

## PROFESSOR MUTHUCUMARASWAMY SORNARAJAH

### PROFILE

M Sornarajah LLB (Ceylon), LLM (Yale), LLM, PhD, LLD (London) is Emeritus Professor of Law at the National University of Singapore. He was CJ Koh Professor at the Faculty of Law of the National University of Singapore. He was the Tunku Abdul Rahman Professor of International Law at the University of Malaya at Kuala Lumpur. He was Head of the Law School of the University of Tasmania, Australia.

He studied law at the University of Ceylon (LLB, First Class), the Yale Law School (LLM) the London School of Economics (LLM) and King's College, London (PhD, LLD). He was Research Fellow at the Centre for International Law, Cambridge and at the Max Planck Institut fur Offentliches Auslandsches Recht at Heidelberg, Germany. He was Visiting Professor at the Osgoode Hall Law School, Toronto (where he delivered the Pierre Genest Distinguished Lecture), Carleton University, Ottawa (where he delivered the Simon Reisman Lecture), the University of Malaya (where he delivered the Tun Suffian Lecture), the Centre for Petroleum and Natural Resources Law at the University of Dundee, Scotland, American University at Washington DC; the World Trade Institute of the Universities of Berne and Neuchatel, Switzerland, Kyushu University, Japan, the Xiamen Academy of International Law, China, Xi'An Jiatao University, China, Beijing School of Transnational Law, China, Fundacio Gerulaitis Vargas Law School, Sao Paulo, Brazil, the Human Rights Centre of the London School of Economics, the National Law School, Bangalore, India and at the Georgetown Centre for Transnational Legal Studies, London. He lectured at the Supreme Court Judges Retreat at the National Judicial Institute, Bhopal, India.

He is the author of The Pursuit of Nationalized Property (Martinus Nijhoff, The Hague, 1986); International Commercial Arbitration (Longman, 1992); The Law of International Joint Ventures (Longman, 1994); The International Law on Foreign Investment (Cambridge University Press, 1996, 2nd ed., 2004, third edition 2010, fourth edition 2017; fifth edition, forthcoming in 2021), The Settlement of Foreign Investment Disputes (Kluwer, The Hague, 2001), Resistance and Change in the International Law on Foreign Investment (Cambridge University Press, London, April, 2015) and Misery of International Law (with John Linarelli and Margot Salomon; Oxford University Press, 2018) This work won the Book Prize for 2019 of the European Society of International Law. He is joint editor of China, India and the International Economic Law (with Jiangyu Wang, Cambridge University Press, London, 2010 ); Good Faith in International Investment Law (with Andrew Mitchell and Tania Voon; Oxford University Press, 2015).

He was the Director of the UNCTAD/WTO Programme on Investment Treaties, Pretoria and New Delhi. He is a member of the Advisory Board of the Columbia Centre Sustainable Investment.

He is a Fellow of the Australian Centre for International Commercial Arbitration. He is on the Regional Panel of the Singapore International Arbitration Centre and the Kuala Lumpur Regional Arbitration Centre. He was a member of the Presidential Commission on Foreign Investment of Ecuador. He has been arbitrator, counsel or expert in several leading investment arbitrations. He has published extensively in the areas of public international law and international investment law. He is an Advocate of the Supreme Court of Ceylon, an Advocate and Solicitor of the High Court of Singapore and a Solicitor of the High Court of England and Wales. He is an Honorary Member of the Indian Society of International Law.

## **CURRICULUM VITAE**

### **PROFESSOR MUTHUCUMARASWAMY SORNARAJAH**

**Email:** [lawsorna@nus.edu.sg](mailto:lawsorna@nus.edu.sg)

**Date of Birth:** 24 April 1942

**Citizenship** : Australia and Sri Lanka. Permanent Resident: Singapore and UK.

**Secondary Education:** Royal College, Colombo.

Governor General's Prize for General Classics. Stubbs Prize for Latin Prose. Harvard Memorial Prize for Western Classics.

#### **Tertiary Education:**

LL.B. (First Class Honours) University of Ceylon.

LL.M. Yale Law School, U.S.A.

LL.M. University of London, .

Ph.D. University of London,

LL.D. University of London (Public International Law). 1995.

#### **Professional Qualifications :**

Advocate of the Supreme Court of Ceylon.

Solicitor, England and Wales.

Advocate and Solicitor, Singapore.

#### **Employment Record:**

##### **University of Ceylon.**

1966. Assistant Lecturer in Law.

1970-1973. Lecturer in Law.

Member of Senate of University of Ceylon, 1972.

**University of Tasmania., Australia.**

1974-1976. Lecturer in Law.

1976-1985. Senior Lecture in Law.

1981-1984. Head of Department of Law.

Member of the Professorial Board, 1981-1984.

**National University of Singapore.**

Associate Professor, 1986-1994.

Professor of Law, 1995- 2005

CJ Koh Professor of Law, 2005-2019

Emeritus Professor of Law, 2019-

**Visiting and Other Appointments****University of Cambridge, England.**

Visiting Fellow, Research Centre for International Law, 1992 - 1993.

**University of Dundee, Scotland.**

Professorial Fellow, Centre for Petroleum and Mineral Law, 1996- 2007) .

**Max Planck Institut fur Ausländische Rechte, Heidelberg, Germany.**

Research Fellow. 2000-2001

**American University, Washington College of Law.**

Visiting Professor and International Law Fellow.

Taught course on Private and Public International Law Aspects of Globalization.

**University of Malaya, Kuala Lumpur.**

The Tunku Abdul Rahman Professor of Public International Law (2010).

**Fundacio Gerulaitis Vargas Law School, Sao Paolo, Brazil (2010)**

Visiting Professor (September,2010).

**University of Kyushu, Japan**

Visiting Profess, (2012, 2017, 2019, 2020)

**National Law School, Bangalore, India.**

Visiting Professor, (2019).

**United Nations Conference on Trade and Development.**

Member of the Group of Experts on Foreign Investment, 1996.  
(The Group advised in the drafting of the World Investment Report, 1996)

Member of Group of Experts on Investment Treaties, 1997-1999.

Consultant on the Multilateral Agreement on Investments.1999-.

Member, Advisory Board on Dispute Settlement in International Trade,  
Investment and Intellectual Property, 1999-

Director, UNCTAD/WTO Training Course on Drafting of International  
Investment Treaties, New Delhi and Pretoria 2001, 2002.

**United Nations Development Programme.**

Consultant to the Government of Vietnam on Economic Treaties, 1997

Consultant to the Government of Vietnam on Legislation on International  
Commercial Arbitration.1997.

**World Bank.**

Consultant, Curriculum Development in Commercial Law in Sri Lanka.  
International Development Assistance Project, World Bank. (1999-2001).

**Wilmer, Cutler, Pickering, Hale and Dorr (London).**

Scholar in Residence (2012).

**Arbitration.**

Arbitrator or Counsel in investment arbitrations involving Algeria, Argentina,  
Indonesia, Kazakhstan, Myanmar, Sri Lanka, Venezuela, etc.

Counsel in several other ICC, ICSID and UNCITRAL Arbitrations.

**Arbitrator in**

Rafat Ali Rizvi v. Government of Indonesia (2012 ICSID Arbitration with Gavan Griffiths QC and Judge Joan Donoghue)

GMR Airport Ltd v The Government of the Maldives (UNCITRAL Arbitration, 2013; with Lord Hoffman and Lord Phillips.)

Indian Ferrous Metals Company v Government of Indonesia (PCA Arbitration 2018) with Judge Spiegelman and Judge Kaplan).

Newmont Mining Co v State of Indonesia (2009, UNCITRAL. with Judge Briner and Judge Schwebel)

Sole Arbitrator in Kempinski Ltd v Prima Hotels Ltd, Indonesia. (SIAC).

Arbitrator in Listrik Negara Indonesia v Phaiton Energy Company (Stockholm Chamber of Commerce, 2004).

### **Counsel in**

Lead Counsel for Claimant in Yaung Chi Oo Ltd v State of Myanmar (2004, UNCITRAL).

Lead Counsel for Claimant in Merbok Hillier Ltd v Board of Investment, Sri Lanka (2005, ICC)

### **Expert in**

Expert in El Paso Oil Co v. Government of Argentina (ICSID, 2008).

Expert in Anadarko v Government of Algeria (UNCITRAL, 2011).

Expert for Claimant in Piatco v. Government of Philippines (ICC).

Expert in Heritage Oil Company v Government of Uganda (UNCITRAL, 2012).

Expert in Conoco Phillips Ltd v Government of Venezuela (ICSID, 2016)

Lead Counsel for Claimant in Challenge of the Piatco Award before Singapore High Court (2012).

Expert for Claimant in Standard Chartered Bank v Ceylon Petroleum Corporation , High Court of England and Wales(2010).]

Member, Advisory Board on Dispute Resolution in International Trade and Investment, UNCTAD, 2000-.

Member, Faculty for Training Workshops on Dispute Settlement in International Trade and Development, UNCTAD, 2000-.

Fellow of the Australian Chamber of International Commercial Arbitration.

Member of the Regional Panel of the Singapore International Arbitration Centre.

Member of the Panel of the Regional Centre for International Arbitration, Kuala Lumpur, Malaysia.

### **Editorial and Other Work:**

Chief Editor, Singapore Journal of Legal Studies (1996-2000)

Chief Editor, Singapore Journal of International and Comparative Legal Studies.(1998-2000)

Assistant Editor, Malaya Law Review, Singapore, 1987-1990.

Editorial Collaborator, Journal de Droit International  
(Paris, France).

Member of the Editorial Committee, Asian Yearbook of International Law (Hague, Netherlands).

Member of the Advisory Board, International and Comparative Law Quarterly (Journal of the British Institute of International and Comparative Law, UK)

Member, Advisory Board of the Columbia Vale Programme on Investment and Sustainable Development (Columbia University, USA).

Member, Advisory Board, Indian Journal of International Law.

Member, Advisory Board, Trade, Law and Development.

Member, Advisory Board, International Yearbook of Investment Law (OUP).

Member, Advisory Board, Manchester Journal of International Trade Law.

Member, International Advisory Board, State Practice and International Law.

Member, Advisory Board, Asian Journal of Arbitration.

Director, ASEAN Law Schools Association, 1995-2000.

Chairman, Dissemination Committee on International Humanitarian Law, Tasmanian Red Cross Society 1980-1984.

Member, Dissemination Committee on International Humanitarian Law, Australian Red Cross 1980-1984.

Executive Chairman, Singapore Society of International Law (1998-2000).

Member of the Sub-Committee of the Law Reform Committee which reported on and drafted the Singapore International Arbitration Act.

Lectured under Distinguished Visitors Programme, University of Hong Kong (1995).

### **LECTURES**

Simon Reisman Lecture on International Trade Policy, Carleton University, Ottawa, 2003.

Pierre Genest Distinguished Lecture, Osgoode Hall Law School, York University, Toronto, 2009.

Tun Suffian Lecture, University of Malaya, Kuala Lumpur, 2010.

RKW Goonesekere Lecture, University of Colombo, 2017.

SenathiRajah Lecture, Colombo, 2019.

JE Jayasuriya Lecture, Colombo, 2020.

Outstanding Research Award for Contributions to International Law, National University of Singapore, 1998.

Member, International Advisory Board, Centre for International Trade and Investment, University of Pretoria, South Africa.

Advisor to the Indonesian Government's Board of Investment on Investment Treaties.

Member of the Presidential Council on Investment Treaties, Ecuador (2015).

### **Teaching :**

#### **University of Ceylon**

Undergraduate courses in **Public International Law** and **Criminal Law**.

#### **University of Tasmania**

Undergraduate courses in **Public International Law**, **Criminal Law**, **Contract** and **Australian Trade Practices Law**.

Supervised doctoral theses on **Public International Law** .

#### **National University of Singapore (1986-**

Undergraduate courses in **International Business Transactions**, **Public International Law** and **Contract**.

Postgraduate courses in **International Commercial Arbitration, Public International Law, International Law of Foreign Investment. Investment Arbitration and Globalisation and International Law.**

Supervised several doctoral theses on **Public International Law.**

**University of Dundee, Scotland. (1995-**

Postgraduate courses in **International Investment Law and The Settlement of Foreign Investment Disputes.**

**American University, Washington College of Law, Washington,D.C, USA.(2000)**

Taught course on **Globalization and International Law.**

**Osgoode Hall Law School, York University, Toronto, Canada.**

**Pierre Genest Distinguished Professor, Osgoode Hall Law School, Toronto, Canada, 2009.**

Taught course on **International Investment Law**

**Law School of the Fundacio Gerulaitis Vargas, Sao Paolo, Brazil (2010)**

Taught course on **International Law.**

**University of Malaya. (2010)**

**Tunku Abdul Rahman Professor of Public International Law.**

**Xi'An Jiatao University, China (2011- 2014 )**

**Visiting Professor of Law.**

**Beijing School of Transnational Law (2014)**

**Visiting Professor of Law.**

**Centre for Human Rights, London School of Economics (2014-2016)**

**Visiting Professor of Law**

**Xiamen Academy of International Law, Xiament China (July,2008**

Delivered a course of ten lectures on **Instrumental International Law**

**University of Warwick**

**Visiting Professor, Institute of Higher Studies.**



### **Other Professional Work.**

**Scholar in Residence, Wilmer, Cutler, Pickering, Hale and Dorr, London, May, 2012.**

**Member, Presidential Commission on Foreign Investment, Republic of Ecuador, 2015.**

**Member, E15 World Economic Forum, Committee on Foreign Investment, 2015.**

### **LIST OF PUBLICATIONS.**

#### **BOOKS.**

1. **The Misery of International Law** (with John Linarelli and Margot Salomon; Oxford University Press, 2019; Winner of Best Book Prize for 2019, European Society of International Law)
2. **Resistance and Change in International Law on Foreign Investment** (Cambridge University Press, April, 2015).
3. **The Settlement of Foreign Investment Disputes** (Kluwer International, The Hague, 2000)
4. **International Law on Foreign Investment** (Cambridge University Press. Cambridge, England.1994, Second Edition, 2004, Third Edition, 2010; Fourth Edition, 2018; Fifth Edition, May, 2021).

**Reviewed in** the British Yearbook of International Law, American Journal of International Law, International and Comparative Law Quarterly, the European Journal of International Law (review article), the Modern Law Review, the Journal of the International Bar Association, the New York Journal of International Law and Politics, Yale Journal of International Law Global Law Books, American Journal of International Arbitration and the Journal of Natural Resources Law.)

**Second Edition** reviewed in British Yearbook of International Law, American Review of International Arbitration, Review Article in (2005) World Trade Review 324-332.

5. **Law of International Joint Ventures** (Longman, Singapore, 1992).  
Reviewed in the International and Comparative Law Quarterly, Asian Business Law Journal.
6. **International Commercial Arbitration : The Problem of State Contracts** (Longman, Singapore, 1990).  
Reviewed in: British Yearbook of International Law (by Professor DW Bowett, Whewell Professor of International Law, University of Cambridge), International and Comparative Law Quarterly (by M Footer, University College, London) and Journal of International Arbitration (by Dr J Werner, Editor of the Journal).
7. **The Pursuit of Nationalized Property** (Martinus Nijhoff, The Hague, Netherlands, 1986)  
Reviewed in British Yearbook of International Law, International and Comparative Law Quarterly, Annuaire Francaise de Droit International .
8. **The South - West Dam Case : The Legal and Political Issues** (Edited. University of Tasmania, 1984).

#### **Edited Books**

9. **China, India and International Trade Law** (with Jiangyu Wang). Cambridge University Press, 2010.
10. **Good Faith in International Investment Law** (with Andrew Mitchell and Tania Voon, Oxford University Press, 2015).

#### **Books and Article on**

11. **Alternative Visions in International Law on Foreign Investment: Essays in Honour of Muthucumaraswamy Sornarajah** ( Chin Leng Lim (Ed) Cambridge University Press,2016).
12. Francesco Moreno “The Persistent Objector in International Law: Reading Professor Sornarajah” (2016) 56 Indian Journal of International Law 349

#### **CHAPTERS IN BOOKS.**

13. "Legal Protection of Foreign Investment By Home and Host States" in Lim (Editor) Current Legal Issues in the Internationalization of Business Enterprises (1995, Butterworths, Singapore).
14. "Bilateral Investment Treaties" in D. Wilde, International Transactions (Law Book Company, Sydney, Australia, 1994)
15. "Nationalisation of Foreign Property" in D. Wilde, International Transactions (Law Book Company, Sydney, Australia, 1994).
16. "Contractual Techniques for the Protection of Foreign Investment" in P.K.Ho (Ed.), Current Developments in Foreign Investments (Butterworths, Singapore, 1992)
17. "Nationality Laws of Singapore" in Asser Institute for International Law, Nationality Laws in Asia (The Hague, Netherlands, 1990) pp.422- 452.
18. "Confiscatory Orders and Embargoes" in Koh & Ho (Editors) Current Developments in International Banking and Corporate Financial Operations (Singapore, 1989).
19. "International Commercial Arbitration in Hong Kong and Singapore" in (1996) Yearbook of International Financial and Economic Law 249-269 (London, 1996).
20. "The Compensation Provision in the European Energy Charter" in T. Walde (Ed.), The European Energy Charter ( Centre for Petroleum Studies, University of Dundee and Kluwer International, 1997).
21. "Foreign Investment and International Environmental Law" in United Nations Environment Programme, UNEP's New Way Forward : Environmental Law and Sustainable Development ( Nairobi, Kenya, 1995) pp.283 -297.
22. "International Law and the South West Dam Case" in M.Sornarajah (Ed.), The South West Dam Dispute : Legal and Political Issues (1983) pp.23 -36.
23. "The WTO Dispute Settlement Mechanism : An ASEAN Perspective" in Round Table on ASEAN and Trade (Institute of South East Asian Studies, Singapore, 1996).
24. "The Enforcement of Arbitral Awards made in Foreign Investment Disputes" in Teo (Ed.) Problems of International Litigation (Singapore, 1997).
25. "Relating Discourse of State Responsibility and Prescriptive Jurisdiction : The Provision of Civil Recourse for Certain Harms Caused by Corporate Nationals Aroad" in C Scott (Ed.) Torture as Tort (Hart Publishing Co., Oxford, UK 2001).
26. Taking of Property UNCTAD Series on Issues in International Investment Agreements (New York and Geneva, 2000) UN Publication No. E.00.II.D.4
27. " Jurisdictional Issues in Electronic Commerce" in Singapore Academy of Law, Leading the Law and Lawyers into the New Millenium (Butterworths, 2000) pp.89-118.

28. Dispute Resolution in International Economic Law : The Developing Country Perspectives in (Asif Qureshi (Ed.) Perspectives on International Economic Law (Kluwer, The Hague, Netherlands, 2002).
29. State Contracts.(UNCTAD Series on Issues in International Investment Agreements (New York and Geneva, 2005).
30. “National Courts and International Commercial Arbitration: Conflict or Confluence?” to be published in a collection of articles by the Singapore Academy of Law. (with Sundaresh Menon, Partner, Jones Day, 2005).
31. “ Expansionary Trends in International Investment Arbitration” Paper at the Columbia- Sorborne Conference in International Investment Law (New York, 2005) to be published in collection of papers edited by Karl Sauvant
32. “ Investment Treaties of the ASEAN States” in Desmond Tan (Ed.) A Free Trade Agreement for ASEAN (Institute of Asian Studies, Singapore, 2006) .
33. “ Legitimate Expectations in International Investment Law” British Institute of International Law, Investment Treaty Law, (Vol.2, 2007) pp. 165-184.
34. “The Future of ASEAN Investment Treaties” in Desmond Tan (Ed.) Block by Block: Building an ASEAN Community (Institute of Asian Studies, Singapore, 2007) written with Arumugam Rajenthiran, Research Fellow at ISEAS and at ASEAN Secretariat..
35. “The Defence of Necessity” in Michael Moser (Ed.) Investor-State Arbitration: The Lessons for Asia (Jurisnet, 2008)pp.135-148.
36. “China, India and Foreign Investment” in M. Sornarajah and Jiangyu Wang (Ed.) China, India and International Trade Law.
37. “ Introductory Chapter to China, India and International Trade (with Jiangyu Wang)
38. “The Retreat of Neo-Liberalism in Investment Treaty Arbitration” in Catherine Rogers and Roger Alford, (Eds.), Developments in Investment Arbitration (OUP, New York, 2009).
39. “ The Return of the NIEO” Philip Sands (Ed.) Essays in Honour of Kamal Hossein (Kluwer, forthcoming).
40. “Why No to Transnational Law” in David Cole (Ed.) Essays in Transnational Law (London, 2010).
41. “The Normlessness in International Investment Law: The Ravage and Retreat of Neo-Liberalism” In (2010) 2 Yearbook of International Investment Law (New York, 2010).
42. “ The Return of the International Law of Development” in Caslav Pechota (Ed.), Law and Development in Asia (Routledge, 2012)
43. “Revolution or Evolution in International Investment Law: The Descent into Normlessness” in Chester Brown and Kate Mills (Ed.), Evolution in Investment Treaty Law and Arbitration (Cambridge University Press, 2012)

44. “ Asian Practice in Investment Treaties and Investment Arbitration” in Luke Nottage and Vivienne Bath (Ed.). *Investment Law and Arbitration in Asia* (Routledge, 2012).
45. “The Case against a Regime for International Investment Law” in Leon Trakman (Ed.), *Controversies in International Investment Law* (Oxford University Press, 2013).
46. “Polemic on International Investment Law” Sornarajah and Leo Trakman in Leon Trakman, *Controversies in International Investment Law* (Oxford University Press, 2013).
47. “The Past, Present and Future of the International Law on Foreign Investment” in Wenhua Shan, *China and International Investment Law* (Martinus Nijhoff, The Netherlands, 2014) pp. 24- 57.
48. “The Role of BRICS in International Law in a Multipolar World” in Vai Lo and Mary Hiscock, *The Rise of BRICS in the Global Political Economy* (Edward Elgar, London, 2014) pp.253-268.
49. “Denial of Benefits in International Investment Law” in Andrew Mitchell, Muthucumaraswamy Sornarajah and Tania Voon (Eds.) *Good Faith in International Investment Law* (OUP, 2015).
50. “Developing Countries in the Investment Treaty System: A Law for Need or a Law for Greed?” in Stephan W. Schill, *et al. International Investment Law and Development: Bridging the Gap*. Cheltenham: Edward Elgar Publishing Ltd, 2015.
51. “ Foreword” 2018 *Yearbook of International Investment Law*.
52. “The Battle Continues: Rebuilding Empire through Internationalization of State Contracts” In Jochen Van Bernstoff and Phillip Dann (Eds.), *Battle Lines for International Law* (OUP, 2019).
53. “The Third World and International Law” in John Reynolds and Usha Natarajan (eds.) *Third World Praxis in International Law* (Routledge, London, 2018).
54. “China, India and International Law: A Justice-Based Vision between the Romantic and Realist Perceptions” [2019] *Asian Journal of International Law* 217
55. “Consent in Investment Arbitration” Lim Lin Cheng (Ed.) *Cambridge Handbook on International Investment Arbitration* (Cambridge University Press, 2020).

## ARTICLES.

### INTERNATIONAL LAW

56. "State Responsibility and Bilateral Investment Treaties" (1986) 20 Journal of World Trade Law 79 - 98. (Geneva)
57. "Towards an International Antitrust Law" (1982) 22 Indian Journal of International Law 1-31 (New Delhi, India).
58. "Problems in Applying the Restrictive Theory of Sovereign Immunity" (1982) 31 International and Comparative Law Quarterly 661-685 (London, U.K.).
59. "Extraterritoriality of US Antitrust Laws - Conflict and Compromise" (1982) 31 International and Comparative Law Quarterly 127-149 (London, U.K.).
60. "Extraterritorial Jurisdiction of US Antitrust Laws: The New Approach" (1981) 3 Lloyd's Commercial and Maritime Law Quarterly 365-371 (London,U.K.).
61. "The Myth of International Contract Law" (1981) 15 Journal of World Trade Law 187-217 (Geneva).
62. "Compensation for Expropriation: The Emergence of New Norms" (1979) 13 Journal of World Trade Law 108-131 (Geneva).
63. "The Supremacy of the Renegotiation Clause in International Contracts" (1988) 5 Journal of International Arbitration 97-114 (Geneva).
64. " Protection of Foreign Investment in the APEC Region" Journal of World Trade (Geneva, 1995 April issue)
65. "ICSID Involvement in Asian Foreign Investment Disputes" (1994) 4 Asian Yearbook of International Law (The Hague, Netherlands,).
66. " The New International Economic Order, Bilateral Investment Treaties and the Investment Laws of ASEAN" (1985) 27 Malaya Law Review 440-458 (Singapore).
67. "Power and Justice in Foreign Investment Arbitration" (1997) 14 Journal of International Arbitration 103-140. (Geneva, Switzerland).
68. "Extraterritorial Jurisdiction over Transnational Fraud" (1998) 2 Singapore Journal of International and Comparative Law
69. " Admission, Establishment and Legal Standards of Treatment of Foreign Investment" (2000) Commonwealth Law Bulletin
70. "Chronique de Jurisprudence Australienne" in (1988) 115 Journal de Droit International 147-163 (Paris, France).

71. "The Deportation of Migrants and Aliens from Australia (1985) 35 International and Comparative Law Quarterly pp 498-521 (London,U.K.).
72. "Asian Approaches to International Humanitarian Law" (1984) 9 Australian Yearbook of International Law 238 (Canberra, Australia).
73. "Self-Determination and Humanitarian Intervention" (1981) 11 Georgia Journal of International and Comparative Law 45-77 (Atlanta, Georgia, U.S.A.)
74. "The Framework for an Indian Ocean Peace Zone" (1971) 12 Indian Journal of International Law 543-563.
75. "Self-determination : Its Continuing Validity" (Rene Cassin Institute of Human Rights, Strasburg, 1974).
76. "Extraterritorial Jurisdiction over Crimes in Singapore, Malaysia and the Commonwealth" (1987) 29 Malaya Law Review 200-218 (Singapore).
77. "Power and Justice in International Law" (1996) 1 Singapore Journal of International and Comparative Law
78. "Globalisation and Crime across Borders" (1999) 40 Singapore Journal of Legal Studies 221.
79. "Violence and Terrorism in International Law" (1999) 93 Proceedings of the American Society of International Law 79.
80. "Internet and Developing Countries" (2001) 95 ASIL Proceedings 173-175.
81. "A Law for Greed or a Law for Need? The Current State of the International Law on Foreign Investment" (2006) 6 International Environmental Agreements 329 (Springer, 2006). The paper was a keynote address on Foreign Investment and the Environment at the Free University of Amsterdam.
82. "Host State Responses to Investment Treaty Arbitration" (paper delivered at the Conference on Investment Arbitration, Taipei, 28<sup>th</sup> November, 2007) to be Published in Asia and International Trade.
83. "The Bush Doctrine and the Use of Force" (2007) 11 Singapore Yearbook of International Law.
84. "The Law for Need or the Law for Greed" in (2007) International Agreements 329-357.
85. "Asian International Law: Where is It Now?" (2008) 14 Asian Yearbook of International Law 265-272.
86. "The Primacy of Equality in International Law" (Text of the Tun Suffian Lecture) 2010 The Lawyer (Kuala Lumpur).

87. "Sovereign Wealth Funds and International Investment Law" (2011) 1 Asian Journal of International Law .
88. " Protection of Portfolio Investments" (2010) ICSID Review
89. " Revival of the International Law on Development" 2011 UN Audio-Visual Library (August, 2011).
90. "Mutations of Neo-Liberalism in International Investment Law" (2011) 3 Law, Trade and Diplomacy 203 .
91. "Starting Anew in International Investment Law" FDI Perspectives, Columbia-Vale Centre on Foreign Investment and Sustainable Development (2012).
92. "The Realist and Romantic Visions of India and China in International Law" (2019) Asian Journal of International Law.
93. "Globalisation of Higher Education and Its Implications for Sri Lanka" (2019) 29 Journal of the Commonwealth Lawyer 12.

#### **INTERNATIONAL COMMERCIAL ARBITRATION.**

94. "Arbitration or Litigation" [1991] Malayan Law Journal
95. "The Climate of International Arbitration" (1991) 8 Journal of International Arbitration 47 - 86. Geneva, Switzerland.
96. "The UNCITRAL Model Law. A Third World Perspective" (1989) 6 Journal of International Arbitration pp. 7 -20.(Geneva, Switzerland.).
97. "The Enforcement of Foreign Arbitral Awards" (1988) Malayan Law Journal (Singapore).
98. "Stay of Litigation Pending Arbitration" (1994) Singapore Academy of Law Journal
99. Report on Arbitration in Singapore (published by the Institute for Socioeconomic Dispute Studies, Meijo University Graduate School of Law, Japan 2001)

#### **CRIMINAL LAW**



100. "Common Intention and Murder under the Penal Codes" (1994) Singapore Journal of Legal Studies.
101. "The Definition of Murder under the Penal Codes" (1994) Singapore Journal of Legal Studies 1.
102. "The Interpretation of the Penal Code" (1991) Malaya Law Journal.
103. "Defences to Strict Liability Offences in Malaysia and Singapore" (1985) 27 Malaya Law Review 27-52 (Singapore).
104. "Towards a Liberal View on Provocation" [1986] Malayan Law Journal (Singapore).
105. "Migrants and the Criminal Law" in Ethnic Affairs Council (Tasmania) Migrants and the Law 24-34 (Hobart, 1984).
106. "Excessive Self-Defence under the Criminal Codes" (1983) 7 University of Tasmania Law Review 156-173 (Hobart, Australia).
107. "Common Intention and Murder under the Criminal Codes" (1981) 59 Canadian Bar Review 727-749 (Toronto, Canada).
108. "Duress and Murder under the Criminal Codes" (1980) 30 International and Comparative Law Quarterly 660-681 (London, U.K.).
109. "Commonwealth Innovations in the Law of Provocation" (1975) 24 International and Comparative Law Quarterly 184-204 (London, U.K.).
110. "Excessive Self-Defence: Further Developments" (1975) 24 International and Comparative Law Quarterly 758-770 (London, U.K.).
111. "Reckless Murder in Commonwealth Law" (1975) 24 International and Comparative Law Quarterly 846-861 (London, U.K.).
112. "Excessive Self-Defence in Commonwealth Law" (1972) 21 International and Comparative Law Quarterly 758-770 (London, U.K.).
113. "Voluntary Intoxication as a Mitigatory Plea" (1972) 3 Colombo Law Review 68-76.
114. "Some Recent Trends in the Insanity Defence" (1972) 3 Colombo Law Review 43-55.
115. "The Doctrine of Continuing Provocation" (1971) 2 Journal of Ceylon Law 101-118.

**PUBLIC LAW.**

116. "Natural Justice, Fairness and Administrative Functions" (1979) 5 University of Tasmania Law Review 268-287 (Hobart, Australia).
117. "Bills of Rights: The Commonwealth Debate" (1976) 9 Comparative and International Law Journal of Southern Africa 131-149 (Cape Town, South Africa).
118. "The Attorney General's Powers of Prosecution" [1996] Singapore Academy of Law Journal

**FAMILY LAW**

119. "Custody and Adoption: A Comparative Study" (1974) 7 Comparative and International Journal of Southern Africa 186-197 (Capetown, South Africa).
120. "Parental Custody: The Recent Trends" (1973) 90 South African Law Journal 131-149 (Cape Town, South Africa).
121. "The Action for Breach of Promise of Marriage" (1966) 9 Ceylon Journal of Historical and Social Studies 177-204.

**RECENT CONFERENCE PAPERS.**

122. "Stabilization Clauses in Lex Petrolea" Singapore Oil and Gas Conference, 2<sup>nd</sup> October, 2009.
123. "Revolution or Evolution: The Descent to Normlessness in International Investment Law" Distinguished Lecture at the Sydney Law School Conference on International Investment Law, February, 2010.
124. "Asian Treaties on Investment Protection: Their Political and Sociological Base" Conference on Investment Law, Onati Centre for Law and Sociology, Onati, Spain (June, 2010).
125. "India, China and International Law" Asian Society of International Law Conference (Beijing, August, 2011).

126. “The Changing Structure of International Investment Law” Keynote Address at the International Roundtable on International Investment Law and Arbitration (Xian Jiaotong University, China 25-30 June, 2012).
127. “The Past, Present and Future of International Investment Law” the International Roundtable on International Investment Law and Arbitration (Xian Jiaotong University, China 25-30 June, 2012).
128. “The Role of BRICS in the International Law and Order of the Multipolar World” Keynote Address, Bond University Conference on the Role of BRICS in the Global Political Economy (Gold Coast, Australia, 2012).
129. “After Neo-Liberalism: The Future Course of International Investment Law” Columbia-Vale Symposium on International Investment Law (New York, 2012).
130. “India and China in the Multipolar World” at the Institute of South Asia Studies Annual South Asian Seminar, Singapore, 2012.
131. “Investment Arbitration and Developing Countries” Keynote Address, Frankfurt Conference on International Investment Arbitration, March, 2013.
132. “On Fighting Behind Enemy Lines: The Role of a Third World International Lawyer” Keynote Address at the Cairo Conference of TWAIL, February, 2015.
133. “The Romantic and Realist Visions of the Impact of the Rise of China and India on International Law” Roundtable on China and International Law, University of Hong Kong, September, 2016.
134. “The Obsolescence of Investment Arbitration” Keynote Address, Madrid Arbitration Day, Fundacio Rafael Del Pino, Madrid, Spain, November 2016.
135. “Investment Treaties of BRICS States” Xiamen Conference on International Investment Law (October, 2017).
136. “Why No to an Investment Court” Juridical Institute, University of Copenhagen (February, 2018).
137. “Colombo Port City and Foreign Investment Legislation” National Law Conference, Colombo, 2020.