

Paolo Busco

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

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



Overview

Paolo has accepted an appointment overseas acting as an advisor on international law. Any enquiries in relation to his availability should be directed to his [Practice Management Team](#).

Paolo specialises in public international law and international dispute settlement.

His practice covers a wide range of matters, with a focus on investment law, law of the sea, public international law before domestic courts and human rights. Paolo also has experience in inter-state negotiations and mediations.

Before joining Chambers, Paolo practiced international law in several capacities. As a senior legal consultant to the Food and Agricultural Organization of the United Nations in Riyadh, he advised the Saudi government on law of the sea and international fisheries law. As an advisor to the Italian Ministry of Home Affairs, he assisted the Government with the public international law aspects of the migration flows in the Mediterranean. As an assistant legal counsel at the PCA, he worked alongside arbitral tribunals in disputes concerning the United Nations Convention on the Law of the Sea and in investor-state arbitrations. While a trainee lawyer, Paolo worked for two years with Italy's deputy Attorney General.

In addition to advisory work, Paolo is currently involved in matters pending before ICSID investment tribunals, Annex VII arbitral tribunals, the International Tribunal for the Law of the Sea, the Court of Justice of the European Union and several domestic courts.

[Privacy notice](#)

Publications

- '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).
- '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

- American Society of International Law

Education

- 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

- 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

- Court of Justice of the European Union Case C-396/18: acted as counsel and advocate for a company in preliminary ruling proceedings concerning aspects of human rights and public international law, under Article 267 of the TFEU.
- Acted as counsel to the Department of Justice of the United States of America in proceedings concerning state immunity before various Italian courts.
- Acted as counsel to a multinational oil company in relation to its human rights obligations.
- *Surfeit Harvest Investment Holding Pte Ltd (Singapore) v Republic of China (Taiwan)*: acted as counsel to an Asian multinational company, advising in connection with the investment arbitration proceedings pending against Taiwan.
- *Hela Schwarz GmbH v People's Republic of China* ICSID Case No ARB/17/19: acted as a legal assistant to the arbitral tribunal in a dispute concerning the allegedly illegal expropriation of a food factory.
- *The "Norstar" case (Panama v Italy)* International Tribunal for the Law of the Sea Case No 25: acted as counsel and advocate for the Italian Republic in the phases of preliminary objections to jurisdiction/admissibility and merits of a dispute concerning an arrest of a vessel allegedly in breach of Article 87 UNCLOS.
- *The "Enrica Lexie" Incident (Italy v India)* PCA Case No 2015-28: acted as counsel and advocate for the Italian Republic in the request for provisional measures and in the merits phase of a dispute concerning the arrest and detention of two Italian marines alleged to be in breach of UNCLOS.
- *The Atlanto-Scandinavian Herring Arbitration (The Kingdom of Denmark in respect of the Faroe Islands v The European Union)* PCA Case No 2013-30: acted as assistant to the arbitral tribunal (while at the PCA) in a dispute concerning the sustainable exploitation of fish resources.
- *Chagos Marine Protected Area Arbitration (Mauritius v United Kingdom)* PCA Case No 2011-03: acted as assistant to the arbitral tribunal (while at the PCA) in a dispute concerning the legality of the declaration of a marine protected area in the Chagos Archipelago.
- *OAO Gazprom v The Republic of Lithuania* PCA Case No. 2011-16: acted as assistant to the arbitral tribunal (while at the PCA) in a matter concerning the alleged forced sale of Gazprom's stake in Lietuvos Dujos, in the context of an EU-mandated gas market reform.

- 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

- '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).

Public international law

- Counsel for a company in proceedings before the Court of Justice of the European Union pursuant to Article 267 of the TFEU, involving issues of EU and public international law (further details are confidential).
- Adviser to a State with regard to the application of the Hague Convention on the Taking of Evidence Abroad of 1970.
- Adviser to an oil company with respect to certain human rights obligations.
- Consultant to the Food and Agricultural Organization of the United Nations in Riyadh, advising the Kingdom of Saudi Arabia on law of the sea and international fishery law matters, in the context of the Saudi Vision 2030 program.
- Adviser to the Italian Ministry of Home Affairs on international law of the sea and human rights aspects related to NGOs operations in the Mediterranean Sea, in the context of the international migration crisis from North Africa.
- ITLOS Case No. 25 The “Norstar” case (*Panama v Italy*) – Counsel and advocate to the Italian Republic in the phases of preliminary objections to jurisdiction/admissibility and merits in a case brought by Panama concerning the alleged illegal arrest and detention of a vessel engaged in bunkering activities.
- Adviser to a State in potential proceedings before the International Court of Justice on certain duties of judicial cooperation under a Treaty (further details are confidential).
- Adviser to the Sovereign mediator in an inter-State maritime dispute (further details are confidential).
- ITLOS Case No. 24 The “Enrica Lexie” Incident (*Italy v India*) – Counsel and advocate to the Italian Republic in a request for provisional measures concerning India’s arrest and detention of Sgt. Massimiliano Latorre and Salvatore Girone, two marines of the Italian Navy accused of having killed two Indian fishermen.
- *Court of Justice of the European Union, European Commission et al v Kadi*, joint Cases C-584/10 P, C-593/10 P, C-595/10 – adviser in the intervention by the Italian Republic in the appeal brought by the Commission, while at the Office of the Attorney General of Italy.
- Adviser in a case brought by the Ministry of Cultural Affairs of Italy against the Jean Paul Getty Museum of Malibu for the recovery of the Victorious Youth of Lysippus, before various Italian courts, while at the Office of the Attorney General of Italy.
- Adviser in a case brought by the Ministry of Cultural Affairs of Italy against Sotheby’s for the restitution of ancient manuscripts stolen from the Girolamini Library, while at the Office of the Attorney General of Italy.
- Adviser in diplomatic negotiations carried out by the Italian Republic with a number of international museums and two States over the restitution of cultural properties acquired in contravention of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, while at the Office of the Attorney General.

International arbitration

- *Hela Schwarz GmbH v People’s Republic of China* (ICSID Case No. ARB/17/19), as an assistant to the Arbitral Tribunal.
- Counsel to an Italian multinational company in an investment dispute against an African State (further details are confidential).
- Counsel to an Asian company in connection with investment arbitral proceedings pending against an Asian State (further details are confidential).
- PCA Case No. 2015-28: The “Enrica Lexie” Incident (*Italy v India*) – Counsel to the Italian Republic in a request for provisional measures and in the merits phase of a dispute concerning India’s arrest and detention of Sgt. Massimiliano Latorre and Salvatore Girone, two marines of the Italian Navy accused of having killed two Indian fishermen.
- PCA Case No. 2013-30: The Atlanto-Scandian Herring Arbitration (*The Kingdom of Denmark in respect of the Faroe Islands v The European Union*), as an Assistant Legal Counsel at the Permanent Court of Arbitration.
- PCA Case No. 2011-03: Chagos Marine Protected Area Arbitration (*Mauritius v United Kingdom*), as an Assistant Legal Counsel at the Permanent Court of Arbitration.
- PCA Case No. 2011-06: *OAQ Gazprom v The Republic of Lithuania*, as an Assistant Legal Counsel at the Permanent Court of Arbitration.
- PCA Case No. 2005-04/AA227 *Yukos Universal Limited (Isle of Man) v The Russian Federation*, as an Assistant Legal Counsel at the Permanent Court of Arbitration.
- PCA Case No. 2010-13 *Dunkeld International Investment Limited (Turks & Caicos) v The Government of Belize*, as an Assistant Legal Counsel at the Permanent Court of Arbitration.
- PCA Case No. 2013-33 *Mattioli Joint Venture v The Ministry of Water and Energy representing the Federal Democratic*

Republic of Ethiopia, as an Assistant Legal Counsel at the Permanent Court of Arbitration.

- PCA Case No. 2013-32 *Consta Joint Venture v Chemin de Fer Djibouto-Ethiopien*, as an Assistant Legal Counsel at the Permanent Court of Arbitration.