



PAOLO BUSCO, LLM PhD

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SUMMARY

I am a public international lawyer trained and admitted to practice both in England and Wales (barrister) and Italy (*avvocato*). I am a member of **Twenty Essex Chambers** in London.

I am ranked by Chambers and Partners in respect of Public International Law, London Bar.

My practice focuses on **international law, including before domestic courts, and international dispute settlement**. I also have significant experience in **inter-State negotiations and mediations**, as well as in the **policy of public international law**, which I developed acting as an advisor to Ministers of Home and Foreign Affairs both in Italy and the Middle East. In my practice as counsel, I have been involved in matters pending before the International Court of Justice; the International Tribunal for the Law of the Sea; Annex VII to UNCLOS arbitral tribunals; UNCITRAL Tribunals; the Court of Justice of the European Union; ICSID World Bank investment tribunals and several domestic courts.

Before joining Twenty Essex, I was an **Assistant Legal Counsel at the Permanent Court of Arbitration** in The Hague, a **Senior Legal Consultant at FAO** and, before that, I trained as a lawyer with the **Office of the Attorney General of Italy**, assigned to the Deputy Attorney General.

I hold a **PhD Degree in international and comparative law from the University of Paris I Panthéon-Sorbonne in cotutelle** with **Scuola Superiore Sant'Anna** in Pisa, an **LLM in public international law from the University of Cambridge**, an **LLB with a specialisation in public international law from Luiss University** in Rome as well as a **GDL in the Law of England and Wales from BPP**.

I have held various visiting fellowships in international law, including at the **Lauterpacht Center for International Law at the University of Cambridge** and **Georgetown University in DC**.

PROFESSIONAL EXPERIENCE

- **Twenty Essex Street Chambers, London (UK)** **2014 - present**
 - Barrister of the Bar of England and Wales (**since 2021**).
 - Registered European Lawyer with the Bar of England and Wales, member of the Honorary Society of Middle Temple (**2017 - 2021**).
 - Member of the Bar of Rome (**since 2014**).
 - **Significant advisory work includes:**
 - Advisor to a **sovereign mediator** in a territorial dispute between two countries in Africa.
 - Advisor to a **State** on potential ICJ proceedings concerning duties of judicial cooperation with respect to certain categories of crimes under international law.
 - Advisor to the **Italian Republic** (Ministry of Home) on questions of international law of the sea, and international human rights law stemming from the migration flows from Africa.
 - Advisor to a **sovereign mediator** in a maritime delimitation dispute pending before the ICJ between two States.
 - Advisor to the **Kingdom of Saudi Arabia** (Ministry of Environment) on international fisheries law, in the context of the project Saudi Vision 2030.
 - Advisor to a Middle Eastern State on the conclusion of a major international agreement.
 - Advisor to a Middle Eastern State on the implementation of a major international agreement concluding a dispute.
 - Advisor to the **United States of America** (Department of Justice), on strategic issues concerning State immunity in civil proceedings before various European jurisdictions.
 - Advisor to a **State** concerning various issues of State immunity from civil proceedings in the United Kingdom.
 - Advisor to a **State** concerning the ratification of the UN Convention on Jurisdictional Immunities of States and their properties.
 - Advisor to a **sovereign mediator** in a dispute between three States concerning the construction and operation of a major infrastructure in Africa.

- **Significant litigation includes:**

Before the International Court of Justice:

- *Italian Republic v Federal Republic of Germany* (counsel to Italy), in Questions of jurisdictional immunities of the State and measures of constraint against State-owned property, Provisional Measures Request, **International Court of Justice**.
- *Bahrain, Egypt, Kingdom of Saudi Arabia, United Arab Emirates v Qatar* (counsel to the UAE, as a consultant to the Minister) in Appeal Relating to the Jurisdiction of the ICAO Council under Article 84 of the Chicago Convention, **International Court of Justice**.
- *Bahrain, Egypt, United Arab Emirates v Qatar* (counsel to the UAE, as a consultant to the Minister) in Appeal Relating to the Jurisdiction of the ICAO Council under Article II Section 2 of IASTA, **International Court of Justice**.
- *United Arab Emirates v Qatar* (counsel to the UAE, as a consultant to the Minister) in Application of the International Convention on the Elimination of All Forms of Racial Discrimination, Preliminary objections, **International Court of Justice**.

Before other International Courts or Adjudicatory Mechanisms:

- *Qatar v United Arab Emirates* (counsel to the UAE, as a consultant to the Minister) in the Conciliation proceedings pursuant to the International Convention on the Elimination of All Forms of Racial Discrimination, **CERD Committee and Commission**.
- *Qatar v United Arab Emirates* (counsel to the UAE, as a consultant to the Minister) in the Arbitration pursuant to Article 32 of the Constitution of the Universal Postal Union, Case 2020-28, **Permanent Court of Arbitration**.
- *Qatar v Bahrain, Egypt, Kingdom of Saudi Arabia and United Arab Emirates* (counsel to the UAE, as a consultant to the Minister) in proceedings pursuant to Article 84 of the ICAO Convention, **Council of the ICAO**.
- *Bahrain, Egypt, United Arab Emirates v Qatar* (counsel to the UAE, as a consultant to the Minister) in proceedings pursuant to Article II Section 2 of IASTA, **Council of the ICAO**.
- *Cafaro v DQ* in preliminary ruling under Article 287 of the TFEU (counsel to DQ), Case C-396/18, **Court of Justice of the European Union**.
- *Rackete and Others v Italy, Application no. 32969/19* (Advisor to Italy, as a consultant to the Ministry), **European Court of Human Rights**.
- *Panama v Italy* (counsel to Italy) in the MV Norstar Case, Preliminary Objections to Jurisdiction and Merits, Case n. 25, **International Tribunal for the Law of the Sea**.
- *Italy v India* (counsel to Italy) in the Enrica Lexie case, 2nd Provisional Measure Request and Merits, Case 2015-28, **Permanent Court of Arbitration**.
- *Italy v India* (counsel to Italy) in the Enrica Lexie case, 1st Provisional Measure Request, Case n. 24, **International Tribunal for the Law of the Sea**.

Before International Investment Tribunals:

- *Impresa Pizzarotti SpA v Kingdom of Morocco* (counsel to Impresa Pizzarotti) in Case No. ARB/19/14, **ICSID**.
- *Amir Masood Taheri v United Arab Emirates* (counsel to the UAE), ICSID Case No. ARB/21/19, **ICSID**.
- *Hela Schwarz GmbH v People's Republic of China* (assistant to the Tribunal) in Case No. ARB/17/19, **ICSID**.
- *Qatar Airways OIC v United Arab Emirates* (counsel to the UAE, as a consultant to the Minister), **PCA**.
- *Shokat Mohammed Dalal v United Arab Emirates* (counsel to the UAE, as a consultant to the Minister), Case No. ARB/19/10, **ICSID**.
- *Taishin International Bank v Government of Taiwan* (counsel to Taishin International Bank), **PCA**.

Before Domestic Courts:

- *Cafaro v DQ* (counsel to DQ) in proceedings concerning the implementation of the decision of the CJEU in case C-396-18, **Italian Supreme Court**.
- *Various claimants v United States of America* (counsel or advisor to the United States) in over 10 cases concerning State immunity, **various Italian courts**.
- *Various claimants v a Middle Eastern State* or its *State officials* in over 15 cases concerning State immunity before **US, UK, French, Canadian and Australian courts**.
- *Various litigants v MSC Cruise* (counsel for MSC Cruise), **High Court of Justice of England and Wales**.
- *United States of America v A Company* (counsel to the United States) on a matter of international law concerning the application of the Hague Evidence Convention of 1970, **various Italian Courts**.
- *Belhaj and another v Straw and others* (assistant to the expert) in case [2017] UKSC 3, **Supreme Court of England and Wales**.

- **Food and Agricultural Organization of the United Nations, Rome (I) and Riyadh (KSA)** **2017 - 2019**
 - Roster of Experts in the General Legal Affairs Section.
 - Senior consultant to the Food and Agricultural Organization of the United Nations in Riyadh on international law of the sea and international fisheries law.
- **Italian Ministry of Home Affairs, Rome (I)** **2017 - 2019**
 - Adviser to the Cabinet of the Minister, on international law of the sea and human rights law, with special regard to the international migration flows in the Mediterranean.
- **Permanent Court of Arbitration, The Hague (NL)** **2013 - 2014**
 - Assistant legal counsel. I provided legal and case management assistance to arbitral tribunals in inter-State and investment arbitral proceedings in which the PCA acted as the Registry.
 - Significant experience includes:
 - *The Kingdom of Denmark in respect of the Faroe Islands v The European Union* (The Atlanto-Scandian Arbitration) PCA Case 2013-30.
 - *Mauritius v The United Kingdom* (The Chagos Maritime Protected Area Arbitration) PCA Case 2011-03.
 - *Consta Joint Venture v Chemin de Fer Djibouto-Ethiopien*, PCA Case 2013-32.
 - *Mattioli Joint Venture v The Ministry of Water and Energy representing the Federal Democratic Republic of Ethiopia*, PCA Case 2013-33.
 - *OAQ Gazprom v The Republic of Lithuania*, PCA Case 2011-16.
 - *British Caribbean Bank Ltd. v The Government of Belize*, PCA Case 2010-18.
- **Office of the Attorney General of Italy, Rome (I)** **2010 - 2012**
 - Trainee lawyer with the Office of the Attorney General of Italy. I was assigned to the Deputy Attorney General. I worked in the fields of public international law, EU law and international dispute settlement.
 - In addition to several cases on behalf of Italy before Italian courts, significant international experience includes:
 - *Kadi et al. v Council and Commission*, C-402/05 P and C-415/05 P, **Court of Justice of the European Union.**
 - *Republic of Italy et al. v Sotheby's* (The Girolamini case), Claim No. HQ09X00180, **English High Court of Justice.**
 - *Jacobsens v. Ministry of Cultural Affairs of Italy*, Claim No. 1MY50006, **Mayors and City of London County Court;**
 - *Republic of Italy et al. v Jean Paul Getty Museum* (The Young Athlete of Lysippus case), **various Italian courts, including the Italian Supreme Court.**
 - *An international mediation* involving Italy, another European State and one international museum over the contested ownership of certain cultural properties.
 - *Diplomatic negotiations* over the restitution of several cultural properties with the Princeton University Art Museum, the Metropolitan Museum of Art of New York, the Ny Carlsberg Glyptotek of Copenhagen and the Boston Museum of Fine Arts.
 - *Assistance in the preparation of a criminal case* against a prominent UK art dealer for smuggling of antiques.
 - *Advisory work and drafting of legal opinions* on a number of questions of interpretation and application of EU and international law submitted by various Italian ministries and State entities.
- **Cleary Gottlieb Steen & Hamilton LLP, Rome (I)** **2008 - 2009**
 - *Stagiaire* in the international arbitration department.

VISITING POSITIONS

- **Georgetown University, Washington, D.C. (USA)** **2018 – 2019**
 - Visiting Researcher at the Law Center.
- **University of Cambridge, Washington, D.C. (USA)** **2015 – 2016**
 - Visiting Fellow at the Lauterpacht Centre for International Law.

EDUCATION

- **BPP, London (UK)** **2019 - 2021**
 - Graduate Diploma in Law (GDL) in English Law

- **University Paris I Panthéon-Sorbonne, Paris (F)** **2013 - 2018**
 - PhD in international dispute settlement, Department of international and comparative law.
 - *Co-tutelle* with **Scuola Superiore Sant'Anna, Pisa (I)**
 - *Mention très honorable avec félicitations du jury*
- **University of Cambridge, Cambridge (UK)** **2010 - 2011**
 - LLM in public international law (St. Catharine's College).
- **University Luiss Guido Carli, Rome (I)** **2004 - 2010**
 - LLB in law, specialisation in international law.
 - 110 e lode e menzione special della Commissione esaminatrice
 - Luiss Gold Medal for academic excellence.
- **College Lamaro Pozzani, Federazione Cavalieri del Lavoro Rome (I)** **2004 - 2009**
 - Diploma in law, business and ethics, *Cav. Lav. Gaetano Marzotto*.

AWARDS AND SCHOLARSHIPS

- **Sant'Anna School of Advanced Studies**, Scholarship for PhD studies, 2012 – 2015. *Mention très honorable avec félicitations du jury* for the PhD thesis, 2018.
- **Italian Society of International Law**, *Daniele Padovani Prize* the for best LLB dissertation in international law, 2011.
- **The Aspen Institute**, Junior fellow, 2014 - 2019
- **Chambers and Partners**, Ranked for Public Int'l Law
- **Regione Marche**, full scholarship for the LLM in Cambridge, 2010.
- **Luiss University**, gold medal for performance in the LLB and special honourable mention for the LLB dissertation, 2010.
- **Federazione Nazionale dei Cavalieri del Lavoro/Collegio Lamaro Pozzani**, LLB scholarship and gold medal for academic excellence, 2004 – 2009.

SELECTED PUBLICATIONS

- **Chapters in Books:**
 - What we talk about when we talk about procedural fairness (with F Fontanelli) in A Sarvarian, F Fontanelli, R Baker and V Tzevelekos (eds), *Procedural Fairness in International Courts and Tribunals*. BIICL: London, 2015, 17.
 - Thou shalt only partly judge! Jurisdictional review in the opinion of the intervening states in Kadi II, in M Avbely, F Fontanelli, G Martinico (eds) *Kadi on Trial: a Multi-faceted Analysis of the Kadi Proceedings before the CJEU*. Routledge: London, 2014, 33.
- **Journal Articles**
 - L'immunità dello Stato estero nelle controversie di lavoro: le Sezioni Unite alle prese con il diritto internazionale pattizio e consuetudinario, in *Nuova giurisprudenza civile commentata*, 2022, 409
 - The function of procedural justice in international adjudication (with F Fontanelli) in *The Law and Practice of International Courts and Tribunals*, 2016, 1.
 - Caveat Emptor: pre-purchase due diligence duties of US merchants for transactions outside the temporal scope of the 1970 UNESCO Convention (with F Fontanelli) in *Transnational Dispute Management, Special Issue on Art and Heritage Disputes*, 2013, 34.
 - Questioni di giurisdizione e immunità nella vicenda della Enrica Lexie, alla luce del diritto internazionale (with F Fontanelli) in *Diritto Penale Contemporaneo*, 2013, 399.
- **Blog Entries:**
 - Shunning Conventional Wisdom – Italian Courts and State Immunity in Employment Disputes, Ejil Talk, 28 December 2021, available at this [link](#).
 - 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*, 2 March 2021, available at this [link](#).
 - Another perspective on Search & Rescue in the Mediterranean Sea, *Opinio Juris*, 11 May 2020, available at this [link](#).

LANGUAGE SKILLS

- Italian (mother tongue).
- English (fluent)