

## **DR MATTHEW PARISH MA (CANTAB) LL.M JSD FRSA FCIARB**

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**Practice Areas:**  
**International arbitration and litigation**  
**International shipping and trade**  
**International investment law**  
**Emerging markets**  
**Public international law**  
**Cross-border asset tracing**

Matthew Parish is an international lawyer specialising in cross-border arbitration, litigation and enforcement, international trade, foreign investment, resource extraction and export, emerging markets and public international law. He is a fellow of the Chartered Institute of Arbitrators and accepts appointments to sit as an arbitrator across Europe.

He has broad experience before a variety of international courts and tribunals, including arbitration before the International Chamber of Commerce (ICC), United Nations Commission On International Trade Law (UNCITRAL) tribunals, the London Court of International Arbitration (LCIA), the Stockholm Chamber of Commerce (SCC), the Grain and Free Trade Association (GAFTA), the Federation of Oils, Seeds and Fats Associations (FOSFA), the London Maritime Arbitrators' Association (LMAA), the European Court of Human Rights in Strasbourg and the European Union (EU) courts in Luxembourg. Dr Parish is an experienced advocate and holds a solicitors' higher rights of audience (all courts) qualification in England and Wales. He frequently advises on contentious issues of English law before English courts and tribunals.

Dr Parish has represented clients across a wide variety of industries, including shipping, international trade, energy and infrastructure sectors, banking, insurance and financial services, governments and international organizations. He has a particular focus on issues of international law affecting emerging markets, with experience most recently covering Eastern Europe, the Middle East and Africa, and has dealt with expropriation claims arising out of alleged government confiscations. He also has extensive experience of arbitrating shipping and international trade disputes under trade associations' arbitral rules and of claims under international investment treaties.



### **Bar Admissions**

Law Society of England and Wales  
(higher rights of audience – all courts)

Bar Council of England and Wales  
(non-practising)

Attorney and counsellor-at-law,  
New York

Canton de Fribourg, Switzerland

### **Education**

J.S.D. University of Chicago Law  
School, 2007

LL.M. University of Chicago Law  
School, summa cum laude, 2004

L.P.C. College of Law, London,  
Commendation, 1998

C.P.E. College of Law, London,  
Commendation, 1997

M.A. / B.A., University of  
Cambridge, Triple First Class  
honours, 1996

### **Languages**

English

French

### **Honours**

Young Global Leader (2013)

World Economic Forum

One of the 300 most influential  
people in Switzerland, *Bilan*  
magazine, 17 April 2013

Jean-Pierre Warner and Lord  
Eastham Scholarships, Lincoln's  
Inn, 2000

Clifford Chance Prize for  
Corporate Finance, 1998

Dr Parish has authored publications on a variety of topics, including investment treaty law, English insurance law, European Commission competition law, international project finance, EU litigation, regulation of international trade, rule of law in transition economies and the legal role of international organizations in post-conflict countries. His doctoral thesis, on public international law arbitration, was supervised by the Honorable Richard Posner of the 7<sup>th</sup> Circuit Court of Appeals in Chicago, IL.

Dr Parish formerly served as a legal intern (*stagiaire*) to Advocate-General Francis Jacobs at the European Court of Justice in Luxembourg. He has a particular experience in the European law of state aids, having given evidence on reform of state aid law to the European Parliament. Dr Parish has also provided numerous media commentaries and interviews on topics relating to international organizations as well as to the law and politics of the Western Balkans.

In addition to his work at international law firms, Dr Parish has worked as the head of a legal department in the Office of the High Representative in Bosnia and Herzegovina, a UN specialist agency, where he was the chief legal adviser to an international civil servant. He managed proceedings before an international public law arbitration tribunal and oversaw several legal reform programmes.

Formerly, he worked in the legal department of the International Bank for Reconstruction and Development in Washington, D.C., on a project finance portfolio focusing upon the Middle East and taught a course to World Bank staff on project finance dispute resolution. He has also practiced with leading international law firms in London, England, and Cairo, Egypt. In Cairo, he worked on a range of banking, aviation, project finance and international law matters before the Egyptian courts and other tribunals in the Middle East.

Dr Parish is a member of the Association Suisse de L'Arbitrage and the Honourable Society of Lincoln's Inn, a fellow of the Royal Society of Arts and was formerly a visiting fellow of the British Institute of International and Comparative Law. He teaches two postgraduate degree courses on commodities trading at the University of Geneva, where he lectures on international litigation, arbitration and enforcement of judgments, and he is a frequent guest lecturer on international relations at a number of universities across Europe. He also speaks on the subject of commodities trading and international investment at a range of conferences. He is a Senior Fellow of the Institute for Comparative Law in Belgrade.

Dr Parish is the Co-Chair of an International Law Association policy committee based in New York. He was formerly a committee member with the British Swiss Chamber of Commerce and Vice President of the Oxford and Cambridge Society in Geneva, and provides pro bono legal advice to two Geneva nongovernmental organisations. He is recognised by the Journal of Export Controls as one of the world's leading experts on international sanctions. His status as a Young Global Leader with the World Economic Forum and participation at its annual conference in Davos gives him unparalleled access to some of the world's most senior political and business leaders.

Global Arbitration Review says this: "*Matthew Parish is very well organised, dedicated to his job, responsible, honest, good at creative thinking with a solution to all problems, and client-orientated ... Matthew and his team are excellent professionals and committed hard workers, who effectively and promptly respond to clients on all requests ... and who are practically available on a 24-hour basis.*"

## REPRESENTATIVE EXPERIENCE

### INTERNATIONAL ARBITRATION (GENERAL COMMERCIAL)

- Representation of Elektrim Finance B.V., an entity responsible for financing the now insolvent Polish telecommunications company, in ongoing litigation and ICC arbitration proceedings between Vivendi, Deutsche Telekom and Elektrim in a dispute over ownership of the Polish Telecommunications Operator PTC, in a claim worth in excess of €3 billion.
- Acting for a major Russian precious metals mining company in ICC disputes with its financiers about withdrawal of funding for projects in the CIS.
- Acting for a Russian media group in arbitration proceedings before the Chamber of Commerce of the Russian Federation arising out of a disputed joint venture agreement over a major Russian mobile telecommunications operator.
- Representation of a Cypriot construction and shipping family in a dispute over ownership of and income from a major international construction company operating in the Middle East.
- Acting for a Russian joint venture partner in an ICC dispute arising out of defaults by its US counterpart in respect of commitments to exploit oil concessions in Western Africa.
- Acting for an international project management company in an ICC dispute with a major Western European oil company over a project to construct a liquid natural gas refinery plant in Yemen.
- Acting for a Russian construction financier in a US\$120 million LCIA dispute over a Russian-Austrian joint venture to construct a shopping mall in eastern Russia.
- Acting for a major British-Australian bank in a regulatory dispute and litigation about fraudulent misselling of life insurance policies and pensions products.
- Acting for the vendors of a Russian beverages company in a US\$140m M&A dispute with private equity buyers.
- Acting for a Russian telecommunications company in its ongoing joint venture dispute with Russian and European partners, arising out of a multi-billion Dollar corporate restructuring deal.
- Advising a mining company on obtaining financing for a €250 million quarry development project in West Africa, and negotiating project and contractual documents; advising on international taxation issues.
- Representing a global mining conglomerate with Russian headquarters in a dispute with a rival international mining group over ownership of a multi-billion Dollar southern African precious metal concession.

### TRADING AND MARITIME

- ICC Geneva arbitration relating to shipbuilding dispute concerning subcontractor fraud for construction of major pipe laying vessel constructed in Rio de Janeiro.
- Acting for a national state-owned East Asian petroleum corporation in connection with allegations of fraudulent preparation of trading contracts by a counterpart in another nationally owned petroleum corporation in the same region; arbitration proceedings before the International Chamber of Commerce worth over US\$100 million were commenced in London under English law.
- Claim related to fraudulent non-delivery and cancellation under a grain contract relating to a Middle Eastern sovereign purchaser and a “long company” (i.e. with a fraudulent trading record) based in a major western jurisdiction.

- Acting for a state-owned Gulf shipping corporation in a gasoil shipment demurrage claim arising out of *force majeure* events in the Far East; arbitration proceedings before the London Maritime Arbitrators' Association.
- Time charter dispute before the English High Court arising out of unauthorised substitution of vessels, charter of a repair rig and consequential losses and other damages for delay.
- Acting for one of several defendants in a claim by a major international London-based bank against a state-owned South Asian shipping corporation, involving fraudulent amendments to a bill of lading and other transaction documents and wrongful payment out on a letter of credit.
- Representing a private individual and his family companies in a series of investments in the gold mining industry in two African states, including negotiations with prospective international financiers and investment banks.
- Acting for charterers associated with a major international commodity trader in proceedings before the London Maritime Arbitrators' Association proceedings with a disponent owner concerning forum shopping and alleged repudiation of an arbitration agreement.
- London based arbitration concerning demurrage claims relating to leak of seawater and vessel acceptability warranty relating to delays in receiving delivery of crude oil in the Middle East.
- Claim relating to in transit contamination of mono-ethylene glycol with impurities in transit from the Middle East to a far Eastern country; proceedings before an arbitral tribunal in London under the Arbitration Act 1996.
- Barratry claim, involving deliberately berthing a vessel in a jurisdiction in which it would be subject to arrest, to blackmail the disponent owner into satisfying the debts in respect of which arrest was obtained.
- Grounding claim in India (unsafe berth for a vessel of the requisite tonnage); apportionment of responsibility.

#### INVESTMENT DISPUTES AND STATE CONTRACTS

- Claim relating to fraudulent misprocurement of a state contract with a national port authority in a west-African post-conflict state; arbitration proceedings before the London Court of International Arbitration relating to payment of bribes, followed by advice and representation on legal proceedings before the High Court in London and enforcement proceedings in Washington, DC.
- Representing a unit of Russian local government in a complaint of judicial expropriation of that entity's interest in a major oil refinery by the government of a neighbouring state; advice and representation in relation to investment treaty arbitration proceedings.
- Claim relating to judicial expropriation of real estate assets in the centre of a major Eastern European capital relating to inconsistent commercial and administrative proceedings pursued by differing political interests.
- Acting for a major Russian entrepreneur in a complaint of government expropriation of his assets; multiple proceedings in offshore jurisdictions as well as arbitral proceedings before the London Court of International Arbitration, worth US\$250 million.
- Acting for the Government of the State of Kuwait in proceedings before the UN Compensation Commission, relating to clean-up costs after the First Gulf War.
- Acting for the Government of a West African country in an arbitration matter worth approximately US\$50m, arising out of a cancelled BOT contract to manage the country's national port facilities.
- Acting for a major Russian oil company in investment treaty disputes with Ukraine concerning judicial expropriation of a joint venture refinery, involving claims worth several hundred million US Dollars.
- Representation of an international bank in the Balkans in a complaint before the European Court of Human Rights regarding judicial expropriation of property.
- Acting for a major Eastern European steel company in a complaint before the European Court of Human Rights regarding government expropriation of contractual rights through corrupt insolvency proceedings in respect of a state-owned company.

#### TRANSACTIONAL AND OTHER

- Advising a West African country on sovereign lending in the value of €150 million for a comprehensive infrastructure development project; advising on sovereign risk and procurement issues, and transaction structure with a major British-based investment bank.
- Representing a Swiss-owned financial services company on corporate and regulatory issues in connection with establishment of a UK-based subsidiary.
- Advising a French company in connection with negotiation of international distributorship contracts governed by English law.
- Advising a Russian property conglomerate over security to be taken by an international bank in respect of corporate and other assets located in miscellaneous offshore jurisdictions including the BVI, Cyprus and Gibraltar.
- Representing a major Eastern European pharmaceutical distribution company on establishment of a Swiss trading presence, corporate, taxation, immigration and employment issues, and preparation of international sale and purchase contracts.
- Advising a Swiss-based family investment office on residential real estate investment and development projects in London; joint venture structure, shareholders' agreement, international tax issues.
- Advising an English human resources company on establishing a presence in Switzerland, including corporate advice, relations with the administration, employment issues and domestic contractual issues.
- Advising a major CIS-based insurance company on international corporate restructuring in connection with threatened corporate raids.
- Representing a purchaser on Swiss bank escrow arrangements in relation to a €100 million company share purchase agreement for transfer of corporate assets located in the CIS.

## PUBLISHED WORKS

Copies of most published works are available at [www.matthewparish.com/publications.html](http://www.matthewparish.com/publications.html)  
Social Science Research Network homepage <http://ssrn.com/author=1518563>  
Investment Arbitration [http://www.investmentarbitration.net/authors/author\\_detail.asp?key=1270](http://www.investmentarbitration.net/authors/author_detail.asp?key=1270)  
For Amazon author profile see <http://www.amazon.com/-/e/B0034Q05SE>

### 1. Legal and academic papers and journal articles:

#### **Film Finance: The Hidden Wager** (2002) 118 L.Q.R. 187

Considers whether there is an insurable interest in film finance insurance policies. Published in the *Law Quarterly Review*, England's foremost academic legal journal.

**Cited** in Malcolm A. Clarke, *Law of Insurance Contracts*, 5 Rev Ed (2006) §4-5M

#### **State aid and third parties: a logical paradox** (2002) 27 E.L.Rev. 628

Addresses the nature of remedies in EC competition law cases in which government financial assistance to private sector companies has been held to be unlawful. Published in the *European Law Review*, the premier English language journal on EC law.

#### **On the Private Investor Principle** (2003) 28 E.L.Rev. 70

Critique of a central principle of EC competition law as conceptually incoherent. At the request of Philippe Herzog MEP, I gave expert evidence to the European Parliament on the subject matter of this article in June 2003 in connection with proposed law reforms. My presentation notes to the Parliament are available at <http://www.europarl.europa.eu/hearings/20030611/econ/lowell.pdf>

#### **Why are developing world private finance contracts so difficult to get right?**

*Oil, Gas and Energy Law Intelligence*, Vol. 5(2) April 2007

Discusses microeconomic obstacles to successful execution of project finance contracts for the private operation of infrastructure services in the developing world, and the high incidence of arbitration and renegotiation associated with them. Examines information and cooperation problems, and analyses failures to plan adequately for dispute resolution scenarios. Available at

<http://www.ogel.org/about-author-a-z-profile.asp?key=1270>

#### **On Necessity J. World Inv't & Trade** 11(2): 1 (2010)

Critique of the public international law "emergency defences" in the context of the global economic crisis, as elucidated through ICJ and investment tribunal case law, and the ILC draft articles on state responsibility.

#### **The Proper Law of an Arbitration Agreement**

*Arbitration, the Journal of the Chartered Institute of Arbitrators* 76(4): 661 (2010)

Argues that conventional doctrines of *dépeçage* in the law of international arbitration are confused. The "proper law of an arbitration agreement" by which an arbitration clause's validity is judged should generally follow the *lex fori*, irrespective of the *lex causae*; but capacity to arbitrate should be assessed by the *lex domicilii*, even for public entities.

#### **Awarding Moral Damages to Respondent States in Investment Arbitration**

*Berkeley Journal of International Law* 29(1): 101 (2010)

Investigates the incidence of moral damages claims in investment treaty arbitration. Surveys cases where claimants have been awarded moral damages, and considers the criteria and quantum. Also suggests respondent states may be entitled to bring counterclaims for moral damages where claimants proceed vexatiously in bringing investment treaty claims. <http://www.boalt.org/bjil/documents/Parish-Nelson-RosenbergArticle.pdf>

**Investment Treaty Law and International Law** *Am.Rev.Int'l.Arb.* 23(1): 137 (2012)

Considers the occasions on which arbitration tribunal established under investment treaties have had cause to consider the content of other areas of law, and examines the different methods they have used for resolving areas of overlap and conflict. Considers in particular the relationship between investment treaty law and human rights law, EU law and international arbitration law.

**Winner**, International Institute for Conflict Prevention and Resolution, **Best Short Article of 2012**

Also published in *Investment Treaty Arbitration and International Law* (T. Weiler, ed., Juris 2014)

**An Introduction to the Energy Charter Treaty** *Am.Rev.Int'l.Arb.* 20: 191 (2010)

Provides an overview of the jurisdictional requirements for US investors to acquire Energy Charter Treaty protections when investing in the energy sector in Eastern Europe and the CIS.

**The public international law of bank bail-outs**

*Transnational Dispute Management*, Vol. 7(1) April 2010

Discusses the principles of international investment law applicable to the bank bail-outs that occurred globally in 2008/2009, and asks whether claims may be raised before investment tribunals by investors aggrieved by the terms of national bail-out programmes.

**International Officials** *Austrian Rev.Int'l.Eur.L.* Vol. 13: 79 (2008)

Discusses the powers in public international law of officials charged with UN-mandated and other international territorial administrations in post-conflict societies. Argues that those powers should be strictly delimited and subject to international legal review by an impartial international judicial body.

Available on SSRN: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1651519](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1651519)

**An Essay on the Accountability of International Organizations** *Int'l.Org.L.Rev.* 7(2): 277 (2010)

Argues for improved legal accountability of international organizations, abandonment of traditional doctrines of functional immunity from domestic suit, and application of human rights treaties to the acts of IOs. First presented as part of a conference panel on accountability of international organisations, of which the author was the Chair. International Law Association Conference: *Challenges to Transnational Governance*, Fordham Law School, NYC, 22-23 October 2009.

Also available on SSRN at <http://ssrn.com/abstract=1651784>

Discussed by the NGO UN Justice at <http://www.unjustice.org/news49.htm>

Reviewed by *Opinio Juris*

<http://opiniojuris.org/2010/09/16/legal-accountability-of-international-organizations-and-their-agents/>

**The Economic Logic of Formality in Property Law**

European Law & Economics Association (ELEA) 2009 Annual Conference (September 2009)

Discusses the economic rationale of the common law rule that passage of title to personalty is a question of parties' intention. Compares this principle unfavourably with a Roman-Germanic doctrine of *traditio*. <http://www.eale09.eu/ocs2/index.php/EALE/roma09/paper/viewFile/143/47>

**The Demise of the Dayton Protectorate** *Journal of Intervention and Statebuilding*, December 2007

Discusses the rise and fall of the international legal regime in post-war Bosnia, under which a UN official called the "High Representative" ran Bosnia as an internationally administered governorate for over ten years. Available at:

<http://www.wmin.ac.uk/sshl/pdf/JISB%20BOS%203%20-%20Parish.pdf>

See also the commentary in the Bosnian press:

*OHR should leave as soon as possible*, Glas Srpske, 12 June 2008

[www.glassrpske.com/vijest/2/novosti/8419/lat/OHR-treba-sto-prije-zatvoriti.html](http://www.glassrpske.com/vijest/2/novosti/8419/lat/OHR-treba-sto-prije-zatvoriti.html)

*OHR should urgently close*, Nezavisne Novine, 21 July 2008

[www.nezavisne.com/vijesti.php?meni=2&vijest=26204](http://www.nezavisne.com/vijesti.php?meni=2&vijest=26204)

This piece has been discussed in domestic and international academic circles. See e.g. Sylvie Rammel, *Status*, Vol. 13(2008), 10; Heinrich Böll Foundation, *Bosnia and Herzegovina and Controversies of the EU Integration Process* (Sarajevo 2008); Arvanitopoulous and Tzifakis, *Eur. View* (2008) 7:15.

### **Republika Srpska: After Independence**

Argues that the fracture of post-war Bosnia into two or more mini-states is inevitable. The international community's best course is not to make futile attempts to resist it, but rather delay the process. When the inevitable finally happens, the international community should accept the country's partition and ameliorate the worst consequences.

Published in multiple venues:

*Balkan Insight* magazine 19 November 2009 <http://www.balkaninsight.com/en/article/republika-srpska-after-independence> *Belgrade Insight* (Serbian newspaper) 20 November 2009

*Transconflict* Journal 24 November 2009 [http://www.transconflict.com/News/2009/November/Republika\\_Srpska\\_After\\_Independence.php](http://www.transconflict.com/News/2009/November/Republika_Srpska_After_Independence.php) *Buka* magazine 27 July 2010 <http://www.buka.ba/republika-srpska-nakon-osamostaljenja>

*Žurnal* 27 August 2010 [http://www.zurnal.info/home/index.php?view=article&catid=17%3Aposta-sa-okupirane-strane&id=2657%3AMatthew-parish-republika-srpska-nakon-osamostaljenja&tmpl=component&print=1&layout=default&page=&option=com\\_content&Itemid=35](http://www.zurnal.info/home/index.php?view=article&catid=17%3Aposta-sa-okupirane-strane&id=2657%3AMatthew-parish-republika-srpska-nakon-osamostaljenja&tmpl=component&print=1&layout=default&page=&option=com_content&Itemid=35)

Also published as: *Conflict Resolution in Bosnia and Herzegovina: Laying Troubles for the Future* in *Proceedings of the 2010 Geneva Security Forum*

See also the extended interview I gave to *Žurnal* about this article, 28 and 29 August 2010: [http://www.zurnal.info/home/index.php?option=com\\_content&view=article&id=2664:intervju-matthew-parish-&catid=45:interview&Itemid=31](http://www.zurnal.info/home/index.php?option=com_content&view=article&id=2664:intervju-matthew-parish-&catid=45:interview&Itemid=31) (Part #1) [http://www.zurnal.info/home/index.php?option=com\\_content&view=article&id=2673:intervju-matthew-parish-2-brko-e-biti-taka-zapaljenja-izmeu-srba-i-bonjaka&catid=45:interview&Itemid=31](http://www.zurnal.info/home/index.php?option=com_content&view=article&id=2673:intervju-matthew-parish-2-brko-e-biti-taka-zapaljenja-izmeu-srba-i-bonjaka&catid=45:interview&Itemid=31) (Part #2)

The interview is also available in English on the Transconflict website: [www.transconflict.com/2010/09/the-future-of-bosnia-now-lies-with-bosnians-not-with-outsiders-079](http://www.transconflict.com/2010/09/the-future-of-bosnia-now-lies-with-bosnians-not-with-outsiders-079) See also the discussion in *Depo* (newspaper): <http://www.depo.ba/front/da-ce-zapaliti-distrikt-brcko>

### **Paradigms of State-Building: Comparing Bosnia and Kosovo**

*Journal of Eurasian Law* 3(3) (2010)

First presented at Columbia University 28 October 2010

Available on SSRN: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1680226](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1680226)

Critiques the legal structure of international territorial administration in post-war Bosnia and Kosovo. Draws parallels between the legal structure of the state-building missions in each territory, yet observes that the challenges facing intervention missions in each territory were profoundly different, and seeks to draw lessons from the errors made by the international community in each jurisdiction.

### **Arbitration in the Western Balkans: The Emerging Commercial Landscape**

*Pravni Život* (Serbian academic legal journal), December 2010

Also presented at the conference of the Kopaonik School of Natural Law, 14 December 2010

Available on SSRN: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1685217](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1685217)

### **The political logic of Balkanisation**

*Proceedings of the Geneva Security Forum* (2011)

Considers the success and failures of secessionist movements around the world, the international law governing state secession, and the political conditions which make secession possible, in the context of state-building missions that seek to hold countries together in the aftermath of civil war.



### **International courts and the European Legal Order**

*European Journal of International Law*, Vol. 23(1) (2012)

Considers the possibility for conflict between different areas of international law, in particular between EU law and other areas of international law, and reviews the opinion of the European Court of Justice declaring the European Community and Patents Court to be inconsistent with EU law. [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1919679](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1919679)

### **International sanctions and how to evade them**

*Oil Gas & Energy Law* 10<sup>th</sup> Edition Special Issue, March 2012

<http://www.ogel.org/journal-browse-issues-toc.asp?key=48>

Analyzes the legal effects of differing regimes of international sanctions, and the ease of evading those sanctions. Includes travel bans, banking bans and export embargoes, principally considered in the context of the 2012 Iran crisis.

### **Wrongful acts of international organizations: no remedy means no responsibility**

International Law Association Committee Report, 18 December 2012

[http://ila-americanbranch.org/reports/2012-12-18\\_ABILA\\_Parish\\_Rios.pdf](http://ila-americanbranch.org/reports/2012-12-18_ABILA_Parish_Rios.pdf)

Considers the obligations under international law of international organizations, and the paucity of remedies available to those adversely affected by their decisions. The article also serves as an introduction to the committee's work.

### **Deregulating legal fees**

*Legal Studies*, September 2012 (forthcoming)

Argues that regulators' schemes for controlling freedom of contract between lawyers and their clients for their fee structures are self-defeating. In particular the prohibition on contingency fees has no sound policy ground save restricting access to justice. Fee regulation is another sort of barrier to entry regulation and promotes cartel practices amongst legal professionals.

### **Judicial Politics and the Balkan Wars**

*Foreign Legal Life*, Volume 2(2013)

A critical assessment of the decision of the Appellate Chamber of the International Criminal Tribunal for Yugoslavia to overturn the first instance decision convicting the Croatian General Ante Gotovina of war crimes in the course of Operation Storm, expelling Serbs from Krajina, in August 1995.

### **International law and Great Power Politics**

In David Feldman, ed., *Law in Politics, Politics in Law* (Oxford: Hart), 2013

Considers the relationship between the way international law is developed and adjudicated by international courts, and the relative political strength of the sovereign litigants that international law concerns. Advances the author's pessimistic constructivism theory of international law. <http://www.hartpub.co.uk/BookDetails.aspx?ISBN=9781849464734>

### **International Law and International Organizations: the Legacy of the Twentieth Century**

Право Журнал высшей школы экономики (2014), Vol. 2: 124

*(Legal Journal of the Higher School of Economics, St Petersburg, Russian Federation)*

Explores the rise of international organisations in the political history of the twentieth century, the consequent growth of international law, and the effects of this growth upon international relations, from a constructivist perspective.

## **2. Books:**

### **A Free City in the Balkans: Reconstructing a Divided Society in Bosnia**

I.B.Tauris, London (October 2009)

- “Matthew Parish's analysis is rigorous, clear-eyed and extremely persuasive ... the book is a terrific as well as important read”
- “A vivid and at times very disturbing picture of multiple layers of institutional, cultural and political misunderstandings at all levels of Bosnian government”
- “This is a story that needed to be told, not least because it is a story of our times – one of internationally-driven state-building in the contemporary context, and all of the inherent problems associated with such projects. a timely and valuable addition to the existing literature”
- “a story of the problems that internationally driven state-building in failed states faces: dis-appointment, betrayal and illusions. ... of interest to anyone interested in pitfalls and success of liberal peace and ethics of building”
- “a substantive and thoughtful contribution to the literature on the international intervention and involvement in the Balkans ... will provoke thoughtful reevaluation that even the most read and informed observer of developments in Bosnia will be forced to consider”

First book, discussing the work of a public international law arbitration tribunal: the Arbitral Tribunal for the Dispute over the Inter-Entity Boundary in the Brčko Area, of which the author was one of the principal officers.

<http://www.ibtauris.com/History/Balkans.aspx>

[www.amazon.co.uk/dp/1848850026/](http://www.amazon.co.uk/dp/1848850026/)

Reviews:

*Oslobodjenje*, 20 March 2010

*Nationalities Papers* 38(3): 440, May 2010

*Balkan Insight*, 15 June 2010 <http://www.balkaninsight.com/en/article/matthew-parish-a-free-city-in-the-balkans-reconstructing-a-divided-society-in-bosnia>

*Balkan Academic News*, 10 November 2010

*Journal of Serbian Studies*, 21(2): 271 (2007)

*Slavic Review* 70(2): 461 (2011)

Enes Pašalić, *Info Brčko*, 20 December 2011 [http://www.infobrcko.com/v3/index.php?option=com\\_content&view=article&id=3339%3A-paali-kritiki-prikaz-knjige-biveg-savjetnika-ohr-a-u-brkom&catid=1%3Avijesti-iz-brkog&Itemid=20](http://www.infobrcko.com/v3/index.php?option=com_content&view=article&id=3339%3A-paali-kritiki-prikaz-knjige-biveg-savjetnika-ohr-a-u-brkom&catid=1%3Avijesti-iz-brkog&Itemid=20)

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### **Mirages of International Justice: The Elusive Pursuit of a Transnational Legal Order**

Edward Elgar, London (May 2011)

- “This is a book of unusual power and insight. Parish's deconstruction of the illusory promise of international justice may make uneasy reading but it is a necessary addition to the literature in this field”
- “This book issues the latest blast against the crumbling battlements of the cloud-fortress of international law. Meticulous, engaging, and forcefully written, the book offers little consolation for defenders amid the ruins”
- “This is an excellent book ... insightful and intelligent about international law and the international organizations who purport to administer it ... without the cynicism one might expect from someone who has been through the system”

Second book, comparing structural failures in different international courts and tribunals. Applies the insights of realism and constructivism in international relations theory to international law. Compares the ECHR, investment tribunals, the ICJ, international criminal courts, the WTO and the EU courts.

[http://www.e-elgar.com/bookentry\\_main.lasso?id=14119](http://www.e-elgar.com/bookentry_main.lasso?id=14119) <http://www.amazon.co.uk/dp/1849804087>

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### **Ethnic Civil War and the Promise of Law**

Edward Elgar, London (*forthcoming late 2013*)

Third book, analysing the different state-building strategies used by the international community in ethnic civil wars. One of the first comparative studies in the field, contrasting state-building projects in the Balkans, the Middle East, Latin America and East Asia. This book presents a sceptical hypothesis, concerned that the short electoral cycles to which intervening governments work hinders the long-term commitment necessary to achieve sustainable results.

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*Catastrophes of State-Building: Learning from the Bosnian Prototype*
- Frozen conflicts seminar, Harriman Institute, Columbia University, NYC, 28 October 2010  
*One Size Fits All in International Territorial Administration: Learning from the Bosnia-Kosovo Paradigm*  
[http://www.harrimaninstitute.org/events/lecture\\_series.html?id=balkans](http://www.harrimaninstitute.org/events/lecture_series.html?id=balkans)
- Columbia University, NYC, 28 October 2010, public lecture  
*State-Building in Post-war Bosnia: The Legacy of Failure*  
<http://calendar.columbia.edu/sundial/webapi/get.php?brand=sipa&id=44856&vt=detail&context=standalone>
- European Patent Organisation, Munich, 19 January 2011 (Staff Union invitation)  
*Law, due process and international organisations*
- Humanitarian Space, 16<sup>th</sup> International Humanitarian Conference  
*Is state-building a science?*  
Webster University, UNHCR, ICRC, Geneva International Conference Centre 27/28 January 2011 <http://www.webster.edu/depts/artsci/i/pdf/HumConf2011.pdf>
- Geneva In-Sight (annual Geneva commodities trading meeting), 15 March 2011  
*Risky business: legal aspects of commodities trading in emerging markets, and future regulatory challenges*  
[www.academyfinance.ch/v2/next\\_events/GIS-programme.pdf](http://www.academyfinance.ch/v2/next_events/GIS-programme.pdf)
- British Swiss Chamber of Commerce, annual legal & tax conference, Geneva, 24 March 2011  
*Moving your business across jurisdictions: challenges and opportunities*, Conference co-chair [http://www.bscc.co.uk/index.php?option=com\\_phocagallery&view=category&id=187:24th-march-2011-geneva-legal-a-tax-seminar&Itemid=89](http://www.bscc.co.uk/index.php?option=com_phocagallery&view=category&id=187:24th-march-2011-geneva-legal-a-tax-seminar&Itemid=89)
- Geneva Global Security Forum, Webster University Geneva, 8 April 2011  
*Air strikes from Bosnia to Kosovo to Libya*  
[http://www.webster.ch/index.php?option=com\\_content&task=view&id=784&Itemid=685](http://www.webster.ch/index.php?option=com_content&task=view&id=784&Itemid=685)
- W.G. Hart Legal Workshop, Institute of Advanced Legal Studies, London, 30 June 2011  
*Abrogating Westphalia: The Perils of International Territorial Administration* <http://www.sas.ac.uk/events/view/9235>
- Society of Legal Scholars annual conference, 6 September 2011  
Plenary session: *Lawyers and the political: politics, lawmaking and governance*  
<http://conference.legalscholars.ac.uk/cambridge/index.cfm>

- American Branch, International Law Association, annual conference, NYC 21 October 2011  
Panel chair: *The Law of the International Civil Service and National Employment Law*  
[http://ila-americanbranch.org/ILW2011\\_Schedule.pdf](http://ila-americanbranch.org/ILW2011_Schedule.pdf)
- *Financing Commodity-Based Development in Developing Countries*  
UNCTAD Global Commodities Forum, 23-24 January 2012 <http://www.unctad.info/en/Global-Commodities-Forum-2012/?id=74189>
- *International Law and the Return of Great Power Politics*  
Keynote speaker, Conference, Law and the Global World Community  
National Research University Higher School of Economics, St Petersburg, 27-28 January 2012
- *Refugees in the Balkans: The Lingering Political Landscape*  
Humanitarian Space Conference, 1-2 March 2012  
<http://www.webster.ch/about-webster/humanitarian-conference-refugees-armed-conflict>
- *The role of international arbitration in a new transnational legal order*  
Keynote speaker, HFW Geneva seminar series / Graduate Institute CTEI Speaker Series, 15 March 2012  
<http://www.hfw.com/event/the-role-of-international-arbitration-in-a-new-transnational-legal-order-seminar>  
[http://www.graduateinstitute.ch/ctei/home/events/events\\_2012/arbitration.html](http://www.graduateinstitute.ch/ctei/home/events/events_2012/arbitration.html)
- *International sanctions against Iran and commodities trading*  
Presentation, Roundtable on UN sanctions against Iran, Geneva Centre for Security Policy, 16 March 2012
- *The Origins of the Second Great Depression*  
Opening presentation, British Swiss Chamber of Commerce Legal & Tax Seminar, 28 March 2012  
"Capital Flows in an Age of Crisis: Switzerland's Role in the Changing Global Economy" [http://www.bscc.co.uk/images/stories/Events/ForthcomingEvents/2012-03-28\\_lt\\_seminar\\_3a\\_.pdf](http://www.bscc.co.uk/images/stories/Events/ForthcomingEvents/2012-03-28_lt_seminar_3a_.pdf)
- *Asymmetric investment contracts in the African resource sector*  
15<sup>th</sup> African Oil, Gas and Minerals, Trade and Finance Conference (OILGASMINE), 6 April 2012  
<http://www.ogtfafrica.com/conference.htm>
- *Security for claims*  
Holman Fenwick Willan Geneva seminar series, 8 May 2012 <http://www.hfw.com/event/security-for-claims-vs-enforcement-of-judgments-and-awards>
- *Commercial and investment arbitration in Switzerland and beyond*  
Panel speaker, St Petersburg International Legal Forum, Russian Federation, 18 May 2012 <http://spblegalforum.com>
- *The politics of judicial reasoning in the English and American common laws*  
Keynote speaker, seminar, Differences in legal argumentation between English and continental lawyers  
National Research University Higher School of Economics, St Petersburg, 19 May 2012
- *Bosnia's Disintegration: Could we Have Avoided It?*  
Webster University Geneva Human Rights Lecture Series, 30 August 2012
- *Conflict borders: Bosnia and Herzegovina, Croatia, Serbia and Brčko*  
European Centre for Minority Issues, Flensburg, Germany, 10 September 2012  
<http://www.ecmi.de/trainings/summer-school/> / <http://www.nmbr.de>
- *Legal risks in up-stream commodities and trading in the African continent*  
Seizing Africa's Business Opportunities, Conference, Geneva, 19-21 September 2012  
<http://www.febp.ch/febp/event/registration/seizing-africa-business-opportunities>
- *Litigation and dispute resolution: methods of attacking offshore structures, and tactics for defence*  
Bosco conference: International Tax Effective Structures, Riga, 28 September 2012 (Conference co-chair)  
<http://www.bosco.org.ua/en/seminars-and-conferences/international-tax-effective-structures-2012-riga-latvia>
- *Dealing with defaulting counterparties, security and insurance*  
Conference: Innovation in International Trade, Hotel Beau Rivage Palace, 3 October 2012 <http://www.hfw.com/publications/bulletins/commodities-bulletin-july-2012/commodities-bulletin-july-2012-innovation-in-international-trade-seminar>
- *Defaulting counterparties and how to deal with them*

Legal Aspects of grain trade in the Middle East countries, VII International Grain Trading Conference of the Russian Grain Union, 18 October 2012, Sharm-El-Sheikh [http://www.grun.ru/en/events/detail.php?SECTION\\_ID=235&ID=2460&type=PROGRAMM](http://www.grun.ru/en/events/detail.php?SECTION_ID=235&ID=2460&type=PROGRAMM)

- *The Eurozone Crisis and the Impact of State Bankruptcy*  
Fédération des Entreprises Romandes, Geneva, 22 October 2012 <http://www.hfw.com/event/the-eurozone-crisis-and-the-impact-of-state-bankruptcy-seminar>
- *Arbitrator neutrality: A legal fiction, but is it an efficient one?*  
Brunel University Law School visiting lecture series, 7 November 2012  
[http://www.brunel.ac.uk/law/research/events/cipl-seminar-series/ne\\_238619](http://www.brunel.ac.uk/law/research/events/cipl-seminar-series/ne_238619)  
[http://www.brunel.ac.uk/law/news-and-events/news/CIPL/ne\\_252094](http://www.brunel.ac.uk/law/news-and-events/news/CIPL/ne_252094)
- *UK anti-corruption legislation: the new framework*  
HFW seminar in conjunction with Janković Popović & Mitić law firm, Belgrade, 8 November 2012  
<http://www.jpm.rs/page.php?id=337>
- *Partition of Bosnia – When, How and What Response?*  
Secession Redux: Lessons for the EU, University of Texas at Austin, 1 March 2013 [http://www.utexas.edu/cola/centers/european\\_studies/features/features/Secession.php](http://www.utexas.edu/cola/centers/european_studies/features/features/Secession.php) [http://www.utexas.edu/cola/centers/european\\_studies/events/past-conferences/Secession%20Redux%202013.php](http://www.utexas.edu/cola/centers/european_studies/events/past-conferences/Secession%20Redux%202013.php)
- *Defaulting counterparties: How do deal with them? What do you do if you are one?*  
Lugano Commodity Forum, 5-6 March 2013 [http://luganocommodityforum.ch/en/?page\\_id=30](http://luganocommodityforum.ch/en/?page_id=30)
- *The role of international criminal justice in reconciliation*  
Moderator and speaker, debate before the UN General Assembly, 10 April 2013 [http://www.un.org/en/ga/president/67/letters/pdf/Thematic%20Debate\\_Role%20of%20International%20Criminal%20Justice%20in%20Reconciliation%20-%2011%20February%202013.pdf](http://www.un.org/en/ga/president/67/letters/pdf/Thematic%20Debate_Role%20of%20International%20Criminal%20Justice%20in%20Reconciliation%20-%2011%20February%202013.pdf) [http://en.wikipedia.org/wiki/Thematic\\_debate\\_on\\_the\\_role\\_of\\_international\\_criminal\\_justice\\_in\\_reconciliation](http://en.wikipedia.org/wiki/Thematic_debate_on_the_role_of_international_criminal_justice_in_reconciliation) <http://www.un.org/News/Press/docs/2013/ga11355.doc.htm>  
<http://webtv.un.org/meetings-events/watch/role-of-international-criminal-justice-in-reconciliation-general-assembly-thematic-debate/2291609602001> [http://www.un.org/en/ga/president/67/issues/icj/icj\\_index.shtml](http://www.un.org/en/ga/president/67/issues/icj/icj_index.shtml)
- *Anti-realism and international law*  
Keynote speaker, Philosophy and Contemporary International Law, St Petersburg State University, 13 May 2013  
<http://ns.philosophy.spbu.ru/eng.html>
- *How to freeze a Swiss bank account*  
HFW seminar series, Geneva 23 May 2013  
<http://www.hfw.com/HFW-Seminar-How-to-Freeze-a-Swiss-Bank-Account-May-2013>
- *Arbitrator Independence and Impartiality*  
Panel Chair, CIARB European Branch Annual Dispute Resolution Conference, Istanbul 19 October 2013  
<http://www.ciarb.org/young-members/events/2013-annual-conference---istanbul/>
- *The impact of EU and US export controls and sanctions legislation on (1) EU businesses and (2) non-EU businesses*  
Chair of two discussion panels, WorldECR Export Controls and Sanctions Forum, 14-15 November 2013  
<http://www.worldecr.com/conference/>
- *Cross-border commerce in the global electronic age: the new regulatory landscape*  
eCom21 Riga International Forum, 21-22 November 2013  
<http://ecom.dev-point.org/about/>
- *Obtaining Security for Claims*  
Commodities Traders Alumni Conference, 28 November 2013 [http://www.hec.unige.ch/index.php?option=com\\_k2&view=item&id=2202:the-many-businesses-in-the-commodity-trading-industry&Itemid=1&lang=fr](http://www.hec.unige.ch/index.php?option=com_k2&view=item&id=2202:the-many-businesses-in-the-commodity-trading-industry&Itemid=1&lang=fr)
- *Towards a legal regime for transparency in energy commodity prices: can it and should it be done?*

Fall Conference of the International Relations Program of Webster University, Geneva  
National Energy Policies and International Cooperation, 29 November 2013 [http://  
www.webster.ch/international-relations/14th-fall-ir-conference](http://www.webster.ch/international-relations/14th-fall-ir-conference)

- *International arbitration between Russian businesses*
- *Asset-tracing and piercing the corporate veil*
- *How to choose your law firm*  
"Russian Banks in Europe – Specifics of Conducting Business"  
Three speeches at a conference hosted by l'Université Paris-Sorbonne, Nice, France, 21-24 January 2014  
<http://www.cofr.ru/node/56>
- *Shifting moods in the Boardroom: reflections from the bowels of the legal profession*  
Accenture conference with the British Film Institute, London, 13 February 2014
- *Lessons learned from the Dayton Peace Accords*  
19<sup>th</sup> International Humanitarian Conference: Conflict Resolution, Webster University Geneva, 13 February 2014  
<http://www.webster.ch/sites/www.webster.ch/files/19HC%20Program%202014-01-29.pdf>
- *OECD Base Erosion and Profit Shifting (BEPS) Action Plan: How it is Affecting Tax Planning Strategies*  
*The Upcoming Corporate Tax Reform in Switzerland: Analysis of Changes*  
INTAX Info Russia, 23-23 September 2014, Moscow, Russia [http://  
intax-group.com/en/conferences/intax-expo-russia/schedule.html](http://intax-group.com/en/conferences/intax-expo-russia/schedule.html)
- *Maximising benefits of investments: policy dialogues*  
OilGasMine Special Event Africa, UNCTAD World Investment Forum, Geneva 13-16 October 2014
- *Russia: death of a market?*  
10<sup>th</sup> Annual Structured Commodity Finance Conference 2015, London, 10-12 March 2015 [http://  
www.iiribcfinance.com/event/Structured-Commodity-Finance-Conference/speaker/id/dr-matthew-  
parish\\_gentium-law-group/sid/3929](http://www.iiribcfinance.com/event/Structured-Commodity-Finance-Conference/speaker/id/dr-matthew-parish_gentium-law-group/sid/3929)
- *Corporate tax reform in Switzerland*  
Intax Expo Middle East, Dubai, 16-17 March 2015  
<http://intax-group.com/en/conferences/intax-expo-middle-east/speakers.html>

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