

## Public International Law Practice at Crowell & Moring LLP

*Your problems are our challenges. Our solutions are your successes.*

Dear Clients, Colleagues and Friends:



We would like to introduce you to Crowell & Moring's public international law practice, a distinct area of specialization within our broader International Dispute Resolution (IDR) Group. Public international law prescribes the rights and obligations of sovereign states and intergovernmental organizations towards each other and towards the people and businesses of other states. Our public international law practice includes lawyers with recognized expertise in advising and advocating on behalf of clients before tribunals established under public international law, such as the International Court of Justice, the Permanent Court of Arbitration, the Iran-United States Claims Tribunal, the United Nations Compensation Commission, and *ad hoc* arbitral tribunals.



Our practice is centered around a talented group of multi-cultural, multi-jurisdictional, and multi-lingual lawyers, who have proven themselves able to manage and try high-stakes disputes anywhere in the world, regardless of the parties' nationalities, the substantive law, the procedure rules, or the language of the dispute. Lawyers in our Group are well integrated with and able to work in cultures and languages as diverse as Arabic, Bengali, various dialects of Chinese, Dutch, French, German, Gujarati, Hindi, Lithuanian, Malay, Portuguese, Russian, Spanish, and Urdu. In fact, the diversity, cross-cultural awareness, and multi-faceted qualities of the lawyers in our practice have led some to label us a "mini United Nations."

Indeed, the members of our Group have extremely rich and diverse backgrounds. Many were educated in both the United States and Europe, in civil law and common law, the legal systems that help shape the content of public international law. Furthermore, our lawyers are frequent contributors to many of the world's leading international law journals and periodicals. The undersigned were peer-selected for the first edition of *Who's Who in Public International Law* and teach as adjunct professors at Georgetown and Columbia universities, respectively.

Our public international law practice involves advising private and public sector clients on their rights and obligations under public international law, as well as representing them in disputes before international and domestic courts and before standing and *ad hoc* arbitral tribunals featuring claims made under public international law. Our lawyers have extensive experience in matters involving sovereign parties, including states, state-owned entities, and international organizations. We have advised private and public sector clients on a wide range of issues relating to public international law, such as issues of jurisdiction, immunity, enforcement, guarantees under international investment law (including expropriation), environmental law, the law of the sea, treaty law, and state responsibility.

We advise commercial businesses and governments on transactions and investments (especially in natural resources), and we assist them in the structuring and negotiation of both contractual and treaty regimes. Our experience spans the entire globe, with matters involving North, Central, and South America, Europe, Asia, Africa, the Middle East, and the former Soviet Union.

Our experience also includes some of the most significant boundary disputes in the world, and we have advised and represented a number of governments concerning their territorial and maritime disputes at all stages of proceedings. We have excellent relations with the world's leading hydrographers and cartographers, who often play a key role in



international boundary litigation. In addition, we have advised oil and gas concessionaires, as well as governments, on territorial, maritime and other boundary features and their impact on concessions. We have also conducted concession audits for our clients.

Our lawyers' experience involving boundary disputes includes:

- representing the State of Bahrain in its highly publicized territorial and maritime border dispute with the State of Qatar before the International Court of Justice (ICJ). As a result of his role in this representation, Arif Ali was decorated by the King of Bahrain with the *Order of Bahrain (II)*;
- advising the government of the United Arab Emirates in connection with a dispute over the Abu Musa and Tunb Islands;
- advising the Mexican government in connection with the exploitation of the Doughnut Hole area in the Gulf of Mexico;
- assisting the government of Benin in connection with map evidence in the case concerning the *Frontier Dispute (Benin/Niger)* before the ICJ;
- advising the government of an Africa state regarding a lake border dispute;
- advising a major European state-owned oil company on the legal situation arising from the invasion and occupation of Iraq by Allied forces;
- advising the ministry of petroleum and mineral resources of a Middle Eastern country and its state-owned oil company in connection with various matters pertaining to the law of the sea and maritime boundaries, including the legal regime pertaining to cross-border pipelines;
- advising oil companies in connection with the creation, management and other related legal issues associated with the Malaysia –Vietnam Joint Development Zone; and
- advising oil companies in connection with hydrocarbon reserves and concession audits, including with respect to boundaries and concessions in the Gulf of Mexico and Mediterranean Basin.

In addition, Pieter Bekker, who holds a doctorate in public international law and is the firm's Head of Public International Law, served for nearly three years as a staff lawyer in the Registry of the International Court of Justice (ICJ), the principal judicial organ of the United Nations located in The Hague. In that capacity, he was involved in the following border disputes before the ICJ: (1) *Border and Transborder Armed Actions (Nicaragua v. Honduras)*; *Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark v. Norway)*; *Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain)*; *Maritime Delimitation between Guinea-Bissau and Senegal (Guinea-Bissau/Senegal)*; and *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras; Nicaragua intervening)*. He has been involved in more than 20 ICJ cases between sovereign states and served as Senior Counsel in the most recently completed ICJ advisory proceeding along with the professors of international law of Oxford and Cambridge.

Our lawyers' experience involving other state-related matters includes:

- representing the State of The Netherlands in connection with the return of a state-owned 17<sup>th</sup> century painting subject to a temporary loan to the National Gallery of Art in Washington DC and protected by a special federal grant of seizure from immunity;
- defending the City of Amsterdam in litigation before the U.S. courts involving a claim of some \$150 million in damages relating to artwork allegedly expropriated in violation of international law;

- advising a former United Nations High Commissioner for Refugees in connection with litigation before the U.S. courts;
- representing the world's largest state-owned oil company in its claims against the Republic of Iraq before the United Nations Compensation Commission in Geneva;
- representing Ukraine in drafting and negotiating treaties with Israel and Russia settling legal issues arising from the accidental shooting down of a Russian airliner over the Black Sea in 2001;
- defending various U.S. banks against claims of corporate liability under international law based on the Alien Tort Statute before the U.S. courts;
- defending the United States against claims brought by Iran under the Algiers Accords before the Iran-United States Claims Tribunal;
- advising private sector clients on arbitration provisions in project financings and commercial transactions involving states and state-owned entities;
- advising private sector clients on the structuring of investments involving states and state-owned entities in the light of available bilateral or multilateral investment treaties setting forth substantive and procedural guarantees for foreign investors vis-à-vis the host state; and
- advising various countries with regard to the possibility of instituting proceedings before the ICJ.

In addition, Arif Ali headed one of the claim divisions of the United Nations Compensation Commission (UNCC) in Geneva, where he was part of the start-up team charged with developing the infrastructure for resolving the 2.2 million claims arising out of Iraq's 1990 invasion of Kuwait. Another member of the Group was an Attorney-Adviser at the U.S. Department of State for several years, in which capacity she defended the United States against claims brought by Iran under the Algiers Accords before the Iran-United States Claims Tribunal in The Hague.

We hope that these highlights exhibit our commitment of excellence for managing high-stakes international disputes, whether they are driven by disagreements over the control of natural resources or by cultural, religious or ethnical differences. You will find that we have a unique, multi-faceted and business-oriented approach to avoiding, settling and winning international disputes and to servicing your needs cost-effectively. Equally important, we are confident that you will value our ability to practice sophisticated and complex law while preserving a collegial atmosphere and a good sense of humor.

With our best personal regards,



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