

CHRISTINA L. BEHARRY

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Nationality: Canadian / Guyanese / U.S. Permanent Resident

EDUCATION

Columbia Law School

Master of Laws (LL.M.), May 2003

University of Cambridge

Master of Laws (LL.M.), Upper Second Class Honors June 2001

London School of Economics

Bachelor of Laws (LL.B.), Upper Second Class Honors, June 2000

EMPLOYMENT

Foley Hoag LLP, Washington D.C.

Partner, International Litigation and Arbitration (January 2022 – present)

Counsel, International Litigation and Arbitration (May 2017 – December 2021)

Associate, International Litigation and Arbitration (October 2010 – April 2017)

Represents and advises clients in international arbitrations administered by the ICSID, PCA, ICC and *ad hoc* UNCITRAL tribunals. Participates in client meetings, prepares correspondence, conducts legal and factual research, drafts pleadings, supervises work of valuation and technical experts, and participates in hearings.

Foreign Affairs and International Trade Canada, Ottawa

Counsel, Trade Law Bureau (March 2008 – October 2010)

Assisted in the representation of Canada in several international arbitrations under NAFTA Chapter 11 and provided legal advice on the negotiation of bilateral investment treaties. Drafted legal opinions on the compliance of government measures with Canada's international obligations under NAFTA and GATS.

Trade Policy Officer, Investment Trade Policy Division (August 2007 – February 2008)

Supervised pending NAFTA investment arbitrations, supported the work of UNCTAD and assisted in the development of economic sanctions against another country.

Industry Canada, Ottawa

Legal Policy Analyst, Corporate and Insolvency Law Policy Directorate (June 2005 – July 2007)

Contributed to the drafting of new legislation and amendments to existing Canadian statutes on corporate, bankruptcy and foreign investment law. Participated in working groups of the OECD and UNCITRAL.

Delegation of the European Commission to Canada, Ottawa

Intern, Economic & Trade Division (February – May 2005)

Gowlings Lafleur Henderson LLP, Toronto

Summer Law Student (July – September 2001)

Royal Courts of Justice Advice Bureau, London

Law Student Advisor (2001 – 2002)

HONORS

Who's Who Legal: Arbitration – Future Leaders (2019), (2020), (2021)

Harlan Fiske Stone Scholar, Columbia Law School (2003)

BAR ADMISSIONS

District of Columbia (2013)

Ontario (2006)

New York (2007)

England & Wales (2002) (*non-practicing*)

LANGUAGES

Spanish (intermediate)

French (basic)

PUBLICATIONS

“Article 38: The Treatment of Interest in International Investment Arbitration,” *ICSID Review Special Issue on the ILC Articles on the Responsibility of States for Internationally Wrongful Acts* (with JP Hugues), (*Advance access, February 2022*)

“Herzig v. Turkmenistan: Requests for Security for Costs in ICSID Arbitrations Involving Third-Party Funded Insolvent Claimants,” *ICSID Review*, Volume 36, Issue 1 (2021)

“*Damages and Valuation in International Investment Arbitration*,” in J. Chaisse, L. Choukroune, and S. Jusoh (eds.) *NEW HANDBOOK OF INTERNATIONAL INVESTMENT LAW AND POLICY*, Springer (2020)

Question to an Expert: Chapter 1 in K. Nadakavukaren Schefer, *INTERNATIONAL INVESTMENT LAW: TEXT, CASES AND MATERIALS, Third Edition*, Edward Elgar Publishing (2020)

“*The Treatment of Environmental Issues in International Investment Arbitration Case Law*,” 2018 *COLLOQUIUM ON INTERNATIONAL LAW: GO GREEN, DEAL CLEAN, TALK PEACE*, ASIAN ACADEMY OF INTERNATIONAL LAW (2018)

Post-Award Challenges of Damages Assessments in C. Beharry (ed) *CONTEMPORARY AND EMERGING ISSUES ON THE LAW OF DAMAGES AND VALUATION IN INTERNATIONAL INVESTMENT ARBITRATION*, Brill Nijhoff (2018)

“International Business and Human Rights Arbitration Proposal Gains Momentum,” *Corporate Social Responsibility and the Law*, December 2017

“Prejudgment Interest Rates in International Investment Arbitration,” *Journal of International Dispute Settlement*, Volume 8, No.1 (2017)

Lawful versus Unlawful Expropriation: Heads I Win, Tails You Lose in I. Laird and T. Weiler (eds), *INVESTMENT TREATY ARBITRATION AND INTERNATIONAL LAW*, Volume 9 (2016)

“Going Green: Managing the Environment through International Investment Arbitration,” *American University International Law Review*, Volume 30, Issue 3 (2015) (with M. Kuritzky) (2015)

“Canada: Joining ICSID – why now and what does it mean?,” *Global Arbitration Review*, Volume 9, Issue 2, 2014

“Objections to Requests for Documents in International Arbitration: Emerging Practices from NAFTA Chapter 11,” *ICSID Review – Foreign Investment Law Journal*, Volume 27, Issue 1 (2012)

SPEAKING ENGAGEMENTS

Panelist, “*International Arbitration: Recoverability of Reflective Loss*,” 6th Edition of the Dispute Resolution in M&A Transactions Conference (Warsaw, Poland, May 2022)

Panelist, “*Assessing Doctrines of Changed Circumstances in Arbitration*,” 19th ITA-ASIL Conference: Arbitration in Changed Circumstances (Washington, D.C., April 2022)

Panelist, “*Re-thinking the ‘New Business Rule’ – Can or Should Income-Based Approaches be Used to Assess Damages for Non-Operating Projects?*,” Ninth Annual Juris Conference on Damages in International Arbitration (Webinar, December 2021)

Moderator, “*Arbitration in the Caribbean on Renewable Energy and Climate Change*,” World Arbitration Update (Webinar, October 2021)

Panelist, “*Crippling Compensation in ISDS: Current Practices and New Approaches*,” Columbia Center on Sustainable Investment (Webinar, April 2021)

Panelist, “*Valuation in Investment Arbitration: Spotlight on discounted cash flow analysis*,” International Institute for Sustainable Development (IISD) (Webinar, March 2021)

Moderator, “*Alternative Approaches to Valuing Early Stage Investments in Investor-State Arbitration*,” Washington Arbitration Week (Webinar, December 2020)

Lecturer, Executive Training on Investment Arbitration for Government Officials, Columbia Center for Sustainable Investment, Columbia University (Webinar, July 2020)

Panelist, “*Investment Disputes and the COVID-19 Crisis - The View Ahead*,” International Law Institute (Webinar, June 2020)

Panelist, “*Potential New Class of Claims in Arbitration*,” Arbitration 2.0: BVI International Arbitration Conference 2019 (Tortola, British Virgin Islands, November 2019)

Moderator, “*Quantifying Damages*,” 33rd Investment Treaty Forum Conference: Valuation of Damages in International Investment Law, British Institute of International and Comparative Law (London, England, October 2019)

Panelist, “*The Return of the State in International Trade and Investment Law*,” International Law Weekend, 98th Annual Meeting of the American Branch of the International Law Association (New York, NY, October 2019)

Panelist, “*Arbitration Costs: Myths and Realities in Investment Treaty Arbitration*” by S. Franck, Young ICSID Book Launch Series (Washington, D.C., May 2019)

Panelist, “*The Remedial Function in International Economic Law*,” ASIL Annual Meeting, American Society of International Law (Washington, D.C., March 2019)

Panelist, "*Maritime & Energy Arbitration: Opening New Portals to Progress*," 7th Annual Arbitration and Investment Summit – Caribbean, Latin America and Other Emerging Markets 2019 (Nassau, The Bahamas, January 2019)

Panelist, "*United States and Investment Treaties: The Next Ten Years*," #Young ITA Talks D.C. (Washington, D.C., October 2018)

Panelist, "*Sustainable Connectivity: Going Green, Deal Clean and Talk Peace*," Colloquium on International Law, Asian Academy of International Law (Hong Kong, July 2018)

Panelist, "*Reform of the Investor-State Dispute Settlement System*," Jamaica International Arbitration Week (Kingston, Jamaica, June 2018)

Moderator, "*Psychological Factors in International Arbitration*," D.C. Women in International Arbitration (Washington, D.C., May 2018)

Panelist, International Arbitration Energy Conference, Chartered Institute of Arbitrators: Caribbean Branch Conference (Georgetown, Guyana, April 2018)

Panelist, "*Dueling Privilege Rules: Resolving Conflicts of Law Over Privilege in International Arbitration*," Annual Conference of the ABA Section on International Law (New York, NY, April 2018)

Panelist, "*Equal Representation in Arbitration: The Pledge's Impact and Results after Two Years of its Conception*," New York University School of Law (New York, NY, April 2018)

Moderator, "*NAFTA: What Does the Future Hold?*," International Law Weekend, 96th Annual Meeting of the American Branch of the International Law Association (New York, NY, October 2017)

Guest Moderator, "*Remedies for Expropriation*," OGEMID Forum (June 2017)

Moderator, "*Valuing Natural Resources Projects in International Investment Arbitration*," Special Institute on International Mining and Oil & Gas Law, Development and Investment, Rocky Mountain Mineral Law Foundation (Quito, Ecuador, April 2017)

Co-chair, Fifth Annual Juris Conference on Damages in International Arbitration (Washington, D.C., September 2016)

Moderator, "*Are Standards of Compensation Getting Lost in Translation?*," Fifth Annual Juris Conference on Damages in International Arbitration (Washington, D.C., September 2016)

Debater, "*The Desirability of a Standing Investment Arbitration Court and/or Appellate Body*," Young Arbitrator Debate Series, Freshfields Bruckhaus Deringer and American Society of International Law (Washington, D.C., June 2016)

Panelist, "*The Business of Arbitration: Best Practices*," Chartered Institute of Arbitrators: Caribbean Branch Centenary Conference (Kingston, Jamaica, July 2015)

Panelist, "*Workshop on Valuation and Calculation of Damages in International Arbitration*," International Arbitration Month at Georgetown Law (Washington, D.C., February 2015)

Panelist, "*Lawful versus Unlawful Expropriation: is this a Distinction Without a Difference?*" Ninth Annual Juris Conference on Investment Treaty Arbitration (Washington, D.C., February 2015)

Panelist, "*Managing the Global Environment Through Trade: WTO, TPP and TTIP Negotiations, and Bilateral Investment Treaties Versus Regional Trade Agreements,*" American University International Law Review's Annual Symposium (Washington, D.C., February 2014)

Panelist, "*ICSID Debate: A Negotiator's Perspective,*" International Arbitration Month at Georgetown Law (Washington, D.C., February 2014)

Panelist, Annual Post-Graduate Experience Panel, Georgetown International Arbitration Society (Washington, D.C., October 2013)