

# The Honorable Charles N Brower

CALL: 1962 (NEW YORK); 1971 (DISTRICT OF COLUMBIA)

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Languages: German (bilingual); French (fluent); Dutch (fluent); Russian (conversational)



## Overview

Charles's 55-year career in the law has combined extensive practice at the bar with distinguished public service, both national and international. For nearly 40 years he has focused on public international law and international dispute resolution.

As counsel or arbitrator he has handled cases on all six continents, principally under the rules of the ICC, UNCITRAL, LCIA, AAA, United Nations Compensation Commission, ICSID, Stockholm Chamber of Commerce, Insurance and Reinsurance Arbitration Society and LMAA. These cases have involved a wide variety of commercial disputes as well as issues of public international law, particularly involving the oil and gas sector, major infrastructural projects, expropriations, and other investment disputes, including ones arising under both bilateral and multilateral investment treaties.

Charles started his career with White & Case LLP in New York, before serving for four years in the United States Department of State in Washington, DC, concluding as its Acting Legal Adviser. He then rejoined White & Case LLP, co-founding its Washington, DC office, where his practice came to be comprised almost exclusively of substantial international arbitrations.

He has served continuously since 1983 as a judge of the Iran-United States Claims Tribunal in The Hague, The Netherlands. That service was interrupted for some months in 1987 by White House service as Deputy Special Counsellor to President Reagan. Charles resumed partnership in White & Case LLP from 1988 until joining 20 Essex Street in 2001. Since 2014 he has also served as a Judge ad hoc at the International Court of Justice.

## Publications

- *The Iran-United States Claims Tribunal* (Martinus Nijhoff Publishers 1998) (co-author with Jason D Brueschke): awarded the Certificate of Merit of the American Society of International Law in 1998.
- From the Two-Headed Nightingale to the Fifteen-Headed Hydra: The Many Follies of the Proposed International Investment Court' (2018) 41 *Fordham International Law Journal* 791.
- 'The Death of the Two-Headed Nightingale: Why the Paulsson—van den Berg Presumption that Party-Appointed Arbitrators are Untrustworthy is Wrongheaded' (2012) 6(3) *World Arbitration and Mediation Review* 619; (2013) 29(1) *Arbitration International* 7 (co-author).
- 'Is Arbitration a Threat or a Boon to the Legitimacy of International Investment Law?' (2009) 9(2) *Chicago Journal of International Law* 471 (co-author with Stephan Schill).

## Professional memberships

- American Bar Association: Past Governor

In 2015 Charles was only the fourth ever recipient of the Global Arbitration Review Lifetime Achievement Award.

## Education

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- Harvard Law School, JD (1961)
- Rheinische Friedrich-Wilhelms-Universität, Bonn and Die Hochschule fuer Politik, now Otto-Suhr-Institut of the Free University of Berlin: Fulbright Scholar (1957–1958)
- Harvard College: BA, *cum laude* (1957)

- American Journal of International Law: Board of Editors
- American Society of International Law: Past President
- Institute for Transnational Arbitration: Past Chair
- International Law Association: former member of Executive Council
- United Nations Compensation Commission: Register of Experts (1991–)

## Lectures / talks

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- ‘Why the “Demolition Derby” That Seeks To Destroy Investor-State Arbitration?’: Justice Lester W Roth Lecture, University of Southern California (12 October 2017).
- ‘Investomercial Arbitration: Whence Cometh It? What Is It? Whither Goeth It?’: Alexander Lecture, CI Arb, London (21 November 2013).
- ‘The Ethics of Arbitration: Perspectives from a Practicing International Arbitrator’: Keynote Address at the Riesenfeld Symposium, University of California (2010).

## Example cases and appointments

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### International Court of Justice

- *Question of the Delimitation of the Continental Shelf Between Nicaragua and Colombia Beyond 200 Nautical Miles from the Nicaraguan Coast (Nicaragua v Colombia)*: serving as Judge *ad hoc* (2014–).
- *The Case Concerning Certain Iranian Assets (Islamic Republic of Iran v United States of America)*: serving as Judge *ad hoc* (2016–).
- *The Case Concerning Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v United States of America)*: serving as Judge *ad hoc* (2018–).

### Representative international arbitrations

- *Vattenfall AB and others v Federal Republic of Germany* (ICSID Case No ARB/12/12): serving as co-arbitrator with Professor Vaughan Lowe and (as President) Professor Albert Jan van den Berg (2013–).
- *Chevron Corporation (USA) and Texaco Petroleum Corporation (USA) v The Republic of Ecuador* (PCA Case No AA277): served as co-arbitrator with Professor Albert Jan van den Berg and (as President) Professor Karl-Heinz Böckstiegel (2006–2011).
- *White Industries Australia Ltd v Republic of India* (UNCITRAL rules arbitration): served as co-arbitrator with Christopher Lau SC and (as Presiding Arbitrator) J William Rowley QC (2010–2012).

## Recommendations

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He's one of the best arbitrators. [Chambers Global 2018](#)

One of the deans of investor-state arbitrators. [Chambers Global 2018](#)

One of the busiest arbitrators in the world. [Chambers Global 2018](#)