

## DETROIT

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## Services

International  
Litigation and Dispute Resolution  
Arbitration and Alternative  
Dispute Resolution  
International Disputes

## Education

University of Virginia School of  
Law, J.D., 1995  
University of Vermont, B.A., 1989

## Bar Admissions

District of Columbia  
Minnesota

## Languages

Russian



Charles H. Brower II

Of Counsel

Chip Brower serves as Distinguished Service Professor at Wayne State University Law School, Chair of the Institute for Transnational Arbitration, and Of Counsel to Miller Canfield's International Disputes Group.

In addition to more than 25 years of academic experience touching on virtually every aspect of international law and international dispute settlement, Brower has served as arbitrator, counsel or advocate in proceedings conducted under the AAA Commercial Rules, the AAA International Rules, the HKIAC Rules, the ICC Rules and the SIAC Rules, as well as in advisory proceedings before the International Court of Justice. He has also served as an expert witness on the U.S. law of international arbitration and litigation for high-value proceedings in Canadian courts.

Brower's scholarship on international commercial and investment treaty arbitration has been cited and quoted by federal courts in Canada and the United States, most recently by the Eleventh Circuit's unanimous *en banc* opinion in *Corporación AIC, SA v. Hidroeléctrica Santa Rita SA*. He also received the Smit-Lowenfeld Prize for the best article on international arbitration in 2012.

Brower is an elected member of the American Law Institute and has been listed in *Who's Who Legal: Arbitration* since 2014. In the past, he has served on the Executive Council of the American Society of International Law, as Visiting Fellow at Cambridge University's Lauterpacht Centre for International Law, as Visiting Professor and Scholar-in-Residence at American University's Washington College of Law, and a member of the AAA's Observer Delegation to UNCITRAL Working Group II.

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Brower also has a keen understanding of business and manufacturing, having previously worked as planning and materials manager for three production facilities belonging to a joint venture between a multinational corporation and the Russian Ministry of Atomic Energy.

Brower received a B.A., *summa cum laude*, from the University of Vermont and a J.D. from the University of Virginia, where he was an editor of the *Virginia Law Review* and elected to the Order of the Coif. He is licensed to practice only in the District of Columbia and Minnesota.

### Teaching

Wayne State University Law School, Professor

University of Mississippi School of Law, Croft Professor of International Law

American University, Washington College of Law, Visiting Professor, Scholar-in-Residence

Cambridge University, Lauterpacht Research Centre for International Law, Visiting Fellow

American Society of International Law, Tillar House Sabbatical Fellow

University of Baltimore School of Law, Assistant Professor and Assistant Director, Center for International and Comparative Law

### Honors

Who's Who Legal: Arbitration, 2014-present

Smit-Lowenfeld Prize, 2012

### Professional Activities

American Arbitration Association

Commercial Arbitrator

Institute for Transnational Arbitration

Executive Committee

Chair

American Law Institute

Elected Member

Members' Consultative Group for the Restatement (3rd) of the U.S. Law of International Commercial Arbitration

Members' Consultative Group for the Restatement (4th) of the Foreign Relations Law of the U.S.

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Atlanta International Arbitration Society  
Board of Directors  
Conference Planning Committee, Vice-chair  
Academic Advisory Council, Member

American Society of International Law  
Executive Council 2005-2008

World Arbitration & Mediation Review, Co-editor-in-chief

Kluwerarbitration.com, Board of Reporters (NAFTA)

### Speeches

"Negotiation Technique," 7th Annual State Bar of Michigan Business Law Section Symposium: Mediation Mastery, February 13, 2025

"New Developments in International Arbitration," Panelist, Wayne State Law School, September 14, 2022

"Arbitrating With The State," Atlanta International Arbitration Society 3rd Annual Conference, November 3, 2014

"Current Issues in International Commercial Arbitration," Wayne State Law School, October 2, 2014

"Third-Party Funding of Arbitration: The Future of Global Dispute Resolution or an Ethical Black Hole?"; Atlanta International Arbitration Society, Second Annual Conference: Convergence Divergence in International Arbitration, April 2013

"Hollow Spaces"; Loyola University of Chicago, Law School, April 2013

"Hollow Spaces"; University of Windsor Law School, February 2013

"Careers in International Arbitration"; American Branch of the International Law Association's International Law Weekend, Fordham University Law School (October 2013).

"Hollow Spaces"; Atlanta International Arbitration Society, Conference on the United States and Its Place in the International Arbitration System of the 21st Century (April 2012).

"Arbitration and Antitrust: Navigating the Contours of Mandatory Law"; American University, Annual Seminar on International Commercial Arbitration (October 2010).

"Plaintiffs as Corporations Under International Law: Three Narratives About Investment Treaties"; Santa Clara University School of Law (March 2010).

"Balancing the Rule of Law and National Interests"; Symposium on Preventing and Managing Conflict in Energy and Other Natural Resource Investment Relations; Columbia University School of Law (May 2009).

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"Legitimacy and Inconsistency - is investment arbitration broken and if so, can or should it be fixed?"; Third Annual Investment Treaty Arbitration Conference: A Debate and Discussion - Interpretation In Investment Arbitration; Juris Conferences (April 2009).

"Investment Treaty Arbitration: Obstacles and Pathways to Consideration of the Public Interest"; Columbia University School of Law (April 2008).

"The Functions and Limits of Arbitration and Judicial Settlement Under Private and Public International Law"; Duke University School of Law (February 2008).

"State Courts and Arbitration Tribunals: Obstacles and Pathways to Consideration of the Public Interest in Investment Treaty Arbitration"; George Washington University Law School (October 2007).

"Are ICSID's Rules on Investments and Nationality Working?"; Investment Treaty Arbitration: A Debate and Discussion; Juris Conferences, Washington, DC (May 2007).

"A Private, Decentralized Jurisprudence"; Investment Treaty Arbitration: Lessons from Practice, A Discussion Among Experts at University of California (Berkeley) (January 2007).

"The Three Pillars of International Commercial Arbitration"; International Association of Judges Conference, St. John's University (November 2006).

"Rethinking NAFTA's Investment Chapter: From the Jay Treaty to the ICJ and Back Again"; ILSA Autumn Conference, Hamline University (October 2006).

"Detention, Interrogation, and the Profoundly Demoralizing Experience of Teaching Human Rights"; Guantánamo Teach-In, University of Mississippi School of Law (October 2006).

"Torture: Definitions, Context, and Responsibility"; University of Mississippi, Amnesty International Torture Teach-In (February 2006).

"Torture and U.S. Foreign Policy"; University of Mississippi, Croft Institute for International Studies (April 2005).

"Torture, Violence, and the Global War on Terror"; American Society of International Law Annual Meeting (April 2005) (moderator).

"Torture and U.S. Foreign Policy"; George Washington University, Human Rights Symposium (March 2005).

"Can We Avoid the 'Coming Crisis' in International Arbitration?"; London Court of International Arbitration/Ogilvy Renault Symposium (October 2004).

"Mitsubishi, Investor-State Arbitration, and the Law of State Immunity"; International Law Association's International Law Weekend (October 2004).

"The Lives of Animals, the Lives of Prisoners, and the Revelations of Abu Ghraib"; University of Mississippi, American Constitution Society and Gorove Society of International Law and Politics (October 2004).

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"The NAFTA as a Human Rights Treaty?" (principal paper); NAFTA Investment Law and Arbitration: The Early Years; jointly sponsored by American University, Transnational Publishers and NAFTALaw.org (March 2004).

"NAFTA's Investment Chapter: Initial Thoughts About Second-Generation Rights"; Pennsylvania State University (January 2004).

"What Went Wrong in Cancun: Trying to Understand the Failure of the WTO Ministerial Meeting"; American University, Washington College of Law (October 2003).

"Hot Topics in International Arbitration"; Association of American Law Schools Annual Meeting (January 2003).

"'Fair and Equitable Treatment' Under NAFTA's Investment Chapter"; American Society of International Law Annual Meeting (March 2002).

"Investor-State Disputes Under NAFTA: The Empire Strikes Back"; International Law Association's International Law Weekend (October 2001).

"International Politics and the War Against Terrorism"; Lafayette County Family Crisis Services (October 2001).

"Responding to Terrorism: Options and Perils"; University of Mississippi, Croft Institute for International Studies (September 2001).

"Investor-State Disputes Under NAFTA: A Tale of Fear and Equilibrium"; International Law Association's International Law Weekend – West (January 2001).

"Hypocrisy and International Law Under the North American Free Trade Agreement"; University of Mississippi, Croft Institute for International Studies (November 2000).

"Torture and U.S. Foreign Policy"; University of Mississippi, Croft Institute for International Studies (April 2005).

"Torture, Violence, and the Global War on Terror"; American Society of International Law Annual Meeting (April 2005) (moderator).

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"NAFTA's Investment Chapter: Initial Thoughts About Second-Generation Rights"; Pennsylvania State University (January 2004).

"What Went Wrong in Cancun: Trying to Understand the Failure of the WTO Ministerial Meeting"; American University, Washington College of Law (October 2003).

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"Investor-State Disputes Under NAFTA: The Empire Strikes Back"; International Law Association's International Law Weekend (October 2001).

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"Investor-State Disputes Under NAFTA: A Tale of Fear and Equilibrium"; International Law Association's International Law Weekend – West (January 2001).

"Hypocrisy and International Law Under the North American Free Trade Agreement"; University of Mississippi, Croft Institute for International Studies (November 2000).

"Public International Law and Private Practice"; Law Faculty of Kiev-Mohyla Academy (May 2000).

"International Law in Ferment: Recent Developments in Private International Law"; American Society of International Law Annual Meeting (April 2000).

"Court-Ordered Interim Measures Under the New York Convention"; Southwestern Legal Foundation, Institute for Transnational Arbitration (June 1999).

"Malaysian Justice on Trial Before the World Court"; University of Mississippi, Croft Institute for International Studies (April 1999).

"The Pinochet Affair"; University of Mississippi, Croft Institute for International Studies (April 1999).

"The Ruble Devaluation: A Window onto Political and Economic Chaos in Russia"; University of Mississippi, Croft Institute for International Studies (September 1998).

**Publications**

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## Articles and Essays

- "Hollow Spaces," 61 BUFF. L. REV. 731 (2013).
- "Arbitration and Antitrust: Navigating the Contours of Mandatory Law," 59 BUFF. L. REV. 1127 (2011).
- "Corporations as Plaintiffs Under International Law: Three Narratives About Investment Treaties," 9 SANTA CLARA J. INT'L L. 191 (2011).
- "Obstacles and Pathways to Consideration of the Public Interest in Investment Treaty Disputes," 1 Y.B. INT'L INV. L & POL'Y 347 (2009).
- "The Functions and Limits of Arbitration and Judicial Settlement Under Private and Public International Law," 18 DUKE J. INT'L & Comp. L. 259 (2008).
- "Nunca Más or Déjà Vu?," 47 VA. J. INT'L L. 525 (2007).
- "Why the FTC Notes of Interpretation Constitute a Partial Amendment of NAFTA Article 1105," 46 VA. J. INT'L L. 347 (2006).
- "Mitsubishi, Investor-State Arbitration, and the Law of State Immunity," 20 AM. U. INT'L L. REV. 907 (2005).
- "The Lives of Animals, the Lives of Prisoners and the Revelations of Abu Ghraib," 37 VAND. J. TRANSNAT'L L. 1353 (2004).
- "NAFTA's Investment Chapter: Initial Thoughts About Second-Generation Rights," 36 VAND. J. TRANSNAT'L L. 1533 (2003).
- "Structure, Legitimacy and NAFTA's Investment Chapter," 36 VAND. J. TRANSNAT'L L. 37 (2003).
- "The Coming Crisis in the Global Adjudication System," 19 ARB. INT'L 415 (2003) (with Hon. Charles N. Brower and Jeremy K. Sharpe).
- "Beware the Jabberwock: A Reply to Mr. Thomas," 40 COLUM. J. TRANSNAT'L L. 465 (2002).
- "Investor-State Disputes Under NAFTA: The Empire Strikes Back," 40 COLUM. J. TRANSNAT'L L. 43 (2001).
- "Investor-State Disputes Under NAFTA: A Tale of Fear and Equilibrium," 29 PEPP. L. REV. 43 (2001).
- "Removal from State Court Under the FSIA: Escape Hatch or Booby Trap?" 9 WILLAMETTE J. INT'L L. & DISP. RESOL. 1 (2001).
- "International Immunities: Some Dissident Views on the Role of Municipal Courts," 41 VA. J. INT'L L. 1 (2000).
- "The Taming of the Shrew: May the Act of State Doctrine and the Foreign Sovereign Immunities Act Eat and Drink as Friends?" 20 HAMLINE L. REV. 723 (1997) (with Hon. Marianne D. Short).

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## Shorter Commentary

"Hall Street Assocs. v. Mattel, Inc.: Supreme Court Denies Enforcement of Agreement to Expand the Grounds for Vacatur Under the Federal Arbitration Act," 2 WORLD ARB. & MEDIATION REV. 23 (2008).

"Introductory Note to International Centre for Settlement of Investment Disputes (ICSID): Biwater Gauff (Tanzania) Ltd. v. United Republic of Tanzania," ICSID Case No. ARB/05/22, Procedural Order No. 5 (Feb. 2, 2007), 46 I.L.M. 572 (2007).

"International Decision: Republic of Austria v. Altmann," 99 AM. J. INT'L L. 236 (2005).

"Council Comment: Reform Priorities at International Trade and Investment Institutions," AM. SOC'Y INT'L L. NEWSL., Aug./Oct. 2005, at 6.

"International Decision: S.D. Myers, Inc. v. Canada," 98 AM. J. INT'L L. 339 (2004).

## Book Reviews

"The International Law Character of the Iran-United States Claims Tribunal," 94 AM. J. INT'L L. 813 (2000).

"The Iran-United States Claims Tribunal: Its Contribution to the Law of State Responsibility," 12 EMORY INT'L L. REV. 1571 (1998).

## Published Remarks

"Torture, Violence and the Global War on Terror", in AMERICAN SOCIETY OF INTERNATIONAL LAW: PROCEEDINGS OF THE 99TH ANNUAL MEETING 401 (2005).

"Fair and Equitable Treatment Under NAFTA's Investment Chapter," in AMERICAN SOCIETY OF INTERNATIONAL LAW: PROCEEDINGS OF THE 96TH ANNUAL MEETING 9-11 (2002).

"International Law in Ferment: Recent Developments in Private International Law," in AMERICAN SOCIETY OF INTERNATIONAL LAW: PROCEEDINGS OF THE 94TH ANNUAL MEETING 11, 13-15 (2000).

## Student Note

"What I Tell You Three Times Is True: U.S. Courts and Pre-Award Interim Measures Under the New York Convention," 35 VA. J. INT'L L. 971 (1995).