



Nicola Swan **International Counsel**

Nicola Swan (née Leslie) is a member of the firm's International Dispute Resolution and Business and Human Rights Groups. Her practice focuses on international commercial arbitration and litigation, investor-state disputes, public international law and climate risk.

Ms. Swan advises businesses, states, international organisations, and individuals under a range of arbitral institutional rules across multiple jurisdictions. She is recognized as a 'Future Leader' by Who's Who Legal: Arbitration for 2019. She also has particular experience in constitutional litigation, the intersection between business and human rights, and disputes engaging both public international law and national courts. She advises clients across a broad range of industries, including in the energy, oil & gas, extractive, private equity and telecommunications sectors.

Ms. Swan joined Debevoise after acting as legal advisor for the New Zealand Government on public international law and constitutional law issues at the New Zealand Ministry of Foreign Affairs & Trade. She has represented the New Zealand Government before the United Nations at various international negotiations including the UNFCCC climate change negotiations. Prior to her work in foreign affairs, she was a senior solicitor in the litigation and arbitration team of a major corporate law firm in New Zealand, where she appeared as advocate in various proceedings.

Ms. Swan has an active pro bono practice, and her pro bono work on the decriminalization of homosexuality was recently recognized by the 2017

Solicitors Journal Awards. She assisted Lord Goldsmith QC in representing British Caribbean Bank Ltd. against the Government of Belize before the Caribbean Court of Justice in a decision recognised by the Global Arbitration Review as the Most Important Published Decision of 2013.

Ms. Swan is a founding board member of the Young Public International Law Group based in London. She is a member of the ICC's Task Force on Climate Change Related Disputes and the ICC's Task Force on Maximising the Probative Value of Witness Evidence, and Rapporteur to the IBA's Working Group on a Model Statute for Climate Change Remedies. She served on the Programme Committee for the American Society of International Law 2015 Annual General Meeting and as Secretary to the International Bar Association's Taskforce on Climate Change Justice and Human Rights in 2012–2014.

Ms. Swan was awarded an Yvonne Smith scholarship to complete masters study at the University of Oxford in 2012 (BCL, Distinction), where she held the Winter Williams Prize in International Economic Law. She graduated from the University of Otago (New Zealand) in 2006 with a joint Bachelor of Law (Hons, First Class) and Arts (Psychology).

Ms. Swan was admitted as a barrister and solicitor of the High Court of New Zealand in 2007, and as a solicitor in England & Wales in 2015.

Ms. Swan's recent publications include "Climate-Related Financial Risk: Spotlight On Reporting," *Practical Law* (May, 2018); "Waking Up To Climate Change: Day-To-Day Considerations," *The Drawdown* (November, 2017); "Climate Change and Dispute Resolution," *International Bar Association Dispute Resolution International* (October, 2017); "Case update: Final Award rendered in *Murphy v Ecuador*," *International Bar Association Oil and Gas Law News* (June, 2017); "IBA takes leading role in increasing awareness of climate change justice," *Journal of Energy and Natural Resources Law* (January, 2016); "Organisations Carrying on Business in the United Kingdom Must Now Publish Annual "Slavery and Human Trafficking Statement"," *Debevoise & Plimpton LLP Client Update* (September, 2015); and "The future of investor-state dispute settlement in the energy sector: engaging with climate change, human rights and the rule of law," *The Journal of World Energy Law & Business* (March, 2015).

NICOLA SWAN'S SELECT REPRESENTATIONS

A major mining company in relation to parallel multi-billion dollar LCIA-administered investment and contractual arbitration proceedings against an African sovereign under UNCITRAL Rules.

An international NGO in relation to global litigation strategy regarding claims before UN human rights treaty monitoring bodies across multiple Latin American states.

The Center for Reproductive Rights in its successful intervention in the UK Supreme Court concerning the Northern Ireland Human Rights Commission's challenge to Northern Ireland's criminal laws on abortion.

A multinational professional services firm in a Belgian-seated commercial arbitration arising out of a post-M&A dispute.

Human Dignity Trust in a joint intervention on behalf of the Human Dignity Trust, International Committee of Jurists and Commonwealth Lawyers Association, which saw a law in Belize that disproportionately affects gay men ruled unconstitutional. London co-managing partner Lord Goldsmith QC also acted as lead advocate before the Supreme Court of Belize in the course of the proceedings.

Helios Investment Partners and its investment vehicle, Samba Luxco in the settlement of its claims made in an ICC Arbitration regarding Samba's stake in an African telecommunications company.

BTL Employees' Trust, a shareholder in Belize Telemedia Limited, concerning the re-nationalisation without compensation of BTL, and the amendment of the Belize Constitution to enshrine the nationalisations and to curtail the courts' power to protect fundamental rights, including the right to property.

An international organization in an arbitration brought by a private party under a Headquarters Agreement with a host state.

British Caribbean Bank Ltd. in successfully defending anti-arbitration injunction proceedings brought by the Government of Belize to avoid arbitration under a BIT in the courts of Belize and the Caribbean Court of Justice (before which Debevoise is believed to have been the first non-Caribbean firm to argue a case).

The Attorney-General of St. Kitts and Nevis in the Eastern Caribbean Supreme Court (St. Kitts and Nevis) and Court of Appeal in constitutional proceedings brought against the Government by Members of Parliament seeking to carry a motion of no confidence in the Government.

The Attorney-General of St. Kitts and Nevis in constitutional proceedings in the Eastern Supreme Court and Court of Appeal and the Privy Council challenging the validity of a Proclamation passed in the St. Kitts and Nevis National Assembly concerning amendments to electoral boundaries in advance of the 2015 general election.

A major Russian entity in a commercial arbitration under ICC Rules following a disputed share sale.

A party bringing proceedings before the European Court of Human Rights under Article 6 of the European Convention on Human Rights.

Social and Economic Rights Action Center v. Nigeria, Afr. Comm. H.P.R. Commc'n No. 370/09. Assisting SERAC in its application before the African Commission on Human and Peoples' Rights seeking redress from the Nigerian government for the forcible eviction of 300,000 inhabitants from their homes in 1990. In September 2013, the ACHPR issued a decision declaring the case admissible and Debevoise is now assisting with the substantive Communication to the African Commission on Human People's Rights.

Two individuals before the Court of Appeal of Singapore in a constitutional challenge against s 377A of the Singaporean Criminal Code, which criminalizes homosexuality.