

# Laura Rees-Evans

Counsel



## CONTACT INFORMATION

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## PROFESSIONAL BACKGROUND

- Fietta LLP, counsel (2020 onward), senior associate (2017-2020), associate (2016)
- Foreign & Commonwealth Office of the United Kingdom, assistant legal adviser (on sabbatical from Fietta LLP, October 2018-March 2019)
- Debevoise & Plimpton LLP, associate (2015-2016)
- Volterra Fietta, associate (2012-2015)
- Linklaters LLP, trainee solicitor (2010-2012) (6-month secondment to UBS)
- European Commission Delegation to the United Nations, Legal and Disarmament Affairs advisor (2009)

## AREAS OF EXPERTISE

Laura is an English-qualified solicitor and Solicitor-Advocate (Higher Courts Civil Proceedings). Laura's practice focuses on contentious and non-contentious aspects of public international law (PIL) and international arbitration. Laura is widely recognised in the leading legal directories for her expertise in these fields. She is recognised as a "Rising Star" in public international law in the *Legal 500* UK Solicitors 2022 and 2023; and in *Chambers* UK Guide 2023 as an "associate to watch" in the field of public international law. She was also included in the inaugural *Lawdragon Global Litigation 500* in February 2021 for her expertise in PIL.

Laura advises on a wide range of PIL issues, including international investment law; State immunity and the immunity of international organisations; international human rights law; international humanitarian law; the law of the sea; statehood and sovereignty issues; treaty interpretation; and UN procedure. She has acted as counsel in *ad hoc* inter-State proceedings conducted under the auspices of the Permanent Court of Arbitration (PCA), and in proceedings before the European Court of Human Rights (ECtHR). She has acted for both claimant investors and respondent States in complex and high-value international investment arbitrations under all of the major arbitral rules (ICSID, SCC, UNCITRAL), and in multiple different industries, most recently in the banking, private equity, and extractives sectors. Laura also regularly advises on PIL issues before domestic courts (including, in particular, State immunity issues, recognition and enforcement of arbitral awards, and set-aside proceedings), and recently advised a client defending set-aside proceedings in which a reference was made to the Court of Justice of the European Union (CJEU).

Laura has delivered numerous training courses to officials of State clients and lectures at academic and other institutions on topics of PIL and international arbitration. Recent highlights include providing training to Government officials of two Asian States on various topics within the law of the sea; delivering lectures to post-graduate students on the Diplomatic Studies Programme and as part of the Public International Law Discussion Group series at the University of Oxford; and teaching at King's College London. Laura is frequently invited to speak at conferences and has authored and co-authored numerous articles on topics of PIL and international arbitration.

In 2018-2019, Laura spent six months at the UK's Foreign & Commonwealth Office, where she was advising the British Government on PIL issues arising out of Brexit. Laura has continued to focus on such issues since her return to Fietta LLP. She is a member of LexisNexis's Q&A panel of experts for its Arbitration and Brexit practice areas. Laura is a founding board member of the Young Public International Law Group, a network of PIL practitioners from law firms, the bar, international organisations, governments and academic institutions. She is a member of the International Law Association (British Branch) and a member of ArbitralWomen.

## REPRESENTATIVE MATTERS

Highlights of Laura's contentious practice have included:

- Advising Croatia in connection with a foreign investor's unsuccessful attempts to set aside an UNCITRAL Rules Award before the Dutch Courts
- Representing Malaysia in the *Railway Land Arbitration (Malaysia/Singapore)* under the auspices of the PCA
- Representing the Islamic Republic of Pakistan in two parallel proceedings against the Republic of India under the Indus Waters Treaty 1960: first, a proceeding before a Court of Arbitration in relation to which the PCA acts as Secretariat; and second, a proceeding before a Neutral Expert
- Representing the Russian Federation in the jurisdictional phase of an arbitration brought by Luxtona Limited pursuant to the Energy Charter Treaty (ECT) and conducted under the UNCITRAL Rules, involving alleged expropriation and other claims under the ECT arising out of Luxtona's claimed former shareholding in Yukos Oil Company
- Representing the United States of America in defending an employment claim (before the UK Employment Tribunal) arising out of the US's military presence in the UK pursuant to the NATO Status of Forces Agreement and raising issues of sovereign immunity (*Harrington v. The United States of America* (UK Employment Tribunal Case 1807940/2013))
- Representing Mr Bahgat, a Finnish national, in his UNCITRAL arbitration brought against Egypt under two successive Finland-Egypt BITs in relation to an iron ore and steel producing concession
- Advising Mr Bahgat in defending an application brought by Egypt in the Netherlands (the seat of the arbitration) to set-aside his arbitral awards
- Advising Mr Bahgat in connection with enforcement proceedings relating to his arbitral award against Egypt worth over US\$ 115 million, working with local counsel in multiple jurisdictions around the world
- Representing Big Sky Energy Corporation, a US oil company, in an ICSID arbitration brought under a bilateral investment treaty against the Republic of Kazakhstan
- Representing PL Holdings, a Luxembourg company, in its SCC arbitration against the Republic of Poland brought pursuant to an intra-EU BIT and an *ad hoc* arbitration agreement under Swedish law
- Advising PL Holdings in set-aside proceedings in Sweden (the seat of the arbitration) relating to two awards won against Poland worth in excess of €150 million, and in associated proceedings before the CJEU in Case C-109/20, *PL Holdings*
- Representing PL Holdings in proceedings before the ECtHR in relation to the Swedish Supreme Court's annulment of PL Holdings' arbitral awards against Poland
- Representing Vigotop Limited (Cyprus) in an ICSID arbitration brought under a bilateral investment treaty against Hungary
- Representing three Mauritian companies (Suffolk (Mauritius) Limited, Mansfield (Mauritius) Limited and Silver Point Mauritius), which are corporate members of two global investment management firms (Elliott Advisors and Silver Point Capital), in a claim brought under the Mauritius-Portugal BIT (ICSID Case No. ARB/22/28) arising out of the collapse of one of Europe's largest banks, Banco Espírito Santo (BES), in 2014
- Advising an individual on various strategies for pursuing a claim against an international organisation, either in domestic courts or before an international tribunal, arising out of the organisation's involvement in peacekeeping operations, including advising on issues of immunity of international organisations
- Advising a major international company on a potential dispute against an Asian State
- Representing a commercial agent in an *ad hoc* arbitration concerning commissions payable under a representation agreement with a surveillance and defence equipment supplier in four Middle Eastern States, including a USC §1782 application for document production

Highlights of Laura's advisory practice have included:

- Advising an Asian State with respect to the drawing of straight baselines around groups of offshore features
- Advising an Asian State on various public international law issues
- Advising various UK Government departments on public international law, particularly treaty law, issues arising out of Brexit (as Assistant Legal Advisor at the Foreign & Commonwealth Office)
- Advising the national oil company of an Asian State in connection with a constitutional dispute about exploitation of territorial sea and continental shelf resources
- Devising and delivering a practical training course on the United Nations Convention on the Law of the Sea (UNCLOS), maritime delimitation and international dispute resolution to government lawyers of an Asian State
- Devising and delivering a practical training course in legal opinion writing to government lawyers of an Asian State
- Devising and delivering a practical training course in various topics in public international law to government lawyers of an Asian State
- Devising a practical training course in maritime features in maritime boundary delimitation for government lawyers of an Asian State
- Advising an Asian State on the obligations of self-restraint and cooperation under Articles 74(3) and 83(3) UNCLOS
- Advising a State on strategies for pursuing its maritime delimitation with a neighbour, including in relation to its submission to the Commission on the Limits of the Continental Shelf
- Advising a State on treaty law relating to declarations and reservations under UNCLOS
- Advising a State on issues of treaty interpretation relating to a regional human rights convention
- Advising on the development of a global enforcement strategy and merits of a set-aside application at the seat with respect to a recent, substantial investment treaty award
- Advising an international investor on State immunity and other issues in the context of the enforcement of an arbitral award under a BIT against a European State
- Advising an energy investor on the possible outcomes, and implications for its investment, of an ITLOS maritime boundary delimitation proceeding
- Advising a third-party funder in connection with separate treaty arbitrations against Kazakhstan and Uzbekistan
- Advising a number of major international oil companies on sovereignty issues relating to oil concessions located in disputed waters
- Advising a major UK multinational company on the legal implications of bilateral investment treaties for purposes of structuring planned investments in Eastern Europe
- Advising an investor in a UK public utility on the scope to restructure its investment to take advantage of bilateral investment treaty protection
- Advising a regional customs union on issues of treaty interpretation
- Representing the European Commission in debates in the General Assembly on disarmament issues, including the Arms Trade Treaty

## PUBLICATIONS

- L. Rees-Evans and R. Carvosso, “‘*Maduro Board*’ of the Central Bank of Venezuela v ‘*Guaidó Board*’ of the Central Bank of Venezuela (UK Supreme Court)” ICSID Review (Case Comment) (forthcoming)
- G. Nardell KC and L. Rees-Evans, “The Role of the ECtHR in the Protection of International Arbitral Awards: Insights from *BTS Holding v. Slovakia*” (*Kluwer Arbitration Blog*, 12 October 2022)
- L. Rees-Evans and R. Carvosso, “Legal Consequences of and Approaches to the Question of Recognition of a Government of a State: Disputes involving Venezuela” (2021) 36 (3) ICSID Rev 563
- S. Fietta, L. Rees-Evans and M. Angelova, “Spotlight on the UK’s decision to extend grace periods under the Northern Ireland Protocol to the Withdrawal Agreement” (*Lexis®PSL*, 10 March 2021)
- Interviewed for “ECJ adviser says intra-EU claims barred under ECT” (*Global Arbitration Review*, 3 March 2021)
- L. Rees-Evans and R. Carvosso, “Dispute settlement under the EU-UK Trade and Cooperation Agreement” (*Lexis®PSL*, 22 January 2021)
- Interviewed for “Where does Brexit leave investment protection?” (*Global Arbitration Review*, 14 January 2021; reprinted as the cover feature in *GAR Magazine*, Vol 16 (1) 24 March 2021)
- G. Nardell QC and L. Rees-Evans, “The Agreement terminating intra-EU BITs: are its provisions on ‘New’ and ‘Pending’ Arbitration Proceedings compatible with investors’ fundamental rights?” (2021) 37 (1) Arb Int 197
- “The protection of the environment in international investment agreements – recent developments and prospects for reform” (2020) 5 Eur Inv L and Arb Rev 357
- “Spotlight on the European Commission’s launch of infringement proceedings against the UK for the Internal Market Bill” (*LexisNexis Brexit Blog*, 5 October 2020)
- “Spotlight on the UK Internal Market Bill” (*LexisNexis News Analysis*, 15 September 2020)
- L. Bastin, E. Chan, J. Dahlquist, M. Fogdestam-Agius, J. McArthur, L. Rees-Evans and B. Wasiak, “What impact will Brexit have on public international law in the UK?” (*Kluwer Arbitration Blog*, 31 August 2020)
- G. Nardell QC and L. Rees-Evans, “A fair balance? Termination of intra-EU BITs and the European Convention on Human Rights: some thoughts for Paris Arbitration Week” (*Lexology*, 9 July 2020)
- “B. Cheng, General Principles of Law as Applied by International Courts and Tribunals, 1953, Comment” in Barrett & Gauci (Eds.), *British Contributions to International Law 1915-2015 (Set)* (Brill | Nijhoff, 2019)
- “Litigating the Use of Force: Reflections on the Interaction Between Investor-State Dispute Settlement and Other Forms of International Dispute Settlement in the Context of the Conflict in Ukraine” in Fach Gómez et al. (Eds.), *International Investment Law and the Law of Armed Conflict* (Springer, 2019)
- “Brexit and international agreements” (*Lexis®PSL*, 15 August 2019)
- “Brexit implications for the dispute resolution and international trade lawyer” (*Lexis®PSL*, 26 October 2016)
- “Secession and the Use of Force in International Law” (2008) 4 (2) CSLR 249

## SPEAKING ENGAGEMENTS

- Speaker, “The ECT, Investment Treaties in Europe, and International Arbitration Awards Unfavorable to European States: Demystifying the Conundrum of International, Regional European, and Domestic Law”, 2023 World Arbitration Update, 24 May 2023
- Speaker, “The role of due diligence and UNCLOS dispute settlement in promoting the protection of human rights at sea”, on a Panel entitled “Human rights considerations: consequences for industry”, Wilton Park Conference on Human Rights Law at Sea, 5-7 December 2022
- Speaker, “Modernization and the future of the ECT”, 12th Investment Treaty Arbitration Conference organized by the Ministry of Finance of the Czech Republic, 20 October 2022
- Panelist, “At a crossroads: jurisdiction and enforcement at sea”, London Conference on International Law, 10-11 October 2022
- Speaker, “Investor protection in Europe – what does the future hold?”, webinar co-organised between Fietta LLP, Bench Walk, NL-Investment Consulting and Twenty Essex, 30 June 2021 (reported in A. Mazlom, “Investor Protection in Europe: What does the Future Hold?” *Kluwer Arbitration Blog*, 7 July 2021)
- Co-presenter, “Brexit – consequences for civil and international disputes (2021)”, *LexisNexis* webinar (released 3 June 2021, recorded 11 May 2021)
- Faculty member, “International Arbitration Skills Masterclass”, American Bar Association International Law Section, 5-6 May 2021
- Guest lecturer, “Introduction to the law of the sea and the legal regime of islands”, University of Oxford, 21 April 2021
- Speaker, “Protection of UK-EU investments: past, present and future”, “Brexit Spotlight” webinar organised by DIS40 London, 25 March 2021 (reported in *ArbitralWomen*, Newsletter, Issue 46, July 2021)
- Speaker, “The toolbox of States against Claimants”, 6th EFILA Annual Conference on the renewed role of States in arbitration, 15 January 2021 (reported in “How States are flexing their muscles in ISDS”, *Global Arbitration Review*, 15 March 2021)
- Speaker, “Who Represents the State?”, part of the Public International Law Webinar Series, co-organised by Essex Court Chambers, Essex Court Chambers Duxton, Fietta LLP, Rajah & Tann Singapore LLP and The Sydney Centre for International Law, 29 October 2020
- Moderator, “Public international law in the UK, post-Brexit”, webinar co-hosted by YPILG and Arnold & Porter, 23 June 2020
- Speaker, “UK Investment Protection Policy Post-Brexit”, webinar co-hosted by BIICL and Steptoe, 25 February 2020
- Guest lecturer, “Regulating offshore resources in international law”, King’s College London, February 2020
- Guest speaker, “Brexit and international agreements: the Withdrawal Agreement and beyond”, Public International Law Discussion Group at the University of Oxford, 23 January 2020
- Speaker, “Recent and future developments relating to the protection of the environment in international investment agreements”, Conference on “Investment Arbitration and the Environment – Emerging Themes”, Young ITA, 5 November 2019
- Guest lecturer, Nippon-ITLOS training programme 2018-2019, “Case management and evidence”, 10-11 October 2018; the programme is organised by the International Tribunal for the Law of the Sea with the financial support of the Nippon Foundation
- Speaker, “International dispute settlement in the context of the conflict in Ukraine”, *Colloquium* on “International Investment Law & the Law of Armed Conflict”, National and Kapodistrian University of Athens, 6 October 2017
- Guest lecturer, “Public international law in practice”, Qatar University, May 2017

- Providing training to an in-house legal team of a global oil company on aspects of law of the sea
- Providing training to an in-house legal team of a global investment bank on corporate responsibility for human rights in the light of the “Ruggie Guidelines”

## PROFESSIONAL AND ACADEMIC QUALIFICATIONS

Solicitor-Advocate (Higher Courts Civil Proceedings) (2016)

Admitted to practise in England & Wales (2012)

Legal Practice Course (2009), University of Law (London)

LLM in International Legal Studies (2008), New York University (*Graduate editor of the Journal of International Law and Politics; Research Assistant to Professor Benedict Kingsbury*)

M.A. in Jurisprudence (2010) and B.A. in Jurisprudence, with Law Studies in Italy (first class honours) (2007), University of Oxford (*President of the Worcester College Law Society (2004-5)*)

## LANGUAGE PROFICIENCY

English (native), Italian (advanced), French (elementary)