

# Belinda McRae

CALL: 2014

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Languages: French (proficient)



## Overview

Belinda has developed an impressive and diverse commercial practice. She has a particular specialisation in private international law, public international law and international arbitration.

Belinda has appeared in the UK Supreme Court, Court of Appeal, High Court and county courts. She has also appeared, both as sole counsel and as junior counsel, in international arbitrations under a variety of institutional rules, seated in London, Paris, New York, Lausanne, Geneva, Kuala Lumpur, The Hague and Cairo. Belinda has been appointed as an arbitrator on a three-person London-seated tribunal.

She has developed an expertise in Brexit-related matters, particularly in relation to its private and public international law implications. Belinda was seconded to the Foreign and Commonwealth Office's Legal Directorate from 2016 to 2017, where she worked on Brexit-related international and domestic law issues, including the Miller litigation. She has also advised the Brexit Law Committee.

Before coming to the Bar, Belinda amassed a wealth of international legal experience. She was an Associate at Freshfields Bruckhaus Deringer LLP in Paris, where she specialised in international arbitration and public international law. Belinda has also worked in international courts and tribunals in Cambodia, Tanzania and Australia, including as an associate to the Hon. Justice Dyson Heydon AC, at Australia's highest court.

## Publications

- 'The Anti-Suit Injunction' (2nd edn), *Oxford University Press 2019* (contributor to several chapters).
- 'LCIA Arbitration Rules' in Weigand and Baumann (eds), *Practitioner's Handbook on International Commercial Arbitration* (2019) (co-author).
- 'What next for the Brussels I Regulation (Recast)?' *The Lawyer* (March 2017) (co-author).
- 'What would Brexit mean for the Brussels regime?' (2016) 33 *Journal of International Arbitration* 483 (co-author).
- 'Interventions in Arbitration Awards by the English Courts' in *LexisNexis Arbitration Resource Book* (2016) (co-author).

## Professional memberships

- Attorney General's Public International Law Panel C (2017-)
- Bar European Group: Committee (2017-)
- Bar Pro Bono Unit
- Commercial Bar Association (COMBAR)
- COMBAR: Brexit Conflict of Laws Group

## Education

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- University of Cambridge: LLM, First Class (2011)
- University of Queensland: BA/LLB, First Class (2009)

## Awards / prizes / scholarships

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- Foundation Scholarship, Jesus College, University of Cambridge (2011)
- Australian Bicentennial Scholarship (2010)
- Cambridge Commonwealth Trust Scholarship (2010)
- University of Queensland Law School Valedictorian (2009)
- University of Queensland Travel Scholarship and Grant (2008)
- Dr MHM Kidwai Memorial Prize (2007)
- Semi-finalist, International Jessup Moot Court Competition, Washington DC (2007)
- Winner and Third-Placed Oralist, Australian Jessup Moot Court Competition (2007)
- Allens Arthur Robinson Law Prize for Overall Excellence (2006)
- Winner, Asia-Pacific Red Cross International Humanitarian Law Moot, Hong Kong (2006)
- Winner, Red Cross International Humanitarian Law Moot, Perth (2005)
- Runner-up, Sir Harry Gibbs National Constitutional Law Moot, Brisbane (2004)
- Dean's Commendation for High Achievement (2004–2007)

(2016–2017)

- ICC Young Arbitrators' Forum
- International Council for Commercial Arbitration (ICCA)/Young ICCA
- LCIA's Young International Arbitration Group (YIAG)
- Lord Chief Justice's Advisory Committee on Brexit and Civil Jurisdiction (2016–2017)
- Young Fraud Lawyers Association
- YIAG: UK Regional Representative (2016–)

## Lectures / talks

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- '[Investment Treaty Claims in the Construction Sector](#)': joint Twenty Essex CMS webinar (9 September 2020).
- 'The Dynamic Growth of the Anti-Suit Injunction', LCLCBA (6 November 2019).
- 'Brexit and dispute resolution', Lecture at King's College London, Executive LLM (Advanced International Dispute Resolution) (20 July 2019)
- 'Procedural Issues in Investment Arbitration', Lauterpacht Centre Advanced Course on Investment Law and Arbitration, University of Cambridge (29 May 2019).
- 'A Current Guide to Brexit': Commercial Litigation and Arbitration Forum 2018 (6 November 2018).
- 'The War on Fraud – Opening Salvoes': Fraud Seminar (19 June 2018).
- 'Raising the curtain on commercial arbitration: is confidentiality now outdated in the age of transparency?': Who's Who Legal Future Leaders in Arbitration Conference (9 May 2018).
- 'Tribunal Secretaries: An LCIA insight behind the curtain': LCIA-YIAG seminar (15 March 2018).
- 'Brexit and Australia: Impact and Opportunity': Anglo Australasian Lawyers Society and the Britain Australia Society (28 September 2017).
- 'The future of commercial dispute resolution in London': Young Maritime Professionals Lecture (20 July 2017).
- 'Is the party over for commercial dispute resolution in London?': private international law panel, Bar European Group Conference, Chania (May 2017).
- 'Security for Costs: a useful procedural tool?' British Institute of International and Comparative Law (15 November 2016).

## Example cases

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- *A Local Authority v AG and others* [2020] EWHC 1346 (Fam): Counsel for The Secretary of State for Foreign and Commonwealth Affairs in this case concerning diplomatic immunity in a case of alleged child abuse (with Sir James Eadie QC, Professor Vaughan Lowe QC, Ms Joanne Clement, Mr Jason Pobjoy).
- *Shamima Begum v Secretary of State for the Home Department* [2020] EWCA Civ 918: Acting for The UN Special Rapporteur in a case relating to a British citizen detained in Syria, intervening on public international law issues relating to arbitrary deprivation of citizenship (with Mr Guglielmo Verdirame QC, Mr Jason Pobjoy). The case is proceeding to the Supreme Court.
- *Medsted Associates Ltd v Canaccord Genuity Wealth (International) Ltd* [2019] EWCA Civ 83, [2019] 2 All ER 959: counsel for the successful appellants in a case considering novel points of law as to whether the introducing broker owed fiduciary duties to the introduced clients (with Henry Byam-Cook).
- *RJ v HB* [2018] EWHC 2833 (Comm) and [2018] EWHC 2958 (Comm): counsel for the defendant in challenge to an award under s 68 Arbitration Act 1996 involving a novel question as to the removal of an arbitrator by the court (with Charles Kimmins QC).
- *Iran v United States of America* (Case B/1, Iran-US Claims Tribunal) (2017-2019): counsel for the respondent in a long-running inter-state arbitration concerning foreign military sales between the United States and Iran (with Sir Daniel Bethlehem QC).
- *Jersey Football Association v UEFA Court of Arbitration for Sport* (CAS 2016/ A/4787) (2017): counsel for the appellant in its appeal against UEFA's refusal to admit it to membership of UEFA, which was partially upheld (with Christopher Hancock QC).
- *W v X Company* [2017] EWHC 3430 (Comm): counsel for the claimant in Commercial Court proceedings, successfully obtaining a rare order under s 42 Arbitration Act 1996 to enforce a preemptory order of a tribunal, as well as uncontested orders under s 43 and s 44 (with Michael Ashcroft QC).
- *The Kyrgyz Republic v Stans Energy Corp and Kutsay Mining LLC* [2017] EWHC 2539 (Comm): counsel for the defendants in Commercial Court proceedings, successfully resisting a challenge to the jurisdiction of an UNCITRAL tribunal in an investment treaty claim under s 67 Arbitration Act 1996 (with Ben Juratowitch QC).
- *Petrosaudi Oil Services (Venezuela) Ltd v Novo Banco SA and PDVSA* (2017): part of the counsel team for the second defendant in a dispute concerning allegedly fraudulent demands for US\$129 million under a letter of credit, involving applications before the Court of Appeal and Supreme Court, and associated arbitration proceedings (with Timothy Young QC and Duncan Matthews QC).
- *China Heilongjiang International Economic & Technical Cooperative Corp (and others) v Mongolia* (PCA Case No 2010-20): counsel for the claimants in a PCA administered ad hoc arbitration under the China-Mongolia bilateral investment treaty relating to the expropriation of a mining licence (with Peter Turner QC).
- *NYK Bulkship (Atlantic) NV v Cargill International SA* [2016] UKSC 19, [2016] 1 WLR 1853: counsel for the respondent in an appeal concerning the scope of responsibility for agents under a time charterparty (with Timothy Young QC).

## Arbitration

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### As counsel

#### Commercial arbitration

- *ICC Arbitrations* (2018- ): counsel for the claimant in two consolidated arbitrations under the ICC Rules arising out of a high-value corporate acquisition (with Charles Kimmins QC)
- *LMAA Arbitrations* (2017-2018): counsel for the claimant in two ongoing arbitration references under the LMAA Terms concerning the breach of termination of agreements for the sale and purchase of two newbuilding vessels (with Michael Ashcroft QC).
- *Jersey Football Association v UEFA, Court of Arbitration for Sport* (CAS 2016/ A/4787) (2017): counsel for the appellant in its appeal against UEFA's refusal to admit it to membership of UEFA, which was partially upheld (with Christopher Hancock QC).
- *UNCITRAL Arbitration* (2017): part of the counsel team for the claimant, a major national oil company, in a US\$300+ million dispute under a drilling services contract (with Duncan Matthews QC and Edward Ho), including applications before the Court of Appeal and Supreme Court (with Timothy Young QC).
- *UNCITRAL Arbitration* (2016): sole counsel for the claimant in an ad hoc arbitration seated in London relating to a claim

under a guarantee in respect of an iron ore shipment.

- *UNCITRAL Arbitration* (2015-2016): part of the counsel team for the claimant in an international arbitration in the health care sector, governed by the UNCITRAL Rules and seated in Malaysia, relating to allegations of fraud and secret commissions in contract procurement.
- *East Mediterranean Gas, S.A.E. v EGPC and EGAS* (2012-2014): counsel for EMG in multi-billion dollar ICC and CRCICA arbitrations against Egyptian state entities involving the cessation of gas supply to Israel.
- *ICC Arbitration* (2012): counsel for the respondent, an international cement company, in relation to a post-M&A contractual dispute under the ICC Rules in which Chilean law was the governing law (with Peter Turner QC).

#### *Arbitration-related court applications*

- *PL Holdings v The Republic of Poland* (2018-): counsel for the defendant in enforcement proceedings under ss 66 and 103 Arbitration Act 1996 pending before the Commercial Court involving questions as to the applicability of the CJEU's judgment in *Achmea* (with Sara Masters QC).
- *Rj v HB* [2018] EWHC 2833 (Comm) and [2018] EWHC 2958 (Comm): counsel for the defendant in challenge to an award under s 68 Arbitration Act 1996 involving a novel question as to the removal of an arbitrator by the court (with Charles Kimmins QC).
- *W v X Company* [2017] EWHC 3430 (Comm): counsel for the claimant in Commercial Court proceedings, successfully obtaining a rare order under s 42 Arbitration Act 1996 to enforce a peremptory order of a tribunal, as well as uncontested orders under ss 43 and 44 of the Act (with Michael Ashcroft QC).
- *The Kyrgyz Republic v Stans Energy Corp and Kutisay Mining LLC* [2017] EWHC 2539 (Comm): counsel for the defendants in Commercial Court proceedings, successfully resisting a challenge to the jurisdiction of an UNCITRAL tribunal in an investment treaty claim under s 67 Arbitration Act 1996 (with Ben Juratowitch QC).
- *Section 66 Application* (2016-2017): counsel for the defendant in Commercial Court proceedings resisting the enforcement of a US\$1.2 billion LCIA Award in the Commercial Court under s 66 Arbitration Act 1996, which ultimately settled (with Laurence Rabinowitz QC, Charles Kimmins QC and others).

#### *Investment treaty arbitration*

- *Mr C v State D* (2018): sole counsel for the claimant in a pending investment treaty case under the Greece-Russia BIT for claims including breach of the fair and equitable treatment standard.
- *Mr A v State B* (2017): sole counsel for the respondent in an investment treaty case under the India-UK bilateral investment treaty brought under the UNCITRAL Rules for claims including a breach of the fair and equitable treatment standard.
- *China Heilongjiang International Economic & Technical Cooperative Corp (and others) v Mongolia* (PCA Case No. 2010-20): counsel for the claimants in a PCA-administered ad hoc arbitration (using both the UNCITRAL and ICSID Rules for guidance) under the China-Mongolia BIT relating to the expropriation of a mining licence (with Peter Turner QC).
- *Yosef Maiman v The Arab Republic of Egypt* (PCA Case No. 2012-026) and *Ampal-American Israel Corporation v The Arab Republic of Egypt* (ICSID Case No. ARB/12/11): counsel for two consortiums of investors in multi-billion dollar arbitrations under the UNCITRAL and ICSID Rules against Egypt involving the cessation of gas supply to Israel (with Freshfields Bruckhaus Deringer LLP).
- *Guaracachi America & Rurelec v Bolivia* (PCA Case No. 2011-17): counsel for the claimants in a UNCITRAL arbitration seated in The Hague and administered by the PCA regarding measures taken by Bolivia affecting their investments in the electricity industry (with Freshfields Bruckhaus Deringer LLP).

#### **As arbitrator**

- *LCIA Arbitrations* (2019): Appointed by the LCIA as sole arbitrator in three commercial arbitrations in the field of consumer credit
- *LMAA Arbitration* (2016): Tribunal-appointed arbitrator in a dispute under a voyage charterparty on the Exxonmobil VOY2005 form involving a claim for freight, interests and costs.

#### **As tribunal secretary**

- *ICC Arbitration* (2015): Secretary to the Tribunal in an international arbitration in the aviation sector under the ICC Rules and seated in London.

## Civil fraud

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- *Trafalgar Multi Asset Trading Company Limited (In Liquidation) v Platinum Pyramid Limited* [2019] EWHC 770 (Ch): sole counsel for the applicant, successfully resisting an application for permission to appeal from a Norwich Pharmacal/Bankers Trust Order (and junior counsel for the claimant in the underlying claim, with Justin Higgs of Serle Court).
- *Petrosaudi Oil Services (Venezuela) Ltd v Novo Banco SA and PDVSA* (2017): part of the counsel team for the second defendant in a dispute concerning allegedly fraudulent demands for US\$129 million under a letter of credit, involving applications before the Court of Appeal and Supreme Court (with Timothy Young QC).
- *ED&F Man Sugar Limited v T&L Sugars & Ors* (2016): counsel for the claimants in a claim in the Commercial Court for £30 million alleging unlawful means conspiracy, procurement of breach of contract and conversion, relating to a contract from the shipment of raw sugar (with Anthony Trace QC and Christopher Newman).
- *Freezing Order Application* (2016): part of the counsel team advising the Defendant on EU and English law issues in foreign court proceedings seeking freezing orders and disclosure orders in connection with a fraud claim in the banking sector.
- *UNCITRAL Arbitration* (2015-2016): part of the counsel team for the claimant in an international arbitration in the health care sector, governed by the UNCITRAL Rules and seated in Malaysia, relating to allegations of fraud and secret commissions in contract procurement.
- *January Investments Limited v Habib Bank AG Zurich* (2015): counsel for the claimant, a BVI company, in a banking case in the Commercial Court involving allegations of breach of mandate and fraud (with Christopher Moger QC and Susannah Jones).

## Commercial litigation

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- *PL Holdings v The Republic of Poland* (2018-): counsel for the defendant in enforcement proceedings under ss 66 and 103 Arbitration Act 1996 pending before the Commercial Court involving questions as to the applicability of the CJEU's judgment in *Achmea* (with Sara Masters QC).
- *Trafalgar Multi Asset Trading Company Limited (In Liquidation) v Platinum Pyramid Limited* [2019] EWHC 770 (Ch): sole counsel for the applicant, successfully resisting an application for permission to appeal from a Norwich Pharmacal/Bankers Trust Order (and junior counsel for the claimant in the underlying claim, with Justin Higgs of Serle Court).
- *Medsted Associates Ltd v Canaccord Genuity Wealth (International) Ltd* [2019] EWCA Civ 83, [2019] 2 All ER 959: counsel for the successful appellants in a case considering novel points of law as to whether the introducing broker owed fiduciary duties to the introduced clients (with Henry Byam-Cook).
- *RJ v HB* [2018] EWHC 2833 (Comm) and [2018] EWHC 2958 (Comm): counsel for the defendant in challenge to an award under s 68 Arbitration Act 1996 involving a novel question as to the removal of an arbitrator by the court (with Charles Kimmins QC).
- *W v X Company* [2017] EWHC 3430 (Comm): counsel for the claimant in Commercial Court proceedings, successfully obtaining a rare order under s 42 Arbitration Act 1996 to enforce a peremptory order of a tribunal, as well as uncontested orders under ss 43 and 44 of the Act (with Michael Ashcroft QC).
- *The Kyrgyz Republic v Stans Energy Corp and Kutisay Mining LLC* [2017] EWHC 2539 (Comm): counsel for the defendants in Commercial Court proceedings, successfully resisting a challenge to the jurisdiction of an UNCITRAL tribunal in an investment treaty claim under s 67 Arbitration Act 1996 (with Ben Juratowitch QC).
- *Petrosaudi Oil Services (Venezuela) Ltd v Novo Banco SA and PDVSA* (2017): part of the counsel team for the second defendant in a dispute concerning allegedly fraudulent demands for \$129 million under a letter of credit, involving applications before the Court of Appeal and Supreme Court (with Timothy Young QC).
- *A Company v B Company* (2016-2017): counsel for the claimant in a dispute relating to the recovery of fees for estate agency services in respect of a large residential development, which ultimately settled (with Julian Kenny QC).
- *Section 66 Application* (2016-2017): counsel for the defendant in Commercial Court proceedings resisting the enforcement of a US\$1.2 billion LCIA Award in the Commercial Court under s 66 Arbitration Act 1996, which ultimately settled (with Laurence Rabinowitz QC, Charles Kimmins QC and others).
- *Interpoise Limited v Balaji Hotels Limited* (2016-2017): sole counsel for the claimant in a dispute in the Central London County Court and Liverpool County Court relating to the payment of arrears of rent, successfully obtaining summary judgment and a bankruptcy order against one of the defendants.
- *ED&F Man Sugar Limited v T&L Sugars & Ors* (2016): counsel for the claimants in a claim in the Commercial Court for £30 million alleging unlawful means conspiracy, procurement of breach of contract and conversion, relating to a contract from the shipment of raw sugar (with Anthony Trace QC and Christopher Newman).
- *NYK Bulkship (Atlantic) NV v Cargill International SA* [2016] UKSC 20; [2016] 1 WLR 1853: counsel for the respondent in a



Supreme Court case raising important points on the NYPE form and agency in the context of delegated or vicarious performance of contractual rights and obligations (with Timothy Young QC).

- *Ainsworth v Stradze* (2016): counsel for the first defendant in a contractual dispute in the Central London County Court, successfully setting aside default judgment.
- *January Investments Limited v Habib Bank AG Zurich* (2015): counsel for the claimant, a BVI company, in a banking case in the Commercial Court involving allegations of breach of mandate and fraud (with Christopher Moger QC and Susannah Jones).

## Energy and natural resources

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- *China Heilongjiang International Economic & Technical Cooperative Corp (and others) v Mongolia* (PCA Case No. 2010-20) (Mining): counsel for the claimants in a PCA-administered ad hoc arbitration (using both the UNCITRAL and ICSID Rules for guidance) under the China-Mongolia BIT relating to the expropriation of a mining licence (with Peter Turner QC).
- *Yosef Maiman v The Arab Republic of Egypt* (PCA Case No. 2012-026) and *Ampal-American Israel Corporation v The Arab Republic of Egypt* (ICSID Case No. ARB/12/11) (Oil and gas): counsel for two consortiums of investors in multi-billion dollar arbitrations under the UNCITRAL and ICSID Rules against Egypt involving the cessation of gas supply to Israel (with Freshfields Bruckhaus Deringer LLP).
- *East Mediterranean Gas, S.A.E. v EGPC and EGAS* (2012-2014) (Oil and gas): counsel for EMG in multi-billion dollar ICC and CRCICA arbitrations against Egyptian state entities involving the cessation of gas supply to Israel (with Freshfields Bruckhaus Deringer LLP).
- *Guaracachi America & Rurelec v Bolivia* (PCA Case No. 2011-17) (Electricity): counsel for the claimants in a UNCITRAL arbitration seated in The Hague and administered by the PCA regarding measures taken by Bolivia affecting their investments in the electricity industry (with Freshfields Bruckhaus Deringer LLP).

## Private international law

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- *Company v B Company* (2017): acting for a telecommunications company, advising as to its prospects in challenging jurisdiction in respect of a claim brought against it in the Chancery Division, involving consideration of Articles 25, 29 and 30 of the Brussels I Regulation (Recast). This included drafting an application to dispute jurisdiction under CPR Part 11.
- *Mr A v Mr B and Mr C* (2017): advising a government department as to the parameters of the 'private rights' exception to the rule of non-recognition of a State for the purposes of enforcing judgments.

Belinda has expertise in the impact of Brexit on conflicts issues. In 2016-2017, she served on the Lord Chief Justice's Advisory Committee on Brexit and Civil Jurisdiction, chaired by Lord Justice Hamblen, as well as on the COMBAR Brexit Conflict of Laws Group. She has spoken and published widely on the topic. She has advised government departments as to the possible impact of Brexit on existing legislation and of future legislative requirements.

Belinda has also advised private entities and government bodies on the application of:

- The Brussels I Regulation (Recast) and its predecessor;
- The Rome I and Rome II Regulations;
- The 2005 Hague Convention on Choice of Court Agreements;
- The Lugano II Convention;
- Bilateral recognition and enforcement conventions; and
- Common law rules on choice law, jurisdiction and the recognition and enforcement of judgments.

In addition, she has advised on and publishes about anti-suit injunctions.

## Public international law

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Belinda was appointed to the UK Attorney General's Panel of Counsel (C Panel, Public International Law) in 2017. She has been described by "effusive sources" in *Who's Who Legal 2018* as a "'very smart' barrister whose 'good commercial and public international law experience' have been recognised by a wide range of UK and international sources."

For six months in 2016-2017, Belinda was seconded to the Legal Directorate of the Foreign & Commonwealth Office, where she advised on a variety of public international law issues, including privileges and immunities (diplomatic, consular, state and UN), treaties, counter-terrorism and human rights and sanctions, and in particular, the impact of Brexit.

Her recent contentious cases involving issues of public international law include:

- *A Local Authority v AG and others* [2020] EWHC 1346 (Fam): Counsel for The Secretary of State for Foreign and Commonwealth Affairs in this case concerning diplomatic immunity in a case of alleged child abuse (with Sir James Eadie QC, Professor Vaughan Lowe QC, Ms Joanne Clement, Mr Jason Pobjoy).
- *Shamima Begum v Secretary of State for the Home Department* [2020] EWCA Civ 918: Acting for The UN Special Rapporteur in a case relating to a British citizen detained in Syria, intervening on public international law issues relating to arbitrary deprivation of citizenship (with Mr Guglielmo Verdirame QC, Mr Jason Pobjoy). The case is proceeding to the Supreme Court.
- *Certain Iranian Assets* (2019-): counsel to the United States in proceedings brought by Iran in the International Court of Justice (with Daniel Bethlehem QC).
- *Case B1 (Claims 2 and 3), Iran v. United States* (2017-2019): counsel to the United States in proceedings before the Iran – U.S. Claims Tribunal concerning the foreign military sales program between Iran and the United States in the 1970s and 1980s. Belinda argued on behalf of the United States before the Full Tribunal at hearings in February and May/June 2018, April 2019 and June 2019 (with Daniel Bethlehem QC).
- *Jersey Football Association v UEFA, Court of Arbitration for Sport* (CAS 2016/ A/4787) (2017): counsel for the appellant in its appeal against UEFA's refusal to admit it to membership of UEFA, which was partially upheld and involved consideration of the question of whether Jersey was a "State" (with Christopher Hancock QC).
- *Mr A v State B* (2017): sole counsel for the respondent in a claim under the India-UK bilateral investment treaty brought under the UNCITRAL Rules for claims including a breach of the fair and equitable treatment standard.
- *China Heilongjiang International Economic & Technical Cooperative Corp (and others) v Mongolia* (PCA Case No. 2010-20): Counsel for the Claimants in a PCA-administered ad hoc arbitration (using both the UNCITRAL and ICSID Rules for guidance) under the China-Mongolia BIT relating to the expropriation of a mining licence (with Peter Turner QC).
- *Yosef Maiman v The Arab Republic of Egypt* (PCA Case No. 2012-026) and *Ampal-American Israel Corporation v The Arab Republic of Egypt* (ICSID Case No. ARB/12/11): counsel for two consortiums of investors in multi-billion dollar arbitrations under the UNCITRAL and ICSID Rules against Egypt involving the cessation of gas supply to Israel (with Freshfields Bruckhaus Deringer LLP).
- *Guaracachi America & Rurelec v Bolivia* (PCA Case No. 2011-17): counsel for the claimants in a UNCITRAL arbitration seated in The Hague and administered by the PCA regarding measures taken by Bolivia affecting their investments in the electricity industry (with Freshfields Bruckhaus Deringer LLP).

As to her broader advisory practice, Belinda has advised governments, private entities and NGOs on a range of issues, including:

- The impact of Brexit on treaties involving the UK
- The impact of Brexit on UK legislation
- The application of UN, EU and domestic sanctions
- Rules of secession and statehood
- Land and maritime boundaries
- The recognition of states
- Consular and diplomatic immunity State immunity
- Dispute resolution options before international organisations
- Prospective treaty claims

Belinda is national security vetted ('Security Check' level) and is comfortable working with sensitive material.

## Public law

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- *B (Algeria) v Special Immigration Appeals Commission and the Secretary of State for the Home Department* [2018] UKSC 5: counsel for the secretary of state in her appeal to the Supreme Court which concerned the circumstances in which immigration bail may be granted to an individual (with Robin Tam QC).

- *The Queen (on the application of VC) v The Secretary of State for the Home Department* [2018] EWCA Civ 57: counsel for the secretary of state in an appeal concerning an unlawful detention claim, as well as a claim under the Equality Act 2010 that 'reasonable adjustments' had not been made (with Julie Anderson).
- *R (on the application of HK (Iraq)) v Secretary of State for the Home Department* [2017] EWCA Civ 1871: counsel for the secretary of state in this test case concerning the lawfulness of the return of asylum seekers to Bulgaria under EU and human rights law.
- *R (on the application of Miller) v Secretary of State for Exiting the European Union* [2017] UKSC 5; [2017] 2 WLR 583: assisting while seconded to the Foreign & Commonwealth Office on this critical constitutional case.
- *R (on the application of TN (Vietnam)) v Secretary of State for the Home Department* [2017] EWHC 59 (Admin); [2017] 1 WLR 2595: counsel for the secretary of state in two conjoined cases in which the court had to consider the vires of the Asylum and Immigration Tribunal (Fast Track Procedure) Rules 2005 (with Robin Tam QC and Natasha Barnes).
- *R (on the application of Ibrahimi) v Secretary of State for the Home Department* [2016] EWHC 2049 (Admin): counsel for the secretary of state in cases involving two Iranian nationals seeking judicial review of the Secretary of State's decision to certify their asylum applications on "safe third country" grounds and subsequently to decline their human rights challenges to the safety of their planned return to Hungary (with Julie Anderson).
- *R (on the application of K) v Secretary of State for the Home Department* [2016] EWHC 1394 (Admin); [2016] 1 WLR 4243 and *R (on the application of HK (Bulgaria)) v Secretary of State for the Home Department* [2016] EWHC 857 (Admin): counsel for the secretary of state in joined cases in which the claimant asylum seekers applied for judicial review of the Secretary of State's decision to return them to Bulgaria, which involved the application of the Hardial Singh principles and the issue of whether Article 28 of EU Regulation 604/2013 concerning detention had direct effect (with Julie Anderson).
- *R (on the application of O) v Secretary of State for the Home Department* [2016] UKSC 19; [2016] 1 WLR 1717; [2016] 4 All ER 1003: counsel for the secretary of state in a Supreme Court unlawful detention case relating to the application of Home Office policy relating to the detention of the mentally ill pending deportation (with Robin Tam QC and Julie Anderson).

## Shipping and commodities

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- *Ad hoc arbitration* (2018): counsel for the claimants in a dispute arising from the loss of cargo consequent on the sinking of a vessel (with Sean Snook).
- *LMAA Arbitration* (2017-2018): counsel for the claimant in two ongoing arbitration references under the LMAA Terms concerning the breach of termination of agreements for the sale and purchase of two newbuilding vessels (with Michael Ashcroft QC).
- *LMAA Arbitration* (2016): Tribunal-appointed arbitrator in a dispute under a voyage charterparty on the Exxonmobil VOY2005 form involving a claim for freight, interests and costs.
- *ED&F Man Sugar Limited v T&L Sugars & Ors* (2016): counsel for the claimants in a claim in the Commercial Court for £30 million alleging unlawful means conspiracy, procurement of breach of contract and conversion, relating to a contract from the shipment of raw sugar (with Anthony Trace QC and Christopher Newman).
- *UNCITRAL Arbitration* (2016): sole counsel for the claimant in an ad hoc arbitration seated in London relating to a claim under a guarantee in respect of an iron ore shipment.
- *NYK Bulkship (Atlantic) NV v Cargill International SA* [2016] UKSC 20; [2016] 1 WLR 1853: counsel for the respondent in a Supreme Court case raising important points on the NYPE form and agency in the context of delegated or vicarious performance of contractual rights and obligations (with Timothy Young QC).

## Sports law

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- *Jersey Football Association v UEFA, Court of Arbitration for Sport (CAS 2016/ A/4787)* (2017): counsel for the appellant in its appeal against UEFA's refusal to admit it to membership of UEFA, which was partially upheld (with Christopher Hancock QC)



## Recommendations

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One of the best communicators in the business. An intellectual powerhouse with a straight forward communication style. [The Legal 500 UK Bar 2022](#)

A go-to junior in the public international law arena. Her work is of extremely high quality. [The Legal 500 UK Bar 2022](#)

A quite brilliant knowledge of, and application of, international law. Also very easy to deal with and always on hand to help. [The Legal 500 UK Bar 2022](#)

She has gone from strength to strength and is involved in high-profile international arbitration cases. [Chambers UK Bar 2022](#)

Belinda McRae is 'absolutely exceptional in commercial arbitration' and 'will certainly be a huge name in the years to come' according to impressed sources who add that 'she masters new and complex legal issues like no other'. [Who's Who Legal 2021](#)

A brilliant communicator both as an advocate and an advisor - makes difficult points clear. [The Legal 500 UK Bar 2021](#)

A fabulous oral advocate: her presentations are always well thought out, eloquent, detailed and compelling. She is clear and effective when standing in front of a tribunal. [Chambers UK Bar 2021](#)

A rapier-sharp junior. [The Legal 500 UK Bar 2021](#)

She has a superb grasp of substantive principles in arbitration law and in public international law. [The Legal 500 UK Bar 2021](#)

Her instinct for procedure is second to none, and her work rate and drafting is exceptional. [The Legal 500 UK Bar 2020](#) ('Commercial litigation - Top ten under eight years' call')

A rising star of the international arbitration Bar. [The Legal 500 UK Bar 2020](#)

Very client friendly but hard as tempered steel with the other side. [The Legal 500 UK Bar 2018](#) ('Commercial litigation - Top ten under eight years' call')

Future Leader [Who's Who Legal 2018, 2019, 2020, 2021](#) (Arbitration)

Effusive sources call Belinda McRae 'one of the best of her generation' in the arbitration space, describing her as 'one to watch'. She is a 'very smart' barrister whose 'good commercial and public international law experience' have been recognised by a wide range of UK and international sources. [Who's Who Legal 2018](#)