

CURRICULUM VITAE

JÜRGEN TIMOTHY KURTZ

BA; LLB (Hons); LLM by Thesis (Melb); LLM (Michigan); SJD (Michigan)
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CURRENT ACADEMIC APPOINTMENTS:

Professor of International Economic Law (from January 2018)
Joint Chair
Robert Schuman Centre for Advanced Studies and Department of Law
European University Institute, Florence, Italy

Professor (since 2016) (on leave)
Director of Studies, International Economic Law
University of Melbourne Law School, Australia

CURRENT EXTERNAL APPOINTMENTS

Director of Studies
Pearl River Delta Academy of International Trade and Investment Law
Institute of European Studies, Macau and Shenzhen, China

Global Faculty Member
Master of Laws in a European and Global Context, Universidade Católica, Lisbon
Master of International Economic Law and Policy, University of Barcelona, Spain
Singapore International Arbitration Academy, National University of Singapore

Global Associate
Centre for International Law, National University of Singapore, Singapore

Executive Committee Member
Asian International Economic Law Network
Society of International Economic Law

Editorial Board
Journal of World Investment and Trade
Journal of International Dispute Settlement

PREVIOUS APPOINTMENTS:

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| 2015-6 | Co-Director , Centre for Transnational Legal Studies, London |
| 2013-4 | Associate Dean (Engagement) University of Melbourne Law School, Australia |
| 2011-5 | Associate Professor , University of Melbourne Law School, Australia |
| 2010 | Fernand Braudel Senior Fellow , European University Institute, Florence Visiting Professor , University of Bocconi, Milan, Italy Visiting Professor , Centre for Transnational Legal Studies, London |
| 2006-10 | Senior Lecturer , University of Melbourne Law School, Australia |

- 2005 **Grotius Fellow**, Law School, University of Michigan, U.S.A
- 2004 **Research Fellow**, Center for Studies and Research in International Law
Hague Academy of International Law, The Hague, The Netherlands
- 2002 **Emile Noël Fellow**
Jean Monnet Center, New York University, U.S.A
- 2003-5 **Lecturer**, University of Melbourne Law School, Australia
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PUBLICATIONS:

Books

1. Jürgen Kurtz, *The WTO and International Investment Law: Converging Systems* (Cambridge University Press, 2016).

Book Chapters

2. Jürgen Kurtz, 'Building Legitimacy Through Interpretation in Investor-State Arbitration: On Consistency, Coherence and the Identification of Applicable Law' in Z. Douglas, J. Pauwelyn and J. Vinuales (eds.), *The Conceptual Foundations of International Investment Law* (Oxford University Press, 2014), 257-296.
3. Jürgen Kurtz, 'Science as a Common Proxy for Rational Regulation Across International Trade and Investment Law' in Kuei-Jung Ni and B. Mercurio (eds.), *Trade, Science and Technology in International Law* (Routledge, 2014), 134-154.
4. Jürgen Kurtz, 'On the Evolution and Slow Convergence of International Trade and Investment Law' in G. Sacerdoti (ed), *The General Interests of Host States in International Investment Law* (Cambridge University Press, 2013), 104-129.
5. Jürgen Kurtz, 'The Intersections between International Trade and Investment Law: Mapping a Research Agenda' in N. J. Calamita, D. Earnest and M. Burgstaller (eds), *The Future of ICSID and the Place of Investment Treaties in International Law* (BIICL, 2013), 165-184.
6. Jürgen Kurtz, 'The Merits and Limits of Comparativism: Understanding Discrimination in International Trade and Investment Law' in S. Schill (ed), *International Investment Law and Comparative Public Law* (Oxford University Press, 2010), 243-278.
7. Jürgen Kurtz and Anne van Aaken, 'Emergency Measures and International Investment Law: How Far Can States Go?' in K. Sauvant (ed), *Yearbook on International Law and Investment Policy* (Oxford University Press, 2010) (each author 50%; academic colleagues), 505-537.
8. Jürgen Kurtz, 'Delineating Primary and Secondary Rules of Necessity at International Law' in Y. Shany & T. Broude (eds), *The International Law and Policy Governing Multi-Sourced Equivalent Norms* (Hart Publishing, 2010), 231-258.
9. Jürgen Kurtz and Anne van Aaken, 'Can International Economic Law Constrain Protectionism?' in S. Evenett, B. Hoekman & O. Cattaneo (eds), *Effective Crisis Response and Openness: Implications for the Trading System* (The World Bank, 2009) (each author 50%; academic colleagues), 53-72.
10. Jürgen Kurtz and Anne van Aaken, 'Can International Economic Law Constrain Protectionism?' in S. Evenett, B. Hoekman & O. Cattaneo (eds), *The Fateful Allure of*

Protectionism: Taking Stock for the G8 (The World Bank, 2009) (Each author 50%, academic colleagues), 21-4.

11. Jürgen Kurtz, 'National Treatment, Foreign Investment and Regulatory Autonomy: The Search for Protectionism or Something More?' in P. Kahn & T. Wälde (eds), *New Aspects of International Investment Law* (Martinus Nijhoff – Hague Academy of International Law, 2007), 311-351.
12. Jürgen Kurtz, 'The Delicate Extension of Most-Favored-Nation Treatment to Foreign Investors' in T. Weiler (ed), *International Investment Law and Arbitration: Leading Cases from the ICSID, NAFTA, Bilateral Treaties and Customary International Law* (Cameron May, 2005), 711-750.
13. Jürgen Kurtz, 'Developing Countries and the Troubling Disparity Between Bilateral, Regional and WTO Commitments: The Case of the New U.S.-Vietnam Trade Agreement' in K. van der Borgh (ed), *Essays on the Future of the WTO: Finding a New Balance* (Cameron May, 2003), 105-128.

Refereed Journal Articles

14. Jürgen Kurtz and Sungjoon Cho, 'Convergence and Divergence in International Economic Law and Politics' (accepted for publication, 11 September 2017) *European Journal of International Law* (each author 50%; academic colleagues)
15. Jürgen Kurtz and Sungjoon Cho, 'Legalizing the ASEAN Way: Adapting and Reimagining the ASEAN Investment Regime' (accepted for publication, 30 November 2016) *American Journal of Comparative Law* (each author 50%; academic colleagues).
16. Jürgen Kurtz and Sungjoon Cho, 'International Cooperation and Organizational Identities: The Evolution of the ASEAN Investment Regime' (2017) 37 (2) *Northwestern Journal of International Law* 173-212 (each author 50%; academic colleagues).
17. Jürgen Kurtz and Sungjoon Cho, 'The Limits of Isomorphism: Global Investment Law and the ASEAN Investment Regime' (2016) 17(2) *Chicago Journal of International Law* 341-369 (each author 50%; academic colleagues).
18. Jürgen Kurtz, 'Balancing Investor Protection and Regulatory Freedom in International Investment Law: The Necessary, Complex and Vital Search for State Purpose' (2015) *Yearbook of International Investment Law and Policy* 251-303.
19. Jürgen Kurtz and Luke Nottage, 'Investment Treaty Arbitration 'Down Under': Policy and Politics in Australia' (2015) *ICSID Review* 1-16 (each author 50%, academic colleagues)
20. Jürgen Kurtz, 'On Inter-Disciplinary and Inter-Systemic Approaches to International Investment Law' (2015) 16 *Journal of World Investment & Trade* 547-562.
21. Jürgen Kurtz, 'Charting the Future of the Twin Pillars of International Economic Law' (2014) 9(1) *Jerusalem Review of Legal Studies* 36-51.
22. Jürgen Kurtz, 'The Shifting Landscape of International Investment Law and Its Commentary', (2012) 106 *American Journal of International Law* 686-694.
23. Jürgen Kurtz, 'Australia's Rejection of Investor-State Arbitration: Causation, Omission and Implication' (2012) 27(1) *ICSID Review – Foreign Investment Law Journal* 65-86.
24. Jürgen Kurtz, 'Adjudging the Exceptional at International Investment Law: Security, Public Order and Financial Crisis' (2010) 59 (2) *International and Comparative Law Quarterly* 325-371.

25. Jürgen Kurtz, 'The Paradoxical Treatment of the ILC Articles on State Responsibility in Investor-State Arbitration' (2010) *ICSID Review – Foreign Investment Law Journal* 200-217.
26. Jürgen Kurtz, and Anne van Aaken, A 'Prudence or Discrimination? Emergency Measures, the Global Financial Crisis and International Economic Law' (2009) 12(4) *Journal of International Economic Law* 859-894 (each author 50%; academic colleagues).
27. Jürgen Kurtz, 'A Rejoinder to Robert Howse and Efraim Chalamish' (2009) 20 (4) *European Journal of International Law* 1095-1098.
28. Jürgen Kurtz, 'Access to Justice, Denial of Justice and International Investment Law: A Reply to Francesco Francioni' (2009) 20 (4) *European Journal of International Law* 1077-1085.
29. Jürgen Kurtz, 'The Use and Abuse of WTO Law in Investor-State Arbitration: Competition and its Discontents' (2009) 20 (3) *European Journal of International Law* 749-771.
30. Jürgen Kurtz, 'A Look Behind the Mirror: Standardisation, Institutions and the WTO SPS and TBT Agreements' (2007) 30 (2) *University of NSW Law Journal* 504-523.
31. Jürgen Kurtz, 'The MFN Standard and Foreign Investment: An Uneasy Fit?' (2004) 5(6) *Journal of World Investment and Trade* 861-886.
32. Jürgen Kurtz, 'Developing Countries and their Engagement in the World Trade Organization' (2004) 5 (1) *Melbourne Journal of International Law* 280-297.
33. Jürgen Kurtz, 'Comment to Krasner' (2004) 25 (4) *Michigan Journal of International Law* 1103-1106.
34. Jürgen Kurtz, 'A General Investment Agreement in the WTO? Lessons from Chapter 11 of the NAFTA and the OECD Multilateral Agreement on Investment' (2002) 23 (4) *University of Pennsylvania Journal of International Economic Law* 713-789.
35. Jürgen Kurtz, 'NGOs, the Internet and International Economic Policy-Making' (2002) 3 (2) *Melbourne Journal of International Law* 213-246.

Refereed Working Papers

36. Jürgen Kurtz, 'Adjudging the Exceptional at International Law' (2008) Institute of International Law and Justice Working Paper No. 2008/6, Jean Monnet Working Paper No. 06/08, New York University 1-56.
37. Jürgen Kurtz, 'A Look Behind the Cole Inquiry: AWB Ltd, Bribery and Australia's Obligations under International Law' (2006) Democratic Audit of Australia Discussion Paper No. 16/06, Australian National University 1-10.
38. Jürgen Kurtz, 'A General Investment Agreement in the WTO' (2002) Jean Monnet Working Paper No. 06/02, New York University 1-72.

Other Journal Articles

39. Jürgen Kurtz, 'The Australian Trade Policy Statement on Investor-State Dispute Settlement' (2011) *American Society of International Law Insights: International Economic Law Edition* 1-6.

40. Jürgen Kurtz and Anne van Aaken, 'The Global Financial Crisis: Will State Emergency Measures Trigger International Investment Disputes?' (2009) 3 *Columbia FDI Perspectives* 1-3 (Each author 50%, academic colleagues).
41. Jürgen Kurtz, 'ICSID Annulment Committee rules on the Relationship Between Customary and Treaty Exceptions on Necessity in Situations of Financial Crisis' (2007) 11 (3) *American Society of International Law Insights: International Economic Law Edition* 1-5.
42. Jürgen Kurtz, 'Book Review: Lorand Bartels and Federico Ortino (eds), Regional Trade Agreements and the WTO Legal System' (2008) 19 *European Journal of International Law* 449-452
43. Jürgen Kurtz, 'Book Review: M. Sornarajah, The International Law on Foreign Investment' (2005) 4 (2) *World Trade Review* 324-332.

Conference Organization and Select Presentations 2008-2016

44. Co-Convenor (with Cheryl Saunders and Jill Barrett), 'Dialogues between International Law and Public Law', British Institute for International and Comparative Law, London (30 June 2016).
45. Book presentation (by invitation), 'The WTO and International Investment Law: Converging Systems', PluriCourts Centre for Excellence, University of Oslo, Norway (21 March 2016).
46. Public lecture (by invitation), 'The WTO and International Investment Law: Converging Systems', Amsterdam Center for International Law, University of Amsterdam, The Netherlands (11 February 2016).
47. Paper presentation (by invitation), with Sungjoon Cho of Chicago-Kent Law School, 'Converging Divergences: A Common Law of International Economic Relations', Law and Globalization Seminar Series, Yale Law School, USA (24 February 2015).
48. Co-Convenor (with Cheryl Saunders, Tomer Broude and Margit Cohn), 'Soft and Fuzzy Law in the International and Domestic Contexts', Hebrew University of Jerusalem and Melbourne Law School Joint Research Workshop, Hebrew University of Jerusalem, Jerusalem (16-18 February 2015).
49. Paper presentation (by invitation), 'WTO-Based Flexibilities for Public Regulation in International Investment Law: On Justification, Redundancy and Tailoring', Mapping Impact of International Trade and Human Rights Rules on Local Practice, International Institute for the Sociology of Law, Oñati, Spain (17-18 July 2014).
50. Paper presentation, 'WTO Norms as "Relevant" Rules of International Law in Investor-State Arbitration', 108th American Society of International Law Annual Meeting, Washington D.C., (8 April 2014).
51. Presentation (by invitation), 'Australia's Changing Policy on Investor-State Arbitration', Investment Treaty Arbitration, Korean Society of International Economic Law and Korean Commercial Arbitration Board, Seoul, South Korea (20 December 2013).
52. Presentation (by invitation), 'Legal and Economic Differences in Foreign Investment Regulation in Asian and ASEAN Treaty Practice', Fulbright Economics Teaching Program, Ho Chi Minh City, Vietnam (16 December 2013).
53. Conference presentation (by invitation), 'Investment Treaty Arbitration in Asia: A Tour d' Horizon'. Investment Treaty Arbitration in Asia: What Lies Ahead?, Fourth Conference on International Investment Arbitration, Centre for International Law, National University of Singapore, Singapore (3 December 2013).

54. Seminar presentation (by invitation), 'Australian Investment Protection: Going Up in Smoke? International Legal Challenges to Australia's Plain Packaging Tobacco Laws and Other Issues in Investment Policy', International Law Association (Victoria Chapter), Melbourne (27 February 2013.).
55. Conference presentation (by invitation), 'Predictability and Consistency of Investment Awards', Third Conference on International Investment Arbitration, Centre for International Law, National University of Singapore, Singapore (12 December 2012).
56. Internal workshop, Presentation of draft book manuscript (with Michael Ewing-Chow) 'The Evolution of ASEAN Investment Agreements', Integration Through Law: The ASEAN Way in a Comparative Context (directed by Joseph Weiler (NYU) and Michael Ewing-Chow (NUS)), National University of Singapore (23-8 August 2012).
57. Paper presentation (by invitation), 'Never a Law Taker: Tracing the Evolution of Chinese Investment Treaty Practice', Workshop for Book Project: Beyond the WTO – China in the International Economic Order, University of New South Wales (3 August 2012).
58. Conference presentation, 'The Turn to WTO Law in Investment Treaty Reform', 2nd Society of International Economic Law Conference, National University of Singapore, Singapore (12-14 July 2012).
59. Paper presentation (by invitation), 'The Limits of Investment Protection: How Relevant is WTO Law for Adjudicating Investment Treaty Exceptions', New Trends in International Investment Law, Associazione Italiana per L'Arbitrario, Rome (12 June 2012).
60. Paper presentation (by invitation), 'Legitimacy Through Interpretation: The Use of External Norms in Investor-State Arbitration', Workshop for Book Project: Conceptual Foundations of International Investment Law, Center for Trade and Economic Integration, Graduate Institute Geneva (7-9 June 2012).
61. Symposium for book project (by invitation), Presentation of draft book manuscript 'The World Trade Organization and International Investment Law: Converging Systems'. Experts who attended and commented on the draft manuscript: Professors Rob Howse (NYU), Donald McCrae (University of Ottawa), Tomer Broude (Hebrew University of Jerusalem). Papers presented at the symposium have been published in the Jerusalem Review of Legal Studies. Hebrew University of Jerusalem, Jerusalem (6 June 2012).
62. Paper presentation (by invitation), 'Australia's Rejection of Investor-State Arbitration: Causation, Omission and Implication', The Future of Investment Treaty Arbitration, Seoul National University, Seoul (25 May 2012).
63. Conference presentation (by invitation), 'International Trade and Legalism: The Influence of the WTO', Commonwealth Asia Pacific Regional Law Conference, Sydney (19 April 2012).
64. Paper presentation (by invitation), 'Balancing Investor Protection and Regulatory Freedom in Investor-State Arbitration: The Complex Search for State Purpose in a National Treatment Inquiry', Law and Globalization Seminar Series, Yale Law School, USA (31 January 2012).
65. Paper presentation (by invitation), 'Balancing Investor Protection and Regulatory Freedom in Investor-State Arbitration: The Complex Search for State Purpose in a National Treatment Inquiry', Investment Treaty Forum, New York University Law School, USA (23 January 2012).

RESEARCH GRANTS:

- 2017 Bryan Mercurio (Chinese University of Hong Kong), Jürgen Kurtz (University of Melbourne), Ross Buckley (University of NSW), Jesus Seade (Lignan University, Hong Kong), 'When Regimes Clash on Capital Controls', *Hong Kong University Grants Committee* (HKD\$605,824, 2018-2020)
- 2014 Jürgen Kurtz, Cheryl Saunders (University of Melbourne), Tomer Broude, Margit Cohn (Hebrew University of Jerusalem), 'Soft and Fuzzy Law in International and Domestic Contexts', *University of Melbourne – Hebrew University of Jerusalem Research Workshop Grant* (AUD\$20,000, 2015)
- 2013 Leon Trakman (University of New South Wales), Luke Nottage (University of Sydney), Jürgen Kurtz (University of Melbourne), Shiro Armstrong (Australian National University), *The Fundamental Importance of Foreign Direct Investment to Australia in the 21st Century: Reforming Treaty and Dispute Resolution Practice*, ARC Project ID: DP140102526 (AUD \$260,000, 2014-2016).
- 2012 Jürgen Kurtz, Pip Nicholson and Lucy Quinn (University of Melbourne), *Legal Education and Training for Vietnamese Officials in International Trade and Investment Law*, AusAID's Australian Awards Fellowship (AUD\$187,831, 2013).

ARBITRATOR AND COUNSEL APPOINTMENTS:

- 2016 Party-nominated arbitrator (by Republic of Argentina)
International Centre for Settlement of Investment Disputes
Salini Impregilo S.p.A v Argentine Republic, (ICSID Case No. ARB/15/39)
Members of Tribunal:
Judge James Crawford, International Court of Justice (President)
Professor Kaj Hobér (Arbitrator)
Professor Jürgen Kurtz (Arbitrator)
- 2012 External counsel (appointed by claimant)
International Centre for Settlement of Investment Disputes
Fraport AG Frankfurt Airport Services Worldwide v Republic of the Philippines, (ICSID Case No. ARB/03/25) – Annulment Proceedings

TECHNICAL ASSISTANCE AND CONSULTANCIES:

- 2016 Training Program on the Investment Chapter and new Investment Tribunal/Appellate Tribunal, European Union – Vietnam Free Trade Agreement
Sponsor: European Commission (European Trade Policy and Investment Support)
- 2013 Training Program on Resolving Investor-State Disputes in Vietnam
Sponsors: Vietnamese Ministry of Justice; Australian Agency for International Development
- 2012-3 Study on Investment Trends, Issues and Prospects in the Australia-New Zealand-ASEAN Free Trade Agreement
Sponsor: Secretariat, Association of South East Asian Nations
- 2012 Training Program on Resolving Investor-State Disputes in Mongolia
Sponsor: Deutsche Gesellschaft für Internationale Zusammenarbeit

- 2009 Study on Global Financial Crisis and International Economic Law
Sponsor: The World Bank Group
- 2007-8 Training Program on WTO Dispute Settlement
Sponsor: Vietnamese Ministry of Justice
- 2004-5 Anti-Dumping Law Project,
Sponsors: Vietnamese Ministry of Trade; Australian Agency for International Development
- 2003 Vietnam's Accession to the WTO Project
Sponsor: United Nations Conference on Trade and Development
- 2001 Vietnam-U.S. Bilateral Trade Agreement Project
Sponsors: United Nations Development Program; Australian Agency for International Development