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Webinar Invitation Who Represents the State?

Thursday, 29 October 2020
10:00 AM (London time) / 6:00 PM (Singapore time) / 9:00 PM (Sydney time)

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Who Represents the State?

This is a question that is fundamental in public international law. It gives rise to questions of legal theory, and whether and how law must reflect political reality in order to be effective. New situations that call into question who represents a particular State are to be examined for whether a change in practice has occurred, or whether simply a new manifestation of a long-running issue has arisen.

The recent situation in relation to Venezuela is the latest situation giving rise to this question. It has caused complications in legal proceedings: although the Maduro Government is in power, the Guaidó Government has been recognised by around 50 countries as the rightful government of Venezuela. Both governments have sought to be heard before courts and tribunals, including ICSID tribunals and the English courts.

The issue is one that implicates States beyond the State whose government is uncertain. The old concepts of recognition gain new prominence at such times. But diplomatic recognition is an executive action, derived ultimately from a political assessment, albeit often with legal consequences. The legal significance of the question "Who represents the State?", therefore, is one on which a variety of actors in public international law have an influence.

AGENDA

London Time Activity

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| 10:00 AM | Start of event and introduction by moderators. |
| 10:05 AM | Presentations by panellists: Samuel Wordsworth QC, Laura Rees-Evans and Dr Rowan Nicholson. |
| 10:40 AM | Panel discussion (with questions from the audience posed by the moderators to the panellists). |
| 11:00 AM | End of event. |

MODERATORS



David Isidore Tan
Associate, Rajah & Tann Singapore LLP

David is a Singapore-qualified lawyer with experience in a wide range of disputes work. This has comprised litigation before all levels of the Singapore courts, and arbitration / arbitration-related litigation (both commercial and investor-state). He has authored / co-authored articles on international commercial and investor-state arbitration, and was a co-drafter of CIArb's "Guidelines for Witness Conferencing in International Arbitration".



Lucas Bastin
Barrister, Essex Court Chambers

Lucas is a barrister at Essex Court Chambers with experience in public international law deriving from acting in matters before all levels of English courts, typically with a focus on questions of sovereign immunity arising in the context of enforcement of arbitration awards against foreign sovereigns, in investment treaty and commercial arbitrations under all the major rules, and in an advisory capacity.

PANELLISTS



Laura Rees-Evans
Senior Associate, Fietta LLP

Laura is an English-qualified solicitor and Solicitor-Advocate (Higher Courts Civil Proceedings) whose practice focuses on contentious and non-contentious aspects of public international law and international arbitration. She has experience representing companies and States in disputes across many industries, and advises on a wide range of PIL issues. She has acted for both claimant investors and respondent States in international investment arbitrations under all of the major arbitral rules and as counsel in ad hoc inter-State proceedings conducted under the auspices of the Permanent Court of Arbitration. 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 is currently advising a client defending set-aside proceedings in which a reference has been made to the CJEU.

In the six months leading up to the UK's original scheduled departure date from the EU, 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, and has widely written and spoken on such issues, since her return to Fietta LLP.



Dr Rowan Nicholson
Associate Lecturer, The University of Sydney Law School; Co-director, Sydney Centre for International Law

Rowan Nicholson joined the University of Sydney in 2018 as an associate lecturer, after completing his doctorate at the University of Cambridge. He is now the co-director of the Sydney Centre for International Law. His monograph, *Statehood and the State-Like in International Law* (Oxford University Press, August 2019), presents a new theory of statehood and personality in international law, drawing on jurisprudence, on the history of legal interaction between Western and non-Western entities, and on insights about recognition by other states. He has worked as a solicitor in Australia and on cases in the International Court of Justice and other international forums.



Sam Wordsworth QC
Barrister, Essex Court Chambers

Sam Wordsworth specialises in public international law and international arbitration. He is regularly instructed by Governments in international cases and has appeared before numerous international tribunals including the International Court of Justice and Tribunals constituted with respect to the Law of the Sea. He is a Visiting Professor teaching investment arbitration at Kings College, London and is regularly instructed as counsel in investment treaty disputes (he also sits as arbitrator in a limited number of disputes). He has appeared as counsel in numerous notable cases before the ICJ, the ITLOS, the Iran-US Claims Tribunal, the European Court of Human Rights and the English and Singaporean courts. He also advises regularly on international law matters, and is co-author of Halsbury's Vol. 61 "International Law and Foreign Relations" and a co-author of the forthcoming Oppenheim's *International Law* 10th ed.

NOTICE

The webinars in this series are free of charge, but places are limited and prior registration is required. Successful registrants will receive a confirmation email.

The webinars will be conducted via Zoom and you will be able to post questions live on-line.

For enquiries, please contact bd@rajahtann.com

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