

## Simon Olleson

CALL: 2002

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English (fluent); Italian (proficient); French (proficient)



### Overview

Simon's practice focuses on public international law and international arbitration (including both investment protection disputes and international commercial arbitration).

He has particular experience as counsel and advocate in inter-State disputes, including before the International Court of Justice (ICJ), the International Tribunal for the Law of the Sea (ITLOS) and international arbitral tribunals constituted under the auspices of the Permanent Court of Arbitration (PCA).

Simon has advised and acted in a broad range of international disputes involving: issues of State responsibility and treaty interpretation, territorial disputes, investment protection disputes (including claims before the International Centre for the Settlement of Investment Disputes (ICSID), and arbitral tribunals under the PCA and UNCITRAL Rules), issues of international human rights law, issues of sovereign immunity, disputes involving State succession, and disputes involving issues under the law of the sea (including maritime delimitation). Simon also has experience of litigation before the English courts, including cases raising issues of public international law, and matters relating to arbitration.

In addition, he has substantial experience in international commercial arbitration and has acted in cases brought under a variety of procedural rules (UNCITRAL, LCIA, ICC, Stockholm Chamber of Commerce, CI Arb, etc, and covering a variety of subject matters, including sale of goods, advertising, logistics in respect of a major energy project, and a partnership dispute.

Simon also accepts appointments to sit as an arbitrator.

### Publications

- 'The Character and Forms of International Responsibility', in M.D. Evans (ed.), *International Law* (5th ed.) (Oxford University Press, 2018) (with J. Crawford).
- Contributor of the parts on 'International Responsibility' and 'Diplomatic Protection and Consular Assistance' to the *International Relations* title of *Halsbury's Laws of England* (6th ed.) (2018); previously also contributor to the 5th ed., (Lexis-Nexis, London, 2010).
- 'Attribution in Investment Treaty Arbitration' (2016) 31(2) *ICSID Review - Foreign Investment Law Journal* 457-483.
- 'Application of the Rules of State Responsibility' in M. Bungenberg, J. Griebel, S. Hobe and A. Reinisch (eds) *International Investment Law* (Nomos/Beck/Hart Publishing, 2015), pp. 411-441 (with J. Crawford).
- 'The Law of International Responsibility', J. Crawford, A. Pellet and S. Olleson (eds), (Oxford University Press, Oxford, 2010).

## Professional memberships

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- American Society of International Law
- British Institute of International and Comparative Law
- Chartered Institute of Arbitrators: Associate
- European Society of International Law
- International Law Association, British Branch
- Committee on Baselines under the International Law of the Sea (2009-2018): Member

## Lectures / talks

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- “Protests at Sea: Balancing Freedom of Expression and Security Interests”: invited speaker at joint workshop on *Maritime Security of Offshore Activities and Installations: Legal Aspects* (IELoS (Genoa)/Institute for the Law of the Sea and International Marine Environmental Law (Bremen); (Bremen, 27 June 2019).
- “Migration by Sea: Questions of State Responsibility and Liability”; invited speaker at *WMU Symposium on Migration by Sea*, World Maritime University, Malmö, Sweden (26-27 April 2016).

## Education

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- University of Cambridge, Trinity College: Diploma in International Law (2004)
- New York University School of Law: LLM (2001)
- University of Cambridge, Trinity College: BA (Hons) Law (double First) (2000), with ERASMUS year at the Université de Poitiers); MA (2003)

## Major awards / prizes / scholarships

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- *Cavaler* (Knight) of the *Ordinul Național “Serviciul Credincios”* (National Order “Faithful Service”) of Romania (2009)
- Research Scholarship, De Lancey Award and award from the Hollond Fund (Trinity College) (2003)
- Henry Hollond Travelling Studentship (Trinity College) (2000)
- Hauser Global Scholarship (New York University) (2000)
- Hardwicke Entrance Scholarship and Wolfson Scholarship (Lincoln’s Inn) (2000)
- Senior Scholar (Trinity College) (1998)
- Various other College and Faculty prizes and scholarships

## Example cases

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See below.

## Public International Law

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- Acting for the United Arab Emirates before the International Court of Justice in *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v United Arab Emirates)*, in respect of Qatar’s claims of breach of the CERD, including appearing as counsel and advocate in relation to Qatar’s Application for Provisional Measures (Order of 23 July 2018, I.C.J. Reports 2018, p. 406); and in respect of the UAE’s Preliminary Objections, (Judgment of 4 February 2021)
- Counsel for the United Arab Emirates (and advocate on behalf of all the Applicant States) in parallel appeals before the International Court of Justice against decisions of the Council of the International Civil Aviation Organisation: *Appeal Relating to the Jurisdiction of the ICAO Council under Article 84 of the Convention on International Civil Aviation (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 the 1944 International Air Services Transit Agreement (Bahrain, Egypt and United Arab Emirates v Qatar)*; Judgments of 14 July 2020.
- Counsel for the claimant investor in a claim before ICSID under the Italy-Morocco BIT (construction/infrastructure works): *Impresa Pizzarotti & C. S.p.A. v Kingdom of Morocco* (ICSID Case No. ARB/19/14).
- Counsel for the claimant investors in claims before ICSID under the Jordan-Qatar BIT (television and film production): *Talal Al Awamleh, Arab Telemédia Services LLC and Ain Telemédia Studios LLC v State of Qatar* (ICSID No. ARB/18/38).
- Counsel for Costa Rica before the International Court of Justice in *Maritime Delimitation in the Caribbean Sea and the*

*Pacific Ocean (Costa Rica v Nicaragua)* and *Land Boundary in the Northern Part of Isla Portillos (Costa Rica v Nicaragua)*; joined inter-related disputes concerning sovereignty over disputed land territory and maritime delimitation. (I.C.J. Reports 2018, p. 139).

- Counsel for Costa Rica before the International Court of Justice in *Certain Activities in the Border Area (Costa Rica v Nicaragua)* and *Construction of a Road in Costa Rica along the San Juan River (Nicaragua v Costa Rica)*: joined disputes concerning inter alia, the military occupation of disputed territory, the causing of environmental damage, and the obligation to carry out Environmental Impact Assessments (I.C.J. Reports 2015, p. 665).
- Counsel for Malaysia in the *Railway Land Arbitration (Malaysia/Singapore)*(PCA): interpretation of a bilateral treaty relating to the surrender of residual land holdings of Malaysia within the territory of Singapore, and their swap for a stake in a joint property development venture.
- Advising and representing the Kingdom of Lesotho in substantial, complex and multi-faceted proceedings involving two inter-connected PCA-administered investment arbitrations under the UNCITRAL Rules, relating to the alleged expropriation of a diamond mine, and the shuttering of the SADC Tribunal whilst the claimants' claims in that regard were pending; consequent set-aside proceedings before the courts of Singapore (High Court and Court of Appeal) and related satellite litigation. The Award of the first tribunal was set-aside by the courts of Singapore on jurisdictional grounds, resulting in discontinuation of the follow-on arbitration:
  - PCA/UNCITRAL: *Swissbourgh Diamond Mines (Pty) Ltd and others v Kingdom of Lesotho* (PCA Case No. 2013/29), Partial Final Award of 18 April 2016; Decision on Interpretation, 27 June 2016; and Final Award on Costs, 20 October 2016.
  - Singapore High Court: *Swissbourgh Diamond Mines (Pty) Ltd and others v Kingdom of Lesotho* [2017] SGHCR 02 and [2017] SGHC 104 (appropriate method for service of proceedings on a State).
  - Singapore High Court: *Kingdom of Lesotho v Swissbourgh Diamond Mines (Pty) Ltd and others* [2017] SGHC 195 (Lesotho's successful application to set aside the Award of the PCA Tribunal on jurisdictional grounds).
  - Singapore Court of Appeal: *Swissbourgh Diamond Mines (Pty) Ltd and others v Kingdom of Lesotho* [2018] SGCA 81 (Claimant's unsuccessful appeal against decision setting aside Award of the PCA Tribunal).
  - PCA/UNCITRAL: *Van Zyl and others v Kingdom of Lesotho* (PCA Case No. 2016/21) (follow-on arbitration).
- Counsel for the Republic of Colombia before the International Court of Justice in *Aerial Herbicide Spraying (Ecuador v Colombia)*: Ecuador's claims of violation of sovereignty and territorial integrity and breaches of international environmental and human rights law resulting from the alleged transboundary drift of herbicides sprayed for the purpose of combatting the illegal production of narcotic drugs.
- Counsel and Advocate for Romania before the International Court of Justice in *Maritime Delimitation in the Black Sea (Romania v Ukraine)*, ICJ Reports 2009, p. 61.

## **Commercial Disputes, Commercial Arbitration and Arbitration-related Applications**

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- Sole counsel for the claimant in an international commercial arbitration under the LCIA Arbitration Rules in relation to contracts for the sale and supply on CIF terms of pre-painted galvanised steel sheets (PPGI) in rolls. Claims relating to latent defects, resulting in large numbers of claims brought against the claimant by end-customers in multiple jurisdictions. Substantial damages and costs awarded.
- Sole counsel for the claimant in an international commercial arbitration under the SCC Arbitration Rules in relation to alleged breach of a logistics contract related to the construction of a major natural gas processing plant; issues as to the effects of imposition of US sanctions upon principal shareholder of the respondent company; dispute as to competing arbitration clauses, and as to jurisdiction of the Tribunal.
- Advising and acting on behalf of the Kingdom of Lesotho in a jurisdictional challenge before the Singapore Courts to the Award of an investment arbitration tribunal, and related satellite litigation:
  - Singapore High Court: *Swissbourgh Diamond Mines (Pty) Ltd and others v Kingdom of Lesotho* [2017] SGHCR 02 and [2017] SGHC 104 (appropriate method for service of proceedings on a State under Singapore's State Immunity Act ).
  - Singapore High Court: *Kingdom of Lesotho v Swissbourgh Diamond Mines (Pty) Ltd and others* [2017] SGHC 195 (Lesotho's successful application to set aside the Award of the PCA Tribunal on jurisdictional grounds).
  - Singapore Court of Appeal: *Swissbourgh Diamond Mines (Pty) Ltd and others v Kingdom of Lesotho* [2018] SGCA 81 (Claimant's unsuccessful appeal against decision setting aside Award of the PCA Tribunal).
- Advising as to the prospects of mounting a jurisdictional challenge under s. 67 Arbitration Act 1996 against the Award of the Tribunal in an investment treaty arbitration under the UNCITRAL Rules.
- Sole counsel for the claimant in a partnership dispute relating to the operation of a network of care-homes.

## Recommendations

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As a junior, Simon is peerless in the field of international law. Encyclopedic, refined and impactful, Simon brings class and quality to everything he does. [The Legal 500 UK Bar 2024](#)

Simon is forensic, measured and extremely user-friendly. [Chambers UK Bar 2024](#)

He is a very strong technician and extremely authoritative. [Chambers UK Bar 2024](#)

A great supporting junior, with wide experience before international tribunals. A great asset to legal teams working in this field. [The Legal 500 UK Bar 2023](#)

Simon is a clear expert in public international law issues and an excellent drafter. [Chambers UK Bar 2023](#)

He's good on his feet and is excellent at handling clients [Chambers UK Bar 2023](#)

A great advocate with an amazing patience for sifting through the facts. [Chambers UK Bar 2022](#)

Simon is a brilliant professional, he's proactive, practical and great to work with. [The Legal 500 UK Bar 2022](#)

Excellent on maritime delimitation and a superstar on state responsibility. [Chambers UK Bar 2022](#)

A powerful intellect and good to work with. [The Legal 500 UK Bar 2021](#)

Very talented and a real star in the making in the field of international law. [The Legal 500 UK Bar 2020](#)

An acknowledged expert on the law of state responsibility. [Chambers UK Bar 2020](#)

He has a strong academic background in PIL and a keen interest in the law of state responsibility. [Chambers and Partners Global Bar 2019](#)

Very thorough, meticulous and provides very good written work. [Chambers UK Bar 2020](#)

He is very bright and has excellent knowledge of international law. [Chambers and Partners Global Bar 2019](#)