LCIA arbitrations in London against a Swiss trading company over the sale and purchase of gold and lead concentrates

Represented Hong Kong and Irish companies in an LCIA-administered arbitration in London concerning the provision of telecommunication services

Represented an Italian company in an SCAI arbitration in Paris against two German companies concerning representations during an M&A transaction

◆ **Advisory**

Advised on the negotiation of U.S. international investment agreements, including:

- Trans-Pacific Partnership (TPP) (12-country agreement)
- Transatlantic Trade and Investment Partnership (TTIP) (with the European Union)
- Bilateral investment treaties with China, the Czech Republic, Mauritius, Pakistan, and Rwanda

Advised on the Obama Administration's review of the U.S. model bilateral investment treaty

Advised on an agreement with a Central American State to mediate legacy expropriation claims of U.S. nationals and to arbitrate the remaining claims

Advised on the negotiation, entry into force, and implementation of the United States' \$400 million claims settlement agreement with Iraq, compensating U.S. victims of the Saddam Hussein regime

Advised the U.S. State Department, White House, U.S. Mission to the United Nations, and senior Iraqi officials on the lifting of Saddam-era UN Security Council sanctions on Iraq

Advised U.S. State Department officials on peacekeeping operations in the Middle East

Advised the U.S. government on the negotiation, entry into force, and implementation of the U.S.-Iraq Security Agreement and Strategic Framework Agreement

Advised U.S. State Department officials on legal issues concerning international criminal courts, including the ICTY, ICTR, Special Tribunal for Lebanon, and Special Court for Sierra Leone

Advised a UK company on a negotiation and enforcement strategy for an investment treaty award

Advised a South American State on its model bilateral investment treaty

Advised a Middle Eastern State on the negotiation of a bilateral investment treaty with a North American State

Advised an Eastern European State on two pre-arbitration investment disputes

Advised a Middle Eastern State on treaty negotiations for an international infrastructure project

Advised U.S. investors on the expropriation of investments by a Central American State

Advised a U.S. dual-national investor on the settlement of claims for expropriation of real estate and electricity-generation facilities by a Central American State

Advised an Asian State on investment treaty policy and coordination of its defense in international investment disputes

Advised an Asia-Pacific State on coordination of its defense in international investment disputes

Advised a Middle Eastern State on coordination of its defense in international investment disputes

Advised U.S. and European companies on two investment treaty arbitrations

Publications, Presentations + Media

◆ Book

Iran-United States Claims Tribunal (2nd ed., Kluwer, forthcoming 2024) (with Charles N. Brower, Lee M. Caplan, and Jarrod Wong)

◆ Book Chapters

“Determining the Extent of Discovery and Dealing with Requests for Discovery: Perspectives from the Common Law,” in *The Leading Arbitrators’ Guide to International Arbitration*, at 307 (L. Newman & R. Hill eds., Juris, 4th rev. ed., forthcoming 2024, 3rd rev. ed. 2014, 2nd rev. ed. 2008; 1st ed. 2004) (with Charles N. Brower)

“Negotiating from a Model Bilateral Investment Treaty,” in *International Arbitration Institute (IAI) Series No. 10 – Treaty-Making in Investment Law* (forthcoming, Juris, 2024)

“From Delegation to Prescription: Interpretive Authority in International Investment Agreements,” in *By Peaceful Means: International Adjudication and Arbitration—Essays in Honour of David D. Caron* (C. Brower, J. Donoghue, C. Murphy, C. Payne, & E. Shirlow eds., OUP, 2023)

“The Multiple Roles of States in International Claims Commissions,” in *Research Handbook on International Claims Commissions* (C. Giorgetti, H. Ruiz Fabri, & P. Pearsall eds., Elgar, 2023)

“Adverse Inferences,” in *Handbook on Evidence in International Commercial Arbitration* (F. Ferrari & F. Rosenfeld eds., Wolters Kluwer, 2022)

“Arbitral Tribunals’ Inherent Powers in Corruption Matters,” in *Inherent Powers in International Adjudication* (F. Franco & F. Rosenfeld eds., Juris, 2018)

“Counterclaims and State Claims,” in *Contemporary and Emerging Issues on the Law of Damages and Counterclaims in International Investment Arbitration* (C. Beharry ed., Brill, 2018) (with Marc Jacob)

“The Minimum Standard of Treatment, *Glamis Gold*, and *Neer’s* Enduring Influence,” in *Building International Investment Law: The First 50 Years of ICSID* (Meg Kinnear et al. eds., Kluwer Law International, 2015)

“Representing a Respondent State in Investment Arbitration,” in *Litigating International Investment Disputes: A Practitioner’s Guide*, (C. Giorgetti ed., Martinus Nijhoff, 2014)

“United States,” in *Commentaries on International Investment Agreements* (C. Brown ed., OUP, 2013) (with Lee M. Caplan)

“The Iran-United States Claims Tribunal,” in *The Rules, Practice, and Jurisprudence of International Courts and Tribunals* (C. Giorgetti ed., Brill, 2012)

“Inoperative Arbitration Agreements Under the New York Convention,” in *Enforcement of Arbitration Agreements and International Arbitral Awards—The New York Convention 1958 in Practice* (E. Gaillard & D. Di Pietro eds., Cameron May, 2008) (with Carolyn Lamm)

“Awards of Compound Interest in International Arbitration: The Aminoil Non-Precedent,” in *Global Reflections on International Law, Commerce and Dispute Resolution*, at 155 (G. Aksen et al. eds., ICC, 2005) (with Charles N. Brower)

◆ **Articles**

“The Agent’s Indispensable Role in International Investment Arbitration,” 33 *ICSID Review—Foreign Investment Law Journal* 675-701 (2018)

“Reform of Investor-State Dispute Settlement: The U.S. Experience,” *Transnational Dispute Management* (2014), reprinted in *Reform of Investor-State Dispute Settlement: In Search of a Roadmap* (A. Joubin-Bret and J. Kalicki eds., Martinus Nijhoff, 2015) (with Karin Kizer)

“Drawing Adverse Inferences from the Non-Production of Evidence,” 22 *Arbitration International* 549 (2006)

“The Creeping Codification of Transnational Commercial Law: An Arbitrator’s Perspective,” 45 *Virginia Journal of International Law* 199 (2004) (with Charles N. Brower)

“The Coming Crisis in the Global Adjudication System,” 19 *Arbitration International* 415 (2003) (with Charles N. Brower and Charles H. Brower II)

“Multiple and Conflicting International Arbitral Awards,” 4 *Journal of World Investment and Trade* 211 (2003) (with Charles N. Brower)

“International Arbitration and the Islamic World: The Third Phase,” 97 *American Journal of International Law* 643 (2003) (with Charles N. Brower)

◆ **Shorter Works**

Book review, *The Three Ages of International Commercial Arbitration* by Mikaël Schinazi, *ICSID Review—Foreign Investment Law Journal* (2023)

“Interstate Investment Disputes,” *Max Planck Encyclopedia of International Procedural Law* (forthcoming 2024)

“Historic UNGA Regulations Calls for Ukraine Reparations,” *Just Security* (November 16, 2022) (with Chiara Giorgetti, Markiyani Kliuchkovskiy & Patrick Pearsall)

“First Impressions of a Virtual Hearing at ICSID,” *ICSID Review—Foreign Investment Law Journal* (2021) (with Chester Brown & Mark McNeill).

“An International Investment Advisory Center—Beyond the WTO Model,” *EJIL:Talk!* (July 26, 2019)

“Control, Capacity, and Legitimacy in Investment Treaty Arbitration,” *AJIL Unbound* (2018)

“Conceptualizing the EU’s Proposed Multilateral Investment Court as an International Claims Tribunal,” Proceedings of the 111th Annual Meeting of the American Society of International Law 102 (2018)

“Trends in Investment Chapter/BIT Drafting to Address Environmental Protection,” in *Dispute Resolution and Climate Change: The Paris Agreement and Beyond* 67 (ICC, 2017)

“Practising Virtue: Inside International Arbitration” (Caron et al. eds.), book review, 32 *Arbitration International* 702 (2016) (with Lee M. Caplan)

“The Potential Impact on Investment Arbitration of the ILC’s Work on Customary International Law,” *AJIL Unbound* (2014)

“Possible Paradigmatic Changes in the Settlement of International Investment Disputes,” Proceedings of the 108th Annual Meeting of the American Society of International Law (2014)

“Challenge Decision in *Mauritius v. United Kingdom*,” 51 *International Legal Materials* 350 (2012)

“Challenge Decision in *Vito G. Gallo v. Canada*,” 49 *International Legal Materials* 23 (2010)

“The Role of States in Fostering the Culture of Arbitration,” *World Jurist Association Working Paper* (2009)

◆ **Presentations**

Full list at www.jeremyksharpe.com

◆ **Interviews / Media**

Full list at www.jeremyksharpe.com

Professional Qualifications

◆ **Bar Membership:** New York

◆ **Legal Education**

Harvard Law School, Cambridge, MA, LL.M. 2000, international law concentration

Hague Academy of International Law, The Hague, The Netherlands

- Public International Law Certificate, 1999
- Private International Law Certificate, 2002

New York University School of Law, New York, NY, J.D. 1998

◆ **Arbitral Institutions**

Korean Commercial Arbitration Board (KCAB), panel of arbitrators

◆ **Languages**

Spanish (reading)

French (reading)

Professional Activities

◆ **Journals**

ICSID Review—Foreign Investment Law Journal: Associate Editor (Notes)

International Legal Materials: Corresponding Editor (international dispute resolution)

Law/Technology: formerly Managing Editor

◆ **Peer Reviewing**

FDI Perspectives (Columbia Law School)

ICSID Review—Foreign Investment Law Journal

Journal of World Investment and Trade

Oxford University Press

Yearbook of International Investment Law & Policy

◆ **Legal Research**

Jus Mundi: Editor

◆ **Professional Organizations**

American Society of International Law: Member

- Co-Chair, 2008 ASIL-ITA Spring Conference
- Program Committee, 106th Annual Meeting (2012), 113th Annual Meeting (2019)

Columbia Center for Sustainable Investment, Faculty Trainer and Reviewer

International Law Students Association: Board Member (2017-2023)

Institute for Transnational Arbitration: 2017 Workshop Co-Chair

International Arbitration Institute: Member

International Institute for the Unification of Private Law (UNIDROIT): Observer to the working group for the development of the UNIDROIT Principles of International Commercial Contracts (second edition)

International Law Association (American Branch): Co-Chair, Organizing Committee, 2015 International Law Weekend

International Mediation Institute (IMI):

- Member of the Taskforce on Investor-State Mediation, which developed the “IMI Competency Criteria for Investor-State Mediators”
- Member of Investor-State Taskforce on a Model Dispute Resolution Protocol

SCC Arbitration Institute’s “Stockholm Treaty Lab”: Advisory Board Member

United Nations Commission on International Trade Law (UNCITRAL) CLOUT, National Correspondent, United States (Arbitration) (2017-2022)

World Jurist Association: formerly Program Director and Editor of The World Jurist

Awards and Recognitions

Peace-Operations Medal of Estonia (2009), awarded by the Estonian Ministry of Defense, and presented by the Minister of Defense, for supporting Estonia’s long-term military cooperation goals in the Middle East

U.S. State Department Superior Honor Awards (2010, 2011, 2013, 2014)

U.S. State Department Meritorious Honor Awards (2008, 2009, 2012)

FDA Commissioner’s 2014 Special Citation, awarded by the Commissioner of the U.S. Food and Drug Administration for “providing exceptional services to FDA in vigorously defending the agency in an unprecedented NAFTA challenge”
