

JORGE E. VIÑUALES

CURRENT POSITION

University of Cambridge

Harold Samuel Professor of Law and Environmental Policy
Director, MPhil in Environmental Policy

PROFESSIONAL QUALIFICATIONS

Member of the Bar of New York, Buenos Aires and Geneva (section of foreign lawyers)

REPRESENTATIVE CASES AND ASSIGNMENTS

List available upon request

SELECTED PAST ACTIVITIES

- **The Graduate Institute of International and Development Studies**,
Pictet Chair in International Environmental Law
Director, Programme on Environmental Governance
Director, LL.M. Programme in International Law
Switzerland, 09/09 – 08/13
- **Lévy Kaufmann-Kohler**, Counsel
Switzerland, 02/08 – 10/11
- **Latin-American Society of International Law**, Executive Director
Switzerland, 09/07 – 08/12
- **International Development Law Organization**, Visiting Expert
Italy, 04/08
- **UNESCO Chair, Burundi**, Visiting Professor (transitional justice)
Burundi, 01/08
- **Tavernier Tschanz**, Associate
Switzerland, 10/06 – 12/07
- **NYU Law School**, Visiting Researcher
United States, Summer 06
- **CEVIPOF (Sciences Po Paris)**, Associate Researcher
France, 10/03 – 07/05
- **Amnesty International, Swiss section**, Project Manager
Switzerland, 10/02 - 08/05

EDUCATION

- **Sciences Po Paris**, Doctorat (mention 'très bien avec félicitations du jury')
France
- **Harvard Law School**, LL.M. in international finance
United States
- **IUHEI**, Licence and D.E.A. in international relations (B.A. and M.A.)
Switzerland
- **Université de Genève**, Licence and D.E.A. in political science (B.A. and M.A.)
Switzerland
- **Université de Fribourg**, Licence en droit (J.D. or LL.B.)
Switzerland
- **Universidad Nacional del Centro (UNICEN)**, Abogado (J.D. or LL.B.)
Argentina

LANGUAGES

Spanish (native), English (fluent), French (fluent), Italian (fluent), Mandarin (beginner)

PROFESSIONAL/ACADEMIC MEMBERSHIP

Member: Editorial Board of RECIEL (Review of European, Comparative and International Environmental Law), Editorial Board of the Journal of International Dispute Settlement, Board of the Geneva Bar (Foreign Lawyers Committee), International Law Association, American Society of International Law, European Society of International Law, Swiss Society of International Law, *Société française pour le droit international*, Latin-American Society of International Law, *Centro Argentino de Estudios Internacionales*, *Club diplomatique de Genève*, London Court of International Arbitration, *Club Español de Arbitraje*, International Center for Dispute Resolution (American Arbitration Association), Swiss Arbitration Association.

PUBLICATIONS (selection)

Books and edited volumes

On environmental law and policy:

In English:

- (1) *Foreign Investment and the Environment in International Law* (Cambridge University Press – Cambridge Studies in International and Comparative Law, 2012) (author).
- (2) *Harnessing Foreign Investment to Promote Environmental Protection: Incentives and Safeguards* (Cambridge University Press, 2013) (co-edited with P.-M. Dupuy).
- (3) *Assessing Progress in International Environmental Law*, Guest edited issue of the *Review of European, Comparative and International Environmental Law – RECIEL*, volume 22 (2013), issue 1 (guest editor).
- (4) *International Environmental Law: A Modern Introduction* (Cambridge University Press, forthcoming 2013) (co-authored with P.-M. Dupuy).
- (5) *The Rio Declaration on Environment and Development. A Commentary* (Oxford University Press, forthcoming 2014) (editor).
- (6) 'Extraterritorial Tactics of Environmental Regulation', in *Collected courses of the Academy of European Law* (Oxford University Press, forthcoming 2014) (author).

In French:

- (7) *Introduction au droit international de l'environnement* (Brussels: Bruylant, forthcoming 2013) (co-author with P.-M. Dupuy) [French version of the textbook published by Cambridge University Press].

In Spanish:

- (8) *El régimen jurídico internacional relativo al cambio climático: Perspectivas y prospectivas*, in: Organisation of American States (O.A.S.)/Inter-American Juridical Committee, Course on International Law ("Universalism and Regionalism at the Beginning of the 21st Century"), vol. XXXVI, 2010 (author).

On other areas:

In English:

- (9) *Diplomatic and Judicial Means of Dispute Settlement: Assessing Interactions* (Leiden: Martinus Nijhoff, 2012) (co-edited with L. Boisson de Chazournes and M. G. Kohen).
- (10) *The Foundations of International Investment Law: Bringing Theory into Practice* (Oxford University Press, forthcoming 2013) (co-edited with Z. Douglas and J. Pauwelyn).
- (11) *Unity and Diversity of International Law. Essays in Honour of Professor Pierre-Marie Dupuy / Unité et diversité du droit international. Ecrits en l'honneur du professeur Pierre-Marie Dupuy* (Leiden: Martinus Nijhoff, on contract, forthcoming 2013) (co-edited with D. Alland, V. Chetail and O. de Frouville).

- (12) *The U.N. Secretary-General between Law and Politics: Towards an Analytical Framework for Interdisciplinary Research* (Geneva: Graduate Institute of International Studies, 2005).

In French:

- (13) *L'admission d'amici curiae dans le cadre de l'arbitrage d'investissement. Analyse et sources*, preface of Gabrielle Kaufmann-Kohler (Geneva: Graduate Institute, 2008) (co-author with F. Grisel).

Refereed articles and chapters

On environmental law and policy:

In English:

- (14) 'Green Investment after Rio 2012' (2013) 15 *International Community Law Review*, forthcoming 2013.
- (15) 'Environmental Approaches to Nuclear Weapons', in G. Nystuen and S. Casey-Maslen (eds.), *Nuclear Weapons in International Law* (Cambridge University Press, forthcoming 2013), chapter 13 (with M. Kunz)
- (16) 'Sovereignty in Foreign Investment Law', in Z. Douglas, J. Pauwelyn and J. E. Viñuales (eds), *The Foundations of Foreign Investment Law* (Oxford University Press, forthcoming 2013).
- (17) 'The Environment breaks into Investment Disputes', in M. Bungenberg, J. Griebel, S. Hobe and A. Reinisch (eds), *International Investment Law* (Munich/London: C.H. Beck/Hart/Nomos, forthcoming 2013).
- (18) 'From the Other Shore: Economic, Social and Cultural Rights from an International Environmental Law Perspective', in E. Reidel, C. Golay and G. Giacca (eds.), *Contemporary Issues in the Realization of Economic, Social and Cultural Rights* (Oxford University Press, forthcoming 2013) (with S. Chuffart)
- (19) 'The Rise and Fall of Sustainable Development' (2013) 22 *Review of European, Comparative and International Environmental Law (RECIEL)* 1-11.
- (20) 'The Environmental Regulation of Foreign Investment Schemes under International Law', in P.-M. Dupuy and J. E. Viñuales (eds.), *Harnessing Foreign Investment to Promote Environmental Protection: Incentives and Safeguards* (Cambridge University Press, 2013), pp. 273-320.
- (21) 'Managing Abundance by Standards for the Protection of the Environment', in A. Cassese (ed.) *Realizing Utopia* (Oxford University Press, 2012), pp. 326-339.
- (22) 'Balancing Effectiveness and Fairness in the Redesign of the Climate Change Regime' (2011) 24 *Leiden Journal of International Law* 223-252.
- (23) 'Foreign Investment and the Environment in International Law: An Ambiguous Relationship' (2009/2010) 80 *British Yearbook of International Law* 244-332.
- (24) 'Iced Freshwater Resources: A Legal Exploration' (2009/2010) 20 *Yearbook of International Environmental Law* 188-206.
- (25) 'Legal Techniques for Dealing with Scientific Uncertainty in Environmental Law' (2010) 43 *Vanderbilt Journal of Transnational Law* 437-503.
- (26) 'Managing Conflicts between Environmental and Investment Protection Norms in International Law', in Y. Kerbrat and S. Majeau-Dubois (eds.), *The Transformation of International Environmental Law* (Oxford: Hart Publishing, 2011), pp. 171-191 (with M.-J. Langer).
- (27) 'Access to Water in Foreign Investment Disputes' (2009) 21 *Georgetown International Environmental Law Review* 733-751.
- (28) 'The Contribution of the International Court of Justice to the Development of International Environmental Law' (2008) 32 *Fordham International Law Journal* 232 – 258.

In French:

- (29) 'L'immunité d'exécution dans l'affaire de l'Ara Libertad devant le TIDM' (2013) 140 *Journal du droit international (Clunet)* 13-44 (with S. El-Sawah)
- (30) 'Cartographies imaginaires: Autour du concept de 'régime spécial' dans les rapports entre droit humanitaire et droit de l'environnement' (2013) 140 *Journal du droit international (Clunet)* 405-425.
- (31) 'Vers un droit international de l'énergie: Essai de cartographie', in M. Kohen and D. Bentolila (eds.), *Mélanges en l'honneur de Jean-Michel Jacquet* (Paris: LexisNexis, 2013), chapter 18.
- (32) 'Du bon usage du droit international: Les négociations climatiques en perspective' (2010/2011) 56 *Annuaire français de droit international* 437-470.
- (33) 'Conflits de normes en droit international: normes environnementales vs. protection des investissements', in Société française pour le droit international, *Le droit international face aux enjeux environnementaux* (Paris: Pedone, 2010), pp. 407-427.

In Spanish:

- (34) 'La distribución del riesgo regulatorio ambiental en el derecho de las inversiones internacionales' (2012) 12 *Anuario Mexicano de Derecho Internacional* 169-209 (with F. Perez Aznar).
- (35) 'Las cuestiones medioambientales y el concepto de estado de necesidad' (2009) 119 *Universitas. Revista de Derecho* 223-250.
- (36) 'La protección del medio ambiente y su jerarquía normativa en derecho internacional' (2008) *Revista Colombiana de Derecho Internacional* 11 – 44.

On other areas:

In English:

- (37) 'The Challenge of Proliferation: An Anatomy of the Debate', in C. Romano, K. Alter and Y. Shany (eds.), *The Oxford Handbook of International Adjudication* (Oxford University Press, forthcoming 2013), chapter 7 (with P.-M. Dupuy).
- (38) 'Human Rights and Investment Disciplines: Integration in Progress', in M. Bungenberg, J. Griebel, S. Hobe and A. Reinisch (eds.), *International Investment Law* (Munich/London: C.H. Beck/Hart/Nomos, forthcoming 2013) (with P.-M. Dupuy).
- (39) 'The Secret of Tomorrow: International Organisation through the Eyes of Michel Virally' (2012) 23 *European Journal of International Law* 543-564.
- (40) 'The use of alternative (non-judicial) means to enforce investment awards', in Boisson de Chazournes, L., M. Kohen and J. E. Viñuales (eds.), *Diplomatic and Judicial Means of Dispute Settlement* (Leiden: Martinus Nijhoff/Brill, 2012), pp. 245-275 (with D. Bentolila).
- (41) 'The "Resource Curse" – A Legal Perspective' (2011) 17 *Global Governance* 197-212.
- (42) 'Amicus Intervention in Investor-State Arbitration: Contemporary Practice', in American Arbitration Association (AAA), *Handbook of International Arbitration* (New York: American Arbitration Association, 2010), pp. 439-458 (with F. Grisel).
- (43) 'Foreign in Latin-America: Between Love and Hatred', in C. Auroi and A. Helg (eds.), *Latin America. Dreams and Legacy 1810-2010* (London: Imperial College Press, 2011), pp. 319-358 (with M.-J. Langer).
- (44) 'Conflicting Decisions in International Arbitration' (2009) 8 *The Law and Practice of International Courts and Tribunals* 91 – 113 (with F. Spoorenberg).
- (45) 'Compensation for Non-Expropriatory Breaches of International Investment Law: The Contribution of the Argentine Awards' (2009) 26 *Journal of International Arbitration* 729-743 (with P.-Y. Tschanz).

- (46) 'State of Necessity and Preemptory Norms in International Investment Law' (2008) 14 *NAFTA: Law and Business Review of the Americas* 79 – 103.
- (47) 'Impunity: Elements for an Empirical Concept' (2007) 25 *Law and Inequality* 115 – 145.
- (48) 'Amicus Intervention in Investor-State Arbitration' (2006/2007) *Dispute Resolution Journal* 72 – 81.
- (49) 'The International Regulation of Financial Conglomerates: A Case-Study of Equivalence as an Approach to Financial Integration' (2006) 37 *California Western International Law Journal* 1 – 62.
- (50) 'Human Rights and Investment Arbitration: the Role of *Amici Curiae*' (2006) *Revista Colombiana de Derecho Internacional* 231 – 273.

In French:

- (51) 'Recherches sur le fondement de la légitimité judiciaire', in V. Chetail and P.-M. Dupuy (eds.), *Les origines du droit international. Mélanges en l'honneur du Prof. Peter Haggemacher* (Leiden: Martinus Nijhoff, forthcoming 2013).
- (52) 'Michel Virally ou penser le phénomène juridique' (2009) 55 *Annuaire français de droit international* 1-38.
- (53) 'L'*amicus curiae* dans l'arbitrage d'investissement' (2007) 22 *ICSID Review-Foreign Investment Law Journal* 380-432 (with F. Grisel).
- (54) 'Autour du "crime des crimes": au-delà des affaires humaines?' (2005) *Raisons politiques* 9-30.

In Spanish:

- (55) 'Aspectos Conceptuales de la Jurisdicción Universal' (2008) *Revista de Derecho Penal y Procesal Penal* 9-20.

RECENT LECTURES/SEMINARS (selection)

- (1) 'La Evolución del Derecho Ambiental Internacional (1972-2012)', **Organization of American States, Rio de Janeiro – Brazil**, 19 – 20 August 2013 (Annual course on international law organized by the OAS and the Inter-American Juridical Committee)
- (2) 'Foreign Investment and the Environment in International Law', **Universidade de São Paulo/Pontifícia Universidade Católica de São Paulo/ Universidade Presbiteriana Mackenzie, São Paulo – Brazil**, 11 – 23 August 2013 (Doctoral Seminar)
- (3) 'Extraterritorial Tactics', **European University Institute – Academy of European Law, Florence – Italy**, 20-21 June 2013 (Course of the Academy of European Law)
- (4) 'Designing a Fissile Materials Regime: Insights from Multilateral Environmental Agreements', **International Law and Policy Institute – Norway**, 17 June 2013 (Symposium on Nuclear Weapons in International Law)
- (5) 'Designing Investment Policies in Developing Countries', **Kigali Institute of Administration and Management – Rwanda**, 3 June 2013 (capacity-building seminar for government officials).
- (6) 'Le droit international au travers le développement de ses principes', **The Graduate Institute, Geneva – Switzerland**, 29 May 2013 (round-table with professors Georges Abi-Saab, Pierre-Marie Dupuy et Peter Haggemacher).
- (7) 'Judicial Legitimacy, domestic and international', **University of Amsterdam, Amsterdam – The Netherlands**, 24 May 2013 (Biennial Research Forum of the European Society of International Law).
- (8) 'The Legal Relevance of the Concept of Sustainable Development', **United Nations Office, Geneva, Switzerland**, 20 March 2013 (within the context of the Geneva International Model United Nations).

- (9) 'Foreign Investment and the Environment in International Law', **University of Edinburgh, Edinburgh – Scotland**, 11 March 2013 (The Brodies Environmental Law Lectures series)
- (10) 'Environmental Rights in Regional Human Rights Bodies: Strategic Issues', **La Pastorale, Geneva – Switzerland**, 5 March 2013 (expert meeting with the Human Rights Council's Special Rapporteur on the right to a safe environment, Prof. John Knox)
- (11) 'International Environmental Law and Climate Change', **International Conference Center, Geneva – Switzerland**, 5 February 2013 (lecture given as part of program of continuing education for students of the Australian National University)
- (12) 'Regulación ambiental, comercio e inversiones', **World Trade Organization, Geneva – Switzerland**, 7 November 2012 (seminar for officials and diplomats from Latin-American countries)
- (13) 'La justice climatique', 6 November 2012, **United Nations, Geneva – Switzerland** (conference for the annual seminar at the UN Offices in Geneva)
- (14) 'A Tobin Tax on Water Transactions ?', **TEDx Zürich, TSR Studios, Zürich – Switzerland**, 25 October 2012 (conférence publique dans le cadre du cycle TEDx: www.tedxzurich.com/)
- (15) 'Introduction au droit et a la pratique du développement durable', **Bujumbura - Burundi**, 24-27 September 2012 (capacity-building training course).
- (16) 'El Arbitraje de Inversión en América Latina', **Rio de Janeiro – Brazil**, 23 August 2012 (Conference within the framework of the Second Congress of the Latin-American Society of International Law)
- (17) 'The Protection of the Environment and Armed Conflict', **University of Geneva, Geneva – Switzerland**, 17 July 2012 (roundtable organized as a side event to the July session of the UN International Law Commission).
- (18) 'The 'Investment Law' Term of the Green Economy Equation', **Rio de Janeiro – Brazil**, 20 June 2012 (lecture given within an official side event to the Rio Summit on Sustainable Development).
- (19) 'Implementing Sustainable Development Strategies: Selected Issues', **Yerevan – Armenia**, 5-6 June 2012 (capacity-building training course).
- (20) 'Cartographies imaginaires : Autour du concept de 'régime spécial' dans les rapports entre droit humanitaire et droit de l'environnement', **Geneva Academy of International Humanitarian Law and Human Rights, Geneva – Switzerland**, 1 juin 2012.
- (21) 'Integrating Environmental Considerations in Foreign Investment Disputes', **UNIL, Lausanne – Geneva**, 24 May 2012.
- (22) 'The Multilateral Climate Negotiations', **World Health Organization, Geneva – Switzerland**, 22 May 2012.
- (23) 'The Dormant Environment Clause in Trade and Investment', **Ottawa – Canada**, 11 May 2012 (lecture given within the context of the symposium 'Legal Preparedness for the Global Green Economy', coorganized by the European Commission, the International Development Law Organization, the Center for International Sustainable Development Law and the University of Ottawa)
- (24) 'Investment policy framework for sustainable development', **UNCTAD, Geneva - Switzerland**, 27 February 2012 (expert meeting in preparation of the World Investment Report 2012)
- (25) 'Assessing the impact of MEAs on foreign investment disputes', **Harvard Law School, Cambridge MA – United States**, 7 February 2012 (lecture organized by the Environmental Law Program)
- (26) 'Climate Regulation despite Climate Negotiations', **Azerbaijan Diplomatic Academy, Baku - Azerbaijan**, 2 November 2011.
- (27) 'Advanced Training on Climate Change Regulation', **Baku - Azerbaijan**, 31 October - 2 November 2011 (capacity-building training course)

- (28) 'The Other Component of Liberalisation: BITs and their Impact', **Tbilisi - Georgia**, 20-22 October 2011 (capacity-building training course)
- (29) 'The dormant environment clause', **International Chamber of Commerce, Paris – France**, 3 October 2011.
- (30) 'Interactions between international environmental law and international economic law', **World Trade Organization Public Forum, Geneva – Switzerland**, 20 September 2011.
- (31) 'Global business models and the impact of international economic law: The investment side of the equation', **World Trade Organization Public Forum, Geneva – Switzerland**, 20 September 2011.
- (32) 'Encrucijadas normativas en el contencioso ambiental internacional', **Mar del Plata - Argentina**, 27 August 2011.
- (33) 'Advanced Training in International Investment Law and Arbitration', **Tbilisi - Georgia**, 24-29 July 2011 (capacity-building training course).
- (34) 'The International Regulation of Chemicals: The listing of Endosulfan in Annex A to the POP Convention', **Global Health Programme, Geneva - Switzerland**, 9 June 2011.
- (35) 'Oil and Gas in International Law: Regulatory Models and Applications', **Tallinn - Estonia**, 27 May 2011 (Research Forum organized by the European Society of International Law).
- (36) 'Protecting the Environment in the XXIst Century: The Role of the Private Sector', **The Graduate Institute, Geneva - Switzerland**, 20-21 May 2011.
- (37) 'How enforceable is climate justice?', **Geneva Academy of International Humanitarian Law and Human Rights, Geneva – Switzerland**, 7 March 2011.
- (38) 'Contemporary Challenges in the Realization of Economic, Social and Cultural Rights', **Geneva Academy of International Humanitarian Law and Human Rights, Geneva – Switzerland**, 11 February 2011.
- (39) 'La otra cara de la moneda: políticas ambientales y riesgo de litigios en materia de inversiones', **World Trade Organization, Geneva - Switzerland**, 7 December 2010 (Lecture given within the framework of the advanced course on dispute settlement).
- (40) 'Fundamentals of International Environmental Law/The Climate Change Regime', **Institut des Sciences de l'Environnement, Geneva - Switzerland**, 17/24 November 2010.
- (41) 'The Enforcement of Investment Arbitral Awards', **The Graduate Institute, Geneva – Switzerland**, 23 October 2010 (Joint Conference organised by the American Society of International Law, the European Society of International Law, and the Latin-American Society of International Law).
- (42) 'The Intervention of Civil Society in Investment Proceedings: Current Trends', **Vancouver - Canada**, 5 October 2010 (Annual meeting of the International Bar Association).
- (43) 'International Environmental Law and Human Rights', **Yerevan - Armenia**, 29 October – 1 November 2010 (capacity-building training course).
- (44) 'La distribución del riesgo regulatorio en materia ambiental', **Instituto de Investigaciones Jurídicas, Ciudad de México - Mexico**, 7 September 2010.
- (45) 'Effectiveness and Fairness in the International Climate Change Regime', **University of Cambridge – United Kingdom**, 2 September 2010 (Biennial Congress of the European Society of International Law).
- (46) 'Water: Whose Property? The Future of Water for All', **The Graduate Institute, Geneva - Switzerland**, 9 June 2010.
- (47) 'Copenhague and beyond: Do we have the institutions to respond to climate change?', **Bern – Switzerland**, 2 December 2009.
- (48) 'Climate Services: Building on the World Climate Conference 3', **The Graduate Institute, Geneva - Switzerland**, 2 December 2009.

- (49) 'El Derecho Ambiental Internacional y el Cambio Climático', **Azul - Argentina**, 13 November 2009.
- (50) 'RED, REDD, REDD+: La Reducción de Emisiones derivadas de la Deforestación y sus Variantes', **Buenos Aires – Argentina**, 10 November 2009.
- (51) 'Legal Techniques for Dealing with Scientific Uncertainty: Insights from International Environmental Law', **University of Helsinki – Finland**, 3 October 2009 (Research Forum jointly organized by the American Society of International Law and the European Society of International Law).
- (52) 'El Régimen Jurídico relativo al Cambio Climático: Perspectivas y Prospectivas', **Organization of American States, Rio de Janeiro – Brazil**, August 2009 (Annual course on international law organized by the OAS and the Inter-American Juridical Committee)
- (53) 'Distributive Justice and the Redesign of the Climate Change Regime', **University of Oxford – United Kingdom**, Mansfield College, 11 July 2009.
- (54) 'Conflit de normes en droit international: normes environnementales vs. protection des investissements', **Aix-en-Provence – France**, 5 July 2009 (Annual symposium of the Société Française pour le Droit International).
- (55) 'Access to Water in Foreign Investment Disputes', **Georgetown University, Washington DC – United States**, 26 February 2009.