



Sir FRANK BERMAN, KCMG, QC

Born 1939

Visiting Professor of International Law,
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Practice

- International Arbitration
- Public International Law

Sir Franklin (Frank) Berman joined HM Diplomatic Service in 1965 and was Legal Adviser to the Foreign & Commonwealth Office from 1991-99. For the past 12 years he has been in practice in Essex Court Chambers specializing in international arbitration and advisory work in international law. He is Visiting Professor of International Law at Oxford and the University of Cape Town.

His 45-year career in international law and diplomacy has spanned a wide and varied field, including settlement of disputes; the law of treaties; State responsibility; diplomatic and State immunity; maritime delimitation; the law of the Continental shelf; outer space and nuclear energy; the law of international organisations; the UN Security Council; the laws of war and neutrality; international criminal tribunals; and numerous other areas. In the light of this extensive experience, he is highly qualified for advisory work in all areas of public international law, for international dispute-settlement proceedings of all kinds and for international commercial and investment arbitration.

Sir Frank has served as Judge ad hoc on the International Court of Justice in the *Case concerning Certain Property (Liechtenstein v. Germany)*. His recent appointment by the Lord Chief Justice as the Legal Member of the Court of Arbitration between Pakistan and India under the Indus Waters Treaty confirms his high international standing in the field. He currently represents Cambodia before the International Court in the *Case concerning the Temple of Preah Vihear*.

He was appointed by the British Government in 2004 to the list of Arbitrators under the Washington Convention (ICSID), and is currently sitting or has recently sat in three ICSID arbitrations as Chairman* and seven as Party-appointed Arbitrator** (both claimant and host State), and in four ICSID annulment proceedings***, as well as in arbitrations under the ICC, Stockholm Arbitration Institute and LCIA (sole arbitrator), and ad hoc.

* The Rompetrol Group N.V. v. Romania; Alemanni v. Argentine Republic; Global Trading Resource Corp. & others v. Ukraine
 ** F-W Oil Interests, Inc. v. Republic of Trinidad & Tobago; Bayindir Insaat Turizm Ticaret Ve Sanayi A.S. v. Islamic Republic of Pakistan; Russell Resources International Limited & others v. Democratic Republic of the Congo; Libananco Holdings Co. Ltd v. Republic of Turkey; Marion Unglaube v. Republic of Costa Rica; Reinhard Unglaube v. Republic of Costa Rica; Vattenfall AB & others v. Federal Republic of Germany
 *** Consortium R.F.C.C. v. Kingdom of Morocco; Empresas Lucchetti v. Peru; CECF Transgabonais v. Republic of Gabon; Togo Électricité-GDF Suez v. Togo

He is the former Chairman of the Diplomatic Service Appeal Board, and the Appeals Boards of the WEU and IOPCF, and currently chairs the Claims Committee of the Austrian General Settlement Fund for Victims of Nazi persecution. In 2006 the Republic of Austria awarded him the Grand Decoration of Honour in Gold with Star.

Since 2010 he has been a Member of the Permanent Court of Arbitration.

Career

2003—05 Judge: (ad hoc) International Court of Justice
 2000 Essex Court Chambers
 1992 Silk (Hon)
 1991—99 Legal Adviser to the Foreign & Commonwealth Office
 1966 Call: Middle Temple (Hon. Bencher 1997)
 1965 Joined HM Diplomatic Service

Education

1965 MA, Wadham & Nuffield Colleges, University of Oxford
 1963 BA (1st Class Honours in Jurisprudence), Wadham & Nuffield Colleges, University of Oxford
 1960 BSc, University of Cape Town
 1959 BA (Mathematics), University of Cape Town

Awards

1995 Hon. Fellow, later Fellow, Wadham College, University of Oxford
 1961 Rhodes Scholar

Languages

French & German (both fluent)

Publications

Editor, *McNair's Law of Treaties*

Member

Austrian National Claims Committee for the Victims of Nazi Persecution (Chairman)
British Institute of International and Comparative Law (Chairman of the Board of Trustees)
British Year Book of International Law (Editorial Board)
Commercial Bar Association (COMBAR)
London Common Law and Commercial Bar Association

Specific Areas

International Arbitration

Arbitrator in ICSID, LCIA & ICC cases.

International Adjudication

Judge ad hoc on the International Court of Justice for the case between Liechtenstein and Germany over *Certain Property*.
Legal Member of the Court of Arbitration between Pakistan and India under the Indus Waters Treaty 1961.

Public International Law

An active member of numerous bodies concerned with international law and its practical application; Chairman of the International Law Association's Committee on the Accountability of International Organisations.]

Cases

Whilst in Government Service

Arbitration between the UK and France on the Delimitation of the Continental Shelf in the Channel and W. Approaches (Deputy Agent)

Young Loan Arbitration (UK, US, France, Belgium and Switzerland v Federal Republic of Germany) (UK Agent)

International Court of Justice

Lockerbie Cases (*Libya v UK, Libya v USA*) (UK Agent)

Advisory Proceedings on the Legality of the Threat or Use of Nuclear Weapons (UK Agent)

Kosovo Cases (*Federal Republic of Yugoslavia v UK and ors*) (Agent and Counsel for the UK)

Case Concerning the Temple of Preah Vihear (Request for Interpretation) (Counsel for Cambodia)

If you require further information please contact clerksroom@essexcourt.net