

DR. JEAN HO

PROFILE AND EXPERTISE

Jean Ho is Associate Professor of Law at the National University of Singapore. Prior to joining academia, she practiced investor-State dispute settlement and general international arbitration with Shearman & Sterling LLP. Jean holds law degrees from New York University, l'Université de Paris I (Panthéon-Sorbonne) and Cambridge University, and is called to the Singapore and New York bars.

Jean has more than fifteen years of experience practising, researching, supervising, teaching, and publishing on international investment law and arbitration. She is a principal co-author of a leading textbook on the field, *International Investment Law and Arbitration: Commentary, Awards, and Other Materials*, with a second edition forthcoming with Cambridge University Press. This textbook has been cited with approval by the Colombian Constitutional Court as well as the Singapore Court of Appeal. Her first monograph, *State Responsibility for Breaches of Investment Contracts*, which is based on her doctoral thesis, is also published by Cambridge University Press, and is synopsised in English, French and Mandarin in the United Nations Audiovisual Library in International Law Lecture Series. In recognition of her expertise, Jean was nominated by the US State Department as an Expert to the UNIDROIT Working Group on Agricultural Land Investment Contracts. She has also been invited by the Singapore government to advise on the reform of the International Arbitration Act. Jean is an elected member of the Executive Council of the Asian Society of International Law, an appointed member of the Editorial Advisory Board of the Asian Journal of International Arbitration, and an invited member of the Investment Treaty Forum at the British Institute of International and Comparative Law.

Jean's areas of specialisation are contractual protection under international law, treaty interpretation, the law on State and investor responsibility, and foreign investment regulation. She has served as a reviewer for numerous manuscripts submitted to leading academic journals and leading university and independent presses, and has been invited to speak at prominent international conferences. Concurrently with her role in academia, Jean acts as counsel in investor-State disputes.

Education

Ph.D., Cambridge University
Maîtrise en droit, Paris I (Panthéon-Sorbonne)
LL.M., New York University
LL.B., National University of Singapore

Bar Qualifications

New York
Singapore

External Appointments

Expert
UNIDROIT Working Group on
Land Agricultural Investment
Contracts

Member
Executive Council, Asian Society of
International Law

Member
Editorial Advisory Board, Asian
Journal of International Arbitration

Professional Qualifications

Fellow, Chartered Institute of
Arbitrators

Languages

French, Mandarin Chinese

CURRENT APPOINTMENT & TEACHING EXPERIENCE

NATIONAL UNIVERSITY OF SINGAPORE, SINGAPORE

Associate Professor of Law (2019–present); Assistant Professor of Law (2009–2019); Lecturer in Law (2008–2009).

Sponsored study leave: 2008-2009 (Paris); 2011-2014 (Cambridge).

Currently on sabbatical: April 2020 – August 2021.

- International Investment Law and Arbitration.
- International Contract Law: Principles and Practice.
- Evidence.

REPRESENTATIVE PRACTICAL EXPERIENCE

- Associate counsel in *SGS Société Générale de Surveillance S.A. v. Islamic Republic of Pakistan* (ICSID Case No. ARB/01/13) which involved a dispute brought under the Swiss-Pakistan bilateral investment treaty over payment due under a customs services inspection agreement. The tribunal in this case was the first to interpret an umbrella clause in an investment treaty.
- Associate counsel in *SGS Société Générale de Surveillance S.A. v. Republic of the Philippines* (ICSID Case No. ARB/02/6) which involved a dispute brought under the Swiss-Philippines bilateral investment treaty over payment due under a customs services inspection agreement.
- Associate counsel in *Plama Consortium Limited v. Republic of Bulgaria* (ICSID Case No. ARB/03/24) which involved a dispute over the expropriation of an oil refinery brought under the Energy Charter Treaty and the Bulgaria-Cyprus bilateral investment treaty. The tribunal in this case was the first to interpret the Energy Charter Treaty in the context of an investor-State dispute.
- Associate counsel in *Ahmonseto, Inc. and others v. Arab Republic of Egypt* (ICSID Case No. ARB/02/15) which was brought under the US-Egypt bilateral investment treaty and involved the the expropriation of a garment factory. Not public.
- Associate counsel in a multimillion dollar corporate restructuring dispute arbitrated under the International Chamber of Commerce Arbitration Rules. Not public.
- Counsel in a multimillion dollar transnational contractual dispute arbitrated under the London Court of International Arbitration Rules. Not public.
- Counsel in *BM Mühendislik ve İnşaat A.Ş. v United Arab Emirates* (ICSID Case No. ARB/17/20). Ongoing.

PUBLICATIONS

- *Investors' International Law* (Hart (Studies in International Trade and Investment Law), forthcoming 2021) (co-edited volume of essays with Mavluda Sattorova) 350pp.
- *International Investment Law and Arbitration* (Cambridge University Press 2018; 2nd edition

- forthcoming 2021*) (co-authored general treatise with C.L. Lim & Martins Paparinskis) 600pp.
- *State Responsibility for Breaches of Investment Contracts* (Cambridge University Press (Studies in International and Comparative Law), hardcover 2018; paperback 2020) (sole-authored monograph) 300pp.
 - Review of *Contractual Renegotiations And International Investment Arbitration – A Relational Contract Theory Interpretation of Investment Treaties* by Aikaterini Florou, (2020) 31(4) European Journal of International Law (*forthcoming*).
 - ‘Passive Investments’ (2020) 34(3) ICISD Review – FILJ, advance access online: <https://doi.org/10.1093/icsidreview/siaa045>, 17pp.
 - ‘Contract Claims: Investment Arbitration’, (2020) *Max Planck Encyclopedia of International Procedural Law*, online: <https://opil.ouplaw.com/view/10.1093/law-mpeipro/e3288.013.3288/law-mpeipro-e3288>, 25 pp.
 - ‘Hegemony 101 in International Investment Law’, 9 September 2020, online: <https://www.afronomicslaw.org/2020/09/09/hegemony-101-in-international-investment-law/>.
 - ‘COVID-19 and the Precarity of International Investment Law’ (with Daria Davitti, Anil Yilmaz Vastardis & Paolo Vargiu), 6 May 2020, online: <https://medium.com/iel-collective/covid-19-and-the-precarity-of-international-investment-law-c9fc254b3878>.
 - ‘Hustling in International Economic Law’, 21 February 2020, online: <https://www.afronomicslaw.org/2020/02/21/hustling-in-international-economic-law/>.
 - ‘The Creation of Elusive Investor Responsibility’ (2019) 113 American Journal of International Law (AJIL Unbound) 10-15.
 - ‘Circumstantial Indicia in Treaty Interpretation’ (2018) 33(1) ICSID Review – FILJ 67-73.
 - ‘Investment Protection Under Successive Treaties’ (2017) 37(1) ICSID Review – FILJ 58-91.
 - ‘The Evolution of Contractual Protection in International Law: Studying diplomatic archives, uncovering diplomatic practice, and writing diplomatic history’ in Stephan Schill, Christian Tams & Rainer Hofmann (eds), *International Investment Law and History* (Edward Elgar 2017) 213-240.
 - ‘Applying the New York Convention in Singapore’, in George Bermann (ed), *Recognition and Enforcement of Foreign Arbitral Awards – Application of the New York Convention by National Courts* (Springer 2017) 813-834.
 - ‘International Investment Arbitration’ (with C.L. Lim) in *Oxford Bibliographies in International Law* (Oxford University Press 2016) 35pp.
 - ‘Internationalization and State Contracts: Are State Contracts the Future or the Past?’ in C.L. Lim (ed), *Alternative Visions in the International Law on Foreign Investment: Essays in Honour of M Sornarajah* (Cambridge University Press 2016) 377-402.
 - ‘Unraveling The *Lex Causae* in Investment Claims’ (2014) 15 Journal of World Investment & Trade 757-778.
 - ‘Singapore’ in Chester Brown (ed), *Oxford Commentaries on International Law: Commentaries on Selected Model Investment Treaties* (Oxford University Press 2013) 623-650.
 - ‘Singapore’ in Wenhua Shan (ed), *The Legal Protection of Foreign Investment – A Comparative Study*

(Hart Publishing 2012) 593-616.

- ‘Comparative Law and The Claim of Causation’ (2011) 2(2) *Comparative Law Review* 2.3 41pp.
- ‘The Meaning of “Investment” in ICSID Arbitrations’ (2010) 26(4) *Arbitration International* 633-648.
- ‘The Evolution of Legal Education in Singapore’ (2009) 44(3) *Kyung Hee Law Journal* 547-557.
- ‘Decoding Singapore’s International Arbitration Act, Section 12(7)’ (2008) 24(4) *Arbitration International* 609-615.

SELECT SPEAKING ENGAGEMENTS

- (*forthcoming*) ‘Once Upon a Time in International Arbitration II: State Responsibility – Then and Now’ (invited panelist), International Council for Commercial Arbitration Congress, 26-29 September 2021, Edinburgh, UK.
- ‘In Conversation with Dr Jean Ho: On Knowledge Production in International Economic Law’ (International Law and Political Engagement (ILPE) series), organised by the Lauterpacht Center for International Law, 19 November 2020, Cambridge, United Kingdom (recording: <https://upload.sms.csx.cam.ac.uk/media/3345866>).
- Annual Energy Charter Treaty Forum, ‘The Promise of Arbitration: Enhancing International Peace, Cooperation, and Sustainability through Dispute Settlement’ (invited panellist), jointly organised by the PCA, ECT Secretariat, ICSID and the SCC, 20 November 2019, Singapore.
- ‘Epistemological Blindspots in International Economic Law’ (invited plenary session panelist), International Economic Law Collective Inaugural Conference, 6-7 November 2019, Warwick University, Coventry, UK.
- ‘Draft Zero of the Legal Guide to Land Agricultural Investment Contracts’ (invited speaker), UNIDROIT and China: The Cape Town Convention, Investing in Agriculture and UPICC, 8-9 July 2019, UIBE, Beijing, China.
- ‘Free Trade Agreements and Sustainability’ (invited panelist), ASEAN Intergovernmental Commission on Human Rights (AICHR) Interregional Dialogue – Sharing Good Practices on Business and Human Rights, 10-11 June 2019, Bangkok, Thailand.
- ‘The Metamorphosis of Investment Treaties’ (invited panelist), Ethics and the Rule of Law in Investment Arbitration, BIICL Investment Treaty Forum and the Graduate School of International Development of Nagoya University, 1 June 2018, Tokyo, Japan.
- ‘When can Contracts be Expropriated?’ (invited solo presenter), SIAC-CIL Academic-Practitioner Colloquium, 15 May 2018, Singapore.
- United Nations Audiovisual Library on International Law Lecture Series (http://legal.un.org/avl/ls/Ho_S.html), June 2016 and June 2017
 - (i) ‘State Responsibility for Breaches of Investment Contracts’
 - (ii) ‘La responsabilité d’Etat et la rupture des contrats d’Etat’

- (iii) 国际法对投资合约的保障.
- ‘The year in review’ (invited panelist), Third Annual Global Arbitration Review Live Singapore, 7 June 2017, Singapore.
 - ‘Illegality, Jurisdiction and Admissibility’ (invited panelist), Twenty-Eighth Investment Treaty Forum Public Conference: Economic Crime and International Investment Law, 12 May 2017, London, United Kingdom.
 - ‘The Future of Contract-Based Expropriation Claims’, Shearman & Sterling LLP Lunchtime Seminar (invited solo presenter), 8 May 2017, London, United Kingdom.
 - ‘The Contours of Curial Support for Arbitration in Singapore’ (invited panelist), The Support of State Institutions for Arbitration in France and Singapore, 25 April 2017, Sciences Po and NUS Law, Paris, France.
 - ‘The Future of Mega-Regionals’, (invited lecturer for Loukas Mistelis’ class), Queen Mary University School of Law, 15 February 2017, London, United Kingdom.
 - ‘Investment Protection Under Successive Treaties’ (invited panelist), ICSID 50th Anniversary Conference, 24 June 2016, Paris, France.
 - ‘The Evolution of Investment Contract Protection’ (invited panelist), KLRCA International Investment Arbitration Conference 10-11 March 2016, Kuala Lumpur Regional Centre for Arbitration, Kuala Lumpur, Malaysia.
 - ‘The Singapore Perspective on Investment Treaties and Investment Chapters’ (invited panelist), ICSID 50th Anniversary Conference, 26 November 2015, International Centre for the Settlement of Investment Disputes and Xi’an Jiaotong University School of Law, Xi’an, China PRC.
 - ‘International Investment Law and Arbitration’ (invited faculty), National Chengchi University College of Commerce and Law, 3-4 December 2015, Taipei, Taiwan ROC.
 - ‘Recent Trends in the Drafting and Interpretation of Investment Treaties’ (invited faculty), Pearl River Delta Academy of International Trade and Investment Law 15-6 July 2015, Institute of European Studies of Macau, Shenzhen, China PRC.
 - ‘Privity in Investment Contract Claims’, Public International Law Seminar, 1 May 2014, Cambridge University, Cambridge, United Kingdom.

PEER REVIEW EXPERIENCE 2014-2020

Asian Journal of International Law, Brill, Cambridge University Press, Chinese Journal of Comparative Law, Chinese (Taiwan) Yearbook of International Law and Affairs, Edward Elgar, ICSID Review – Foreign Investment Law Journal, Journal of International Dispute Settlement, Journal of Malaysian and Comparative Law, Journal of World Investment and Trade, Leiden Journal of International Law, McGill Journal of Dispute Resolution, Melbourne Journal of International Law, New Zealand Yearbook of International Law, Singapore Academy of Law Journal, Singapore Journal of Legal Studies, Singapore Law Review, Routledge, Yearbook for International Investment Law and Policy.