

UNIVERSITY OF VICTORIA
FACULTY CURRICULUM VITAE
(February 2010)

Name: **NEWCOMBE Andrew Paul**

Faculty: Law

1. DEGREES AND DIPLOMAS

Degree	Field	Institution	Year Granted
B.A. (Hons.)	Political Science	University of King's College, Canada	1992
LL.B.	Law	University of Victoria, Canada	1995
LL.M.	Law	University of Toronto, Canada	1999

Title of Thesis: *Regulatory Expropriation, Investment Protection and International Law: When is Government Regulation Expropriatory and When Should Compensation be Paid?*

2. POSITIONS HELD PRIOR TO APPOINTMENT AT UNIVERSITY OF VICTORIA

- a. Lawyer, International Arbitration and Public International Law Groups, Freshfields Bruckhaus Deringer, Paris, 1999 – 2002.
- b. Articling Student and Barrister and Solicitor, Swinton & Company (now Miller Thomson), Vancouver, 1996 – 1998.
- c. Foreign Service Officer, Legal Operations Division and South Asia Division, Department of Foreign Affairs and International Trade, Ottawa, 1996.

3. MAJOR FIELDS OF SCHOLARLY OR PROFESSIONAL INTEREST

International Economic Law (Investment and Trade Law)
Public International Law
International and Domestic Arbitration
Contract Law
Commercial Law
Consumer Law

4. MEMBERSHIPS & OFFICES HELD IN LEARNED & PROFESSIONAL SOCIETIES

Academic Council, The Institute for Transnational Arbitration (2005 – present)
 American Society of International Law (1999 – present)
 Corresponding Editor, International Legal Materials (2009– present)
 Canadian Council on International Law (2002 – present)
 Board of Directors (2006 – present)
 Canadian Association of Law Teachers (2002 – present)
 Centre for International Sustainable Development Law
 Research Fellow (2005 – present)
 Foreign Direct Investment International Moot Competition
 Advisory Board (2005 – present)
 International Bar Association ((2009– present)
 IBA Subcommittee on Investment Arbitration (2009– present)
 International Law Association (2002 – present)
 Law Society of British Columbia (1997 – present)
 Transnational Dispute Management, Associate Editor (2004 – present)
 Young Canadian Arbitration Practitioners (2005 – present)

5. SCHOLARSHIPS, HONOURS, AND AWARDS

Order of Bahrain (2nd Class), 2001
 Abel Fellowship, Faculty of Law, University of Toronto, 1998
 University of Toronto Fellowship, Faculty of Law, University of Toronto, 1998
 Wootton Scholarship in Law, Faculty of Law, University of Victoria, 1993
 King's University Scholarship, University of King's College, 1989 – 1992
 Henry S. Cousins Entrance Scholarship, University of King's College, 1988

6. FELLOWSHIPS AND GRANTS

2010

Murray and Anne Fraser Endowment: Learning Enhancement Award

2005-Present

Research Fellow, Centre for International Sustainable Development Law

2008

Co-applicant, Social Sciences and Humanities Research Council of Canada, Three Year Standard Research Grant, “International Investment Agreements between International Law, Economics and Public Policy”, Awarded, 31 March 2008 for \$180,000

2006

Murray and Anne Fraser Endowment: Award for Research and Scholarship

2005-6

Charles D. Gonthier Research Fellowship, Canadian Institute for the Administration of Justice

2004

Research Fellow, Advanced Seminar on New Aspects of International Investment Law, The Centre for Studies and Research, Hague Academy of International Law, The Hague, August – September 2004

Internal Research Grant, University of Victoria

Faculty Research Project, Borden Ladner Gervais Student Research Fellowship Program

Legal Research Grant, The Foundation for Legal Research

2003

Internal Research Grant, University of Victoria

7. APPOINTMENTS AT UNIVERSITY OF VICTORIA

Inclusive Years	Rank	Faculty
2009 – Present	Associate Professor	Law
2002 – 2009	Assistant Professor	Law

8. SCHOLARLY AND PROFESSIONAL ACHIEVEMENTS**a. Publications in Academic Journals/Books/Conference Proceedings**

1. Introductory Note to ICSID Ad Hoc Committee Decision to Terminate Stay of Enforcement of Arbitral Award in *Sempra International Energy v. Argentine Republic*, (2009) 48 International Legal Materials, forthcoming.
2. “Introduction” (with M. Ghering) in M. Gehring, M.-C. Cordonier Segger & A. Newcombe, eds, *Sustainable Development in World Investment Law* (Kluwer Law International, forthcoming, Fall 2010).

3. “Integrating International Investment, Environmental and Social Law” (with M.-C. Cordonier Segger) in M. Gehring, M.-C. Cordonier Segger & A. Newcombe, eds, *Sustainable Development in World Investment Law* (Kluwer Law International, forthcoming, Fall 2010).
4. “Sustainable Development Exceptions to Investment Treaty Commitments”, in M. Gehring, M.-C. Cordonier Segger & A. Newcombe, eds, *Sustainable Development in World Investment Law* (Kluwer Law International, forthcoming, Fall 2010).
5. Book review, G. Van Harten, *Investment Treaty Arbitration and Public Law* (2008) 71 *Modern Law Review* 147.
6. “Sustainable Development and Investment Treaty Law” (2007) 8 *Journal of World Investment and Trade* 357 and 2006 Proceeding of the Annual Canadian Institute for the Administration of Justice, *Sustainable Development and the Law*.
7. Book review, J. Paulsson, *Denial of Justice in International Law* (2006) 17 *European Journal of International Law* 689.
8. “The Boundaries of Regulatory Expropriation in International Law” (2005) 20(1) *ICSID Review-FILJ* 1; and P. Khan & T. Wälde, eds. *New Aspects of International Investment Law* (Leiden: Martinus Nijhoff, 2007).
9. A. Newcombe & A. Lemaire, “Should Amici Curiae Participate in Investment Treaty Arbitrations” (2001) 5(1) *VJ* 22.

b. Books, Chapters and Monographs

1. A. Newcombe & L. Paradell, *Law and Practice of Investment Treaties: Standards of Treatment* (Kluwer Law International, 2009).
2. M. Gehring, M.-C. Cordonier Segger & A. Newcombe, eds, *Sustainable Development in World Investment Law* (forthcoming, Fall 2010).

c. Other Publications

i. Professional publications

1. Regular Contributor to KluwerArbitrationBlog: <http://kluwerarbitrationblog.com>.
2. “Canada’s New Model Foreign Investment Protection Agreement”, *Canadian Council of International Law Bulletin*, Fall 2004 and *Transnational Dispute Management*, Volume 2, Issue 1, January 2005. (<http://www.transnational-dispute-management.com>)

3. “Damage Award in *Pope v. Talbot v Canada*”, International Bar Association, Committee D Newsletter, October 2002.

ii. Commissioned papers

1. Report prepared for Natural Resources Canada. *International Investment Agreements Sustainable Development of Natural Resources: An Analytical Framework* (31 March 2008).
2. Report prepared for Natural Resources Canada. *Report on Issues Related to ‘General Exceptions’ in Future Trade/Investment Agreements* (19 September 2007).

iii. Course materials

1. International Trade Law & Investment Law, online course materials: <https://moodle.uvic.ca/login/index.php> and <http://www.law.uvic.ca/newcombe/332> and course materials on reserve in library.
2. Commercial and Consumer Law, online course materials: <http://www.law.uvic.ca/newcombe/314>.
3. Contract Law, online course materials: <http://moodle.uvic.ca>. <http://www.law.uvic.ca/newcombe/108a>.
4. International Commercial Law & Arbitration, online course materials: <http://www.law.uvic.ca/newcombe/377> and course materials on reserve in library.
5. Business Associations, online course materials: <http://www.law.uvic.ca/newcombe/315> and course materials on reserve in library.
6. Supplementary materials (Volumes I and II), International Trade & Investment Law, 2004.
7. Fall and Spring Supplement, Contract Law (updated annually).
8. International Trade Law & Investment Law, Volumes I, II and III, 2003.

iv. Course websites

1. Contracts: <http://www.law.uvic.ca/newcombe/108a/> and <http://moodle.uvic.ca>.
2. International Investment & Trade Law: <https://moodle.uvic.ca/login/index.php> and <http://www.law.uvic.ca/newcombe/332/>.

3. Commercial & Consumer Law: <http://www.law.uvic.ca/newcombe/314>.
4. International Commercial Law & Arbitration: <http://www.law.uvic.ca/newcombe/377>.
5. Business Associations: <http://www.law.uvic.ca/newcombe/315/>.

v. Research website

1. Investment Treaty Arbitration Resource Website: <http://ita.law.uvic.ca>.

d. Papers, Lectures and Addresses

1. Investor Misconduct and Investment Treaty Arbitration: Mapping the Terrain, 28 January 2010, Faculty of Law, University of Alberta.
2. Environmental Regulation and Investor Expectations Under NAFTA: A Primer. Introductory address to Conference, 13 October 2009, University of Ottawa.
3. Can a Global System of Investment Protection Emerge from Over Two Thousand BITs and FTAs? Canadian Council of International Law 2009 Annual Conference, 15 October 2009, Ottawa.
4. The Lisbon Treaty and the Expansion of EU Competence over Foreign Direct Investment, Canada & EU/Germany in the Global Trading Regime: Challenges and Opportunities, 25 April 2009, Institute for European Studies, UBC, Vancouver, BC.
5. The BC-Alberta *Trade, Investment and Labour Mobility Agreement*: Investor-state Arbitration Comes Home? CBABC International Law Section Meeting, 27 January 2009, Vancouver, BC.
6. Update on Investment Treaty Law, SSHRC Investment Group Research Meeting, Montreal, 11-12 December, 2008.
7. General Exceptions to Investment Treaties, Legal Experts Seminar on Sustainable Development and Investment Treaty Law, Lauterpacht Centre for International Law, University of Cambridge, 13 July 2008.
8. Update on Investment Treaty Law, SSHRC Investment Group Research Meeting, Montreal, 19 June, 2008.
9. General Exceptions to Investment Treaties, Legal Experts Seminar on Sustainable Development and Investment Treaty Law, Lauterpacht Centre for International Law, University of Cambridge, 13 July 2008.

10. General Exceptions to Investment Treaties, Eighth Annual WTO Conference, London, UK, 13 May 2008.
11. Sustainable Development and Investment Treaty Law, Faculty of Law, Xiamen University, China, 26 March 2007.
12. Local Food Security and International Trade Rules—Constraints and Opportunities. Presentation at Cooking Up a Storm: Contemporary Legal Issues in Food Production and Distribution, 15 March 2007, Faculty of Law, University of Victoria.
13. International Investment Law and Arbitration: A Stable and Predictable Framework for Foreign Investment or a Threat to Sustainable Development, Faculty Research Seminar, Faculty of Business, University of Victoria, 9 March 2007.
14. Moderator, UVic Environmental Law Clinic panel session on “The Global Warming Solutions Act” 22 November 2006, Victoria, BC.
15. Consumer Dispute Resolution—To Whose Benefit is Arbitration? Presentation at Dean’s Lunchtime Lecture Series, Division of Continuing Studies, Victoria, BC, 17 November 2006.
16. Sustainable Development and Investment Treaty Law. Presented at Canadian Institute for the Administration of Justice Annual Conference on Sustainable Development and the Law: People—Environment—Culture, Vancouver, BC 13 October, 2006.
17. Sustainable Development and Investment Treaty Law. Presented at International Law Association Biennial Conference, Toronto, 5 June 2006.
18. Panel and organizer for panel entitled “International Decision Making and Domestic Regulation: Regulatory Chills, Real or Imagined” at the October 2004 Annual Conference of the Canadian Council on International Law, Ottawa.
19. Regulatory Expropriation in International Law, Presentation at Advanced Seminar on New Aspects of International Investment Law, The Centre for Studies and Research, Hague Academy of International Law, The Hague, August 2004.
20. Global Governance, Investment Treaties and Property Rights: A Case Study of Property Rights Protection in Canada”, Presentation at The WTO and Beyond: Global Governance and State Power in the 21st Century, Simon Fraser University, 16 July 2004.

21. Protection of Property Right in a Globalizing Word: Convergence or Divergence in Canadian and International Law”. Presentation at Canadian Association of Law Teacher’s Annual Conference, Learned’s Conference, Winnipeg, Manitoba, 31 May 2004.
22. Protection of Property Rights in a Globalizing World: Convergence or Divergence in Canadian and International Law, Presentation to International Law Club, Faculty of Law, University of Victoria, 29 January 2004.
23. Going Global: International Law Club Career Conference, Participant in International Trade Law Seminar, Faculty of Law, University of Victoria, 21 March 2003.
24. G is for Deutschland: Forgeries and Storytelling in the ICJ: A Commentary on *The Case Concerning Maritime Delimitation and Territorial Questions Between Qatar and Bahrain*, Presentation to International Law Club, Faculty of Law, University of Victoria, 19 November 2002.
25. Fair and Equitable Treatment and Expropriation in International Law: Recent NAFTA Developments, Lecture at Université Paris I – Pantheon–Sorbonne, 28 February 2002.
26. The Impact of Investment Promotion and Protection Treaties on State Regulatory Authority: Recent NAFTA Developments, Lecture at Université Paris I – Pantheon–Sorbonne, 27 March 2001.

e. Other Academic and Professional Activities

1. Member, NAFTA Advisory Committee on Private Commercial Disputes (2008–2009).
2. Investment Claims Online – Oxford University Press, Canadian Treaty Editor (2007–present).
3. Corresponding Editor, International Legal Materials (2009– present)
4. International Bar Association, Subcommittee on Investment Arbitration (2009–present)
5. Advisory Board, Foreign Direct Investment International Moot Competition (2008– present)
6. Chair, Oral Examinations for Masters and Ph.D. candidates.
7. External reviewer for multiple journal articles in international economic law, commercial law and arbitration.

8. Acting as a judge for multiple national and international law moot court competitions.

9. TEACHING DUTIES AT THE UNIVERSITY OF VICTORIA

a. Courses Taught

Year	Course	Number of Hours/Week	Term	Students
2009 – 10	Contracts	2	Fall	116
	Legal Process	1 (equivalent)	Fall	22
	Contracts	3	Spring	116
	Legal Process	1 (equivalent)	Spring	22
2008 – 09	Contracts	2	Fall	55
	Legal Process	1 (equivalent)	Fall	21
	International Trade	3	Spring	19
	Contracts	3	Spring	55
	Legal Process	1 (equivalent)	Spring	21
2008	International Trade	3	Summer	23
2007 – 08	Commercial & Consumer	3	Fall	25
	Contracts	2	Fall	27
	Legal Process	1 (equivalent)	Fall	22
	International Trade	3	Spring	23
	Contracts	3	Spring	27
	Legal Process	1 (equivalent)	Spring	22
2006 – 07	Commercial & Consumer	3	Fall	21
	Int'l Commercial Arb.	3	Fall	15
	Business Associations	4	Spring	46
	International Trade	3	Spring	21
2005 – 06	Legal Process	1 (equivalent)	Spring	20
	Sale of Goods	3	Spring	16
	Business Associations	4	Spring	52
2004 – 05	Legal Process	1 (equivalent)	Fall	20
	Contracts	2	Fall	52
	Business Associations	4	Fall	54
	Legal Process	1 (equivalent)	Spring	20

	Contracts	3	Spring	52
	International Trade	3	Spring	24
2003 – 04	Contracts	2	Fall	29
	Contracts	3	Spring	29
	International Trade	3	Spring	27
2002 – 03	Legal Process	1 (equivalent)	Fall	20
	Contracts	2	Fall	54
	Contracts	3	Spring	54
	International Trade	3	Spring	32
	Legal Process	1 (equivalent)	Spring	20

b. Research Supervision (Law 399 unless otherwise noted)

Year	Student
2009	
Fall	Marc Mazzucco <i>“Global Sports Law as a Transnational Autonomous Legal Order”</i>
Spring	Michaelin Scott <i>“The International Regulation of Plant Genetic Resources: Implications for Agricultural Biodiversity and Food Security”</i>
Spring	Colin Edstrom <i>“The Need for Uniformity: Why Clarifying Article V(2)(b) of the New York Convention Makes Sense”</i>
2008	
Spring	Rachel Forbes <i>“Comparative Approaches to Climate Change Mitigation”</i>
2007	
Fall	James Williams <i>“The Insurance Industry and Climate Change”</i>
Spring	Greg Dempsey <i>“Public Morals in International Trade Law”</i>
2006	
	Lesley Clayton <i>“Private but not Confidential? Confidentiality in International Commercial Arbitration”</i>

2004

- Fall Peter Morley
“Remodeling the Laws and Processes of Humanitarian Intervention”
- Spring Adam Kay
“Liberalized Trade and the Private Juridical Order: Vision, Hallucination or Smoke and Mirrors”

2003–04

Jean-Daniel Dufour
“The Difficult Path Towards an International Investment Agreement within the World Trade Organization”

2003

- Spring Josh Frost
“Genocide, Srebrenica and the International Court of Justice: A Critical Perspective”

c. Guest Lectures in Other Courses

1. International Investment Law, Lecture to International Trade Law, Faculty of Law, University of Victoria, Fall 2005.
2. International Law Research, Lecture to Advanced Legal and Research and Writing Course, Faculty of Law, University of Victoria, Fall 2003 and Spring 2004.
3. Peaceful Settlement of International Disputes in Public International Law, Lecture to Public International Law Class, Faculty of Law, University of Victoria, 21 October 2002

10. ADMINISTRATIVE ACTIVITIES**a. University Committees**

None.

b. Faculty Committees**2009-2010**

1. *Ad hoc* committee on teaching workload (Fall 2009)
2. Curriculum Committee (Spring 2010)

2008-2009

1. Dean's *ad hoc* committee on enrollment

2007 – 2008

1. Dean Search Committee
2. Anti-Discrimination Committee

2003 – 2004

1. Studies
2. Special Ad Hoc Committee on Appointments (from February 2004)

2002 – 2003

1. Reappointment, Promotions and Tenure
2. Studies

c. Faculty Responsibilities

2009 – 2010

1. Board Member and Member of Operations Committee, Environmental Law Centre, Faculty of Law, University of Victoria
2. Facilitator, Monthly Faculty Meetings on Equity, Teaching and Community Issues

2008 – 2009

1. Coach for Philip C. Jessup International Law Moot Court Competition Team
2. Board Member and Member of Operations Committee, Environmental Law Centre, Faculty of Law, University of Victoria
3. Legal Information Clinic & Pro Bono Students Advisor

2007 – 2008

1. Coach for BC Law Schools Competitive Moot

2. Board Member and Member of Operations Committee, Environmental Law Centre, Faculty of Law, University of Victoria
3. Student Legal Information Clinic: assistance to students in commercial law areas

2006 – 2007

1. Coach for Philip C. Jessup International Law Moot Court Competition Team
2. Coach for Vis International Commercial Arbitration Moot Team
3. Board Member and Member of Operations Committee, Environmental Law Centre, Faculty of Law, University of Victoria
4. Student Legal Information Clinic: assistance to students in commercial law areas

2005 – 2006

1. Coach for Philip C. Jessup International Law Moot Court Competition Team
2. Board Member and Member of Operations Committee, Environmental Law Centre, Faculty of Law, University of Victoria
3. Facilitator, Monthly Faculty Meetings on Equity, Teach and Community Issues
4. Convocation Marshall, June 2005
5. Student Legal Information Clinic

2004 – 2005

1. Coach for Philip C. Jessup International Law Moot Court Competition Team (with Professor Elizabeth Adjin-Tettey)
- organized two sessions on for all moot students on written advocacy techniques.
2. Board Member and Member of Operations Committee, Environmental Law Centre, Faculty of Law, University of Victoria
3. Facilitator, Monthly Faculty Meetings on Equity, Teach and Community Issues
4. Student Legal Information Clinic

2003 – 2004

1. Coach for Philip C. Jessup International Law Moot Court Competition Team (with Professor Elizabeth Adjin-Tettey)

2. Administrative Contact for Faculty hosting of the 2005 Philip C. Jessup International Law Moot Court Competition
3. Board Member and Member of Operations Committee, Environmental Law Centre, Faculty of Law, University of Victoria
4. Student Legal Information Clinic
5. Designed Open Research Memo for Legal Research & Writing

2002 – 2003

1. Coach for Philip C. Jessup International Law Moot Court Competition Team (with Professor Elizabeth Adjin-Tetty)
2. Board Member, Environmental Law Centre, Faculty of Law, University of Victoria
3. Student Legal Information Clinic

11. CONTACT INFORMATION

Andrew Newcombe
Associate Professor
Faculty of Law, University of Victoria
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Victoria, BC, V8W 3H7
Canada
email: newcombe@uvic.ca
web: <http://www.law.uvic.ca/newcombe/index.html>
tel: 250-721-8161
fax: 250-721-8146