

# Oonagh Sands

Senior associate



## CONTACT INFORMATION

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## PROFESSIONAL BACKGROUND

- Fietta LLP, senior associate (2018 onward), consultant (2017-2018)
- American Society of International Law, co-chair, Space Law Interest Group (2016-2018)
- Foley Hoag LLP, associate and senior associate (2011-2017)
- United Nations, Office of Legal Affairs, researcher (2010)
- Matrix Chambers, research assistant to Prof. Philippe Sands QC (2009-2010)
- King & Wood Mallesons, trainee and associate (2004-2009)
- Center for Strategic & International Studies, research assistant (2003-2004)
- Georgetown University Law Center, Institute of International Economic Law (2003)
- European Commission (2003)

## AREAS OF EXPERTISE

Oonagh Sands is a dually-qualified English and US-lawyer. The Legal 500 has recognised Oonagh as a “Rising Star” in public international law.

She has significant experience representing sovereign States and their State-owned entities, as well as individuals and private entities, before leading world dispute resolution fora. She has represented clients before the International Court of Justice, the Permanent Court of Arbitration, as well as investor-State arbitral tribunals constituted under ICSID, ICSID Additional Facility, UNCITRAL, SCC and ICC rules. Oonagh has counselled States on broad range of public international law issues, including territorial and maritime boundary disputes, international environmental law, the law of State responsibility, international human rights law, and the law of treaties. She has also advised sovereign States, State-owned entities, and private entities on the law of sovereign immunity and the recognition and enforcement of arbitral awards under English law. In addition, Oonagh has represented clients in international commercial arbitration proceedings conducted under ICC, LCIA, SCC and UNCITRAL Rules, as well as multiple domestic proceedings before English and U.S. federal courts.

In May 2020, the American Society of International Law appointed Oonagh to serve on its Program Committee, alongside prominent US academics and international law practitioners. Oonagh has also served on ASIL’s Steering Committee for its signature topic, “Beyond National Jurisdiction: Human Activities in the Oceans, Polar Regions, Cyberspace and Outer Space”, following her elected tenure as Co-Chair of the Space Law Interest Group.

Prior to joining Fietta, Oonagh worked at major law firms in Washington DC and London. Oonagh has also worked for the United Nations Office of Legal Affairs in New York, the European Commission in Brussels, and the Institute of International Economic Law at Georgetown University Law Center in Washington DC.

In 2016, Oonagh was recognised by The Irish Times for women’s influence in global public affairs.

## REPRESENTATIVE MATTERS

Highlights of Oonagh's contentious practice have included:

- Representing the Respondent State in an *ad hoc* arbitration brought by a Canadian investor under a bilateral investment treaty involving issues of state succession with respect to real estate interests
- Representing more than 900 investors in a pending ICSID arbitration brought under two bilateral investment treaties against Cyprus
- Representing Big Sky Energy Corporation, a US oil company, in a pending ICSID arbitration brought under a bilateral investment treaty against the Republic of Kazakhstan
- Representing Mr Bahgat, a Finnish national, in his UNCITRAL arbitration brought against Egypt under two successive Finland-Egypt BITs in relation to an iron ore and steel producing concession
- Advising Mr Bahgat in defending an application brought by Egypt in the Netherlands (the seat of the arbitration) to set-aside his arbitral award
- Advising Mr Bahgat in connection with enforcement proceedings relating to his arbitral award against Egypt worth over US\$ 115 million, working with local counsel in multiple jurisdictions around the world
- Advising PL Holdings S.à r.l., a Luxembourg company, in set-aside proceedings in Sweden (the seat of the arbitration) relating to two awards against Poland worth in excess of €150 million
- Representing three Cypriot companies in an SCC arbitration under the Energy Charter Treaty against Ukraine, involving allegations of, inter alia, bribery and corruption
- Counsel to the Philippines in an international arbitral proceeding regarding maritime entitlements brought under Annex VII of UNCLOS and administered by the PCA
- Counsel to Somalia in a dispute against Kenya concerning delimitation of a maritime boundary in the Indian Ocean
- Counsel to Ecuador in a case against Colombia concerning aerial spraying of herbicides near the Ecuadorian border
- Drafted written pleadings for Georgia in response to Preliminary Objections to jurisdiction raised by Russia
- Counsel to India in an UNCITRAL arbitration under the France-India bilateral investment treaty arising from a contract concerning the supply and operation of cargo handling equipment
- Counsel to Bangladesh and its State-owned entities in an ICSID arbitration regarding two gas-field blowouts involving gas production contracts governed by Bangladeshi law
- Counsel to Ecuador in an UNCITRAL arbitration under the Ecuador-US bilateral investment treaty arising from the alleged treatment of a foreign investor by the Ecuadorean judiciary
- Counsel to El Salvador against a foreign mining company in an ICSID arbitration regarding a gold mining concession
- Counsel to El Salvador in an ICSID arbitration brought under the Salvadorian Investment Law in relation to a geothermal energy project
- Counsel to El Salvador in the annulment phase of an ICSID award that dismissed a case for lack of jurisdiction under the CAFTA
- Representing a State-owned naval engineering firm in ICC proceedings in connection with breach of contract claims relating to improvements on military vessels

- Counsel to Libya in initial phase of an investment treaty arbitration initiated under the OIC Investment Agreement relating to events during the Arab Spring
- Counsel to Venezuela in an ICSID arbitration under the Venezuela-Belgium/Luxembourg and Venezuela-Portugal bilateral investment treaties in respect of a hot briquetted iron production plant
- Counsel to Venezuela against a foreign mining company in an ICSID Additional Facility arbitration concerning a gold mining concession
- Counsel to Venezuela in an ICSID Additional Facility proceeding brought by a Canadian company under a bilateral investment treaty in connection with a gold mining concession
- Counsel to Venezuela in an ICSID Additional Facility proceeding brought by a Canadian company under the Canada-Venezuela bilateral investment treaty in connection with a mining operations contract
- Advising an international investor on State immunity issues in the context of enforcement of an arbitral award under a BIT against a European State
- Counsel to a large energy company in ICC proceedings brought by a consortium in connection with breach of contract claims relating to enhanced oil recovery techniques
- Counsel to a US software manufacturing company and its Hong Kong subsidiary in an ICC arbitration against an Asian distribution company
- Research assistant to arbitrator in a NAFTA arbitration administered under ICSID Additional Facility Rules regarding two petroleum development projects off the coast of Canada

Highlights of Oonagh’s advisory practice have included:

- Advising an Asian State in relation to a land and maritime boundary dispute with a neighbouring State
- Advising an Asian State on issues of maritime delimitation, navigation and international environmental law in connection with a dispute related to a major international port and land reclamation activities
- Advising the Central Bank of a sovereign State with respect to protecting State-owned assets from attachment in the post-award phase of an UNCITRAL investment-treaty arbitration
- Advising a multinational corporation in an investment treaty dispute with the Kyrgyz Republic
- Advising a European private equity fund in connection with the structuring of its international investments
- Advising a European renewable energy company with respect to potential investment treaty claims against an Eastern European State
- Advising an international telecoms company with respect to potential investment treaty claims against an Eastern European State
- Advising US financial entities in relation to sovereign immunity and attachment proceedings against a sovereign State

## **PUBLICATIONS AND SPEAKING ENGAGEMENTS**

- Speaker, “Commercial Space – Understanding the Rules Behind NewSpace”, organised by the Center for Air and Space Law of the University of Mississippi School of Law and the Space Court Foundation, April 2020
- “ICSID committee partially annuls tribunal’s dismissal of claims with prejudice (RSM Production Corporation v Saint Lucia)”, LexisPSL, July 2019

- Speaker, "UNCLOS and Modern Challenges in the Law of the Sea", organised by Fietta LLP and Matrix Chambers, November 2018
- Speaker, "Intersections of Commercial and National Security Space", National Press Club, Washington DC, organised by the University of Nebraska College of Law and the American Society of International Law, September 2018
- Speaker, Forum on Air & Space Law of the American Bar Association, Washington DC, June 2018
- Steering Committee Member, "Beyond National Jurisdiction: Human Activities in the Oceans, Polar Regions, Cyberspace, and Outer Space", American Society of International Law (2018-present)
- Speaker, "Top Tips for Advocacy in Arbitration", Young Practitioners' Seminar, Arbitration Ireland & International Centre for Dispute Resolution, November 2017
- Moderator, "Making Space for Private Actors", Annual Meeting of the American Society of International Law, Washington DC, April 2017
- Speaker, "The 50th Anniversary of the Outer Space Treaty", Symposium organised by the American Society of International Law and Georgetown University Law Center, January 2017
- Procedural Fairness in Investor-State Arbitration, British Institute of International and Comparative Law, 2015
- European Conflict of Law Rules for Non-Contractual Liability: The Rome II Regulation, 168 I.H.L 88-91, 2009
- Free Speech, Hate Speech and Incitement, 1580 Sol. J. 238-39, 2006 (with David I. Shapiro)
- Sheer Terror, 149 Sol. J., 1372-73, 2005 (with David I. Shapiro)
- British Prevention of Terrorism Act, ASIL Insights, American Society of International Law, Washington DC, 2005
- Temporary Movement of Labor Fuels Global GATS Debate, The Source, Migration Policy Institute, 2004

## **PROFESSIONAL AND ACADEMIC QUALIFICATIONS**

Admitted to practise in the District of Columbia, USA (2014)

LLM Public International Law (2009-2010), University College London

Admitted to practise in England & Wales (2006)

Admitted to practise in the State of New York, USA (2005)

LLM General Legal Studies (2002-2003), Georgetown University Law Center

Postgraduate Diploma EC Competition Law (2001-2002), King's College London

French Civil Law (1999-2000), Université de Bourgogne

LLB (Jt. Hons) Common & Civil Law with French (1997-2001), Queen's University Belfast

## **LANGUAGE PROFICIENCY**

English (native), French and Spanish (advanced)