

**PROFESSOR CAMPBELL McLACHLAN QC**

**Victoria University of Wellington  
Bankside Chambers (Auckland), Essex Court Chambers (London)**

***CURRICULUM VITAE***

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***Academic Qualifications***

LL B (Hons) (Well.), Ph D (Lond)  
Dip. *cum laude* (Hag. Acad. Int'l Law)

***Professional Qualifications***

Barrister (New Zealand, call 1984, Silk 2007)  
Solicitor (England & Wales, 1992)

***Nationality***     New Zealand

***Date of Birth***   15 April 1960

***Civil Status***     Married (to Rhona Fraser (1986)), five children

***Academic Positions***

Professor of Law, Victoria University of Wellington  
President, Australian & New Zealand Society of International Law (2006-9)  
Rapporteur, International Law Association Committee on International Civil and Commercial Litigation 1992-2002  
Secretary, International Law Association: British Branch 1997-2002; NZ Branch 2003 - 8  
Co-Chair, ILA Study Group, Practice & Procedure of International Courts and Tribunals  
Member, American Law Institute (elected October 2005)  
Director of Studies, Private International Law, Hague Academy of International Law (1996)  
Visiting Fellow, Lauterpacht Research Centre for International Law, University of Cambridge (2007)  
Lecturer, Hague Academy of International Law (2008)  
Member, Editorial Advisory Board, *International & Comparative Law Quarterly*  
Awarded Legal Research Foundation J F Northey Book Prize (2008) for *International Investment Arbitration* (OUP, 2007)

***Professional Positions***

Member, International Chamber of Commerce Court of Arbitration (2004-9)

Member of Panel of Arbitrators designated by New Zealand, International Centre for Settlement of Investment Disputes (2007), appointed to five *ad hoc* annulment committees (four as a member, and one as chairman)

Chairman, International Bar Association Committee on International Litigation (2002-4)

## OUTLINE OF CAREER

- 1973-1977 **Christchurch Boys' High School**  
Junior Scholarship, 1977
- 1979-1980 **University of Canterbury**  
National Junior Mooting Champion, 1980
- 1981-1984 **Victoria University of Wellington**  
LL B (Hons) (1<sup>st</sup> class) (1984) Chapman Tripp Centenary Award for top law student  
Senior Scholarship; Commonwealth Scholarship; Junior Lectureship (1983-4)
- 1985 **Legal Division, Commonwealth Secretariat**  
Commonwealth Observer, Hague Conference on Private International Law
- 1985-1988 **Ph D studies, University College London**  
Doctoral thesis: *State Recognition of Customary Law in the South Pacific*
- 1988-1992 **Assistant Solicitor, Herbert Smith. London**  
Solicitor (England & Wales) 1991, reported cases include:  
*Libyan Arab Foreign Bank v Bankers Trust Co* [1989] 1 Lloyd's Rep 608  
*Attorney General for Tuvalu v Philatelic Distribution Corp* [1990] 1 WLR 926  
*ISC Technologies Ltd v Guerin* [1992] 2 Lloyd's Rep 430
- 1992-2003 **Partner, Herbert Smith. London**  
Head of Public International Law Group, 2001-3  
Solicitor-Advocate (Higher Courts, Civil) 2001  
Member, Herbert Smith Partnership Council (1998-2001)  
Represented sovereign states, multi-national corporations and international organisations in international disputes (resolved by arbitration or litigation)  
Reported cases include:  
*ex parte Pinochet (No 3)* [2000] 1 AC 147  
*Banca Carige v Banco Nacional de Cuba* [2001] 1 WLR 2039  
*Saab v Saudi American Bank* [1999] 1 WLR 1861
- 2003 - **Professor of Law, Victoria University of Wellington, New Zealand**  
Deputy Dean of Law (2003-4), teaching Public International Law, Conflict of Laws and International Arbitration  
Barrister (joining Bankside Chambers in 2006 and Essex Court Chambers in 2007; appointed Queen's Counsel in 2007)
- 2007- - Nominated by the New Zealand Government to replace the late Lord Cooke of Thorndon as a New Zealand member of the List of Arbitrators of the International Centre for the Settlement of Investment Disputes, Washington ('ICSID'). Appointed as arbitrator on *ad hoc* annulment committees in: *Fraport v Philippines*, *Helnan v Egypt*, *Rumeli v Kazakhstan*, *Duke Energy v Peru* (as Chairman) and *RSM v Grenada*

## PUBLICATIONS

### *Books*

- Lis Pendens in International Litigation*, Leiden, Martinus Nijhoff, 2009
- International Investment Arbitration: Substantive Principles* (with L. Shore & M. Weiniger), Oxford, Oxford University Press, 2007, paperback edition 2008
- Dicey, Morris and Collins on the Conflict of Laws* (specialist editor, with L. Collins (General Editor), A. Briggs, J. Harris, J.D. McLean & C.G.J. Morse), 14<sup>th</sup> ed., London, Sweet & Maxwell, 2006, 1<sup>st</sup> Supp, 2007, 2<sup>nd</sup> Supp, 2008
- International Law and Democratic Theory* (ed) (2007) 38 No 2 *Victoria University of Wellington Law Review* Special Symposium Issue
- Transnational Tort Litigation: Jurisdictional Principles* (ed., with P. Nygh), Oxford, Oxford University Press, 1996

### *Selected Articles & Book Chapters*

- 'Investment Treaty Arbitration: the Legal Framework' in Van den Berg (ed) (2008) 14 ICCA Congress Series (in press).
- 'Investment Treaties and General International Law' (2008) 57 *International & Comparative Law Quarterly* 361
- 'From Savigny to Cyberspace: does the internet sound the death-knell for the conflict of laws?' (2006) 11 *Media & Arts Law Review* 418
- 'The Principle of Systemic Integration and Article 31(3)(c) of the Vienna Convention' (2005) 54 *International & Comparative Law Quarterly* 279-320
- 'The Continuing Controversy over Provisional Measures in International Disputes' (2005) 7 *International Law FORUM du droit international* 5
- 'International Litigation and the Reworking of the Conflict of Laws' (2004) 120 *Law Quarterly Review* 580-616
- 'After Baghdad: Conflict or Coherence in International Law?' (2003) 1 *New Zealand Journal of Public & International Law* 25-53
- 'Reflections from the Practice of International Litigation' in M. Evans (ed) *International Law* (Oxford, Oxford University Press, 2003) 15
- 'Introduction: Papers Presented at the Villa La Pietra Symposium on the Independence and Accountability of the International Judge' (with P. Sands & C. Romano) (2003) 2 *Law and Practice of International Courts and Tribunals* 3
- 'Pinochet Revisited' (2002) 51 *International & Comparative Law Quarterly* 959
- 'The Jurisdictional Limits of Disclosure Orders in Transnational Fraud Litigation' (1998) 47 *International & Comparative Law Quarterly* 3
- 'Obtaining Evidence in England in Aid of a US Proceeding: A Concise Practical Guide for US Lawyers' in J. Fellas (ed) *International Commercial Litigation* (New York, Practising Law Institute, 1998) 183.
- 'Provisional Measures in Aid of Foreign Proceedings: Has the English Response been adequate?' in J. Goldsmith (ed) *International Dispute Resolution : the Regulation of Forum Selection* (Irvington, New York, Transnational Publishers, 1997) 169

- 'An Overview' in C. McLachlan & P. Nygh (eds) *Transnational Tort Litigation: Jurisdictional Principles* (Oxford, Oxford University Press, 1996)
- 'Restitution' in C. McLachlan & P. Nygh (eds) *Transnational Tort Litigation: Jurisdictional Principles* (Oxford, Oxford University Press, 1996)
- 'Transnational Interlocutory Measures for the Preservation of Assets' in Lye Lin Heng (ed) *Current Legal Issues in the Internationalization of Business Enterprises* (Butterworths, Singapore, 1996)
- 'Extraterritorial Orders affecting bank deposits' in K. Meessen (ed.) *Extraterritorial Jurisdiction in Theory and Practice* (Kluwer, 1996)
- 'The Impact of International Law on Civil Jurisdiction' [1993] *Hague Yearbook of International Law* 125
- 'Export Control: United Kingdom Report' (with L. Collins) in K. Meessen (ed.) *The International Law of Export Control* (1992) 147
- 'Splitting the Proper Law in Private International Law' (1990) 61 *British Yearbook of International Law* 311
- 'Remedies affecting bank deposits' in R. Cranston (ed.) *Legal Issues of Cross-Border Banking* (1989) 23
- 'Legal Practitioner Mobility in the Commonwealth' in W. Twining & R. Dhavan (eds) *Access to Legal Education and the Legal Profession* (1989) 258
- 'The recognition of Aboriginal Customary Law: pluralism beyond the colonial paradigm: a review article' (1988) 37 *International & Comparative Law Quarterly* 368
- 'Transnational Applications of Mareva Injunctions and Anton Piller Orders' (1987) 36 *International & Comparative Law Quarterly* 669
- 'The Fiji constitutional crisis of May 1987: a legal assessment' [1987] *New Zealand Law Journal* 175
- 'The New Hague Sales Convention and the Limits of the Choice of Law Process' (1986) 102 *Law Quarterly Review* 591
- 'Matrimonial Property and the conflict of laws' (1986) 12 *New Zealand Universities Law Review* 66
- 'ANZUS: the treaty reappraised' [1985] *New Zealand Law Journal* 271
- 'Reforming New Zealand's Conflicts Process: the case for internationalisation' (1984) 14 *Victoria University of Wellington Law Review* 443

### **Reports**

- International Law Commission, Study Group on Fragmentation of International Law*
- 'The Interpretation of Treaties in the light of any relevant rules of international law applicable in the relations between the parties' (with W. Mansfield) (2004) UN Doc. ILC(LVI)/SG/FIL/CRD.3/Rev.1
- International Law Association Committee on International Civil and Commercial Litigation*
- 'Jurisdiction in Transnational Torts' in (1994) 66 *International Law Association Report of Conference*
- 'Provisional and Protective Measures in International Litigation' in (1996) 67 *International Law Association Report of Conference*
- 'Declining and Referring Jurisdiction in International Litigation' in (2000) 69

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*International Law Association Report of Conference 137*

*International Law Association, Study Group on the Practice & Procedure of International Courts and Tribunals*

'The Burgh House Principles on the Independence of the International Judiciary',  
(with P. Sands & R. Mackenzie) (2005) 4 *Law and Practice of International Courts and Tribunals* 247

*International Council for Commercial Arbitration*

'Investment treaty arbitration: the legal framework' (General Report for Dublin Congress 2008) in Van den Berg (ed) (2008) ICCA Congress Series No 13

*Commonwealth Secretariat*

*The Hague Convention on the Taking of Evidence Abroad : Explanatory Documentation prepared for Commonwealth Jurisdictions* (with D. McClean) (1985)

*Admission of Commonwealth Lawyers : A Technical Survey for Commonwealth Law Ministers and the Commonwealth Lawyers Association* (1985)

'Legal Practitioner Mobility in the Commonwealth' (Memorandum, Meeting of Commonwealth Law Ministers, 1986, Commonwealth Secretariat) 483

'Transnational Litigation for Commonwealth Governments' (Memorandum for Meeting of Commonwealth Law Ministers, 1990)

*Current Research Project*

(with Jeremy Waldron) 'The Idea of the Rule of Law in International Affairs'

**CONTACT DETAILS**

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