

CHRISTINA L. BEHARRY

EMPLOYMENT

Foley Hoag LLP, Washington D.C.

Co-Partner in Charge of DC Office (2023 – present)

Partner, International Litigation and Arbitration (2022 – present)

Counsel, International Litigation and Arbitration (2017 –2021)

Associate, International Litigation and Arbitration (2010 –2017)

Foreign Affairs and International Trade Canada, Ottawa

Counsel, Trade Law Bureau (2008 – 2010)

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

Industry Canada, Ottawa

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

EDUCATION

Columbia Law School

Master of Laws (LL.M.), 2003

University of Cambridge

Master of Laws (LL.M.), 2001

London School of Economics

Bachelor of Laws (LL.B.), 2000

BAR ADMISSIONS

District of Columbia

Ontario

New York

England & Wales (*non-practicing*)

HONORS & RECOGNITIONS

Who's Who Legal: Arbitration – Future Leaders (2019-2025)

Who's Who Legal: Mining (2024-2025)

Legal 500 Latin America (2024)

Best Lawyers of America – International Arbitration (2025-2026)

Harlan Fiske Stone Scholar, Columbia Law School (2003)

LANGUAGES

Spanish (intermediate)

French (basic)

REPRESENTATIVE INTERNATIONAL ARBITRATION EXPERIENCE

Smart City Solutions Holdings Inc. v. Co-operative Republic of Guyana (ICSID Case No. ARB/21/64). Representing Guyana in an ICSID arbitration under a domestic investment law in a dispute concerning a metered parking system project.

Representing an Asian State in a confidential UNCITRAL arbitration concerning certain regulatory measures imposed on a telecom company.

RWE AG and RWE Eemshaven Holding II BV v. Kingdom of the Netherlands (ICSID Case No. ARB/21/4). Represented the Netherlands in its first ICSID arbitration under the Energy Charter Treaty concerning the phase out of Claimants' two coal power plants under the State's climate change legislation.

Represented an Asian State in a confidential international arbitration concerning a renewable energy project.

Niko Resources (Bangladesh) Ltd. v. Bangladesh Petroleum Exploration & Production Company Limited ("Bapex") and Bangladesh Oil Gas and Mineral Corporation (Petrobangla) (ICSID Case No. ARB/10/11 and ICSID Case No. ARB/10/18). Representing Respondents in an ICSID arbitration under an investment contract regarding the claimant's request for a declaration that the claimant is not liable for any damage caused by two blowouts in a gas field in Bangladesh.

Latin American Regional Holdings, S de R.L. v. Oriental Republic of Uruguay (ICSID Case No. ARB/19/16). Represented Uruguay in an ICSID arbitration related to the country's national airline company.

The Lopez-Goyne Family Trust and others v. Republic of Nicaragua (ICSID Case No. ARB/17/44). Represented Nicaragua in an ICSID arbitration brought under CAFTA-DR concerning an oil exploration and exploitation concession.

Thomas Gosling and others v. Republic of Mauritius (ICSID Case No. ARB/16/32). Represented Mauritius in an ICSID arbitration concerning real estate developments and the designation of the Le Morne area as a UNESCO World Heritage Site.

Ritika Mehta et al v. Oriental Republic of Uruguay (UNCITRAL). Represented Uruguay in an UNCITRAL arbitration concerning an iron ore mining project.

Italba Corporation v. Oriental Republic of Uruguay (ICSID Case No. ARB/16/9). Represented the Oriental Republic of Uruguay in an ICSID proceeding brought under the US-Uruguay Bilateral Investment Treaty in connection with the telecommunications industry.

Philip Morris Brands Sàrl, Philip Morris Products S.A. and Abal Hermanos S.A. v. Oriental Republic of Uruguay (ICSID Case No. ARB/10/7). Represented Uruguay in an ICSID arbitration concerning regulations on cigarette packaging and health warnings.

Enel Green Power S.p.A. v. Republic of El Salvador (ICSID Case No. ARB/13/18). Represented El Salvador in an ICSID Arbitration concerning a geothermal energy project. The case resulted in a negotiated settlement.

Pac Rim Cayman LLC v. Republic of El Salvador (ICSID Case No. ARB/09/12). Represented El Salvador in an ICSID arbitration brought under a domestic investment law concerning the claimant's alleged entitlement to a mining exploitation concession and rights to exploration licenses.

Rusoro Mining Ltd. v. Bolivarian Republic of Venezuela (ICSID Case No. ARB(AF)/12/5). Represented Venezuela in an ICSID Additional Facility arbitration against a \$3 billion claim brought by a Canadian gold mining company concerning regulations governing mining rights, gold sales, and currency exchanges.

TENARIS S.A. and TALTA – Trading e Marketing Sociedade Unipessoal Lda. v. Bolivarian Republic of Venezuela (ICSID Case No. ARB/12/23). Represented Venezuela in an ICSID proceeding brought by European subsidiaries of an Argentine group under bilateral investment treaties with Luxembourg and Portugal in connection with the alleged expropriation of their Venezuelan subsidiaries involved in the steel industry.

Merck Sharpe & Dohme (I.A.) v. The Republic of Ecuador (UNCITRAL). Advised Ecuador in an UNCITRAL arbitration under the Ecuador-U.S. Bilateral Investment Treaty relating to alleged treatment of a foreign investor by the Ecuadorean judiciary.

Murphy Exploration and Production Company International v. Republic of Ecuador (ICSID). Advised Ecuador in relation to a dispute arising from changes in domestic legislation pertaining to the exploitation of oil resources in Ecuador.

Crystallex International Corporation v. Bolivarian Republic of Venezuela (ICSID Case No. ARB(AF)/11/2). Represented Venezuela in ICSID proceedings arising from a mining contract brought by a Canadian company under the Canada – Venezuela Bilateral Investment Treaty.

Gold Reserve v. Bolivarian Republic of Venezuela (ICSID Case No. ARB(AF)/09/1). Represented Venezuela in an ICSID Additional Facility arbitration regarding gold and copper concessions brought by a Canadian-incorporated mining company under the Canada – Venezuela Bilateral Investment Treaty.

Represented a Latin American state-owned petroleum company in ICC proceedings brought by a consortium in connection with a breach of contract claim relating to enhanced oil recovery techniques.

Chemtura Corporation v. Government of Canada (UNCITRAL). Represented Canada in a NAFTA arbitration initiated by a U.S. pesticide manufacturer following the de-registration of lindane products based on health and environmental concerns.

Vito G. Gallo v. The Government of Canada (UNCITRAL). Represented Canada in a NAFTA proceeding based on a claim that a statute passed by the Ontario government deprived the U.S. investor of an opportunity to operate a landfill in the province.

Merrill & Ring Forestry L.P. v. The Government of Canada (UNCITRAL). Represented Canada in a NAFTA arbitration arising out of measures related to the export of logs from Canada.

Bilcon of Delaware et al v. Government of Canada (UNCITRAL) (PCA Case No. 2009-04). Represented Canada in a NAFTA claim alleging discriminatory treatment accorded to the operators of a basalt quarry and marine terminal development project in Nova Scotia.

Melvin J. Howard, Centurion Health Corp. & Howard Family Trust v. The Government of Canada (UNCITRAL) (PCA Case No. 2009-21). Represented Canada in a NAFTA arbitration brought by a U.S. health care service provider which was successfully terminated.

Janet Marie Broussard Shiell, William Shiell IV, and William Shiell V v. Government of Canada. Represented Canada in a claim filed in relation to alleged conduct by the federal and Quebec governments arising out of the bankruptcy of a Canadian company.

GL Farms LLC and Carl Adams v. Government of Canada. Represented Canada in a claim filed under NAFTA Chapter 11 alleging harm to its dairy products business in Ontario.

Represented the Government of Canada in several arbitrations under NAFTA Chapter 11 to which the other contracting States were parties, including *The Canadian Cattlemen for Fair Trade v. United States of America* and *Grand River Enterprises Six Nations, Ltd., et al. v. United States of America*.

PUBLICATIONS

Monetary and Non-Monetary Damages, in International Commercial Arbitration in G.A. Bermann and K.A.N. Duggal (eds), RESEARCH HANDBOOK ON INTERNATIONAL COMMERCIAL ARBITRATION, Edward Elgar Publishing Ltd (*forthcoming*)

Cross-Examination of Expert Witnesses, in C. Lotfi, A. Zielinska-Eisen, and V. Sandler Obregon (eds), INTERNATIONAL ARBITRATION IN PRACTICE, Wolters Kluwer (2025) (with B. McRae)

Book Review of "[*Double Recovery in Investment Arbitration: Toward a Principled Treatment of Double Compensation*](#)" by Leyla Bahmany, Journal of World Investment & Trade, Volume 25 (2024)

Practical Considerations for Litigating Investment Arbitration Disputes in Times of Crisis, in A. Gattini and M. Dimetto (eds), TIME AND INTERNATIONAL ADJUDICATION, Brill (*forthcoming*) (with K. Peiffer)

Damages and Causation in H. Abdulkareem, S. Batifort, and M. Penades (eds), IBA REPORT ON INSOLVENCY AND INVESTMENT ARBITRATION (2024) (with E. Treves)

Book Review of “*The Dilemma of Consent to International Arbitration in Investment Agreements without a Forum*” by Fernando Tupa, ITA IN REVIEW, Volume 5, Issue 3 (2024)

“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*, Volume 37, Issue 1 (2022) (with J.P. Hugues)

“Herzig v. Turkmenistan: Requests for Security for Costs in ICSID Arbitrations Involving Third-Party Funded Insolvent Claimants,” *ICSID Review – Foreign Investment Law Journal*, 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)

SELECTED SPEAKING ENGAGEMENTS

Panelist, “*Critical Minerals in Crisis: Supply Chains, Sanctions and Corruption in the Clean Energy Race*,” ICC Canada - Arbitration Committee Annual Conference (Ottawa, Canada, October 2025)

Panelist, Discussion on the UNCITRAL Secretariat's “[Draft guidelines on the calculation of damages and compensation in ISDS](#),” 51st session of Working Group III (Investor-State Dispute Settlement Reform) (New York, NY, April 2025)

Co-chair, 22nd ITA-ASIL Conference: “(Re)considering the Enduring Role of Public International Law in Commercial and Investment Disputes Involving State Parties” (Washington, D.C., April 2025)

Panelist, “*How to Deliver a Compelling Oral Statement at an International Tribunal/Lessons learned from other Tribunals*”, Caribbean ICJ Advocacy Clinic for the International Court of Justice Advisory Opinion on Climate Change, University of the West Indies (Webinar, November 2024)

Panelist, “*NYIAC Series: Working with a Damages/Quantum Expert Session 8: Post-Valuation Issues in International Arbitration*,” New York International Arbitration Center (New York, NY, April 2024)

Presenter, “*Discussion on compensation under international law with a focus on options for enforcement of payments awarded by international human rights courts*,” 66th Meeting of the Committee of Legal Advisors on Public International Law, Council of Europe (Strasbourg, France, April 2024)

Panelist, “*Ensuring the Independence and Impartiality of Experts in Arbitration*,” 12th ITA-IEL-ICC Joint Conference on International Energy Arbitration (Houston, TX, January 2024)

Panelist, “*The Importance of the Arbitration Act from the Perspective of Investment Arbitration*,” A New Horizon for Arbitration in Trinidad & Tobago: The Arbitration Act No. 11 of 2023 (Port of Spain, Trinidad, December 2023)

Panelist, “*Investment Arbitration and Insolvency*,” International Bar Association Annual Conference (Paris, France, November 2023)

Panelist, “*Discussion on International Law Commission and Compensation in the Law of State Responsibility*,” Permanent Missions of Latvia, Mexico, and Romania to the United Nations (New York, NY, October 2023)

Co-moderator, “*Dollars and Sense: How Competition and Costs Affect Stakeholder Behavior and Reform Proposals*,” Bocconi International Investment Arbitration Law and Policy Conference (Milan, Italy, April 2023)

Guest Speaker, “*How to Effectively Cross-Examine a Quantum Expert*,” MUTE OFF (Webinar, March 2023)

Panelist, “*Take the Witness: Excellence in Cross-Examination*,” ITA Conference on International Arbitration in the Mining Sector (Toronto, Canada, March 2023)

Moderator, “*Implications of Economic Sanctions on International Arbitration*,” Linklaters 7th CARTAL Conference on International Arbitration (Jodhpur, India, February 2023)

Panelist, “*The ILC’s Articles on State Responsibility in Investment Treaty Arbitration*,” International Centre for Settlement of Investment Disputes (ICSID) & Young ICSID (Washington, D.C., December 2022)

Moderator, “*Capacity-Building, Institution-Creation, and Prospects for Collaboration Regarding International Arbitration in the Caribbean*,” World Arbitration Update (Webinar, September 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, “*Valuation in Investment Arbitration: Spotlight on discounted cash flow analysis*,” International Institute for Sustainable Development (IISD) (Webinar, March 2021)

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, “*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, “*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)

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)

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)

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

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)