

## Paolo Busco

**CALL: 2014 (ITALY); 2017 (REGISTERED AS A EUROPEAN LAWYER WITH THE BAR OF ENGLAND AND WALES); 2021 (ENGLAND AND WALES)**

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Languages: Italian (fluent); Spanish (fluent); French (proficient)



### Overview

Paolo practices in the fields of public international law and international dispute settlement, with a specific interest in matters concerning the interaction between international law and diplomacy. He is qualified both in Italy as an “avvocato” and, as a barrister, in England and Wales. He is well-versed both in common law and civil law and has appeared before courts in both systems. Paolo has also been a legal advisor to senior Government officials, including Ministers of Foreign Affairs, Defense and Home Affairs in Italy and in the Middle East, working across the full spectrum of international law and relations.

He has been involved as counsel in matters before the International Court of Justice, the International Tribunal for the Law of the Sea, the Court of Justice of the European Union, ICSID investment tribunals, Annex VII to UNCLOS arbitral tribunals, and several domestic courts. Paolo also has significant experience in inter-State negotiations and mediations, which he developed in various advisory capacities in the context of complex political and diplomatic disputes.

Before qualifying as a barrister, Paolo practiced international law in several capacities. Among other things, he worked as a senior legal consultant to the Food

### Publications

- ‘Not All that Glitters Is Gold: the Human Rights Committee’s Test for the Extraterritorial Application of the ICCPR in the Context of Search and Rescue Operations’, *Opinio Juris* (2021).
- ‘Shunning Conventional Wisdom – Italian Courts and State Immunity in Employment Disputes’, *Ejil Talk!* (2021).
- ‘Another Perspective on Search & Rescue in the Mediterranean Sea’, *Opinio Juris* (2020).
- ‘The function of procedural justice in International adjudication’ [2016] *The Law and Practice of International Courts and Tribunals* 1 (co-author).
- ‘What we talk about when we talk about procedural fairness’ in A Sarvarian, F Fontanelli, R Baker and V Tzevelekos (eds), *Procedural Fairness in International Courts and Tribunals* (BIICL 2015) (co-author).
- ‘Thou shalt only partly judge! Jurisdictional review in the opinion of the intervening states’ in M Avbelj, F Fontanelli and G Martinico (eds), *Kadi on Trial: a Multi-faceted Analysis of the Kadi Trial* (Routledge 2014).

and Agricultural Organization of the United Nations in Riyadh and, before that, as an Assistant Legal Counsel at the Permanent Court of Arbitration in The Hague. He trained as a lawyer at the Office of the Attorney General of Italy. He holds law degrees from Luiss University in Rome (LLB), the University of Cambridge (LLM) as well as the University of Paris 1 Sorbonne and Scuola Superiore Sant'Anna in Pisa (PhD).

## Education

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- BPP: Graduate Diploma in the Laws of England & Wales, "GDL" (2021)
- Université Paris 1 Panthéon-Sorbonne: PhD in international and comparative law (2018)
- Scuola Superiore Sant'Anna: PhD in law (2018)
- University of Cambridge: LLM in international law (2011)
- Università Luiss Guido Carli: LLB with specialisation in international and EU law (2010)

## Scholarships / prizes / awards

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- Sant'Anna School of Advanced Study PhD Full Scholarship (2012–2015)
- Daniele Padovani Prize of the Italian Society of International Law for the best LLB dissertation in international procedural law (2011)
- Regione Marche LLM Scholarship (2010)
- Luiss University medal for results in the LLB (2010)
- Lamaro-Pozzani medal for academic excellence (2009)
- Federazione Nazionale dei Cavalieri del Lavoro / Lamaro-Pozzani undergraduate fellowship (2004–2009)

## Example cases

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- Counsel to the Marshall Islands in the M/T 'Heroic Idun' case, Case No. 30, (*Marshall Islands v Equatorial Guinea*), International Tribunal for the Law of the Sea.
- Counsel to Italy in Questions of jurisdictional immunities of the State and measures of constraint against State-owned property (*Germany v. Italy*), International Court of Justice.
- Counsel and Advocate to the Italian Republic in the "*Enrica Lexie*" Incident, Case No. 24, (*Italy v India*), International Tribunal for the Law of the Sea.
- Counsel to the UAE in Appeal Relating to the Jurisdiction of the ICAO Council under Article 84 of the Chicago Convention (*Bahrain, Egypt, Saudi Arabia and United Arab Emirates v Qatar*) and Appeal Relating to the Jurisdiction of the ICAO Council under Article II Section 2 of IASTA, (*Bahrain, Egypt, and United Arab Emirates v Qatar*), International Court of Justice.
- Counsel to a European State mediating a maritime border dispute.
- Counsel to the UAE in Application of the International Convention on the Elimination of All Forms of Racial Discrimination (*Qatar v United Arab Emirates*), International Court of Justice.
- Counsel to the United States of America in several cases before Italian Courts concerning State immunity from jurisdiction.

- 'Caveat Emptor: pre-purchase due diligence duties of US merchants for transactions outside the temporal scope of the 1970 UNESCO Convention' [2013] *Transnational Dispute Management, Special Issue on Art and Heritage Disputes* 8 (co-author).

## Professional memberships

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- American Society of International Law
- European Society of International Law
- Expert with the General Legal Affairs Service (LEGA) of the Food and Agricultural Organization of the UN (2017–present)
- The Aspen Institute: Junior Fellow
- The Honourable Society of the Middle Temple

## Lectures / talks

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- 'Practice before the ITLOS and Annex VII Tribunals': US Naval War College, Stockton Center for International Law (January 2019).
- 'The Protection of the Civilian Population in Warfare – The role of Humanitarian Organizations and Civil Society': Carabinieri Officers Academy, Rome (26–27 October 2017, organiser of the conference).
- 'International Humanitarian Law and Modern Warfare': Carabinieri Officers Academy, Rome (23–24 October 2015, organiser of the conference).

- Advisor to the Italian Republic in *Rackete and others v Italy* (Application no. 32969/19), European Court of Human Rights.
- Advisor to the Italian Home Ministry on various international law matters in the context of migration flows in the Mediterranean Sea.
- Counsel to the UAE in the Arbitration pursuant to Article 32 of the Constitution of the Universal Postal Union, Case 2020-28, (*Qatar v United Arab Emirates*), Permanent Court of Arbitration.
- Counsel and Advocate to the Italian Republic in the “*Enrica Lexie*” Incident, Case 2015-28, (*Italy v India*), Permanent Court of Arbitration.
- Counsel and Advocate to the Italian Republic the *MV “Norstar”*, Case No. 25 (*Panama v Italy*), International Tribunal for the Law of the Sea.
- Counsel to a State in various cases concerning State immunity from jurisdiction and the Act of State doctrine before Courts in England and Wales.
- Counsel and Advocate to DQ in a preliminary ruling procedure pursuant to Article 267 of the TFEU, Case C-396/18 (*Cafaro v DQ*), Court of Justice of the European Union.
- Counsel for Impresa Pizzarotti SpA in *Impresa Pizzarotti & C. S.p.A. v Kingdom of Morocco*: ICSID Case No. ARB/19/14.
- Counsel for the UAE in *Amir Masood Taheri v United Arab Emirates* (counsel for the UAE), ICSID Case No. ARB/21/19.
- Counsel to the UAE in arbitral proceedings brought by Qatar Airways under the Organisation of Islamic Countries (OIC) Investment Agreement.

## Public international law

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- Counsel to the Marshall Islands in the M/T ‘Heroic Idun’ case, Case No. 30, (*Marshall Islands v Equatorial Guinea*), International Tribunal for the Law of the Sea.
- Counsel to Italy in Questions of jurisdictional immunities of the State and measures of constraint against State-owned property (*Germany v. Italy*), International Court of Justice.
- Counsel to the United States of America in several cases before Italian Courts concerning State immunity from jurisdiction.
- Counsel to a European State mediating a maritime border dispute.
- Counsel to the UAE in Conciliation proceedings pursuant to the International Convention on the Elimination of All Forms of Racial Discrimination (*Qatar v UAE*), CERD Committee and Commission.
- Counsel and Advocate to the Italian Republic in the “*Enrica Lexie*” Incident, Case No. 24, (*Italy v India*), International Tribunal for the Law of the Sea.
- Counsel and Advocate to the Italian Republic the *MV “Norstar”* case, Case No. 25 (*Panama v Italy*), International Tribunal for the Law of the Sea.
- Counsel to a State in various cases concerning State immunity and the Act of State doctrine before Courts in England and Wales.
- Counsel to the UAE in Appeal Relating to the Jurisdiction of the ICAO Council under Article 84 of the Chicago Convention (*Bahrain, Egypt, Saudi Arabia and United Arab Emirates v Qatar*) and Appeal Relating to the Jurisdiction of the ICAO Council under Article II Section 2 of IASTA, (*Bahrain, Egypt, and United Arab Emirates v Qatar*), International Court of Justice.
- Counsel to the UAE in Re Application (A) of the State of Qatar Relating to the Disagreement with the Arab Republic of Egypt, the Kingdom of Bahrain, the Kingdom of Saudi Arabia and the United Arab Emirates Arising pursuant to Article 84 of the Chicago Convention, ICAO Council.
- Counsel to the UAE in Re Application (B) of the State of Qatar Relating to the Disagreement with the Arab Republic of Egypt, the Kingdom of Bahrain, the Kingdom of Saudi Arabia and the United Arab Emirates pursuant to Article II, paragraph 2 of the International Air Services Transit Agreement, ICAO Council.
- Counsel for the UAE in Application of the International Convention on the Elimination of All Forms of Racial Discrimination (*Qatar v United Arab Emirates*), International Court of Justice.
- Counsel to the Italian Republic in *Rackete and Others v Italy* (Application no. 32969/19), European Court of Human Rights.

## International arbitration

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- Counsel to the UAE in the *Arbitration pursuant to Article 32 of the Constitution of the Universal Postal Union*, Case

2020-28, (Qatar v United Arab Emirates), Permanent Court of Arbitration.

- Counsel and Advocate to the Italian Republic in the “*Enrica Lexie*” Incident, Case 2015-28, (*Italy v India*), Permanent Court of Arbitration.
- Counsel to the UAE in arbitral proceedings brought by Qatar Airways under the Organisation of Islamic Countries (OIC) Investment Agreement.
- Counsel to Impresa Pizzarotti SpA in *Impresa Pizzarotti & C. S.p.A. v Kingdom of Morocco*: ICSID Case No. ARB/19/14.
- Counsel to the UAE in *Amir Masood Taheri v United Arab Emirates*, ICSID Case No. ARB/21/19.
- Assistant to the Tribunal in *Hela Schwarz GmbH v People’s Republic of China*, ICSID Case No. ARB/17/19.
- Assistant to the Tribunal in The Atlanto-Scandian Herring Arbitration (*The Kingdom of Denmark in respect of the Faroe Islands v The European Union*), Case 2013-30, as an Assistant Legal Counsel at the Permanent Court of Arbitration.
- Assistant to the Tribunal in Chagos Marine Protected Area Arbitration (*Mauritius v United Kingdom*), Case 2011-03, as an Assistant Legal Counsel at the Permanent Court of Arbitration.
- Assistant to the Tribunal in *OAO Gazprom v The Republic of Lithuania*, Case 2011-06, as an Assistant Legal Counsel at the Permanent Court of Arbitration.
- Assistant to the Tribunal in *Dunkeld International Investment Limited (Turks & Caicos) v The Government of Belize*, Case No. 2010-13, as an Assistant Legal Counsel at the Permanent Court of Arbitration.
- Assistant to the Tribunal in *Mattioli Joint Venture v The Ministry of Water and Energy* representing the Federal Democratic Republic of Ethiopia, Case No. 2013-33: as an Assistant Legal Counsel at the Permanent Court of Arbitration.
- Assistant to the Tribunal in *Consta Joint Venture v Chemin de Fer Djibouto-Ethiopien*, Case No. 2013-32, as an Assistant Legal Counsel at the Permanent Court of Arbitration.

## Recommendations

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He's stunningly good. [Chambers UK Bar 2023](#)

I've always been impressed by his initiative. [Chambers UK Bar 2023](#)