

SIR DANIEL BETHLEHEM KCMG QC

Legal Adviser, Foreign and Commonwealth Office

Summary Curriculum Vitae

Personal Details

Date and Place of Birth: 16 June 1960, London, U.K.
Education: BA (Wits, 1981), LLB (Hons) (Bristol, 1985), LLM (Cambridge, 1990)

Current Professional Positions

Legal Adviser, Foreign and Commonwealth Office – appointed, following open an open competition, on 2 May 2006

The Legal Adviser's post is at Director-General level within the FCO, the Legal Adviser having overall responsibility for all aspects of legal advice to the Foreign Secretary, FCO Ministers and FCO policy departments. FCO Legal Advisers are also the principal legal advisers across Whitehall on issues of public international law. The Legal Advisers' Directorate General includes Legal Advisers (lawyers and PAs), the Legal Executive Section, the Legal Library, and the FCO Treaty Section.

Member of the Advisory Council of the British Institute of International and Comparative Law

Member of the Council of the British Branch of the International Law Association

Previous Professional Positions

Barrister (called 1988), Queen's Counsel (April 2003)
Director, Lauterpacht Research Centre for International Law, University of Cambridge (2003 – 2006; Deputy Director from 1998 to 2003)
Member of the Executive Council of the American Society of International Law
Member of the Council of the British Branch of the International Law Association

Previous Professional Experience

From 1990 to April 2006, Daniel Bethlehem was a barrister in private practice specialising in public international law from Chambers in London. He was appointed Queen's Counsel in 2003. From 1997 to 2003 he was a member of the Attorney General's Panel of Junior Counsel.

Mr Bethlehem was also the Director of the Lauterpacht Research Centre for International Law at the University of Cambridge, a post he held from 2003 to April 2006. He was Deputy Director of the Lauterpacht Centre between 1998 and 2003. From 1992 to 1998, he lectured in international law at the London School of Economics.

As a barrister, Mr Bethlehem advised and acted in matters across the breadth of international law including WTO law, international humanitarian law, human rights law, refugee law, state and diplomatic immunity, economic sanctions, expropriation of property, international investment law, the use of force, territorial disputes and boundary delimitation, environmental law, law of the sea, and the law of international organisations.

As an academic, Mr Bethlehem taught courses on United Nations Law and the Law of International Organisations, the Law of Armed Conflict and the Use of Force, WTO and International Economic Law, the Law of Natural Resources, the Settlement of International Disputes, and a general course on international law.

Prior to qualifying at the Bar, Mr Bethlehem worked for a number of years in investment banking in the fields of corporate finance and European equity strategy.

Cases (illustrative)

Case C-298/89, Government of Gibraltar v. EC Council (1991–1993), counsel to the Government of Gibraltar in proceedings before the European Court of Justice

Legality of the Use by a State of Nuclear Weapons in Armed Conflict (1993–1996), counsel to the United Kingdom in proceedings before the International Court of Justice

Case C-55/94, Gebhard (1994–1995), counsel to the United Kingdom in proceedings before the European Court of Justice

Legality of the Threat or Use of Nuclear Weapons (1994–1996), counsel to the United Kingdom in proceedings before the International Court of Justice

Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom) (1992–2003), counsel to the United Kingdom in proceedings before the International Court of Justice

EC – Restrictions on Butter Products (1997–1998), counsel to New Zealand in WTO panel proceedings

Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights (1998–1999), counsel to Malaysia in proceedings before the International Court of Justice

Legality of Use of Force (Yugoslavia v. Belgium) (1999–2004), counsel to Belgium in proceedings before the International Court of Justice

Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium) (2000–2002), counsel to Belgium in proceedings before the International Court of Justice

Mitchell Committee of Inquiry (2000–2001), counsel to Israel in respect of its submissions to an *ad hoc* committee of inquiry into the violence between Israel and the Palestinians

Cook v. United States of America (2001), counsel to the United States of America in proceedings before the English Employment Tribunal

Emin v. Yeldag (2001), counsel to the HM Foreign Secretary and Attorney-General, intervening, in proceedings before the English High Court

MOX Plant Case (Ireland v. United Kingdom) (2001–2003), counsel to the United Kingdom in proceedings before the International Tribunal for the Law of the Sea

Ireland v. United Kingdom (2001–2003), counsel to the United Kingdom in *ad hoc* proceedings under the OSPAR Convention

MOX Plant Case (Ireland v. United Kingdom) (2001–), counsel to the United Kingdom in *ad hoc* arbitration proceedings under the UN Convention on the Law of the Sea

R v. Lyons and Others (2002), counsel to the Crown in proceedings before the House of Lords

Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (2003–2004), counsel to Israel in proceedings before the International Court of Justice

Case Concerning Sovereignty Over Pedra Branca / Pulau Batu Puteh, Middle Rocks and South Ledge (2003–), counsel to Malaysia in pending proceedings before the International Court of Justice

Mechan v. Khalifa and others (2004-2005), counsel to Bahrain and other defendants in proceedings before the English District Court

Xenides-Arestis v. Turkey (2004–2005), counsel to Turkey in proceedings before the European Court of Human Rights

Case B/61, Iran v. United States (2005–), counsel to the United States in proceedings before the Iran – US Claims Tribunal

Ecuador v. OPEC (2005–), counsel to Ecuador in proceedings before the English courts challenging an international arbitral award

Channel Tunnel Group v. Secretary of State for Transport (2005–), counsel to the United Kingdom in *ad hoc* pending proceedings under the Eurotunnel Concession Agreement and Treaty

Arbitration Appointments and Cases

Panellist on the WTO Indicative List of Panellists maintained by the WTO Secretariat in accordance with Article 8.4 of the WTO Dispute Settlement Understanding

Arbitrator of the Court of Arbitration for Sport

US v. Canada (Agricultural Tariffs) (1996-1997), Assistant to the Chairman of the Panel in proceedings under Chapter Twenty of the NAFTA

US v. Canada (Softwood Lumber) (1999-2000), Assistant to the Chairman of the Panel in *ad hoc* proceedings under the Canada–US Softwood Lumber Agreement

Publications

Books

International Environmental Law Reports (Cairo Robb, ed.) (4 vols to date) (General Editor, with Crawford and Sands)

The Yugoslav Crisis in International Law: General Issues (ed., with Weller), 1997

The Kuwait Crisis: Sanctions and their Economic Consequences (2 vols) (ed., 1991)

The Kuwait Crisis: Basic Documents (1991) (ed., with Lauterpacht, Greenwood and Weller)

Papers (illustrative)

“International Law and the Use of Force: the Law As It Is and As It Should Be”, Written evidence submitted to the House of Commons Foreign Affairs Committee (Seventh Report, 2004)

“Domestic Implementation of Security Council Decisions on Sanctions: A Comparative Approach - The European Union”, in Gowlland-Debbas (ed.), *Domestic Implementation of Security Council Decisions on Sanctions: A Comparative Approach* (2004)

“The scope and content of the principle of *non-refoulement*: Opinion”, with Sir Elihu Lauterpacht *QC*, in Feller, Türk and Nicholson (eds.), *Refugee Protection in International Law* (2003)

“Regional Interface Between Security Council Decisions and Member States Implementation: The Example of the European Union”, in Gowlland-Debbas (ed.), *United Nations Sanctions and International Law* (2001)

“Submissions on Points of Fact and Law: Written and Oral Pleadings Before the International Court of Justice”, in Weiss (ed.), *Improving WTO Dispute Settlement Procedures: Issues & Lessons from the Practice of Other International Courts & Tribunals* (2000)

“International Law, European Community Law and National Law: Three Systems in Search of a Framework - Systemic Relativity in the Interaction of Law in the European Union”, in Koskeniemi (ed.), *Legal Aspects of the European Union* (1997)

Other interests and pursuits

Scuba diving (Master Scuba Diver)

Climbing (non-technical) / trekking (eg, Kilimanjaro, Everest Base Camp)