

Paris, 24 de octubre de 2016

Señores

Nigel Blackaby
Noiana Marigo
Freshfields Bruckhaus Deringer US LLP
601 Lexington Avenue (31st Floor)
New York, NY 10022
Estados Unidos de América

Por correo electrónico

**Re: *Glencore Finance (Bermuda) Limited c. Estado Plurinacional de Bolivia –
Nombramiento de árbitro***

Estimados Colegas:

El Estado Plurinacional de Bolivia (“**Bolivia**” o el “**Estado**”) hace referencia a su comunicación del miércoles 19 de octubre de 2016 relativa al plazo para el nombramiento del co-árbitro por parte de Bolivia.

In limine, lamentamos que, a pesar de que la solicitud de extensión del Estado para nombrar a su co-árbitro fuese por un plazo razonable (10 días) y por motivos justificados (la contratación de nuestra firma), Glencore Finance (Bermuda) Limited (“**Glencore**”) nos haya otorgado un plazo de tan solo 3 días hábiles. Además de extensas jornadas para ponernos al día con lo actuado, este plazo nos obligó a solicitar a los distintos candidatos que se pronunciaron sobre la inexistencia de conflictos de interés en un plazo muy corto y durante un fin de semana. No creemos, en suma, que este corto plazo pueda considerarse “*como muestra de buena fe y colaboración*”, como afirman en su comunicación.

Sin perjuicio de lo anterior, Bolivia les informa el nombramiento del Profesor Philippe Sands, de nacionalidad francesa e inglesa, para actuar como co-árbitro del Estado. Adjuntamos una copia de su *curriculum vitae*. Los datos de contacto del Profesor Sands son los siguientes:

Profesor Philippe Sands
Matrix Chambers
Griffin Building
Gray’s Inn
London WC1R 5LN
DX400 Chancery Lane, London

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Correo electrónico: philippesands@matrixlaw.co.uk ¹

Bolivia presenta esta comunicación con expresa reserva de todos sus derechos.

Cordialmente,



Eduardo Silva Romero

cc. *Natalia Zibibbo*
Guadalupe López
Juan Pedro Pomés
Freshfields Bruckhaus Deringer US LLP

¹ Dado el poco tiempo de que dispusimos, no hemos podido obtener la declaración de independencia e imparcialidad firmada por el Prof. Sands. Sin embargo, el Prof. Sands nos confirmó no tener ningún conflicto de intereses que le impida actuar como árbitro en este caso. En los próximos días les haremos llegar esta declaración firmada por el Prof. Sands.



PHILIPPE SANDS QC

MAIN AREAS OF PRACTICE:

Arbitration
Environmental Law and Natural
Resources
Human Rights
International Law
Sports Law

Called to the Bar 1985
Appointed to Silk 2003
Benchler 2009

CONTACT:

philippesands@matrixlaw.co.uk
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Paul Venables, Practice
Manager
paulvenables@matrixlaw.co.uk

CURRENT ACADEMIC POSITIONS

Professor of Laws and Director of the Centre on International Courts and Tribunals, University College London, University of London (since January 2002)

Co-Director, Project on International Courts and Tribunals (1997-) (www.pict-pcti.org)

PROFESSIONAL QUALIFICATIONS

Member of the Bar of England and Wales (called 1985), Member of the Irish Bar (called 2002)

Queen's Counsel (2003)

Founder Member of Matrix Chambers, Grays Inn, London WC1
(www.matrixlaw.co.uk)

PREVIOUS ACADEMIC POSITIONS

Previously held academic positions at the Universities of Cambridge (1984-8, Research Fellow, St Catharine's College) and Kings College London (1988-91).

Founder and Director of Studies, Foundation for International Environmental Law and Development (SOAS) (1989-1999)

Global Professor of Law, New York University School of Law (1994-2003)

Professor of International Law, University of London (School of Oriental and African Studies), (1999-2002) (previously Reader in International Law (1996 to 1999; Lecturer in Law, 1992-6)

BOOKS AND OTHER WRITINGS

Academic:

Principles of International Environmental Law, (3rd edition, Cambridge University Press, 2012) (1st. ed. Manchester University Press, 1995 (Vols. I, II and III), 2nd ed. CUP 2003)

Selecting International Judges: Principle, Process and Politics (With Kate Malleson, Ruth Mackenzie and Penny Martin) (Oxford University Press, 2010)

The Manual of International Courts and Tribunals (with Shany, Romano and Mackenzie), (2nd edition, Oxford University Press, 2010)

Bowett's Law of International Institutions, Sweet & Maxwell, 6th edition, 2009 (co-author with Pierre Klein, Universite Libre de Bruxelles)

Documents in EC Environmental Law (Cambridge University Press (2nd edition, April 2006, co-editor with Paolo Galizzi)

**DIRECTORIES'
RECOMMENDATIONS****HERE'S WHAT THEY SAY:**

"Noted for his representation of controversial clients, including the Government of Libya, in international criminal proceedings including cases that involve the death penalty" (Chambers & Partners 2016, Crime: International Criminal Law)

"He's a very impressive barrister who's written a leading textbook on international environmental law" (Chambers & Partners 2016, Environment)

"He has the best oral advocacy skills of anyone out there. He is terrifically eloquent and is unmatched in his ability to present complicated legal issues before courts and tribunals" (Chambers & Partners 2016, Public International Law)

"An important and talented figure with a diverse practice" (Chambers & Partners Global 2016, Public International Law)

"Specialist expertise in international maritime matters" (Legal 500 2015, Environment)

"Extremely well regarded for major ICSID investment treaty arbitrations" (Legal 500 2015, International arbitration - counsel)

"A barrister with excellent experience in the field" (Legal 500 2015, Public International Law)

Documents in International Environmental Law (Cambridge University Press (2nd edition, May 2004. co-editor with Paolo Galizzi)

Justice for Crimes against Humanity (co-editor with Mark Lattimer), Hart Publishing (December 2003)

From Nuremburg to the Hague, 2003 (editor), Cambridge University Press

Environmental Law, The Economy and Sustainable Development (co-edited with Richard Stewart and Richard Revesz) Cambridge University Press, 2000

The International Court of Justice and Nuclear Weapons (collection of essays edited with Laurence Boisson de Chazournes, Cambridge University Press, 1999)

Chernobyl: Law and Communication, 340 pp. (Grotius Publications/Cambridge University Press) 1988.

Plus many law review articles and other publications on various aspects of international law (list available on request).

General:

East West Street: On the Origins of Genocide and Crimes against Humanity (May 2016, Alfred Knopf/Weidenfeld & Nicolson).

Torture Team: Deception, Cruelty and the Compromise of Law (April 2008, Penguin (UK) and Palgrave Macmillan (US); French edition (April 2010).

Lawless World (Penguin, February 2005; paperback edition February 2006; Arabic edition (January 2007); Chinese edition (forthcoming, September 2011).

PUBLIC APPOINTMENTS

Commission on a Bill of Rights, independent Commission established by the Government of the United Kingdom, Member (2011-2013)

ARBITRAL APPOINTMENTS

Permanent Court of Arbitration, Appointed by Secretary General to Panel of Arbitrators pursuant to Article 8(3) of the PCA Optional Rules for Arbitration of Disputes Relating to Natural Resources and the Environment (2002-2014)

Member of the Panel of Arbitrators established by the International Centre for the Settlement of Investment Disputes, designated by Guyana (since 2005)

Member, Panel of Arbitrators, International Court of Arbitration for Sport (since June 2011)

Appointments include:

Bureau Veritas, Inspection, Valuation, Assessment and Control, BIVAC B.V. v. Republic of Paraguay (ICSID Case No.ARB/07/9)

E.T.I. Euro Telecom International N.V. v. Republic of Bolivia (ICSID Case No. ARB/07/28) (case discontinued, October 2009)

Bosh International Inc. v Ukraine (ICSID Case Number ARB/08/11)

Mobil Investments Canada Inc. and Murphy Oil Corporation v. Canada (ICSID Case No. ARB(AF)/07/4)

Adem Dogan v. Turkmenistan (ICSID Case No. ARB/09/9)

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Kılıç İnfaat İthalat İhracat Sanayi ve Ticaret Anonim Şirketi v. Turkmenistan (ICSID Case No. ARB/10/1)
OPIC Karimun Corp. v. Venezuela (ICSID Case No. ARB/10/14)
Bawabet Al Kuwait Holding Company v. Arab Republic of Egypt (ICSID No. ARB/11/6)
Ping An Life Insurance Company of China, Limited and Ping An Insurance (Group) Company of China, Limited v. Kingdom of Belgium (ICSID Case No. ARB/12/29)
Ossama Al Sharif v. Arab Republic of Egypt (ICSID Case No. ARB/13/5)
Victor Pey Casado and President Allende Foundation v. Republic of Chile (ICSID Case No. ARB/98/2)
Consolidated Exploration Holdings Ltd. and others v. Kyrgyz Republic (ICSID Case No. ARB(AF)/13/1)
Cementos La Union S.A. and Aridos Jatvia S.L.U. v. Arab Republic of Egypt (ICSID Case No. ARB/13/29)
Cem Uzan v Republic of Turkey (SCC Arbitration V 2014/023)
Içkale İnfaat Limited Şirketi v. Turkmenistan (ICSID Case No. ARB/10/24)
Anglia Auto Accessories Ltd. v The Czech Republic (SCC Arbitration V2014/058)
J.P. Busta v Czech Republic (SCC Arbitration V 2014/101)
Cyprus Popular Bank Public Co. Ltd. v. The Hellenic Republic (ICSID Case No. ARB/14/16)
Bear Creek Mining Corporation v. Republic of Peru (ICSID Case No. ARB/14/21)
RENERGY S.à.r.l. v. The Kingdom of Spain (ICSID Case No. ARB/14/18)
GPF GP S.à.r.l. v. Republic of Poland (SCC Arbitration No. 2014/168)
Mohammed Bin Hamman v. FIFA (CAS Case No. 2011/A/ 2625), Award of 19 July 2012
Veronica Campbell Brown v Jamaica Athletics Administrative Association (JAAA) & International Association of Athletics Federation (IAAF) (CAS 2014/A/3487)
Charline van Snick v. Federation International de Judo (CAS 2014/A/3475)
Appointments under SCC; UNCITRAL Rules; the International Commercial Arbitration Act 1989, Nova Scotia

PROFESSIONAL ACTIVITIES AS COUNSEL AND ADVISOR OAS Mediation

Belize-Guatemala Delimitation of Boundaries, Informal Representative of Honduras on Proposals Relating to a Maritime Boundary (with Sir Sonny Ramphal (Facilitator for Belize) and Paul Reichler (Facilitator for Guatemala) (2001-2)

ENGAGED AS COUNSEL OR ADVISER IN INTER ALIA THE FOLLOWING INTERNATIONAL CASES:

ICC

Prosecutor v Saif Al-Islam Gaddafi and Abdullah Al-Senussi, Case ICC-01/11-01/11 (Counsel for the Government of Libya) (2012-)

ICJ

Request for an Examination of the Situation concerning paragraph 63 of its judgment of 20 December 1974 etc (New Zealand v. France), (Junior Counsel, Solomon Islands, Samoa, Federated States of Micronesia, Marshall Islands, "intervening" states) (1995 ICJ Reps 288)

WHO Advisory Opinion on Legality of Use of Nuclear Weapons and UN General Assembly Opinion Request on Legality of the Use of Nuclear Weapons (Counsel, Solomon Islands and Samoa) (1996 ICJ Reps 66 and 226)

Case Concerning Gabcikovo-Nagymaros Project (Hungary/Slovakia), (Counsel, Hungary) (Judgment of 25 September 1997) (1997 ICJ Reps 7) (1994-)

Case Concerning the Application of the Genocide Convention (Croatia v Yugoslavia), (Counsel, Croatia) (1999-)

Maritime Delimitation between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras) (Counsel for Honduras, Judgment of 8 October 2007)

Application for a Revision of the Judgment of 11 September 1992 (El Salvador v Honduras) (Counsel for Honduras (2002-2004))

Armed Activities on the Territory of the Congo (Democratic Republic of Congo v Uganda) (Counsel for DRC) (2003-5)

Case concerning Pulp Mills (Argentina v Uruguay) (Counsel for Argentina) (2006-2010)

Aerial Herbicide Spraying (Ecuador v. Colombia) (Counsel for Ecuador) (2008-)

Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation) (Counsel for Georgia) (2008-2010)

Violation of Article 11 of the Interim Accord of 13 September 1995 (The former Yugoslav Republic of Macedonia v Greece) (Counsel for FYROM) (2008-2011)

Proceedings Instituted by Australia against Japan (Australia v Japan) (Counsel for Australia) (2010-2014)

Maritime Delimitation in the Indian Ocean (Somalia v Kenya) (Counsel for Somalia) (2014-)

Permanent Court of Arbitration

Dispute Concerning Article 9 of the OSPAR Convention (Ireland v UK, PCA) (Counsel, Ireland, Award of 2 July 2003)

The MOX case (Ireland v UK, PCA) (UNCLOS, Counsel, Ireland, since 2001-2007)

Maritime boundary dispute between Guyana and Suriname (UNCLOS, Counsel for Guyana, Award of 17 September 2007)

UNCLOS/ITLOS

Case of the M/V Saiga, St Vincent and the Grenadines v Guinea (Lead Counsel, St Vincent and the Grenadines; provisional measures phase, Order of 11 March 1998)

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Paul Venables, Practice Manager
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The MOX Case, Ireland v United Kingdom, (Lead Counsel, Ireland; provisional measures phase, Order of 3 December 2001)

Maritime boundary dispute between Bangladesh and Myanmar (2009-2012) (Counsel for Bangladesh)

Maritime boundary dispute between Bangladesh and India (2009-2014) (Counsel for Bangladesh)

Case concerning the Chagos Archipelago 'Marine Protected Area', Mauritius v United Kingdom (2010-2015) (Counsel for Mauritius)

Case between Philippines and the Peoples Republic of China (2013-) (Counsel for Philippines)

Maritime boundary dispute between Ghana and Cote d'Ivoire (2014-) (Counsel for Ghana)

ICSID

Southern Pacific Properties (Middle East) Limited v Arab Republic of Egypt (Award of 20 May 1992, 3 ICSID Reports 189) (Adviser to the Claimant)

Tradex Hellas SA v Republic of Albania (Counsel for Albania, Award of 25 April 1999, ICSID)

Compania del Desarrollo de Santa Elena v Republic of Costa Rica (Adviser to Costa Rica, Award of February 2000)

AES v Hungary (Counsel for Claimant, 2001-2, case settled)

Mexico v Metalclad (Supreme Court of British Columbia) (Adviser, Mexico) (Judgment, 3 May 2001)

Waste Management v Mexico (Adviser to Mexico, Award of 30 April 2004)

Salini Costruttori v Hashemite Kingdom of Jordan (Counsel for Respondent), Award on Jurisdiction of 15 November 2004; Award on Merits, 19 January 2006

Siemens v Argentina (Counsel for Respondent), Award on Merits, 6 February 2007; Application for Revision (case settled by agreement)

Vivendi and Others v Argentina (Counsel for Respondent), Award, September 2007

CMS v Argentina (Annulment Committee, Counsel for Argentina, Decision, Sept 2007)

Azurix v Argentina (before Annulment Committee, Counsel for Argentina, Decision of 1 September 2009)

Gemplus v Mexico (Counsel for Claimants), Award of 16 June 2010

Talsud v Mexico (Counsel for Claimants), Award of 16 June 2010

WTO

Case concerning the EU banana regime (US and others v. EU), (Counsel, St Lucia, third party intervener) (1997, WTO Appellate Body)

Case concerning Genetically Modified Organisms (US/EU, Argentina/EU, Canada/EU), (Counsel, EU) (2003-6)

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SPECIAL COURT FOR SIERRA LEONE

Prosecutor v Charles Taylor, appointed as amicus curiae by the Appeals Chamber on Head of State immunity under international law (2003)

WORLD BANK INSPECTION PANEL/UNCC

Swissbourgh Mining Corporation v World Bank (Counsel for Swissbourgh), Decision of August 1999

United Nations Compensation Commission (F4 Environmental Claims, counsel for Iraq, 2004)

ECJ/ENGLISH COURTS (SELECTED)

R (On The Application of Corner House Research and Others) v Director of The Serious Fraud Office, House of Lords, Judgment of 30 July 2008 (Counsel for Respondents)

A & Others v Home Secretary, House of Lords, Judgment of 18 December 2005 (Counsel for Appellants)

A & Others v Home Secretary, House of Lords, Judgment of 16 December 2004 (Counsel for Appellants)

EC Commission v Ireland, ECJ (external competences, marine environment, Counsel for Ireland (2003-2005)

R v Mullen, House of Lords (Counsel for Respondent), [2004] UKHL 18

R v Secretary of State for Foreign and Commonwealth Office ex parte Abbassi, Court of Appeal, Judgment of 6 November 2002, (Counsel for Claimant)

Broomco v HM Customs & Excise, July 2002, Judgment of 4 January 2003 (Counsel for Her Majesty's Customs and Excise)

R v Home Secretary, ex parte Kingdom of Belgium, Divisional Court, 15 February 2000 (Counsel for Belgium)

R v Bartle and the Commissioner of Police for the Metropolis and Others (Appellants) ex parte Pinochet, House of Lords, 25 November 1998, 23 March 1999 (Counsel for Human Rights Watch, Interveners)

Greenpeace International v EC Commission, ECJ, locus standi of NGOs, (Counsel for Greenpeace) April 1998

In the matter of Polly Peck International (Re Marangos Hotels), Court of Appeal, 7 May 1998 (Counsel for Coopers and Lybrand, administrators)

OTHER

Other cases before the European Court of Justice, International Chamber of Commerce Court of Arbitration, European Commission and Court of Human Rights, English courts

EDITORIAL AND OTHER

Oxford University Press, **International Courts and Tribunals Series**, General Editor (with Mackenzie & Romano)

Editor, **Review of European Community and International Environmental Law** (published by Blackwells)

International Environmental Law Report (CUP), Series Editor (with Crawford and Bethlehem)

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Advisory Board, **European Journal of International Law**
Board of Trustees, **British Institute of International and Comparative Law**
(2005-2010)
Wilton Park Advisory Council (UK Foreign and Commonwealth Office),
Member (since December 2005)
Council Member, **University College School** (London) (since March 2008)
Member of the Board, **Tricycle Theatre**, London (since September 2008)
Vice-President, **Hay Festival of Arts and Literature** (since 2009)

INTERGOVERNMENTAL NEGOTIATIONS

Intergovernmental Negotiation for a Framework Convention on Climate Change and United Nations Conference on Environment and Development (1989 to 1992; Legal Advisor to delegation of St. Lucia and to the Alliance of Small Island States).

Preparatory Committee and Diplomatic Conference for a Statute for an International Criminal Court (Legal Adviser to delegation of Solomon Islands) (1997-8)

ADVISORY WORK AND REPORTS (SELECTED)

UK Foreign and Commonwealth Office, contributor to external training programmes on human rights (since 2003) and external team leader (since 2005).

House of Lords, Select Committee on Science and Technology, Special Adviser (2003-4)

Permanent Court of Arbitration, Chair of the Group of Experts preparing draft Rules on the Resolution of Disputes Concerning Natural Resources and the Environment (1999-2001)

European Union, Special Adviser to Ambassador Moratinos on the Middle East Peace Process, Advisor on a Framework Agreement on Water (with Prof. P-M Dupuy) (1999-2000)

United Nations Conference on Trade and Development, Consultant to secretariat on preparation of emissions trading and Clean Development Mechanism arrangements under the Kyoto Protocol to the United Nations Framework Convention on Climate Change (1996-2000)

World Bank, short-term consultancy leading to publication of "Watercourses, Environment and the International Court of Justice: the Gabcikovo-Nagymaros Case", in S. Salman & L. Boisson de Chazour nes (eds.), *International Watercourses: Enhancing Cooperation and Managing Conflict*, World Bank Technical Paper No. 414 (1999), at 103-7.

United Nations Environment Programme (Rapporteur to the Working Group on Iraq's Liability for Damage Resulting from the Unlawful Invasion of Kuwait, 1995 to 1997)

Asian Development Bank/People's Republic of China, advisor on domestic implementation of international environmental agreements (1996/7)

United Nations Compensation Commission, Consultant to Secretariat in relation to Panel F-4 (claims relating to natural resources and environment, 1998)

Permanent Court of Arbitration (author of two internal reports on potential role of PCA in environmental and natural resources disputes)

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Paul Venables, Practice Manager
paulvenables@matrixlaw.co.uk

Article 11 Agreements under the Basel Convention (with J. Crawford, published by International Council on Metals and the Environment, August 1997)

Legal Issues Presented by a Pilot International Greenhouse Gas Trading System (with R. Stewart & J. Wiener; UN Conference on Trade and Development (UNCTAD, 1996)

Background Paper for the UNEP Working Group on Environmental Damage, Liability and Compensation, Sands, Mackenzie and Khalastchi, (January 1995)

Emerging Trends in International Environmental Regulation at the Global and Regional Level: The Implications for Transnational Corporations, pp.95; Report prepared for the United Nations (1993).

GENERAL INFORMATION

Born, London, England, 17 October 1960

Nationality: British and French

BA (Cambridge, 1982); LLM (Cambridge, first class honours, 1983)

Visiting Scholar, Harvard Law School (1983/4)

Languages: Fluent in French and English, understanding of Spanish and Italian

Philippe accepts instructions under Standard Contractual Terms, details of which can be found on our website under Our Service.