

GUS VAN HARTEN

Professor
Osgoode Hall Law School, York University
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PRIMARY SPECIALIZATIONS

International Investment Law and Investor-State Dispute Settlement
Administrative Law
Public Inquiries
International Monetary Law and Policy

DEGREES AND QUALIFICATIONS

2002-2006 PhD in Law, London School of Economics and Political Science

Doctoral thesis: “The Emerging System of International Investment Arbitration”;
supervised by M Loughlin and D Cass.

2004-present Member of the Bar of Ontario

1994-1999 Masters in Environmental Studies, York University

1995-1999 Bachelor of Laws, Osgoode Hall Law School

1990-1994 Bachelor of Arts (Hon), University of Guelph

ACADEMIC APPOINTMENTS

July 2016 - present **Professor**
Osgoode Hall Law School

July 2009 - June 2016 **Associate Professor**
Osgoode Hall Law School

Jan 2008 - June 2008 **Assistant Professor**
Osgoode Hall Law School

Sep 2005 - Dec 2007 **Lecturer in Law**
London School of Economics and Political Science

PROFESSIONAL EXPERIENCE

- June 2004 - Jan 2005 **Legal Advisor to the Commissioner**
Arar Inquiry, Ottawa
- June 2000 - May 2002 **EA to the Commissioner**
Walkerton Inquiry, Toronto and Walkerton
- Aug 1999 - July 2000 **Law Clerk to the Justices**
Court of Appeal for Ontario

PUBLICATIONS

Books

Sold Down the Yangtze: Canada's Lopsided Investment Deal with China (Lorimer, 2015) (350 pages) (non-peer reviewed).

Sovereign Choices and Sovereign Constraints: Judicial Restraint in Investment Treaty Arbitration (Oxford University Press, 2013) (206 pages) (peer reviewed).

Investment Treaty Arbitration and Public Law (Oxford University Press, 2007) (214 pages) (peer reviewed).

Casebooks

with Gerald Heckman, David Mullan, and Janna Promislow (37% Van Harten), *Administrative Law – Cases and Materials*, 7th edn (Emond Montgomery, 2015) (approx. 1200 pages) (non-peer reviewed).

with Gerald Heckman and David Mullan (50% Van Harten), *Administrative Law – Cases and Materials*, 6th edn (Emond Montgomery, 2010) (approx. 1400 pages) (non-peer reviewed).

Articles in Journals and Yearbooks

with Dayna N. Scott (80% Van Harten), "Investment Treaties and the Internal Vetting of Regulatory Proposals: A Case Study from Canada (Part Two)" *Yearbook on International Investment Law and Policy 2015-2016* (forthcoming 2017) (approx. 30 pages) (peer reviewed).

"The European Union's Emerging Approach to ISDS: A Review of the Canada-Europe CETA, Europe-Singapore FTA, and Europe-Vietnam FTA" (2016) 1 *University of Bologna Law Review* 138 (28 pages) (peer reviewed).

“Arbitrator Behaviour in Asymmetrical Adjudication (Part Two): An Examination of Hypotheses of Bias in Investment Treaty Arbitration” (2016) 53 *Osgoode Hall Law Journal* 540 (47 pages) (peer reviewed).

with Dayna N. Scott (80% Van Harten), “Investment Treaties and the Internal Vetting of Regulatory Proposals: A Case Study from Canada” (2016) 7 *Journal of Int’l Dispute Settlement* 92 (25 pages) (peer reviewed).

“Judicial Restraint in Investment Treaty Arbitration: Restraint Based on Relative Suitability” (2014) 5 *Journal of Int’l Dispute Settlement* 5 (35 pages) (peer reviewed).

“Investment Arbitrators’ Evident Lack of Restraint” (2014) 5 *Journal of Int’l Dispute Settlement* 1 (4 pages) (non-peer reviewed).

“The Canada-China FIPPA: Its Uniqueness and Non-Reciprocity” (2014) *Canadian Yearbook of International Law* 2013 3 (58 pages) (peer reviewed).

“A Critique of Investment Treaties and Investor-State Arbitration” 3/2013 *Juridikum* 338 (10 pages) (non-peer reviewed).

“The Canada-China investment treaty” 20 *Journal of International Economic Law (China)* (20 pages) (peer reviewed).

“Arbitrator Behaviour in Asymmetrical Adjudication: An Empirical Study of Investment Treaty Arbitration” (2012) 50 *Osgoode Hall Law Journal* 211 (57 pages) (peer reviewed).

“Reply to Franck, Garbin, and Perkins” *Yearbook on International Investment Law and Policy* 2010-2011 (2011) (21 pages) (peer reviewed).

“The Use of Quantitative Methods to Examine Possible Bias in Investment Arbitration” *Yearbook on International Investment Law and Policy* 2010-2011 (2011) (35 pages) (peer reviewed).

“TWAAIL and the Dabhol Arbitration” (2011) 3(1) *Trade, Law and Development* 131 (28 pages) (peer reviewed).

“Investment Rules and the Denial of Change” (2010) 60 *University of Toronto Law Journal* 893 (12 pages) (non-peer reviewed).

“Five Justifications for Investment Treaties: A Critical Discussion” (2010) 2(1) *Trade, Law and Development* 19 (40 pages) (peer reviewed).

“Weaknesses of Adjudication in the Face of Secret Evidence” (2009) 13 *International Journal of Evidence and Proof* 1 (30 pages) (peer reviewed).

“Charkaoui and Secret Evidence” (2008) 42 *Supreme Court Law Review* 251 (28 pages) (non-peer reviewed).

“The Public-Private Distinction in the International Arbitration of Individual Claims Against the State” (2007) 56 *International and Comparative Law Quarterly* 371 (24 pages) (peer reviewed).

with Martin Loughlin (80% Van Harten), “Investment Treaty Arbitration as a Species of Global Administrative Law” (2006) 17 *European Journal of International Law* 121 (30 pages) (peer reviewed).

“Private Authority and Transnational Governance: The Contours of the International System of Investor Protection” (2005) 12 *Review of International Political Economy* 600 (24 pages) (peer reviewed).

“Judicial Supervision of NAFTA Chapter 11 Tribunals” (2005) 21 *Arbitration International* 493 (15 pages) (non-peer reviewed).

“NAFTA Investor-State Dispute Resolution: *Pope & Talbot* and the Minimum Standard of Treatment” (2003) 9 *International Trade Law and Regulation* 139 (6 pages) (non-peer reviewed).

“Truth Before Punishment: A Defence of Public Inquiries” (2003) 29 *Queen’s Law Journal* 242 (41 pages) (peer reviewed).

“Guatemala’s Peace Accords in a Free Trade Area of the Americas” (2000) 3 *Yale Human Rights and Development Law Journal* 113 (46 pages) (non-peer reviewed).

Book Chapters

“Reforming the System of International Investment Dispute Settlement” in C.L. Lim (ed.) *Alternative Visions in the International Law on Foreign Investment: Essays in Honour of M. Sornarajah* (CUP, 2016) (21 pages) (peer reviewed).

“The EC and UNCTAD reform agendas: Do they ensure independence, openness, and fairness in investment treaty arbitration?” in S. Hindelang and M. Krajewski (eds.) *Shifting Paradigms in International Investment Law* (OUP, 2016) (21 pages) (peer reviewed).

“Foreign-Investor Protections in the TPP” in S. Sinclair and S. Trew (eds.), *The Trans-Pacific Partnership and Canada* (Lorimer, 2016) (14 pages) (non-peer reviewed).

“Public Inquiries: Independence is the key” in S. Bagley and L. Jacobs (eds.) *Inquisitorial Processes in Administrative Regimes: Global Perspectives* (Ashgate, 2013) (23 pages) (peer reviewed).

“Investment Treaties as a Constraining Framework” in J. Christensen, S. Khan, and E. Paus (eds.) *Markets as Means or Master: Towards New Developmentalism* (Routledge, 2010) (28 pages) (peer reviewed).

“Investment Treaty Arbitration, Procedural Fairness, and the Rule of Law” in S. Schill (ed.) *International Investment Law and Comparative Public Law* (Oxford University Press, 2010) (28 pages) (peer reviewed).

“Perceived Bias in Investment Treaty Arbitration” in M. Waibel et al (eds.) *The Backlash against Investment Arbitration: Perceptions and Reality* (Kluwer Law International, 2010) (peer reviewed).

“Investment Treaty Arbitration and the Policy Implications for Capital-Importing Countries” in D. Sanchez-Ancochea and K. Shadlen (eds.) *The Political Economy of Hemispheric Integration* (Palgrave Macmillan, 2008) (34 pages) (peer reviewed).

Working Papers, Reports, Submissions

“Bill C-30 and the CETA’s foreign investor protection provisions”, Submission to Canada’s Standing Senate Committee on Foreign Affairs and International Trade, April 11 and 13, 2017 (3 pages) (non-peer reviewed).

“Multilateral Reform of Investment Dispute Resolution”, Submission to the European Union, March 15, 2017 (approx. 5 pages) (non-peer reviewed).

“Bill C-30 and the CETA’s foreign investor protection provisions”, Submission to the Canadian House of Commons Standing Committee on International Trade, November 25 and 30, 2016 (11 pages) (non-peer reviewed).

“Ontario Court Justice Bernd Zabel”, Complaint to the Ontario Judicial Council, November 11 and 23, 2016 (17 pages) (non-peer reviewed).

“Foreign Investor Protection and Climate Action: A New Price Tag for Urgent Policies”, Osgoode Legal Studies Research Paper No. 21/2016 (2016) (8 pages) (non-peer reviewed).

“An ISDS Carve-Out to Support Action on Climate Change”, Osgoode Legal Studies Research Paper No. 38/ 2015 (2015) (11 pages) (non-peer reviewed) – proposal adopted by the European Parliament for the European Union negotiating position at COP 21 meeting in 2015).

with Matthew C. Porterfield and Kevin P. Gallagher, “Investment Provisions in Trade and Investment Treaties: The Need for Reform”, Global Economic Governance Initiative (GEGI) policy brief, Issue 005 (2015) (8 pages) (non-peer reviewed).

“The European Commission’s Push to Consolidate and Expand ISDS: An Assessment of the Proposed Canada-Europe CETA and Europe-Singapore FTA”, Osgoode Legal Studies Research Paper No. 23/ 2015 (2015) (21 pages) (non-peer reviewed).

“A Parade of Reforms: The European Commission’s Latest Proposal for ISDS”, Osgoode Legal Studies Research Paper No. 21/ 2015 (2015) (17 pages) (non-peer reviewed).

“Notes on the German Economy and Energy Ministry’s Proposal for Reformed Investor-State Dispute Settlement (ISDS)”, Osgoode Legal Studies Research Paper No. 19/ 2015 (2015) (10 pages) (non-peer reviewed).

“A Report on the Flawed Proposals for Investor-State Dispute Settlement (ISDS) in TTIP and CETA”, Osgoode Legal Studies Research Paper No. 16/ 2015 (2015) (35 pages) (non-peer reviewed).

“Paul Crampton CJC”, Complaint to the Canadian Judicial Council, September 24, 2014 (30 pages) (non-peer reviewed).

“Comments on the European Commission’s Approach to Investor-State Arbitration in TTIP and CETA”, Osgoode Legal Studies Research Paper No. 59/2014 (2014) (57 pages) (non-peer reviewed).

“Comments on the European Commission’s Approach to Investor-State Arbitration in TTIP and CETA (Summary)” (July 2014), available on SSRN: 2466692 (11 pages) (non-peer reviewed).

“Comment on the Promotion and Protection of Investment Bill, 2013”, Submission to South Africa’s Department of Trade and Industry, January 31, 2014 (8 pages) (non-peer reviewed).

“Contributions and Limitations of Empirical Research on Independence and Impartiality in International Investment Arbitration” *Oñati Socio-Legal Paper Series* (2011) (46 pages) (peer reviewed).

“Targeted reform of investor-state arbitration: Toward an independent rules-based system of trade and investment”, Report for the Macdonald Laurier Institute for Public Policy (2011) (14 pages) (peer reviewed).

with David Schneiderman, “Comment on Draft Text of the Canada-EU CETA Investment Chapter” (November 2010) (non-peer reviewed).

“Comment to the U.S. State Department Public Hearing on Bilateral Investment Treaty Reform” (July 2009) (22 pages) (non-peer-reviewed).

“Reforming the NAFTA Investment Regime” in *The Future of North American Trade Policy: Lessons from NAFTA*, Pardee Center Task Force Report (November 2009) (10 pages) (non-peer reviewed).

“A Case for an International Investment Court”, Working Paper No. 22/08 for the Society of International Economic Law Inaugural Conference, Geneva, July 15-17, 2008, available on SSRN: 1153432 (45 pages) (non-peer reviewed).

“Policy Impacts of Investment Agreements for Andean States”, Research Report for Oxfam Spain (September 2008) (54 pages) (non-peer reviewed).

“Investment Provisions in Economic Partnership Agreements,” Report for Oxfam International (2008) (30 pages).

“Chapter 11 and the *Francovich* Doctrine: Comparing State Liability Under NAFTA and EC Law,” *Cahier de recherche 03-04*, Centre Études internationales et Mondialisation, Université du Québec à Montréal (2003) (18 pages).

“Potential Implications of Future WTO Negotiations for North American Broadcasting Policies: An Overview,” Discussion paper for the North American National Broadcasters Association (NANBA) (1998) (40 pages).

“Indigenous Rights to Land and Natural Resources,” Research paper prepared in Spanish and English with support from the Canadian International Development Agency and the Latin American Faculty of Social Sciences (FLACSO), Guatemala, 1997 (24 pages).

Short Articles in Specialist Publications

“Is It Time to Redesign or Terminate Investor-State Arbitration?”, *New Thinking on Innovation Essay*, Centre for International Governance Innovation (CIGI) (April 2017) (6 pages) (non-peer reviewed).

“Comments on Article 1.9 of CETA”, Note for the European Water Movement (January 2017) (2 pages) (non-peer reviewed).

“ISDS in the Revised CETA: Positive Steps, But Is It a ‘Gold Standard’”, *Investor-State Arbitration Commentary Series No. 6*, Centre for International Governance Innovation (CIGI), May 2016 (2 pages) (non-peer reviewed).

“Gus Van Harten on investor-state arbitration”, *Oxford University Press blog* (20 January 2014) (2 pages) (non-peer reviewed).

Book review of An Chen, *The Voice from China – An Chen on International Economic Law* (Springer, 2013), *Journal of International Economic Law (China)* (2015) (4 pages) (non-peer reviewed).

“Beware the discretionary power of arbitrators” *Columbia FDI Perspectives* (December 2013) (2 pages) (peer reviewed).

“The Boom in Parallel Claims in Investment Treaty Arbitration” (2014) 5 *ITN Quarterly* 7 (3 pages) (non-peer reviewed)

“Pro-Investor or Pro-State Bias in Investment Treaty Arbitration: Forthcoming Study Gives Cause for Concern” 2(3) *ITN Quarterly* (April 2012) (7 pages) (peer reviewed).

“The (Lack of) Women Arbitrators in Investment Treaty Arbitration” *Columbia FDI Perspectives* (February 2012) (3 pages) (peer reviewed).

“Policy Linkages of Investor-State Dispute Settlement” *Commonwealth Trade Hot Topics*, Issue 82 (February 2011) (5 pages) (non-peer reviewed).

“Fairness and independence in investment arbitration: A critique of ‘Development and Outcomes in Investment Treaty Arbitration’” 1(2) *ITN Quarterly* 7 (December 2010) (18 pages) (non-peer reviewed).

“Academic Experts Call for Reform of Investment Treaties”, Guest blog on www.triplecrisis.com (October 2010) (non-peer reviewed).

“Thinking twice about a gold rush: *Pacific Rim v El Salvador*” *Columbia FDI Perspectives* (May 2010) (3 pages) (peer reviewed).

“*Dunsmuir* and the quixotic quest for certainty”, Case comment for www.thecourt.ca (March 2008) (4 pages) (non-peer reviewed).

PRESENTATIONS (since 2008)

“Proposals for a Multilateral Investment Court”, Presentation to Belgian national civil society organizations, May 15, 2017.

“CETA’s Foreign Investor Protection Mechanism”, Submission to the Danish Parliament’s European Affairs Committee, May 5, 2017.

“Investment Treaties, Investor-State Arbitration, and Developing Countries”, Presentation to Mount Holyoke College class on Economic Development in the Age of Contested Globalization, March 7, 2017.

“Criticisms of ISDS and Prospects for Reform”, Presentation to the International Arbitration School on International Investment and Commercial Arbitration: A Blessing or a Curse?, National University of Colombia, Chamber of Commerce of Bogota, and Rosario University, January 19, 2017.

“The Trouble with ISDS: Lack of balance, independence, fairness, and respect for domestic institutions in investor-state dispute settlement”, Presentation to the Waterloo Political Economy Group, Balsillie School of International Affairs, University of Waterloo, November 2, 2016.

“Comments on Bill C-30 (CETA Implementation Act)”, Videoconference presentation to the Canadian House of Commons Standing Committee on International Trade, Ottawa, November 29, 2016.

“Exclusive Investor Rights and the Impact on Local Democracy”, CETA Citizens’ Summit, European Parliament, Brussels, October 20, 2016.

“Overview of public concerns about investment arbitration in the TTIP”, Presentation to the European Regional Forum and North American Regional Forum panel called ‘TTIP and Its Impact on Transatlantic Relations’, International Bar Association Annual Conference, Washington D.C., September 19, 2016.

“National sovereignty and the Trans-Pacific Partnership”, TPP Day of Action, Hart House, University of Toronto, September 16, 2016.

“Comments on the Trans-Pacific Partnership”, Presentation to the House of Commons Standing Committee on International Trade, Ottawa, June 16, 2016.

“ISDS in the EU-Canada Comprehensive Economic and Trade Agreement”, Presentation to the Committee on Foreign Trade and Development Cooperation, Dutch House of Representatives of the States General, The Hague, Netherlands, June 9, 2016.

“ISDS in the TTIP and CETA”, Presentations at two workshops organized by the Environmental Law Implementation Group, Clarence Hotel and Dublin Dispute Resolution Centre, Dublin, Ireland, June 7 and 8, 2016.

“The Trouble with ISDS”, Public lecture and workshop presentation, Auckland Law School and ANZSIL International Economic Law Interest Group workshop, University of Auckland, New Zealand, May 12 as 13, 2016.

“A conversation with Associate Professor Gus Van Harten on the Trans-Pacific Partnership Agreement”, Presentations to members of parliament and their staff and at a media briefing, May 12, 2016.

“Investor-state dispute settlement in the Trans-Pacific Partnership”, Presentation at Trade Town Hall organized by the Guelph Council of Canadians, Wellington Water Keepers, and Guelph Wellington Social Justice Coalition, Guelph, Ontario, April 27, 2016.

“Making Sense of the TPP”, Presentation at public event organized by the University of Ottawa’s School of Epidemiology, Public Health and Preventive Medicine and School of International Development Studies, Trade Justice Network, and CWA/SCA Canada, University of Ottawa, Ottawa, April 1, 2016.

“Debating the Trans-Pacific Partnership: Perspectives from Canada, Asia and Latin America”, Panel presentation, Centre for Asian Research and Centre for Research on Latin America and the Caribbean, York University, Toronto, March 15, 2016.

“Comments on Investor-State Dispute Settlement”, Presentation by Skype at Deciphering TTIP colloquium, Trinity College Dublin and the Royal Irish Academy, University of Dublin, March 11, 2016.

“Foreign Investor Protections in the Trans-Pacific Partnership”, Presentation to the Canadian Standing Senate Committee on Foreign Relations and International Trade, Ottawa, March 9, 2016.

“Impacts of bilateral investment treaties and EU trade and investment policies”, Presentation by Skype at workshop organized by the Institute for Global Responsibility, Warsaw, January 21, 2016.

“Who has benefited financially from foreign investor protections like those in the TPP, CETA, and TTIP?”, Presentation at workshop on the Trans-Pacific Partnership: Options for

Canada and the World, Munk School of Global Affairs, University of Toronto, January 15, 2016.

“Investor-state dispute settlement: special rights for investors, serious threat to our climate”, Presentation at public discussion organized by the Seattle to Brussels Network, Corporate Europe Observatory, Friends of the Earth Europe, and Transnational Institute, Brussels, November 12, 2015.

“Does the EU’s ‘Investment Court System’ put an end to ISDS?”, Public debate with European Commission trade official Rupert Schlegelmilch, co-hosted by Members of the European Parliament Marie Arena, Pascal Arimont, Ska Keller, Helmut Scholz, and Tiziana Beghin, Brussels, November 12, 2015.

“The Disconnect between Foreign Investor Rights and Foreign Investor Responsibilities: An illustration using the Canada-Colombia Free Trade Agreement”, Presentation organized by the York University Advisory Committee on Responsible Investing (YUACRI), York University, October 5, 2015.

“The Canada-China Investment Deal”, Presentation to local reading group, Burlington, Ontario, September 9, 2015.

“Financial Transfers due to ISDS: Size and Wealth of Claimants”, Presentation to workshop entitled Empirical Perspectives on Investment Treaty Arbitration, PluriCourts, University of Oslo, August 28, 2015.

“Investment Treaties and the Regulatory Chill Question”, Guest Researcher presentation to PluriCourts, University of Oslo, August 28, 2015.

“Introduction to Investment Treaties and ISDS”, Presentation to training session on ISDS and the Chevron v Ecuador case, Ontario Institute for Studies in Education, Toronto, June 6, 2015.

“CETA and Investment/ ISDS”, IDEA Burlington public workshop at the Port Nelson United Church, Burlington, Ontario, April 7, 2015.

“Regulatory Change and Investment Treaties”, Presentation to students and faculty, Osgoode Hall Law School, February 11, 2015.

“Investment Treaty Arbitration, Procedural Fairness, and the Rule of Law”, Presentation to International Law Workshop, Michigan Law School, March 30, 2015.

“Textual Analysis of Investment Provisions of CETA”, Presentation to Investor-State Dispute Settlement (ISDS) Training Session, Brussels, March 5, 2015.

“Investment Treaty Arbitration: Existing Alternatives”, Presentation to BEUC/ AK Europa/ Friends of the Earth Europe conference entitled Investor-State dispute Settlement: TTIP’s Achilles Heel?, Brussels, December 9, 2014.

“Investment Treaty Arbitration and Corruption”, Presentation to the 2nd Osgoode Hall Law Journal Symposium entitled Understanding and Taming Public and Private Corruption”, Osgoode Hall Law School, November 6, 2014.

“Investment-Related Dispute Settlement: Reflections on a New Beginning”, Presentation to Interactive Expert Meeting, Montreux, Switzerland, October 17-18, 2014.

“An Overview of Recent Research on Investment Treaty Arbitration”, Presentation to TPP Investment Negotiators, Ottawa, July 8, 2014.

“Understanding the EU and International Investment Agenda”, BITs in Pieces – Spring School on Investment Law and Policy, Kleve, Germany, May 6-9, 2014.

“Closing Presentation – The Rush to Expand the World’s Supreme Non-Court”, 8th Annual Toronto Group Conference, University of Toronto, May 2, 2015.

“The Legal and Institutional Dimensions of Investment Treaties”, Presentation to Embassy of Ecuador/ Vale-Columbia Center on Sustainable International Investment entitled Development, Foreign Direct Investment, and Investment Treaties, Washington, D.C., April 8, 2014.

“Investment Treaties, Mining Conflict, and Guatemala”, Osgoode Workshop on Corporate Accountability, Osgoode Hall Law School, March 21, 2014.

“Comments on the Canada-EU CETA”, Presentation to the House of Commons Standing Committee on International Trade, Ottawa, February 25, 2014.

with Dayna Scott, “Regulating in the Shadow of Investor-State Arbitration”, Presentation to the Extractive Industries Governance Network workshop, York University, November 14, 2013.

“The Arbitrators Who Rule the World (All 24 of Them)”, Presentation to faculty and students, Osgoode Hall Law School, November, 2013.

“ISDS and the Trans-Pacific Partnership”, Presentation to members of the state legislature and to senior state government officials, State of Selangor, Shah Alam, Malaysia, November 8, 2013.

“Negotiating Options on Investment in the Trans-Pacific Partnership”, Meeting with Chief Minister of the State of Selangor, Shah Alam, Malaysia, November 8, 2013.

“Introduction to ISDS”, Public workshop, Kuala Lumpur, Malaysia, November 7, 2013.

“ISDS and the Trans-Pacific Partnership”, Presentation to media, Kuala Lumpur, Malaysia, November 7, 2013.

“Negotiating Options on Investment in the Trans-Pacific Partnership”, Presentation to senior opposition leaders, Kuala Lumpur, Malaysia, November 7, 2013.

“Overview of Research on Investment Treaty Arbitration”, Presentation to 7th Annual Forum of Developing Country Investment Negotiators, Jakarta, Indonesia, November 4-6, 2013.

“Alternatives and Options for Reform”, Presentation to 7th Annual Forum of Developing Country Investment Negotiators, Jakarta, Indonesia, November 4-6, 2013.

“Case Study: The International Investment Regime”, Legitimacy and International Courts Roundtable, Duke Law School, May 23, 2013.

“Comments on the Canada-India comprehensive economic partnership agreement (CEPA)”, House of Commons Standing Committee on International Trade, Ottawa, March 27, 2013.

“Moderated Discussion on Canada’s Foreign Investment Promotion and Protection Agreements and ICSID Ratification”, Canadian Council on International Law conference, Toronto, February 8, 2013.

“First Nations and the Canada-China FIPA”, Presentation to the Land Claims Agreements Coalition’s 4th National Conference, Ottawa, February 28, 2012.

“Presentation on Investment Treaties”, Queen’s Law School, November 7, 2012.

“Special Program on Foreign Investment”, International Association of Law Libraries Annual Conference, Niagara Falls, October 4, 2012.

“Overview of Investor-State Arbitration”, Presentation to Japanese Agricultural Co-operative Executives, Osgoode Hall Law School, September 19, 2012.

“Keynote Speech: Reform Needs of the International Investment Regime”, Roundtable Discussion with Members of the German Bundestag, Berlin, May 24, 2012.

“Public Law Aspects of International Investment Law”, Law and Globalization Seminar, Yale Law School, February 21, 2012.

“NAFTA and its Unintended Consequences”, Public Forum at the Burlington Baptist Church, Burlington, Ontario, November 20, 2011.

“Legal Approaches to an Alternative Investment Policy”, Expert Workshop on Investment, Brussels, November 8, 2011.

“Administrative Law Blast”, Society of Ontario Adjudicators and Regulators Annual Conference, Toronto, November 3, 2011.

“Changing Claims in Investment Arbitration”, Fifth Annual Forum of Developing Country Investment Negotiators, Kampala, Uganda, October 18, 2011.

“Public Interest and Investor-State Arbitration”, International Chamber of Commerce Canada International Arbitration Conference, Ottawa, October 14, 2011.

“Public Inquiries: Independence is the Key”, University of Windsor Faculty of Law conference on Inquisitorial Processes in Administrative Regimes: Global Perspectives, Windsor, May 27, 2011.

“Analysis on Investment”, Canadian Environmental Law Association Briefing on the Canada-EU Trade Agreement (CETA), Toronto, May 20, 2011.

“Independence and Impartiality”, Society of Ontario Adjudicators and Regulators/ Osgoode Professional Development Certificate Program in Administrative Adjudication, Toronto, May 18, 2011.

Discussant for keynote address by Professor Jan Dalhuisen, GLSA conference on Transnational Law and a New Order of Global Governance, Toronto, May 9, 2011.

“Clustering, Accountability, and Governance”, The Canadian Institute’s Fundamentals of Administrative Law and Practice conference, Toronto, April 13, 2011.

“Investment Chapters in FTAs”, Capacity-building workshop organized by MSF and the Third World Network, Delhi, March 15, 2011.

“Contributions and Limitations of Empirical Research on Independence and Impartiality in International Investment Arbitration”, Osgoode-Jindal Joint Workshop on Global North and Global South Perspective on Transnational Governance: An Indian-Canadian Perspective, Jindal Global Law School, Delhi, March 13, 2011.

“Comments on the Abitibi Bowater settlement”, House of Commons Standing Committee on International Trade, Ottawa, March 8, 2011.

Discussant for three presentations on a panel at the 4th Annual Toronto Group Conference for the Study of International, Transnational, and Comparative Law, Toronto, January 29, 2011.

“Investment Aspects of the Proposed Canada-EU Trade Agreement”, Trade and Investment Research Project, Toronto, November 9, 2010.

“Political economy of NAFTA and other investment treaties”, University of Toronto, November 1, 2010.

“Overview of Empirical Research”, Directors at the Trade Law Bureau, Department of Foreign Affairs and International Trade, Ottawa, October 28, 2010.

“Investment Treaty Arbitration as the ‘Rule of Law’”, University of Ottawa Faculty of Law, International Law Club, October 28, 2010.

“Meeting the Challenges to Tribunal Independence”, The Canadian Institute Conference on Advanced Administrative Law and Practice, Ottawa, October 26, 2010.

“Governing Foreign Investment in India: The Evolving Relationship Between Domestic Law and International Treaties”, Osgoode-Jindal Joint Workshop on Global North and Global

South Perspective on Transnational Governance: An Indian-Canadian Conversation, York University, Toronto, October 25, 2010.

“Public Inquiries: The New Frontier for Procedural Justice”, 6th Annual National Forum on Administrative Law and Practice, October 18, 2010.

“Investment Treaty Arbitration, Procedural Fairness, and the Rule of Law”, McGill Law School, Montreal, October 14, 2010.

“Empirical Study of Potential Bias in Investment Treaty Arbitration”, LSE Transnational Law Project workshop, London, UK, September 1, 2010.

“The Use of Quantitative Methods to Study Investment Arbitration”, Oñati International Institute for the Study of Law Workshop on Socio-Legal Perspectives on the Adjudication of International Economic Disputes, Oñati, Spain, July 15, 2010.

“Investor-State Arbitration: Implications for Government Decision-making”, Ontario Ministry of Economic Development and Trade – International Trade Branch, Toronto, May 27, 2010.

“Investment Issues in RTA Negotiations”, Commonwealth Roundtable on Regional Trading and Integration Agreements, London, March 15-16, 2010.

“Empirical Research on Arbitrator Bias – Its Relevance and Its Limitations”, Columbia Law School Speaker Series on International Investment Law and Policy, New York, February 11, 2010.

“Elements of an International Investment Regime that Encourages Sustainable International Investment”, Fourth Columbia International Investment Conference, New York, November 6, 2009.

“Legal Aspects of the *Pacific Rim* claim against El Salvador”, York University, Toronto, October 28, 2009.

Respondent to a presentation by Martin Valasek on “International Investment Treaty Arbitration” to the Annual Workshop on Commercial and Consumer Law, Faculty of Law, Montreal, October 17, 2009.

“Adjudication and Closed Proceedings”, Ontario Bar Association’s 7th Charter Conference, Toronto, September 26, 2008.

“A Case for an International Investment Court”, Society of International Economic Law, Inaugural Conference on New Horizons of International Economic Law, Geneva, July 15-17, 2008.

“A Pragmatist Approach to the Standard of Review Analysis in *Dunsmuir*”, Roundtable on *Dunsmuir*, University of Toronto Faculty of Law, June 4, 2008.

“A Case for an International Investment Court”, Law and Society Association and the Canadian Law and Society Association, Joint Annual Meeting, Montreal, May 29-June 1, 2008.

Panel chair, “The Dilemmas of Free Trade: Is World Trade the New Terrain for a Global Constitution?”, Osgoode GLSA conference, May 10, 2008.

“Does a Perceived Structural Bias Undermine the Legitimacy of Arbitration?”, Harvard Law School conference on the Backlash Against Investment Arbitration, Cambridge, April 19, 2008.

“Secret Evidence, National Security, and the Courts”, Osgoode Professional Development conference on 2007 Constitutional Cases, Toronto, April 18, 2008.

KNOWLEDGE MOBILIZATION

Articles published in multiple venues have been listed once below.

Media articles/ op-eds: 43 in total

Calgary Sun	1 article (2012)
Edmonton Journal	1 article (2012)
EurActiv (Brussels)	3 articles (all in 2015)
Financial Post	1 article (2010)
Flin Flon Reminder	1 article (2012)
Globe and Mail	2 articles (2012, 2015)
Guelph Mercury	1 article (2012)
Hamilton Spectator	3 articles (2011, 2012, 2013)
Hill Times	1 article (2012)
iPolitics	1 article (2012)
Law Times	1 article (2014)
Montreal Gazette	1 article (2011)
New Brunswick Telegraph-Journal	2 articles (2012, 2013)
The Province	2 articles (2012, 2015)
Toronto Star	4 articles incl. 2 co-authored (2012, 2015)
Toronto Sun	2 articles (both in 2012)
The Tyee	8 articles (2012, 2013, 2014, 2016)
Rabble.ca	2 articles (2015)
Sydney Morning Herald (Australia)	1 article co-authored (2015)
Vancouver Sun	1 article (2012)
Waterloo Region Record	1 article (2012)
Windsor Star	2 articles (2012, 2015)
Winnipeg Free Press	1 article (2012)

Media interviews/ mentions/ appearances (Canada): 106 in total

L'actualité print story (2016)

Aboriginal Peoples TV Network	TV broadcast (2012)
AM 900 CHML	radio broadcast (2017)
Blacklock's Reporter	print story (2015)
The Bottom Line Magazine	online story (2016)
Business in Vancouver	online story (2015)
CBC As It Happens	radio broadcast (2015)
CBC The Current	radio broadcast (2012)
CBC Daybreak North	2 radio broadcasts (2011, 2014)
CBC The Exchange	TV broadcast (2015)
CBC Fisheries Broadcast	radio broadcast (2012)
CBC The House	radio broadcast (2012)
CBC International	2 online stories (2016, 2017)
CBC The National	interview, TV broadcast (2009, 2012)
CBC News	online story (2015)
CBC News Radio	5 radio broadcasts (all in 2012)
CBC News Manitoba	online story (2015)
CBC News Yukon	print story (2013)
CBC The 180	radio broadcast (2016)
Canadian Lawyer Magazine	2 print stories (2014, 2015)
CTV Business News Network	2 TV broadcasts (both in 2012)
CTV Canada AM	TV broadcast (2014)
CTV News Channel	3 TV broadcasts (two in 2012, 2015)
CTV Power Play	TV broadcast (2016)
Canadian Press	5 print stories (2013, 2015, 2 in 2016, 2017)
CFAX 1070	radio broadcast (2012)
CKNX AM920	radio broadcast (2012)
CKNW News Talk	radio broadcast (2012)
CKNW Simi Sara Show	2 radio broadcasts (2012, 2013)
CPAC Headline Politics	TV broadcast (2016)
DeSmog blog	online story (2012)
Embassy News	2 print stories (2015, 2016)
Epoch Times	2 print stories (2012, 2017)
Financial Post	2 print stories (2014, 2017)
Global National	TV broadcast (2013)
Globe and Mail	8 print stories (2011, 2012, 2014, 2015, 3 in 2016, 2017)
Hamilton Spectator	print story (2013)
Hill Times	print story (2012, 2016)
iPolitics	3 print stories (2 in 2012, 2015)
Island Tides newspaper	print story (2015)
Kiss 100.5 News	radio broadcast (2014)
Law Times	print story (2013)
Listen Up! TV	TV broadcast (2011)
Montreal Gazette	print story (2016)
National Observer	online story (2015)
NOW Magazine	print story (2015)
Ottawa Citizen	print story (2015)
OMNI TV	TV broadcast (2016)
La Presse	print story (2016)
Radio Canada International	4 radio broadcasts (2012, 2014, 2015)

Report on Business magazine	feature print article (2016)
Singtao Daily	interview (2015)
The Strand	online story (2016)
Sun News	TV broadcast (2012)
Sun TV	TV broadcast (2010)
TVO The Agenda	TV broadcast (2013)
This Magazine	print story (2012)
Toronto Star	4 print stories (2012, 2014, 2015, 2016)
The Tyee	3 print stories (2012, 2014, 2015)
United Church Observer	print story (2011)
Vancouver Observer	print story (2012)
Vancouver Sun	2 print stories (2012, 2015)
Vancouver Weekly	interview (2012)
Victoria Times Colonist	print story (2016)
Watertoday.ca	online story (2017)
Whitehorse Daily Star	print story (2013)
Winnipeg Free Press	interview (2010)
Yahoo Finance Canada	online story (2017)
610 CKTB	radio broadcast (2016)

Media interviews/ mentions/ appearances (int'l): 58 in total

Algemeen Dagblad (Netherlands)	print story (2016)
Aljazeera America	2 online stories (2014, 2015)
American Lawyer	2 print stories (2009, 2013)
ARD (German Public TV)	TV broadcast (2015)
Arirang Korea TV	TV broadcast (2012)
Austrian Public TV (ORF TV Thek)	TV broadcast (2015)
Bloomberg (USA, Russia)	4 print stories (2013, 2014)
BuzzFeed News (USA)	investigative series (2016)
CCTV News (China)	TV broadcast (2014)
Channel 2 (Netherlands)	TV broadcast (2015)
China Daily	print story (2014)
Columbia Global Reports (USA)	interview (2015)
Daily Mail (UK)	print story (2015)
De Correspondent (Netherlands)	online story (2013)
Der Spiegel (Germany)	print story (2014)
Der Tagesspiegel (Germany)	print story (2016)
Deutsche Welle (Germany)	print story (2015)
Die Zeit (Germany)	online story (2016)
Down to Earth (India)	print story (2013)
L'Echo (Belgium)	print story (2016)
Environmental News Service (USA)	print story (2012)
Ecuadorian Television	TV broadcast (2014)
EurActiv (Brussels)	interview (2014)
Law360 (USA)	online story (2016)
L'Express (France)	print story (2016)

Frankfurt. Allgemeine Zeit. (Germany)	print story (2015)
German Press Agency	print story (2014)
Global Arbitration Review (UK)	print story (2010)
HUMO Magazine (Belgium)	print story (2014)
Japan Broadcasting Corporation	TV broadcast (2013)
Japan Agricultural News	print story (2012)
The Guardian (UK)	2 print stories, 1 interview (2011, 2014)
The Hankyoreh daily (Korea)	print story (2012)
Markets Morning	online story (2016)
National Law Journal (USA)	print story (2013)
National Public Radio (USA)	interview (2013)
New Straits Times (Malaysia)	print story (2014)
NRC Handelsblad (Netherlands)	print story (2016)
OneWorld (Netherlands)	online story (2015)
Plat. Authentieke Journalistiek (Neth)	interview (2015)
Radio Free Europe (USA)	Radio broadcast (2015)
Radio Sputnik World Service (Russia)	Radio broadcast (2016)
Radio Slovenia	radio broadcast (2015)
Radio Student (Slovenia)	radio broadcast (2016)
Real News Network (USA)	online broadcast (2014)
Reuters (UK)	print story (2015)
RTBF (Belgium)	radio broadcast (2016)
SourcedTV (UK)	TV broadcast (2013)
Süddeutsche Zeitung (Germany)	print story (2015)
Taz – die tageszeitung (Germany)	print story (2017)
TechDirt (USA)	online story (2016)
TeleSur (USA)	online story (2015)
VEJA (Brazil)	print story (2017)

Websites

Blog (since 2014): www.gusvanharten.wordpress.com

- used for occasional commentary on investment treaty arbitration
- includes detailed references for my trade book *Sold Down the Yangtze*

Knowledge dissemination website (2011): www.iiapp.org

- provides open access to research on investment treaties
- includes a searchable database with 12 fields of information on about 200 investment treaty cases, summaries of about 20 investment treaty cases, biographical information on arbitrators, and other information

FUNDING

Co-applicant, SSHRC Insight Grant on the role and impacts of litigation risk in regulatory decision-making, 2012-2015 (successful, \$113,000 total).

Co-applicant, SSHRC Partnership Development Grant on decision-making and dispute resolution in the mining sector in Ecuador, 2012-2015 (successful, \$200,000 total).

Lead Applicant, SSHRC Insight Development Grant on the role and impacts of litigation risk in regulatory decision-making, 2011 (recommended for funding but not ranked high enough to allow an award from available funds).

Co-applicant, SSHRC Major Collaborative Research Initiative on decision-making and dispute resolution in the mining sector in Ecuador, 2009-2010 (unsuccessful).

ACADEMIC BOARDS

Journal of International Dispute Settlement, Editorial Board (2013-present)
Hacettepe Law Review, Advisory Board (2013-present)

ACADEMIC PEER REVIEWS

Alberta Law Review
Asian Journal of International Law (2)
Asper Review of International Business and Trade Law
National and Kapodistrian University of Athens conference
UBC Law Review
Cambridge Journal of Economics
Cambridge University Press (2)
Canadian Council for International Cooperation
Canadian Public Administration (2)
Canadian Yearbook of International Law
Columbia FDI Perspectives (6)
Competition & Change
European Law Journal (2)
Forum on Democracy & Trade
Global Governance
Global Policy
Journal of Common Market Studies
Journal of International Dispute Settlement (2)
Leiden Journal of International Law
Manitoba Law Journal
McGill Law Journal
Modern Law Review (2)
National Research Foundation of South Africa
Osgoode Hall Law Journal
Osgoode Hall Review of Law and Policy
Oxford University Press (3)
Policy & Society
Politics and Governance
Queen's Law Journal (2)
Refuge
Review of International Political Economy

Routledge (Books)
Social Sciences and Humanities Research Council of Canada
Sydney Law Review
Vale Columbia Center on Sustainable International Investment
World Bank
Yearbook on International Investment Law & Policy

SELECTED AWARDS

2015	Law Commission of Ontario Scholar in Residence
2012	SSHRC Insight Grant (co-applicant)
2012	SSHRC Partnership Development Grant (co-applicant)
2010	Osgoode Hall Law School Teaching Award
2010	Osgoode Hall Law School Research Fellowship
2006	William Robson Memorial Prize, LSE
2003-2005	Overseas Research Award, Universities UK
2002-2005	Doctoral Fellowship, SSHRC
1999	Michael Baptista Essay Prize, York University
1997	John Graham Fellowship, Osgoode Hall Law School
1996-1997	Ontario Graduate Scholarship
1996	Research Award, Canadian International Development Agency
1994	DC Masters Graduation Award, University of Guelph
1990	Southern Ontario Newspaper Guild scholarship