

## Penelope Nevill

CALL: 1998 (NEW ZEALAND), 2010 (ENGLAND AND WALES)

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### Overview

Penelope is a specialist in international law. Her practice focuses on disputes and transactional advice across a range of areas, including public international law, EU law, public law and human rights, commercial disputes raising questions of international and EU law and the interaction between legal systems and regimes.

She has appeared as counsel before the International Court of Justice, the European Court of Human Rights, the General Court of the EU and a United Nations Convention on the Law of the Sea (UNCLOS) Annex VII Tribunal, as well as the High Court, the Court of Appeal and the Supreme Court of England and Wales. In addition, Penelope regularly provides transactional advice to governments, the private sector and NGOs.

Penelope has extensive and varied experience in practice and academia. Her career commenced as a litigation lawyer in New Zealand with leading firm Chapman Tripp and includes time as a full-time academic at the University of Cambridge, teaching public international law, EU law and the law of armed conflict. She is currently a Fellow and Visiting Lecturer at King's College, London.

Penelope is a panellist on the Attorney General's Specialist Public International Law Panel (B Panel) and the General Panel (B Panel).

### Publications

Recent publications include:

- Journal of World Trade & Investment 21 (2020) 493-505, review of Secomb, *Interest in International Arbitration* (2019).
- 'International Law and Jurisdiction' (with Malcolm Shaw QC), in Daniel Clarry (ed), *The UK Supreme Court Yearbook, Volume 9: 2017-2018 Legal Year* (Appellate Press 2019) 627.
- British Year Book of International Law (2019), review of Rothwell et al, *The Oxford Handbook of the Law of the Sea* (2015).
- 'Introduction', 'The Practice of Judging', *ASIL Proceedings 2018* (with David Bigge).
- 'Area-Based Management Tools, Including Marine Protected Areas', *ASIL Proceedings 2017*.
- 'Interpretation and review of UN sanctions by European courts: comity and conflict' in van den Herik (ed), *Research Handbook on UN Sanctions and International law* (Edward Elgar, 2017).

## Education

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- University of Cambridge: LLM, First Class (2002)
- University of Auckland: LLB (Hons)/BA (English and history) (1992–96)

A full list of articles, lectures and talks is available on request.

## Professional memberships

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- Bar Council, Vice-Chair, International Trade Working Group (2021- )
- American Society of International Law (Program Committee Member, ASIL Meeting 2018)
- International Law Association, British Branch
- Senior Research Fellow, Institute of Transnational Law, King's College, London
- Visiting Fellow and Lecturer at the Dickson Poon School of Law, King's College, London

## Recent lectures and talks

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- London Climate Action Week, "[Investment Protection in Energy Transition](#)", 30 June 2022
- The European Circuit Conference, Madrid, 2021, 'Trade v Security: The UK's National Security and Investment Act', 24 September 2021
- London International Disputes Week, 2021, panellist, "A new frontier? Exploring cyber-related international disputes", 12 May 2021
- 'Trade Remedies After Brexit', Law Society English Mexico Law Week, 30 November 2020
- 'ABMTs and MPAs under the new ILBI under UNCLOS on Conservation and Sustainable Use of Areas Beyond National Jurisdiction', Pacific Ocean Pacific Climate Change Conference, 28 October 2020
- Current courses at King's College, London: Public International Law (undergraduate, law of the sea), Cyberspace Law (LLM), Oceans Governance (LLM)

A full list of articles, lectures and talks is available on request.

## Example cases

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- *Duarte v Portugal and others*, European Court of Human Rights: acting for the United Kingdom in one of the first case to address obligations under the Convention in respect of climate change (Judgment handed down 9 April 2024).
- "*Heroic Idun*": Acting for the Republic of the Marshall Islands in the "*Heroic Idun*" its prompt release application and case against the Republic of Equatorial Guinea before the International Tribunal for the Law of the Sea (ongoing).

- *Advisory Opinion on Climate Change*, International Court of Justice: acting for the United Kingdom in the advisory proceedings before the International Court of Justice (ongoing).
- Bibby Stockholm: acting for claimant in *Parkes v Dorset Council, Secretary of State for the Home Department, and Secretary of State for Leveling Up, Housing and Communities* (ongoing), a public law claim concerning the Bibby Stockholm barge accommodation for asylum seekers in Portland Harbour.
- Horizon dispute under the Trade and Cooperation Agreement: acting for the United Kingdom in dispute raised under the UK-EU TCA.
- Advising private sector and non-private sector clients on sanctions against Russia and Belarus.
- Instructed for claimant on bilateral investment treaty claim (ongoing).
- Advising on various issues arising out of the UK's exit from the EU, including the interpretation and application of the European Union (Withdrawal) Act 2018 and the European Union (Withdrawal Agreement) Act 2020 and retained legislation.
- Advising on various trade law issues under WTO and other trade agreements.
- *Case concerning MV "San Padre Pio" (Switzerland v Nigeria)*, United Nations Tribunal for the Law of the Sea: working with the Swiss team on claims arising from the arrest and detention of the "San Padre Pio", its cargo and crew by the Nigerian authorities in its EEZ.
- *Al M*: instructed on behalf of Sheikh Mohammed bin Rashid al-Maktoum in high profile family court proceedings between Princess Haya and the Sheikh on immunities and foreign act of State, [2020] 1 WLR 1858, [2021] EWHC 660 (Fam), [2021] EWCA Civ 890, [2020] EWHC 2883 (Fam).

## Public international law

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Penelope has acted as counsel in a wide variety of international and domestic cases involving all aspects of Public International Law, including immunities (diplomatic and state), sanctions, treaty interpretation and application, human rights, boundaries, investment treaty law, international trade law, wildlife law and law of the sea.

Her cases (international and domestic) include:

- *Duarte v Portugal and others*, European Court of Human Rights: acting for the United Kingdom in one of the first case to address obligations under the Convention in respect of climate change (Judgment handed down 9 April 2024).
- "*Heroic Idun*": Acting for the Republic of the Marshall Islands in the "*Heroic Idun*" its prompt release application and case against the Republic of Equatorial Guinea before the International Tribunal for the Law of the Sea (ongoing).
- *Advisory Opinion on Climate Change*, International Court of Justice: acting for the United Kingdom in the advisory proceedings before the International Court of Justice (ongoing).
- Horizon dispute under the Trade and Cooperation Agreement: acting for the United Kingdom in dispute raised under the UK-EU TCA.
- Instructed for claimant on bilateral investment treaty claim (ongoing).
- Instructed for Bahrain in *Shehabi v Bahrain* [2023] EWHC 89 (KB), a tort claim concerning alleged cyber surveillance raising State immunity.
- Advising on various issues arising out of the UK's exit from the EU, including the interpretation and application of the European Union (Withdrawal) Act 2018 and the European Union (Withdrawal Agreement) Act 2020 and retained legislation.
- *Case concerning MV "San Padre Pio" (Switzerland v Nigeria)*, United Nations Tribunal for the Law of the Sea: working with the Swiss team on claims arising from the arrest and detention of the "San Padre Pio", its cargo and crew by the Nigerian authorities in its EEZ.
- *Al M*: instructed on behalf of Sheikh Mohammed bin Rashid al-Maktoum in high profile family court proceedings between Princess Haya and the Sheikh on immunities and foreign act of State, [2020] 1 WLR 1858, [2021] EWHC 660 (Fam), [2021] EWCA Civ 890, [2020] EWHC 2883 (Fam).
- Advice to London-based arbitration body on risks posed by reimposition of US Iran sanctions and the EU blocking legislation.
- *R (Bashir & others) v Secretary of State for the Home Department*: acting for the Home Office in judicial review action concerning, inter alia, whether the Refugee Convention applies to the Sovereign Base Areas of Dhekelia and Akrotiri or via the EU Treaties and claims under the ECHR and EU Charter and claims under ECHR articles 8/14, "[2016] 1 WLR 1954 (Admin), [2017] EWCA Civ 397, [2019] AC 484 (SC).

- *R (Bancoult) v Secretary of State for Foreign and Commonwealth Affairs (No. 3)*: acting for Secretary of State in judicial review proceedings relating to a public consultation of the proposed large scale marine protected area around the British Indian Ocean Territory, including novel issues concerning reliance on wikileaks documents, diplomatic immunity and inviolability, fishing rights under public international law, justiciability and jurisdiction, [2014] Env LR 2, [2014] 1 WLR 2921 (CA), [2018] 1 WLR 973 (SC).
- *Kurdistan Workers' Party (PKK) v Council of the European Union*, Case T-316/14 ECLI:EU:T:2018:788, Appeal pending (C-46/19 P): sole counsel for the United Kingdom (as intervenor) in challenge to designation and restrictive measures imposed under Common Position 2001/931 CFSP. Also instructed to represent the UK in the appeal in *Liberation Tigers of Tamil Eelam (LTTE) v Council of the European Union*, Case C-599/14 P.
- *Bamieh v EULEX, FCO and others* Employment Tribunal decision 15 April 2016 (Case no 22000909/2015) Employment Appeal Tribunal [2018] 1 WLUK 260, [2019] IRLR 736 (CA): defending employment claims against FCO, which included issues of legal personality of international and regional organisations in international, EU and domestic law and extraterritorial scope of the whistleblowing provisions of the British Employment Rights Act 1996. Also instructed in 2020 in related case, *Simmons v FCO*.
- Regularly instructed to advise on potential possible ITLOS prompt release and Annex VII arbitration proceedings arising out of the arrests of vessels and crew by coastal States in their EEZs. Includes drafting provisional measures applications and notifications and statements of claim.
- *Chagos Marine Protected Area Arbitration (Mauritius v United Kingdom)*, Award 18 March 2015: Annex VII arbitration under the UN Law of the Sea Convention 1982 (UNCLOS). Counsel for United Kingdom in the dispute arising from the UK's establishment of a Marine Protected Area in the British Indian Ocean Territory.
- Commercial arbitration on the legality of a voyage order to discharge cargo in a northern Cyprus port, which turned on various issues of public international law and private international law in relation to territory over which the de jure government does not exercise effective control.
- *Khurts Bat v Investing Judge of the German Federal Court* [2011] EWHC 2029: assisted counsel for the Foreign Office as intervenor responding to Mr Bat's claims of special mission, high ranking office and official act immunity.
- *Case Concerning Sovereignty Over Pulau Batu Puteh/Pedra Branca, Middle Rocks and South Ledge (Malaysia/Singapore)*, Judgment, ICJ Reports 2002, p 625: counsel for Malaysia in dispute with Singapore concerning the sovereignty over an island at the eastern entrance of the Singapore Strait.
- *Xenides-Arestis v Turkey*, Application No. 46347/99, European Court of Human Rights, 22 December 2005: counsel for Turkey in test case concerning the Court's jurisdiction over claims by Greek-Cypriots to property in northern Cyprus arising out of the situation in northern Cyprus.

Advice work includes:

- Advising body on interaction of the UN Convention on the Law of the Sea and the Marine and Coastal Access Act 2009 in respect of offshore activities.
- Advising private actor on immunity of a roving ambassador and jurisdiction in family case.
- Advising private actor on status of treaties on jurisdiction and mutual recognition following UK exit from the EU in relation to potential claims against the 'Ever Given'.
- Advising a government on implementation of The Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention).
- Advising a government on implementation of the Refugee Convention.
- Advice to arbitration body on risks posed by reimposition of US Iran sanctions and the EU blocking legislation.
- Advising private actor on issues of immunity, ownership and treatment of underwater cultural heritage under UNCLOS, the Convention on the Protection of Underwater Cultural Heritage 2001 and customary law in relation to a treasure find.
- Advice to arbitration body on risks posed by reimposition of US Iran sanctions and the EU blocking legislation.
- Instructed by NGO (Pew) to advise on the negotiations and draft text of the Internationally Binding Instrument under UNCLOS on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction, focusing in particular on ABMTs and MPAs, including attending intergovernmental conferences in New York as a member of the Pew delegation.
- Advice to government on the application of UNCLOS to a sovereignty dispute, with particular focus on the dispute settlement provisions in light of recent jurisprudence.
- Advice to Stop Ivory (NGO) and a coalition of NGOs on implementing a total ban on sales of ivory under international law, including CITES, the Bonn Convention, and the Convention on Biological Diversity in UK law. The UK domestic ban is now

introduced in the Ivory Act 2018.

- Advice to government on the limits of the outer continental shelf and the process before the Commission on the Limits of the Continental Shelf.
- Advice to government agency on underwater cultural heritage, including the relationship of UNCLOS to marine licensing of activities under domestic law and the relevance of the law of salvage.
- Advice to government on the implications of the European Court of Justice's Kadi II judgment for sanctions.
- Advice to firm in Hong Kong on potential application of EU sanctions regime against Russia.
- Advice to company on legal issues arising under EU, domestic law and private international law from investing in a development in northern Cyprus.
- Advice to company on sanctions risks arising from proposal to invest in North Korea.
- Advice on potential UK proceedings against a parent company for actions of subsidiary in UNESCO World Heritage Site in a foreign country, including assessment of the application of the Ruggie Principles, the OECD Guidelines For Multinational Companies and extraterritorial tort claims under English law.
- Advice to vessel owners on whether compliance with a voyage order will breach UN, EU and national sanctions.
- Advice to a European energy company on proposed trans-Caspian Sea pipeline and public international law issues arising from the proposal. The advice covered the law of territory (condominiums and transboundary lakes), law of the sea (enclosed seas), the *lex communicatus* and international and EU environment law, and included presentations of the advice to the European Commission and a foreign ministry.

## Public law and human rights

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In addition to the cases and advice listed under headings which also fall into these categories, Penelope's work includes:

- Bibby Stockholm: acting for claimant in *Parkes v Dorset Council, Secretary of State for the Home Department, and Secretary of State for Leveling Up, Housing and Communities* (ongoing), a public law claim concerning the Bibby Stockholm barge accommodation for asylum seekers in Portland Harbour.
- Advising body on interaction of the UN Convention on the Law of the Sea and the Marine and Coastal Access Act 2009 in respect of offshore activities.
- *Duarte v Portugal and others*, European Court of Human Rights: acting for the United Kingdom in one of the first case to address obligations under the Convention in respect of climate change (Judgment handed down 9 April 2024).
- Advising private sector and non-private sector clients on sanctions against Russia and Belarus.
- Advising on various issues arising out of the UK's exit from the EU, including the interpretation and application of the European Union (Withdrawal) Act 2018 and the European Union (Withdrawal Agreement) Act 2020 and retained legislation.
- *Shkelaj v SSHD*: acting for SSHD in immigration appeal concerning whether a decision on discretionary leave under the Guidance on Modern Slavery attracts a right of appeal under s.82 of the Nationality and Immigration Act 2002.
- Acting for the Ministry of Justice in various ongoing proceedings brought by prisoners invoking human rights, torts and other bases of claim.
- *Bancoult (No. 5) and Chagossian Committee Seychelles v Secretary of State for Foreign and Commonwealth Affairs* [2019] 1 WLR 4105: counsel for Secretary of State in judicial review proceedings challenging the outcome of the review of the resettlement policy concerning the British Indian Ocean Territory.
- *R (Hoareau and others) v The Secretary of State for Foreign and Commonwealth Office* [2016] EWHC 2102 (Admin): counsel for the Secretary of State in judicial review claim brought by Chagossians based in the Seychelles concerning public consultation and alleged breaches of the public sector equality duty (PSED) under the Equality Act 2010. Included undertaking a substantial public interest immunity (PII) exercise and implementation of a confidentiality ring.
- *Child Soldiers International v Secretary of State for Defence*: instructed by the Secretary of State for Court of Appeal stage for pleadings on interpretation and application of Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation and its relationship to the Army Terms of Service Regulations 2007.
- Advice to government on extraterritorial application of English legislation implementing the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) and EU implementing legislation.
- Advice to Stop Ivory (NGO) and a coalition of NGOs on implementing a total ban on sales of ivory under international law, including CITES, the Bonn Convention, and the Convention on Biological Diversity in UK law. The UK domestic ban is now introduced in the Ivory Act 2018.

- Advice to Marine Management Organisation on implementing the Marine Licensing (Exempted Activities) Order 2011.
- Advice to government agency on dredging proposal implications under international, EU and domestic law.

In addition, Penelope has lectured on business and human rights on the LLM course at King's College, London, "United Nations: International Institution and Domestic Legal Spaces" and the "Law of Armed Conflict" LLM course at the University of Cambridge, worked on early stages on the draft arms trade treaty and co-authored the Chapters on Article 6 and Article 22 in Da Silva and Wood eds, *The Arms Trade Treaty* (2013; reprinted 2021).

## Investment treaty arbitration and trade law

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Penelope's investment and trade work includes:

- Instructed by claimant in bilateral investment treaty claim.
- Various advices to a government concerning risks of trade law challenges to proposed legislation or other activities.
- Advising a government on the cross-border data flow aspects of free trade agreements and the GATS, including MFN, market access, and data protection provisions.
- Advising and working with the Bar Council on cross-border trade in legal services under and EU-UK TCA and various FTAs following the UK's exit from the EU.
- Advising the Department of International Trade on aspects of investment treaty law in preparations for post-Brexit FTAs.
- Advising private actor on the legal implications of the WTO Dispute Settlement Body decisions in United States - Measures Affecting the Cross-Border Supply of Gambling and Betting Services ('US-Gambling') on potential claim under the UK Data Protection Act 1998, the General Data Protection Regulation (EU) 2016/679 (GDPR) and UK DPA 2018.
- Two investment treaty arbitrations, instructed by claimant to work with law firm's legal team on all stages of the proceedings, including preliminary issues and related annulment proceedings. One arbitration was successful; the other is ongoing.
- Advice to Stop Ivory (NGO) and a coalition of NGOs on implementing a total ban on sales of ivory under international law, including CITES, the Bonn Convention, and the Convention on Biological Diversity in UK law. The UK domestic ban is now introduced in the Ivory Act 2018.
- Assisting counsel with advice to a global company on potential claims under a bilateral investment treaty and prospects of success.
- *Azurix Corp v Argentine Republic* ICSID Case No. ARB/01/12: assisting arbitrator in jurisdictional phase of a bilateral investment treaty claim arising out of investment in a water utilities concession.
- *Waste Management v Mexico* ICSID Case No. ARB(AF)/00/3: assisting president of the tribunal in a NAFTA Chapter 11 dispute.
- Assisting counsel with advice to a government on the interpretation of the WTO Technical Barriers to Trade Agreement.

In addition, Penelope has lectured on the WTO Dispute Settlement Understanding and free movement of goods, services and persons under the EU Treaties.

## Law of the sea and shipping law

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Examples of Penelope's disputes and advice work on law of the sea and shipping law include:

Cases:

- "*Heroic Idun*": Acting for the Republic of the Marshall Islands in the "*Heroic Idun*" its prompt release application and case against the Republic of Equatorial Guinea before the International Tribunal for the Law of the Sea (ongoing).
- Bibby Stockholm: acting for claimant in *Parkes v Dorset Council, Secretary of State for the Home Department, and Secretary of State for Leveling Up, Housing and Communities* (ongoing), a public law claim concerning the Bibby Stockholm barge accommodation for asylum seekers in Portland Harbour (ongoing).
- Instructed by charterers as sole counsel in arbitration claim against owners concerning impact of sanctions and

frustration on charterparty (the claim settled after exchange of pleadings).

- *Case concerning MV "San Padre Pio" (Switzerland v Nigeria)*, United Nations Tribunal for the Law of the Sea: working with the Swiss team on claims arising from the arrest and detention of the "San Padre Pio", its cargo and crew by the Nigerian authorities in its EEZ (ongoing).
- *Chagos Marine Protected Area Arbitration (Mauritius v United Kingdom)*, Award 18 March 2015: Annex VII arbitration under the UN Law of the Sea Convention 1982 (UNCLOS). Counsel for United Kingdom in the dispute arising from the UK's establishment of a Marine Protected Area in the British Indian Ocean Territory.
- Instructed by claimant in London arbitration concerning breach of charterparty to address illegality argument based on Iran sanctions following the JCPOA and, in particular, the impact of US Iran sanctions.
- Representing charterers in a commercial arbitration on the legality of a voyage order to discharge cargo in a northern Cyprus port in territory over which the de jure government does not exercise effective control.
- *Case Concerning Sovereignty Over Pulau Batu Puteh/Pedra Branca, Middle Rocks and South Ledge (Malaysia/Singapore)*, Judgment, ICJ Reports 2008, p 12: counsel for Malaysia in dispute with Singapore concerning the sovereignty over an island at the eastern entrance of the Singapore Strait, which included arguments on the vessel traffic system through the Singapore and Malacca Straits, aids to navigation and UNCLOS provisions on maritime zones generated by islands, rocks and low tide elevations.

Advice:

- Advising body on interaction of the UN Convention on the Law of the Sea and the Marine and Coastal Access Act 2009 in respect of offshore activities.
- Advice on status of treaties on jurisdiction and mutual recognition following UK exit from the EU in relation to potential claims against the 'Ever Given'.
- Advice on potential possible ITLOS prompt release and Annex VII arbitration proceedings arising out of the arrests of vessel, cargo and crew by a coastal State in its EEZ. Includes drafting provisional measures applications and notifications and statements of claim.
- Advising private actor on issues of immunity, ownership and treatment of underwater cultural heritage under UNCLOS, the Convention on the Protection of Underwater Cultural Heritage 2001 and customary law in relation to a treasure find.
- Advice to a government on the application of UNCLOS to a long-running sovereignty dispute, with particular focus on the dispute settlement provisions in light of recent jurisprudence.
- Advice to a government on the limits of the outer continental shelf and the process before the Commission on the Limits of the Continental Shelf.
- Advice to a government agency on underwater cultural heritage, including the relationship of UNCLOS to marine licensing of activities under domestic law and the relevance of the law of salvage.
- Advices to a government on extraterritorial application of English legislation implementing the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) and EU implementing legislation.
- Advice to government on the application of UNCLOS to a sovereignty dispute, with particular focus on the dispute settlement provisions in light of recent jurisprudence.
- Advice to Marine Management Organisation on implementing the Marine Licensing (Exempted Activities) Order 2011.
- Advice to vessel owners on whether compliance with a voyage order will breach UN, EU and national sanctions.
- Advice to government agency on dredging proposal implications under international, EU and domestic law.
- Advice to a European energy company on proposed trans-Caspian Sea pipeline including law on transboundary pipelines through enclosed seas or inland waters and environmental obligations.

Penelope lectures on the law of the sea at King's College, London and has convened and lectures on a new LLM course, Oceans Governance. She regularly speaks on the topic and takes the advocacy and legal writing module of the International Law of the Sea Tribunal-Nippon Capacity Building & Training Programme.

## Commercial

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Penelope is often instructed on commercial disputes involving issues of public international law. Work includes:

- Acting for claimant in commercial arbitration claim against an African State (the claim settled).
- Acting for claimants in commercial arbitration proceedings in application for relief brought by respondent under s. 72 of the Arbitration Act 1996 involving aspects of State immunity.
- Instructed by charterers as sole counsel in arbitration claim against owners concerning impact of sanctions and frustration on charterparty (the claim settled after exchange of pleadings).
- Advising private sector and non-private sector clients on sanctions against Russia and Belarus.
- Advice on status of treaties on jurisdiction and mutual recognition following UK exit from the EU in relation to potential claims against the 'Ever Given'.
- Advice to London-based arbitration body on risks posed by reimposition of US Iran sanctions and the EU blocking legislation.
- Acting for claimant in London arbitration concerning breach of charterparty to address illegality argument based on Iran sanctions following the JCPOA, and in particular, the impact of US Iran sanctions.
- Acting for respondent in ICC arbitration concerning alleged breach of sale and purchase agreement, addressing illegality defence based on sanctions.
- Advising private actor on issues of immunity, ownership and treatment of underwater cultural heritage under UNCLOS, the Convention on the Protection of Underwater Cultural Heritage 2001 and customary law in relation to a treasure find.
- Assisting counsel with arbitration concerning breach of a concession contract on opposing party's argument based on 'internationalised contracts'.
- Acting for claimant charters in London arbitration concerning the legality of a voyage order to discharge cargo in a northern Cyprus port.

## Energy and natural resources

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Examples of Penelope's work in the energy and natural resources sector include:

- Advising body on interaction of the UN Convention on the Law of the Sea and the Marine and Coastal Access Act 2009 in respect of offshore activities.
- Advice to private actor on law of the sea and regulatory aspects of a proposed telecoms project.
- Advice on potential UK proceedings against a parent company for actions of mining subsidiary in UNESCO World Heritage Site in a foreign country, including application of the Ruggie Principles, the OECD Guidelines For Multinational Companies and extraterritorial tort claims under English law.
- Advice to a European energy company on proposed trans-Caspian Sea pipeline and public international law issues arising from the proposal. The advice covered the law of territory (condominiums and transboundary lakes), law of the sea (enclosed seas), the lex communicatus and international and EU environment law, and included presentations of the advice to the European Commission and a foreign ministry.
- Investment treaty cases involving energy and natural resources, which include the two cases referred to above together with *Azurix Corp v Argentine Republic* ICSID Case No. ARB/01/12 (assisting arbitrator in jurisdictional phase of a bilateral investment treaty claim arising out of investment in a water utilities concession) and *Waste Management v Mexico* ICSID Case No. ARB(AF)/00/3 (assisting president of the tribunal in a NAFTA Chapter 11 dispute concerning waste management).

## Environment, wildlife and climate change

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Work includes:

- *Duarte v Portugal and others*, European Court of Human Rights: acting for the United Kingdom in one of the first case to address obligations under the Convention in respect of climate change (Judgment handed down 9 April 2024).
- Advisory Opinion on Climate Change, International Court of Justice: acting for the United Kingdom in the advisory proceedings before the International Court of Justice (ongoing).
- Advising body on interaction of the UN Convention on the Law of the Sea and the Marine and Coastal Access Act 2009 in respect of offshore activities.
- Advising and working with NGO (Pew) on the negotiations and draft text of the Internationally Binding Instrument under UNCLOS on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction, focusing in particular on ABMTs and MPAs, including attending intergovernmental conferences at the UN in New York as a



member of the Pew delegation.

- Advising and working with Stop Ivory (NGO) and a coalition of NGOs on implementing a total ban on sales of ivory under international law, including CITES, the Bonn Convention, and the Convention on Biological Diversity, and in UK law. The UK domestic ban was introduced in the Ivory Act 2018. Work is now directed to the implementing statutory instrument.

In addition Penelope's work on law of the sea frequently raises issues concerning marine environment law, for example, oil transport and STS transfers in the EEZ in the *Case concerning MV "San Padre Pio" (Switzerland v Nigeria)*, the advice to a government agency on dredging proposal implications under international, EU and domestic law, the advice on the advice on the proposed Transcaspian Sea pipeline and advice on protecting or removing underwater cultural heritage.

## Sanctions

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- Instructed by government department to advise on sanctions concerning transport.
- *PKK v Council & Ors* (Case T-148/19) and *LTTE v Council & Ors* (Case T-160/19), General Court and European Court of Justice, by the UK in interventions by the UK in two cases challenging the proscription of the PKK and LTTE as terrorist organisations (ECLI:EU:T:2021:817).
- Case T-316/14 *PKK v Council and Ors* – instructed by the UK.
- Advising various firms on various sanctions matters, concerning provision of legal services and underlying matters.
- Advising P&I club on application of sanctions to a casualty matter.
- Advising vessel owners in relation to an arbitration concerning a charterparty claim on sanctions issues under EU and Gibraltar law.
- Acting for charterers in an arbitration in relation to a charterparty claim involving right to terminate because of sanctions.
- Advising firm on impact of sanctions on an ongoing commercial arbitration and the underlying substantive claim.
- Instructed by claimant in London arbitration concerning breach of charterparty to address illegality argument based on Iran sanctions following the JCPOA and, in particular, the impact of US Iran sanctions.

Penelope frequently speaks on the subject of sanctions has several publications on the subject, including: 'Interpretation and review of UN sanctions by European courts: comity and conflict' in Van den Herik (ed), *Research Handbook on UN Sanctions and International Law* (Edward Elgar, 2017); 'Sanctions and commercial law' in Happold and Eden (eds), *Sanctions and Embargoes in International Law* (Hart, 2016); 'Military sanctions enforcement in the absence of express authorization' in Weller, ed., *The Oxford Handbook on the Use of Force* (OUP, 2015); and 'When diplomacy fails – the complex legal fallout from imposing sanctions' (with Sara Masters KC), *Legal Week*, 9 March 2012.

## Recommendations

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Penelope is a pleasure to work with - very down to earth while providing very thorough and detailed advice. [Chambers UK Bar 2024](#)

She is undoubtedly one of the talents in the field. She is knowledgeable, diligent, and fluent, both orally and in writing, with an unusually astute facility for grasping the essential policy context of international issues. [The Legal 500 UK Bar 2024](#)

She is really considered, diligent and razor sharp. [Chambers UK Bar 2024](#)

Very quick and astute with a broad range of knowledge across areas. [The Legal 500 UK Bar 2023](#)

She knows PIL inside out and is very well respected in the field. [Chambers UK Bar 2023](#)

Willing to engage with any question no matter how big or small and always happy to get stuck into the laborious detail. Calm and diligent. [The Legal 500 UK Bar 2023](#)

An absolute fount of knowledge on international law. [Chambers UK Bar 2022](#)

Penelope is fantastically easy to work with. She is a highly competent drafter and a good oral advocate. She shows good judgement and gets on very well with clients. [The Legal 500 UK Bar 2022](#)

She analyses what really matters and is rock solid in the face of difficult questions. [Chambers UK Bar 2022](#)

I would think she ought to be a very good candidate for silk before too long. [The Legal 500 UK Bar 2022](#)

She is knowledgeable, bright and practical. [Chambers UK Bar 2022](#)

One of the leading public international law juniors at the English bar. Very clever, thoughtful and invariably right. [The Legal 500 UK Bar 2021](#)

She has the biggest brain and her knowledge is outstanding. She can work out the answers before the questions are asked. [Chambers UK Bar 2021](#)

Penelope has an encyclopaedic knowledge of her field. She was always able to come up with an interesting angle or case to consider. [The Legal 500 UK Bar 2021](#)

A formidable academic background. [Chambers UK Bar 2020](#)

Really sharp, one of the best PIL juniors. [The Legal 500 UK Bar 2020](#)

She is an excellent public international lawyer. She has exceptional experience and is enormously talented. A real rising star of the Bar. [Chambers UK Bar 2018](#)

She has exceptional experience and is enormously talented. [The Legal 500 UK Bar 2017](#)