



Elsa Sardinha

Address 500 – 666 Burrard Street · Vancouver BC · V6C 3P6 · Canada
Mobile +1 438 680 3598
Email elsa.sardinha@outlook.com · e.sardinha@vaniac.org
Nationalities Canada · Portugal

Biography

I am the Secretary-General & Managing Director of the Vancouver International Arbitration Centre (VanIAC) and the Canadian International Internet Dispute Resolution Centre (CIIDRC). I am a leading practitioner and academic in international arbitration and commercial contracts based in Vancouver, with extensive experience concerning a range of legal systems and industries under all of the leading institutional arbitration rules and ad hoc regimes. I worked for Henri Alvarez QC as Tribunal Secretary on complex, high-value investment treaty and international commercial arbitrations and, previously, for J. Christopher Thomas QC, Lucy Reed, Michael Pryles, Stanimir Alexandrov and Zachary Douglas. I have also served as Sole Arbitrator in international commercial cases. I am an Independent Arbitrator on the SIAC Reserve Panel of Arbitrators, the Canada-US-Mexico Agreement Chapter 10 Binational Panels Roster for trade remedy disputes, and the EU's list of Arbitrators and Trade and Sustainable Development Experts for investor-State arbitrations. I am finishing a doctorate in law at McGill University under the supervision of Prof Andrea Bjorklund. My research focuses on international trade and investment law and investor-State arbitration. I hold a BA, JD, and Advanced LL.M in Public International Law, and am qualified as a Barrister and Solicitor in BC and Ontario.

I am active as a frequent speaker and contributor to various publications in my areas of research and practice. As a Research Associate at an international law think-tank at a top 10 global law school, I presented my sole-authored policy and legal analysis papers at over 25 international arbitration conferences and guest lectured at leading law schools. I have credible international arbitration expertise, with several top-tiered, refereed publications in *ICSID Review*, *The Law and Practice of International Courts and Tribunals*, *Canadian Yearbook of International Law*, Routledge's International Economic Law Series, and *Handbook on International Investment Law and Policy*.

My perspective on international arbitration reflects real-world industry-specific sensibilities, and an insider's view of efficient and cost-effective arbitral process and decision-making. As Legal Counsel at leading arbitral institutions in London (LCIA) and The Hague (PCA), I provided in-depth administrative and substantive assistance to arbitral tribunals and disputing parties in some of the world's most complex arbitrations, including *Yukos v. Russia*. I have stayed abreast of developments in Canadian law, and connected within the arbitration community. In addition to my work for Henri Alvarez (and alongside Tina Cicchetti) at the Vancouver Arbitration Chambers, as Litigation Associate at a premier Canadian law firm (BLG), and as Judicial Law Clerk at the Ontario Court of Appeal, I assisted Chris Thomas with expert reports invited by BC's Attorney General office on the intersection between investment treaties and domestic law in a class action against the foreign buyer tax.

Qualifications

Arbitrator & Trade and Sustainable Development (TSD) Expert, European Commission (since 2022)

Named to the pool of Arbitrators & TSD Experts suitable for appointment in bilateral disputes under the EU's trade agreements with third countries. The European Commission will draw on this list to make proposals for the appointment of arbitrators or TSD experts in investor-State arbitrations or for pre-agreed rosters under its international investment agreements. Selected by an independent panel of experts composed of Judge Bruno Simma and Professors Inge Govaere, Jan Klabbers, and Pavel Šturma.

Arbitrator Roster Member, Canada-US-Mexico Agreement (CUSMA) Chapter 10 Trade Remedies Binational Dispute Settlement Panels (since 2018)

Appointed by Canada for a 10-year term. Formerly NAFTA Chapter 19. Gives the treaty parties the right to challenge each other's anti-dumping and countervailing duty decisions in front of an expert binational panel of arbitrators, instead of to the domestic courts of the State bringing the action.

Arbitrator, Singapore International Arbitration Centre (SIAC) Reserve Panel of Arbitrators (since 2017)

Barrister & Solicitor BC & Ontario, Canada (since 2010)

Education

Doctor of Civil Law (DCL/PhD) International Arbitration – McGill University (2018–present)

Social Sciences Humanities Research Council (SSHRC) Joseph Bombardier Scholarship (\$35,000/year for 5 years)
McGill Graduate Excellence Award (\$5000/year for 3 years)

Dissertation: State control in investment treaty arbitration through subsequent agreement/practice, non-disputing State party submissions, binding joint interpretations, and more precise treaty drafting to guide arbitral tribunals' interpretations and direct future shifts in international investment treaty drafting; chapters on operational considerations regarding the proposed Multilateral Investment Court, Indigenous rights, and climate-change mitigation and adaptation policies (supervised by Prof Andrea Bjorklund, Yves Fortier Chair International Arbitration)

Arbitration Courses – National University of Singapore (2015–2018)

Audited two 27-hour courses: Advanced Issues in Law & Practice of International Arbitration – Gary Born (2018);
International Legal Protection of Investment Flows – Chris Thomas QC (2016)
Singapore International Arbitration Academy participant & moot coach (2015, 2016)

Advanced Master of Laws (LLM) Public International Law & Arbitration – Leiden University (2011–2012)

Alumni Mentor to current and prospective graduate students
Leiden University Excellence Scholarship

Dissertation: 'The Contributions of the International Court of Justice to the Development of International Environmental Law: Sustainable Development & the Precautionary Principle in Disputes over Shared Freshwater Resources' (supervised by Dr. Nico Schrijver)

Juris Doctor (JD) – University of Windsor (2006–2009)

Canadian Bar Association Law for the Future Fund Grant; Law Review Editor-in-Chief; ranked 2nd overall

Bachelor of Arts (BA) Political Science & International Relations – University of British Columbia (2001–2005)

University of Queensland, Australia (2004)

Canada Millennium Excellence Foundation Awards; Hugh Brock Education Abroad Scholarship; UBC rowing team

Current Positions

Secretary-General & Managing Director – Vancouver International Arbitration Centre (VanIAC)

& the Canadian International Internet Dispute Resolution Centre (CIIDRC)

Feb 2023 – present

Independent Arbitrator – Sardinha Arbitration Consultancy

Aug 2017 – present

Eligible for appointments from SIAC Reserve Panel of Arbitrators. Served as Sole Arbitrator in SIAC Rules and ad hoc international commercial arbitrations

Eligible for appointments in CUSMA Chapter 10 trade remedy disputes

Eligible for appointments as Arbitrator and TSD Expert in investor-State arbitrations or for pre-agreed rosters under the EU's international investment agreements

Selected as Appointed Privilege Expert in a NAFTA arbitration by ICSID and a tribunal comprised of Gary Born, Raúl Emilio Viñuesa, and Dr Gaëtan Verhoosel as Presiding Arbitrator (settled)

Arbitration Experience

As Sole Arbitrator:

3 SIAC international commercial arbitrations (SIAC Rules and *ad hoc* Singapore International Arbitration Act)

As Tribunal Secretary and Legal Counsel at arbitral institutions:

+80 international commercial arbitrations (LCIA, SIAC and UNCITRAL Rules)

3 investor-State arbitrations (ICSID Convention Arbitration Rules)

1 investor-State arbitration (SCC Rules)

+10 investor-State arbitrations (under BITs and the Energy Charter Treaty)

2 *amicus curiae* submissions commissioned by Singapore Court of Appeal (national court review of PCA award)

2 expert reports commissioned by the Attorney General of British Columbia (constitutional challenge)

As Counsel assisting partners at a law firm: +5 commercial arbitrations; 1 investor-State arbitration

Previous Work Experience

Tribunal Secretary to Independent Arbitrator Henri Alvarez QC	Dec 2017 – Nov 2021
Assisted with complex investment treaty and international commercial arbitrations in which he was Presiding Arbitrator, including:	
<ul style="list-style-type: none">• two consolidated commercial and investment treaty proceedings under ICSID and the SCC Rules, between one of Russia's largest public energy companies and its Georgian and Dutch subsidiaries, relating to the regulation of electricity tariffs under Georgian contract law and the Netherlands-Georgia BIT• an ICSID arbitration under the Energy Charter Treaty between German and Austrian renewable energy company investors and Italy, which related to the modification of renewable energy incentive programs• a confidential DIFC-LCIA arbitration, which related to a multi-million dollar distribution agreement dispute between a leading global technology company and its Middle Eastern distributors	
Sole Arbitrator	Aug 2017 – Feb 2019
Singapore International Arbitration Centre (SIAC)	
Drafted procedural orders, held case management conferences and hearings, rendered interim decisions and final awards on jurisdiction, liability and quantum; gained familiarity with expedited rules and procedures	
Research Associate	May 2015 – Nov 2018
Centre for International Law (CIL), National University of Singapore (NUS)	Singapore
Designed and conducted various scholarly, policy analysis and pedagogical projects related to international dispute settlement and investment law; presented sole-authored research papers at over 25 international conferences; lectured at leading law schools; wrote two articles for <i>ICSID Review</i> edition on an appellate body	
Practice Fellow to Independent Arbitrator Chris Thomas QC	Nov 2015 – Nov 2018
Produced analytical legal opinions and research memoranda on a variety of international arbitration issues; assisted in certain of his investor-State arbitrations, <i>amicus curiae</i> , and expert submissions, including:	
<ul style="list-style-type: none">• an ICSID arbitration between an Austrian food company Gavrilović in a claim against Croatia for alleged expropriation and denial of fair and equitable treatment under the Austria-Croatia BIT• public international law and trade and investment law expert <i>amicus curiae</i> submissions invited by the Singapore Court of Appeal in its review of its lower court's decision and the PCA arbitral tribunal's Jurisdictional Award in <i>Sanum Investments v. Laos</i> under the China-Laos BIT• two expert reports invited by the BC Attorney General's office on the intersection between international investment treaties and domestic Canadian law in a class action brought against the new foreign buyers tax	
Tribunal Secretary to Independent Arbitrator Lucy Reed	March – Nov 2017
Assisted in a SIAC international commercial arbitration in which she was Presiding Arbitrator	Singapore
Legal Counsel	Sept 2013 – Feb 2015
London Court of International Arbitration (LCIA)	London, UK
Assisted LCIA Court in the appointment of arbitrators; managed day-to-day administration of +80 commercial arbitrations under the LCIA & UNCITRAL Rules (eg, shipping, construction, oil & gas, mining, finance & joint ventures, telecoms, sale of goods); advised tribunals and parties on various procedural issues (eg, challenges to arbitrators, consolidation, bifurcation, expedited procedure, costs); drafted case summaries and opinions on specific points of law and procedure; edited awards; occasionally observed hearings and tribunal deliberations	
Assistant Legal Counsel	Aug 2012 – Aug 2013
Permanent Court of Arbitration (PCA)	The Hague, the Netherlands
Provided in-depth legal and administrative support to tribunals and parties in high profile investor-State and inter-State disputes under BITs, Energy Charter Treaty, UNCITRAL Rules; attended hearings and reviewed all case materials; drafted extensive tribunal working papers; administered Portuguese arbitrations; assisted Secretary-General with arbitrator selection and challenge decisions; redesigned and drafted 2012 PCA Annual Report	
European Commission Research Fellow	March – June 2012
Special Tribunal for Lebanon (STL) · Legal Office of the Registrar	The Hague
Conducted legal research and advised on employment law issues; drafted submissions to Judges on issues that affect the Registry, including prison protocol, redactions, victim participation, accused's indigence	

Litigation Associate Borden Ladner Gervais LLP (BLG)	Nov 2010 – Sept 2011 Vancouver
Conducted legal research and drafted opinions and submissions in preparation for trial and appellate commercial litigation and international and domestic arbitrations; negotiated settlement for commercial leasing dispute	
Law Clerk to Honourable Judges Michael Moldaver, Karen Weiler and Gloria Epstein Court of Appeal for Ontario (OCA)	Aug 2009 – July 2010 Toronto
On the basis of academic excellence, selected as one of 17 lawyers to clerk at Canada's second highest appellate court; drafted pre-hearing bench memoranda, detailing the arguments, issues and facts of each case; analyzed and summarized legislation, jurisprudence and scholarly literature; attended hearings; edited draft judgments; drafted speeches and research papers in support of Judges' personal assignments; served on clerkship hiring committee	
Summer Articling Student BLG	May – Sept 2008 Vancouver
Assisted partners with legal research and drafted submissions for commercial trial and appellate litigation	
Research Assistant Prof Donna Eansor (University of Windsor)	May 2007 – May 2009 Windsor
Revised Law I Property Law curriculum; 'Women's Mental Health in the Legal Profession' research project funded by \$20,000 Canadian Bar Association Law for the Future Fund Grant	
Research Assistant Honourable Judge Gail Dickson (BC Court of Appeal; when at Dickson Murray Barristers & Solicitors)	Jan – June 2006 Vancouver
Research on civil and criminal litigation files; Woodlands Residential School class action, in which she represented BC's Public Guardian & Trustee in claims of abuse brought by former residents of the BC-operated school for mental disabilities; Getliffe-Grant international child abduction case; prepared witnesses in personal injury files	
Legal Aid Clinic Manager / Publicity & Expansion Coordinator Access Pro Bono (formerly Western Canada Society to Access Justice)	Jan 2003 – Sept 2005 Vancouver
Managed three legal clinics in downtown Vancouver; designed publicity campaign and travelled northern BC, met with local agencies, lawyers and media, set up new clinics; assisted Dugald Christie with funding applications	
Disability Support Worker, Communication Facilitator & Music Teacher	April 2003 – June 2006 Vancouver
Planned Life and Advocacy Network; Michael Wittman Society for Autonomy	

Refereed Publications

- 'Protecting Cultural Heritage in International Investment Law: Tracing the Evolution and Treatment of Cultural Considerations in Recent FTAs and Investor-State Jurisprudence' in J. Chaisse, L. Choukroune & S. Jusoh, eds, *Handbook of International Investment Law and Policy* (Springer, 2020) 1-25.
- 'Right to Regulate: Towards a New Regulatory Paradigm under Recent Free Trade Agreements?' in M. Ababa & G. Capurro, eds, *International Challenges in Investment Law and Arbitration* (Routledge Research in International Economic Law Series, September 2018) 72-106
- 'Party-Appointed Arbitrators No More: The New EU-Led Investment Tribunal System in CETA and the EU-Vietnam FTA as an (Imperfect?) Response to the Legitimacy Concerns in Investor-State Arbitration', *The Law & Practice of International Courts and Tribunals* (July 2018) vol. 17(1) 117-134
- 'The Impetus for the Creation of an Appellate Mechanism', *ICSID Review* (October 2017) vol. 32(3) 503-527
- 'The New EU-Led Approach to Investor-State Arbitration: The Investment Tribunal System in the Comprehensive Economic Trade Agreement (CETA) and EU-Vietnam FTA', *ICSID Review* (October 2017) vol. 32(3) 625-672
- 'Towards a New Horizon in Investor-State Dispute Settlement? Reflections on the Investment Tribunal System in CETA', *Canadian Yearbook of International Law* (October 2017) vol. 54, 311-365
- 'The Bifurcation of Jurisdictional and Admissibility Objections in Investor-State Arbitration', *The Law & Practice of International Courts & Tribunals* (June 2017) vol. 16(1) 44-70 (co-author N. Jansen Calamita)

‘The Consequences of Negotiating Work-Life Balance in the Legal Profession: A Focus on Women’s Resilience’ in J. Gallivan & S. Cooper, eds, *Pathways, Bridges and Havens: The Psychological Determinants of Women’s Health* (Cape Breton University Press, 2009), co-authors Profs D. Eansor & K. Lafreniere

‘Helping Claimants Succeed in Investment Arbitration, But at What Cost? Implications of the Presence of Third-Party Funders on Arbitral Discretion in Allocation of Costs’ (in progress)

‘Requiem for a Deal, or the End of American Influence in the Investment Chapters of Asia-Relevant FTAs?’, co-author Dr Vincent-Joël Proulx. Awarded Best Paper prize by Asian Society of International Law, July 2018 (in progress)

Conferences / Guest Lectures

American Society of International Law (ASIL), Canadian Council on International Law (CCIL), Centre for International Governance Innovation (CIGI), McGill Faculty of Law North American Conference on International Economic Law 21 – 22 Sept 2018
Montreal, Canada

Managing International Economic (Dis)Integration: Challenges & Opportunities

Presented paper titled ‘Same Problems, Different Pile: Why Replacing Party-Appointed Arbitrators with Tenured Court Members in Investment Arbitration is Problematic’

Society of International Economic Law (SIEL) Conference 12 – 14 July 2018
International Economic Law in Unsettling Times Washington, DC

Presented paper titled ‘Requiem for a Deal, or the End of American Influence in the Investment Chapters of Asia-Relevant FTAs?’

Asian Society of International Law (AsianSIL) Conference 1 July 2018
Asian and International Law in Challenging Times Tokyo, Japan

Awarded Best Paper

Presented paper titled ‘Requiem for a Deal, or the End of American Influence in the Investment Chapters of Asia-Relevant FTAs?’

15th Asian Law Institute (ASLI) Conference 10 – 11 May 2018
Law into the Future: Perspectives from Asia Seoul, Korea

Presented paper titled ‘The Future of ISDS in Asia? Lessons from NAFTA and Beyond’

Indian National Bar Association International Conference on Law & Policy Issues 25 Nov 2017
Invited panelist on procedural rules and applicable law in investor-State arbitration New Delhi, India

The Chinese University of Hong Kong 18th International Economic Law Seminar Investment 20 Nov 2017
Centre for Financial Regulation and Economic Development Hong Kong

Invited by Prof Julien Chaisse to give lecture titled ‘A Critical Look at the EU-Led Investment Tribunal System’

Guest Lecturer at University of Macau International Dispute Resolution Course 17 – 18 Nov 2017
Invited by Prof Fernando dias Simões to give lecture titled ‘The EU-led Take on Investor-State Arbitration’ Macau

Institute of European & American Studies – Academia Sinica Conference 15 – 16 Nov 2017
Rethinking Free Trade Liberal International Economic Order in the Wake of Brexit and Trump Taipei, Taiwan

Awarded fully funded travel scholarship

Presented paper titled ‘The End of American Influence in Investment Chapters of Asia-Relevant FTAs?’

Inaugural SIAC-CIL Academic – Practitioner Colloquium 7 Nov 2017
Platform for academics to showcase current research & test ideas with arbitration practitioners Singapore

Invited by Toby Landau & Lucy Reed to give keynote lecture on the EU’s new approach to investor-State arbitration; commentators: Gary Born, Koh Swee Yen, Prof Sornarajah, Jansen Calamita

ASIL – American University Washington College of Law Conference 19 Sept 2017
Effects of EU Investment Policy on the Duties, Rights & Powers of Arbitrators Washington DC

Presented paper titled ‘Party-Appointed Arbitrators No More: An (Imperfect?) Response to Legitimacy Concerns’

European Society of International Law (ESIL) Conference International Economic Law Interest Group Workshop 6 – 9 Sept 2017
Naples, Italy

Investment Law and the Preservation of Global Public Goods

Presented paper titled ‘Protecting Cultural Heritage in International Investment Law: Tracing the Evolution and Treatment of Cultural Considerations in Recent FTAs and Investor-State Jurisprudence’

AsianSIL Conference & Junior Scholars Workshop Awarded Best Paper in International Trade Law Presented paper titled ‘Shifting Paradigms in Investor-State Arbitration: Innovations & Challenges for Multilateralizing the Investment Tribunal System in Asia’; invited discussant (2 papers)	24 – 26 Aug 2017 Seoul, Korea
Asian International Economic Law Network (AIELN) Conference Asian Perspectives on International Investment Law (Selected to present paper, but had to decline)	15 – 16 June 2017 Xiamen, China
World Trade Institute (WTI) – University of Bern Conference Is a Multilateral Investment Treaty Needed? Presented paper titled ‘Multilateralizing the Investment Tribunal System: Form, Content and Challenges’	19 June 2017 Bern, Switzerland
14th ASLI Conference A Uniting Force? ‘Asian Values’ and the Law Co-presented on the lasting American influence of NAFTA and the TPP in Asia-relevant FTAs despite the US’ withdrawal from the TPP; compared the TPP & RCEP Investment Chapters	18 – 19 May 2017 Manila, Philippines
University of Zaragoza International Conference EU Policy on International Investments: Uncertainties, Challenges and Opportunities Presented paper titled ‘The New EU-Led Approach to Investment Arbitration’	20 – 21 March 2017 Zaragoza, Spain
ASIL – Young ICSID International Investment Law Works-in-Progress Conference University of Missouri Law School Presented paper titled ‘Protecting Cultural Heritage in International Investment Law’; invited discussant (3 papers)	2 – 3 Feb 2017 Columbia, US
Guest Lecturer at National University of Singapore Invited by Chris Thomas & Jansen Calamita to lecture on the unique institutional changes in CETA’s investment chapter, for their ‘International Legal Protection of Investment Flows’ course	25 Jan 2017
ILA Study Group – Global Seminar on Individual Responsibility in International Law Invited to represent ILA – Singapore Branch	9 – 11 Dec 2016 Florence, Italy
Centre for International Governance Innovation (CIGI) – CIL Workshop Developing Countries Challenges and International Investment Law Speaker & led interactive session on the ‘right to regulate’ in investment treaty practice	9 – 10 Nov 2016 Singapore
Women in International Law Singapore (WILS) Career Skills Workshop Organizer & speaker at mentoring and networking seminar on careers in international law	8 Nov 2016 Singapore
CIL-NUS Singapore International Arbitration Academy (SIAA) Assisted Chris Thomas QC as Moot Coach and drafted bench memoranda in complex mock arbitration	18 – 29 Nov 2015; 2 – 8 Nov 2016
ILA– ESIL International Conference UNESCO World Heritage between Education and Economy: A Legal Analysis Presented paper titled ‘Cultural Heritage Protections in Recent Regional FTAs & Investor-State Arbitration’	27 – 28 Oct 2016 Ravenna, Italy
EU Centre for Excellence Graduate Conference: EU & Canada in the Asia-Pacific Awarded travel scholarship Presented paper titled ‘The Right to Regulate in TPP, CETA, and Singapore-EU FTA’; invited discussant (2 papers)	25 – 27 May 2016 Victoria, Canada
13th ASLI Conference Asian Perspectives on Legal Globalization Presented paper titled ‘Towards a New Regulatory Paradigm under Recent FTA Investment Chapters’	20 – 21 May 2016 Beijing, China
Conference on International Investment Law & Arbitration Hosted by King & Spalding, Neil Kaplan & Bucarius Law Journal (travel scholarship) Presented paper titled ‘The Right to Regulate in Recent FTA Investment Chapters’; invited discussant (2 papers)	22 – 23 April 2016 Hamburg, Germany

Languages

English (native) · Portuguese (proficient) · French (intermediate)

Professional Memberships

American Society of International Law (ASIL); Society of International Economic Law (SIEL); International Law Association (ILA); Asian Society of International Law (AsianSIL); European Society of International Law (ESIL); London Court of International Arbitration Young International Arbitration Group (YIAG); Young Singapore International Arbitration Centre (YSIAC); ICC Singapore Young Arbitrators Forum; Singapore Women in Arbitration

Referees

Henri Alvarez QC, Independent Arbitrator, Vancouver Arbitration Chambers +1 (604) 506-7700
halvarez@alvarezarbitration.com

Tina Cicchetti, Independent Arbitrator, Vancouver Arbitration Chambers +1 (604) 220-7724
tcicchetti@cicchettiarbitration.com

J. Christopher Thomas QC, Independent Arbitrator, former Head of International Dispute Resolution (Practice Skills), Centre for International Law, National University of Singapore +1 (778) 229-7210 jcthomas@thomas.ca

Gerald Ghikas QC, Independent Arbitrator, Vancouver Arbitration Chambers +1 (604) 725-8862
gghikas@ghikasarbitration.com

Gary Born, Independent Arbitrator, Chair of International Arbitration Practice Group at WilmerHale, former President of SIAC Court of Arbitration +44 75 1919 6465, +44 20 7872 1020 gary.born@wilmerhale.com

Lucy Reed, Independent Arbitrator, former Director at the Centre of International Law, National University of Singapore, current President of SIAC Court of Arbitration +1 917 280-5996 lucy.reed@arbchambers.com

Brooks Daly, Deputy Secretary-General, Permanent Court of Arbitration +31 62547 2186, +31 70302 4289
bdaly@pca-cpa.org

Andrea Bjorklund, McGill University Full Professor & L. Yves Fortier Chair in International Arbitration and International Commercial Law, Independent Arbitrator +1 (514) 398 6635 andrea.bjorklund@mcgill.ca

Madam Justice Gail Dickson, Judge, British Columbia Court of Appeal, gail.dickson@courts.gov.ca