

# Oonagh Sands

Counsel



## CONTACT INFORMATION

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## PROFESSIONAL BACKGROUND

- Fietta LLP, counsel (2020 onward), senior associate (2018-2020), consultant (2017-2018)
- Foley Hoag LLP, associate and senior associate (2011-2017)
- United Nations, Office of Legal Affairs, researcher (2010)
- Matrix Chambers, research assistant to Prof. Philippe Sands QC (2009-2010)
- King & Wood Mallesons, trainee and associate (2004-2009)
- Center for Strategic & International Studies, research assistant (2003-2004)
- Georgetown University Law Center, Institute of International Economic Law (2003)
- European Commission (2003)

## AREAS OF EXPERTISE

Oonagh Sands is a dually-qualified English and US lawyer. The Legal 500 has recognised Oonagh as a “Rising Star” in public international law.

She has significant experience representing sovereign States and their State-owned entities, as well as individuals and private entities, before leading world dispute resolution fora. Oonagh has represented clients before the International Court of Justice, the Permanent Court of Arbitration, as well as investor-State arbitral tribunals constituted under ICSID, ICSID Additional Facility, UNCITRAL, SCC and ICC Rules. Oonagh has also advised sovereign States, State-owned entities, and private entities on the law of sovereign immunity and the recognition and enforcement of arbitral awards under English law. She has counselled States on territorial and maritime boundary disputes, the law of State responsibility, treaty interpretation, international environmental law, and the law of the sea. In addition, Oonagh has represented clients in international commercial arbitration proceedings conducted under ICC, LCIA, SCC and UNCITRAL Rules, as well as multiple domestic proceedings before English and U.S. federal courts.

Oonagh has taught aspects of international law of the sea on a Master’s programme at King’s College London and speaks regularly on public international law and investment treaty arbitration. In May 2020, the American Society of International Law appointed Oonagh to serve on its Program Committee, alongside prominent US academics and international law practitioners. Oonagh has served on ASIL’s Steering Committee for its signature topic, “Beyond National Jurisdiction: Human Activities in the Oceans, Polar Regions, Cyberspace and Outer Space”, following her tenure as elected Co-Chair of the Society’s ‘Space Law Interest Group’. In 2016, Oonagh was recognised by the Irish Times for women’s influence in global public affairs.

Prior to joining Fietta, Oonagh worked at major law firms in Washington DC and London. Oonagh has worked for the United Nations Office of Legal Affairs in New York, the European Commission in Brussels, and the Institute of International Economic Law at Georgetown University Law Center in Washington DC.

## REPRESENTATIVE MATTERS



Highlights of Oonagh's contentious practice have included:

- Representing the respondent State in a pending *ad hoc* arbitration brought by a Canadian investor under a bilateral investment treaty involving issues of State succession with respect to real estate interests
- Representing more than 900 Greek and Luxembourgian investors in a pending ICSID arbitration brought under two bilateral investment treaties against Cyprus
- 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 award
- 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
- Advising PL Holdings S.à r.l., a Luxembourg company, in set-aside proceedings in Sweden (the seat of the arbitration) relating to two awards against Poland worth in excess of €150 million
- Representing Big Sky Energy Corporation, a US oil company, in an ICSID arbitration brought under a bilateral investment treaty against Kazakhstan
- Representing three Cypriot companies in an SCC arbitration under the Energy Charter Treaty against Ukraine, involving allegations of, inter alia, bribery and corruption
- Counsel to the Philippines in an international arbitral proceeding regarding maritime entitlements brought under Annex VII of UNCLOS and administered by the PCA
- Counsel to Somalia in a dispute against Kenya concerning delimitation of a maritime boundary in the Indian Ocean
- Counsel to Ecuador in a case against Colombia concerning aerial spraying of herbicides near the Ecuadorian border
- Drafted written pleadings for Georgia in response to Preliminary Objections to jurisdiction raised by Russia
- Counsel to India in an UNCITRAL arbitration under the France-India bilateral investment treaty arising from a contract concerning the supply and operation of cargo handling equipment
- Counsel to Bangladesh and its State-owned entities in an ICSID arbitration regarding two gas-field blowouts involving gas production contracts
- Counsel to Ecuador in an UNCITRAL arbitration under the Ecuador-US bilateral investment treaty arising out of treatment of a foreign investor by the Ecuadorean judiciary
- Counsel to El Salvador in an ICSID arbitration brought under the Salvadoran Investment Law in relation to a gold mining concession
- Counsel to El Salvador in an ICSID arbitration brought under the Salvadorian Foreign Investment Law with respect to a geothermal energy project
- Counsel to El Salvador in the annulment phase of an ICSID arbitration by a US claimant under the DR-CAFTA regarding exploration licences and environmental permits for mining precious metals
- Representing a State-owned naval engineering firm in ICC proceedings in connection with breach of contract claims relating to improvements on military vessels
- Counsel to Libya in an UNCITRAL arbitration administered by the PCA under the investment treaty of the Organisation of Islamic Cooperation regarding contracts for construction projects

- Counsel to Venezuela in an ICSID arbitration under the Venezuela-Belgium/Luxembourg and Venezuela-Portugal bilateral investment treaties in respect of a hot briquetted iron production plant
- Counsel to Venezuela against a foreign mining company in an ICSID Additional Facility arbitration concerning a gold mining concession brought by a Canadian investor under a bilateral investment treaty
- Counsel to Venezuela in an ICSID Additional Facility proceeding brought by a Canadian company under a bilateral investment treaty in connection with a gold mining concession
- Counsel to Venezuela in an ICSID Additional Facility proceeding brought by a Canadian company under the Canada-Venezuela bilateral investment treaty in connection with a mining operations contract
- Advising an international financial investor on UK State immunity issues in the context of enforcement of an arbitral award under a BIT against a European State
- Counsel to a large energy company in ICC proceedings brought by a consortium in connection with breach of contract claims relating to enhanced oil recovery techniques
- Counsel to a US software manufacturing company and its Hong Kong subsidiary in an ICC arbitration against an Asian distribution company
- Research assistant to arbitrator in a NAFTA arbitration administered under ICSID Additional Facility Rules regarding two petroleum development projects off the coast of Canada

Highlights of Oonagh's advisory practice have included:

- Advising a sovereign State in relation to maritime claims with its neighbouring States
- Advising an Asian State on maritime boundary delimitation with its neighbours, international environmental law and several other aspects of public international law
- Advising an Asian State on various aspects of maritime boundary delimitation with its neighbours
- Advising an Asian State in relation to a land and maritime boundary dispute with a neighbouring State
- Advising an Asian State on issues of maritime delimitation, navigation and international environmental law in connection with a dispute related to a major international port and land reclamation activities
- Advising the Central Bank of a sovereign State with respect to protecting State-owned assets from attachment in the post-award phase of an UNCITRAL investment treaty arbitration
- Advising a multinational corporation in an investment treaty dispute with the Kyrgyz Republic
- Advising a European private equity fund in connection with the structuring of its international investments
- Advising a European renewable energy company with respect to potential investment treaty claims against an Eastern European State
- Advising an international telecoms company with respect to potential investment treaty claims against an Eastern European State
- Advising US financial entities in relation to sovereign immunity and attachment proceedings against a sovereign State

## **PUBLICATIONS AND SPEAKING ENGAGEMENTS**

- "Recent Treaties and Reform Proposals on the Standing and Rights of Shareholders and Companies in Investment Treaty Arbitration", Austrian Yearbook on International Arbitration 2023 (forthcoming)

- Panellist, “Climate Change in Investor-State Arbitration: Where Are We Now and What Does the Future Hold?”, International Law Association (British Branch) Spring Conference 2022
- Moderator, “Recent Treaties and Reform Proposals on the Standing and Rights of Shareholders and Companies in Investment Treaty Arbitration”, Vienna Arbitration Days 2022
- Co-moderator (with Ryce Lee), “How States Negotiate Their Treaties”, part of the 2021 Public International Law Webinar Series, co-organised by Rajah & Tann Singapore LLP, Duxton Hill Chambers, David Grief International Consultancy, Fietta LLP, and the University of Sydney, October 2021
- Panellist, “The Legal Regime of Outer Space” and “The Laws Governing Space Applications”, London Institute of Space Policy and Law, October 2021
- Guest Lecturer, King's College London, "Regulating offshore resources in International Law: an introduction to the Continental Shelf and Exclusive Economic Zone/contemporary offshore challenges", March 2021
- Speaker, “Marine biodiversity in areas beyond national jurisdiction – where are we now?”, organised by Matrix Chambers, Fietta LLP and the American Society of International Law, November 2020
- Speaker, “International Private Practice Jobs in a Time of COVID”, Midyear Meeting, American Society of International Law, October 2020
- Speaker, “The Artemis Accords and the Future of Space Governance”, hosted by the Space Court Foundation, a non-profit educational organisation in the United States, August 2020
- Speaker, “Commercial Space – Understanding the Rules Behind NewSpace”, organised by the Center for Air and Space Law of the University of Mississippi School of Law and the Space Court Foundation, April 2020
- “ICSID committee partially annuls tribunal’s dismissal of claims with prejudice (RSM Production Corporation v Saint Lucia)”, LexisPSL, July 2019
- Speaker, "UNCLOS and Modern Challenges in the Law of the Sea", organised by Fietta LLP and Matrix Chambers, November 2018
- Speaker, "Intersections of Commercial and National Security Space", National Press Club, Washington DC, organised by the University of Nebraska College of Law and the American Society of International Law, September 2018
- Speaker, Forum on Air & Space Law of the American Bar Association, Washington DC, June 2018
- Speaker, "Top Tips for Advocacy in Arbitration", Young Practitioners' Seminar, Arbitration Ireland & International Centre for Dispute Resolution, November 2017
- Moderator, "Making Space for Private Actors", Annual Meeting of the American Society of International Law, Washington DC, April 2017
- Speaker, "The 50th Anniversary of the Outer Space Treaty", Symposium organised by the American Society of International Law and Georgetown University Law Center, January 2017
- “Procedural Fairness in Investor-State Arbitration”, British Institute of International and Comparative Law, 2015
- “European Conflict of Law Rules for Non-Contractual Liability: The Rome II Regulation”, 168 I.H.L 88-91, 2009
- “Free Speech, Hate Speech and Incitement”, 1580 Sol. J. 238-39, 2006 (with David I. Shapiro)
- “Sheer Terror”, 149 Sol. J., 1372-73, 2005 (with David I. Shapiro)
- “British Prevention of Terrorism Act”, ASIL Insights, American Society of International Law, Washington DC, 2005

- "Temporary Movement of Labor Fuels Global GATS Debate", The Source, Migration Policy Institute, 2004

## **PROFESSIONAL AND ACADEMIC QUALIFICATIONS**

Admitted to practise in the District of Columbia, USA (2014)

LLM Public International Law (2009-2010), University College London

Admitted to practise in England & Wales (2006)

Admitted to practise in the State of New York, USA (2005)

LLM General Legal Studies (2002-2003), Georgetown University Law Center

Postgraduate Diploma EC Competition Law (2001-2002), King's College London

French Civil Law (1999-2000), Université de Bourgogne

LLB (Jt. Hons) Common & Civil Law with French (1997-2001), Queen's University Belfast

## **LANGUAGE PROFICIENCY**

English (native), French and Spanish (advanced)