

# GIAN MARIA FARNELLI

## Biographical note

Gian Maria Farnelli, Ph.D. (University of Verona, 2014) is Senior assistant professor (fixed term) at the Department of Legal Studies, University of Bologna; *visiting scholar* at the *Max Planck Institute for Comparative Public Law and International Law* (2012). He has been entrusted with teaching modules of International Law at the School of Law of the University of Bologna (2015 – ongoing).



He has been a member of the Italian Legal team in the *M/V Norstar* case (ITLOS Case No. 25), *Questions of jurisdictional immunities of the State and measures of constraint against State-owned property (Germany v. Italy)* (ICJ) and research assistant in inter-state and investor-state disputes. He has been a member of the Italian delegation during the Fifth Intergovernmental Conference on the negotiation of an Agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction.

He has been Editorial Assistant of the online journal *Questions of International Law* (2014 – ongoing); editorial secretary of the book series *La ricerca del diritto nella comunità internazionale* (Editoriale Scientifica) (2019 – in corso) and a member of the Editorial board of the *Osservatorio sulle attività delle organizzazioni internazionali e sovranazionali, universali e regionali, sui temi di interesse della politica estera italiana* (*Study centre on activities of universal and regional international and supranational organizations concerning issues of interest for the Italian foreign policy*)

His publications, in Italian and English, address issues of law of the sea, environmental law, State immunity, investment law and the law of international adjudication.

## Personal details

Born on 25 August 1984 in Modena (Italy)

**Nationality:** Italian

**Languages:** English (Fluent), French (Basic), Italian (Mother tongue), Spanish (Basic)

**Address:** C/O Department of Legal Studies, University of Bologna, Viale Filopanti 9, 40126 Bologna (Italy)

**Mobile phone:** + 39 338 8997033

**E-mail:** [gianmaria.farnelli2@unibo.it](mailto:gianmaria.farnelli2@unibo.it)

## Academic Positions and Activities

2019 – ongoing Senior assistant professor (Researcher) at the Department of Legal Studies, University of Bologna

2019 Adjunct Professor of International Law (60-hour class), University of Bologna.

2016 – 2018 Postdoctoral Researcher in International Law at the Department of Legal Studies, University of Bologna (Italy).

2017 Adjunct Professor of International Law (30-hour class), University of Bologna.

2016 Adjunct Professor of International Law (54-hour class), University of Bologna.

2015 Postdoctoral Researcher in International Law at the Department of Legal Studies, University of Bologna (Italy).

2015	10-hour class on “Investment law and natural resources” at the LLM Programme in International relation between Europe and Latina America, University of Bologna, Bologna (Italy)
2013	Tutor of the Chair of International Law, School of Law, University of Bologna, Bologna (Italy).
2012	<i>Visiting scholar</i> at the Max Planck Institute for Comparative Public Law and International Law, Heidelberg (Germany).
2009 – 2010	Stage at the “Fondazione Lisli e Lelio Basso – Osservatorio dei Diritti Umani”, Rome (Italy).
2009	Tutor of the Chair of International Law, School of Law, University of Bologna, Bologna (Italy).

## Research groups

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2021 – 2022	“Sostenibilità ambientale e sociale nel commercio e investimenti internazionali: tendenze e prospettive tra politica e diritto”, unit director ( <i>Environmental and social sustainability in international trade and investment law: legal and political trends and perspective</i> ; funded by the Italian Ministry of Foreign Affairs and International Cooperation; Principal investigator: Prof. Attila Tanzi).
2020 – 2021	“Applicazione dei principi della Carta delle Nazioni Unite allo spazio cibernetico”, unit director ( <i>Application of the principles of the UN Charter to cyberspace</i> ; funded by the Italian Ministry of Foreign Affairs and International Cooperation; Principal investigator: Prof. Attila Tanzi).
2020 – 2021	“International legal obligations related to Prevention, Preparedness, Response and Recovery from CBRN events and status of their implementation in Italy (CBRN-ITALY)”, unit member (University of Bologna; funded by: Italian Ministry of Education, University and Research; Principal investigator: Dr Silvia Venier).
2017 – 2018	“Identification of Customary International Law”; unit member (Bologna; sponsored by International Law Association – Italian branch).

## Editorial activities

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2020 – ongoing	Editorial board, Osservatorio sulle attività delle organizzazioni internazionali e sovranazionali, universali e regionali, sui temi di interesse della politica estera italiana ( <i>Study centre on activities of universal and regional international and supranational organizations concerning issues of interest for the Italian foreign policy</i> ).
2019 – ongoing	Editorial secretary, “La ricerca del diritto nella comunità internazionale” book series (Editoriale scientifica; Directors: Prof. M. Arcari, Prof. E. Milano, Prof. A. Tanzi).
2014 – ongoing	Editorial assistant, “Questions of International Law” (Managing directors: Prof. M. Arcari, Prof. G. Bartolini, Prof. B. Bonafé, Prof. M. Frulli, Prof. P. Palchetti, Prof. M. Pertile, Prof. A. Tancredi, Prof. C. Vitucci).

## Professional activities

### International adjudication

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2016 – current	Research assistant to Arbitrator (Attila M. Tanzi), <i>Sevilla Bebeer B.V. and others v. Kingdom of Spain</i> (ICSID Case No. ARB/16/27)
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2022 – current	Counsel for Italy, <i>Questions of jurisdictional immunities of the State and measures of constraint against State-owned property (Germany v. Italy)</i> , ICJ.
2019 – 2020	Research assistant to Arbitrator (Attila M. Tanzi), <i>Conseil Economique Des Pays Musulmans v. Koweit</i> (PCA Case No. 2018-35).
2015 – 2020	Research assistant to the Italian Legal Team, <i>Enrica Lexie case (Italy v India)</i> , UNCLOS Annex VII proceedings (PCA Case No. 2015-28)
2015 – 2018	Counsel for Italy, <i>The M/V Norstar</i> case (ITLOS Case No. 25).
2015	Research assistant to the Italian Legal Team, <i>Enrica Lexie case (Italy v India) – provisional measures</i> (ITLOS Case No. 24)

### **International delegations**

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2022	Member of the Italian delegation, Fifth session of the Intergovernmental Conference on the Agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction.
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### **Education**

2014	Ph.D. in International Law, University of Verona, Verona (Italy)
2010	Participation to the Venice School of Human Rights, European Inter-University Centre for Human Rights and Democratisation, Venice (Italy).
2009	LLM in “Giuristi Internazionali” ( <i>International lawyer</i> ), University of Bologna, Bologna (Italy).
2008	Law degree ( <i>summa cum laude</i> ), University of Bologna, Bologna (Italy).

## Publications

### Books

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“Il contrasto alla violenza marittima nel diritto internazionale contemporaneo” (*The fight against maritime violence in contemporary international law*), Editoriale scientifica, 2015.

“La transizione ecologica nel commercio internazionale. Tra aspetti di riforma proceduruali, istituzionali e diritto sostanziale”, AlmaDL, 2022 (co-edited with A. Tanzi, L. Chiussi Curzi, A. Mensi).

### Peer-Reviewed Articles

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“Consolidating consistency in investment arbitration under the ECT: some reflections on the Renergy award”, in *Diritto del commercio internazionale* (forthcoming).

“Consent of the flag state and the jurisdiction of the coastal state on foreign ships for illicit drug trafficking at sea”, in *Italian Yearbook of International Law* (forthcoming).

“Investors as Environmental Guardians? On Climate Change Policy Objectives and Compliance with Investment Agreements”, in *Journal of World Trade & Investment Law*, 2022 (forthcoming).

“New Technologies and CBRN Events: International Obligations in the Cybersecurity Domain” in A. de Guttery *et al.* (eds.), *Towards an all-hazard approach to Chemical, Biological and Radio-Nuclear (CBRN) Events: Mapping international obligations related to prevention, preparedness, response and recovery*, Brill, pp. 561-576.

“Consistency in the ICJ approach to the standard of proof: an appraisal of the Court’s flexibility”, in *The Law and Practice of International Courts and Tribunals*, 2022, pp. 98-121.

“Arbitrato internazionale degli investimenti: una prospettiva italiana” (*Investment arbitration: the Italian perspective*), in A. Tanzi, A. Sardu (a cura di), *L’arbitrato amministrato*, Editoriale Scientifica, 2021, pp. 161-196 (with A. Tanzi).

“Recent trends in investment arbitration concerning legitimate expectations: an analysis of recent renewable energies investment case law”, in *International Community Law Review*, 2021, pp. 27-56.

“Amicus Curiae”, in D. Mantucci (a cura di), *Trattato di diritto dell’arbitrato. Volume XIII: l’arbitrato negli investimenti internazionali*, Edizioni Scientifiche Italiane, 2020, pp. 577-613.

“I trattati nel tempo: considerazioni di diritto intertemporale alla luce della giurisprudenza internazionale” (*Treaties over time: considerations of inter-temporal law on the basis of the international case law*), in M. Lupoi (ed.), *Il tempo nel diritto, il diritto nel tempo*, Bologna, Bonomo editore, 2020, pp. 213-229.

“Obblighi positivi dello Stato nell’emergenza sanitaria e diritto internazionale degli investimenti” (*States’ positive obligations during health emergencies and international investment law*), in P. Acconci, E. Baroncini (a cura di), *Gli effetti dell’emergenza Covid-19 su commercio, investimenti e occupazione. Una prospettiva italiana*, Bononia University press, pp. 225-238.

“Il contributo delle Nazioni Unite allo sviluppo dell’*International Cybersecurity Law*” (*The United Nations Contribution to the Development of the International Cybersecurity Law*), in *OSORIN Working Papers 1/2020*, pp. 135-138.

“Proporzionalità ed emergenza sanitaria da COVID-19 nei parametri CEDU” (*Proportionality and COVID-19 Health Emergency within the European Convention on Human Rights*), in *La comunità internazionale*, 2020, pp. 97-117.

“The Settlement of Disputes through Non-Judicial Means (Article 33.1-33.9)” (co-author: A. Tanzi), in L. Boisson de Chazournes, M. Mbengue, M. Tignino, K. Sangbana (eds.), *The United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses. A Commentary*, Oxford, Oxford University Press, 2019, pp. 349-363.

“The UNECE Protocol on Water and Health for the Implementation of the right to drinking water and sanitation” (with A. Tanzi), in S. McCaffrey, C. Leb, R. T. Denoon (eds.), *Research Handbook on International Water Law*, Edward Elgar, 2019, pp. 273-283.

“Treatment of Evidence and ICSID Annulment Proceedings”, in *Rivista di Diritto internazionale privato e processuale*, 2018, pp. 59-80.

“Nuove tendenze in materia di attribuzione e responsabilità per l’illecito internazionale derivante da violazione dei diritti umani durante operazioni di contrasto alla violenza marittima da parte di privati” (*Recent trends concerning attribution and international responsibility stemming from human rights violations during private counter-piracy operations*), in A. Spagnolo, S. Saluzzo (a cura di), *La responsabilità degli Stati e delle organizzazioni internazionali: nuove fattispecie e problemi di attribuzione e di accertamento*, Milano, Ledizioni, 2018. Pp. 165-183.

“International Tribunal for the Law of the Sea, The “Enrica Lexie” Incident (Italy v. India), Provisional Measures, ITLOS Case No. 24, Order, 24 August 2015”, in E. Baroncini (a cura di), *Il diritto internazionale come strumento di soluzione delle controversie*, 2018.

“Spunti di riflessione sulla tutela dell’ambiente marino nella giurisprudenza internazionale, con riferimento particolare alla CPA” (*Reflections on the protection of marine environment in international case law, with particular regard to the PCA*), in M. Lupoi (a cura di), *Emergenze ambientali e tutela giuridica*, 2017, pp. 131-147.

“International Convention for the Prevention of Pollution from Ships (MARPOL 73/78)”, in A. Tanzi, M. Fitzmaurice (eds.), *Multilateral Environmental Treaties*, 2017, pp. 166-174.

“Convention On The Prevention Of Marine Pollution By Dumping Of Wastes And Other Matter 1972 And 1996 Protocol” (co-author: A. Tanzi), in A. Tanzi, M. Fitzmaurice (eds.), *Multilateral Environmental Treaties*, 2017, pp. 175-183.

“Convention For The Protection Of The Marine Environment Of The Baltic Sea 1992”, in A. Tanzi, M. Fitzmaurice (eds.), *Multilateral Environmental Treaties*, 2017, pp. 199-203.

“A controversial dialogue between international and domestic courts on functional immunity”, in *The Law and Practice of International Courts and Tribunal*, 2015, pp. 255-289.

“Vessel Protection Detachments and Maritime Security: An Evaluation of Four Years of Italian Practice”, in *Maritime Safety and Security Law Journal*, 2015, pp. 16-32.

“Problematic developments in the field of functional immunity of military personnel before national and international judges”, in M. Arcari, L. Balmond (dir.), *Le dialogue des juridictions, entre pluralisme et sécurité juridique*, Editoriale scientifica, 2015, pp. 131-162.

“Back to Lotus? A Recent Decision by the Supreme Court of India on an Incident of Navigation in the Contiguous Zone”, in *International Community Law Review*, 2014, pp. 106-122.

“Profili giuridici della recente controversia tra Italia ed India nel caso dei fucilieri del battaglione San Marco” (*Legal aspects of the recent dispute between Italy and India in the Italian Marines case*), in *La comunità internazionale*, 2013, pp. 461-488.

“Terrorists under the Jolly Roger? Recent trend on piracy and maritime terrorism”, in Cataldi, Andreone, Bevilacqua, Cinelli (eds.), *Insecurity at sea: piracy and other risks to navigation*, 2013, pp. 193-208;

“Sono i pirati terroristi? Tendenze recenti nel Golfo di Aden e nell’Oceano indiano” (*Are pirates terrorists? The Gulf of Aden and Indian Ocean scenario*), in *La comunità internazionale*, 2013, pp. 339-359.

## Non Peer-Reviewed Articles

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“International Tribunal for the Law of the Sea, The “Enrica Lexie” Incident (Italy v. India), Provisional Measures, ITLOS Case No. 24, Order, 24 August 2015”, in E. Baroncini (ed.), *Il diritto internazionale come strumento di soluzione delle controversie*, 2016, forthcoming.

“Caso Marò: quali prospettive per un contenzioso internazionale?”, in *ISPI Online*, 14 May 2014, available at <http://www.ispionline.it/it/pubblicazione/caso-marò-quali-prospettive-un-contenzioso-internazionale-10368>

“Diritto di proprietà, discriminazione etnica e forme di riparazione: il caso Dokić dinnanzi alla Corte Europea dei Diritti dell’Uomo”, in *Diritti Umani e Diritto Internazionale*, 2011, pp. 382-387.

“United States court of appeals for the ninth circuit, judgment, 24 April 2008, United States v. Shi”, in Baroncini (ed.), *Giudici e diritto internazionale*, Giappichelli, Bologna, 2011, pp. 65-68.

“Corte europea dei diritti dell’uomo, sentenza del 22 December 2009 nn. 27996/06 e 84836/06, Sejdić e Finci c. Bosnia-Erzegovina”, in Baroncini (ed.), *Giudici e diritto internazionale*, Giappichelli, Bologna, 2011, pp. 190-194.

## Selected Academic Conferences and Roundtables

### Organisation

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- 10 December 2021 18° edition of the Young international law scholars’ meeting of study, “Il precedente nel diritto internazionale e dell’Unione europea” (*The role of precedents in international and EU law*), University of Bologna.
- 12 November 2021 “International Law and Cyberspace”, University of Bologna, University of Milan, University of Westminster, International Law Association – Italian Branch and Italian Ministry of Foreign Affairs and International Cooperation.
- 9-16 November 2020 “Il sistema UNESCO e la protezione internazionale del patrimonio culturale mondiale” (*The UNESCO system and the international protection of the cultural heritage of mankind*), University of Bologna
- 12 May 2020 “Diritto internazionale e pandemia da COVID-19” (*International law and the COVID-19 pandemic*), University of Bologna
- 11 April 2019 1° edition of the Angelo Piero Sereni’s Lecture, “The indispensable third party principle”, University of Bologna.

### Presentations

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- 4 July 2022 “Cyberwarfare and Non-State Actors in the Ukrainian Conflict”; webinar *Hybrid Warfare and the War in Ukraine: International and European Law Dimensions*, University of Bologna.
- 29 April 2022 “Protezione degli investimenti stranieri e zone marittime: la prassi italiana” (*The Protection of Foreign Investment and Maritime Zone: The Italian Practice*); conference “Italia e diritto del mare” (*Italy and the Law of the Sea*); University of Milan – Bicocca, University of Genova, University of Macerata and University of Sannio
- 1 December 2021 “Scientific evidence in investment arbitration: procedural matters”; conference *International Investment Law and the Pandemic: New Trends and Old Standards*; University of Trento.
- 19 November 2021 Participation to the workshop “International Investment Law and Climate Change”; Editorial board of the *Journal of World Investment and Trade*.
- 4 December 2020 Presentation of international law aspects during the conference “La tutela della dignità della persona ed il traffico di esseri umani” (*Human dignity and human trafficking and smuggling*); Bologna Bar Foundation and Francesca Centre.

- 20 November 2020 “Giurisdizione dello Stato di bandiera e immunità funzionale alla luce della controversia dell’*Enrica Lexie*” (*Flag state jurisdiction and functional immunity in the Enrica Lexie case*); seminar; University of Trento.
- 9 September 2020 “States’ Positive Obligations under International Law in Time of Health Emergencies”; workshop “International Economic Law between Emergencies and Reforms”; International Economic Law Interest Group of the European Society of International Law.
- 11 May 2020 “Obblighi dello Stato di adottare misure anti-pandemiche alla luce del diritto internazionale degli investimenti” (*State’s obligation to adopt anti-pandemic measures under international investment law*); webinar “Gli effetti dell’emergenza COVID-19 su commercio, investimenti e strumenti finanziari transnazionali” (*Effects of the COVID-19 emergency on trade, investment and transnational financial instruments*); International Economic Law Interest Group of the Italian Society of International Law and Italian Branch of the International Law Association and University of Teramo.
- 15 March 2019 “I trattati nel tempo” (*Treaties over time*); conference “Il tempo nel diritto, il diritto nel tempo” (*Time within law, and law over time*); University of Bologna.
- 9 May 2017 “Tutela del paesaggio marino tra UNESCO ed IMO” (*The protection of marine landscape between UNESCO and IMO*); “UNESCO Law in Action – La protezione del patrimonio culturale in tempo di pace e in tempo di guerra” (*UNESCO Law in Action – The protection of cultural heritage during peace and war*); University of Bologna.
- 25 November 2016 “Sicurezza marittima e Consiglio di sicurezza delle Nazioni Unite” (*Maritime security and the United Nations Security Council*); conference “La sicurezza e il diritto: prospettive multidisciplinari di un concetto in evoluzione” (*Security in the law: multidisciplinary perspectives and developments*); University of Bologna.
- 17 February 2016 “Nuove tendenze in materia di attribuzione e responsabilità per l’illecito internazionale durante operazioni di contratto alla violenza marittima da parte di privati” (*New trends in the attribution of international responsibility for counter-piracy operation by private contractors*); 12° edition of the Young international law scholars’ meeting of study on “L’illecito internazionale tra nuove fattispecie, problemi di attribuzione e strumenti di controllo” (*International unlawful acts between new developments, attribution issues and monitoring instruments*); University of Turin and Italian Society of International Law.
- 26 November 2015 “Alcuni spunti di riflessione sull’ambiente marino nella giurisprudenza della Corte permanente di arbitrato” (*Reflections on the Permanent Court of Arbitration case law on marine environment*); conference “Emergenze ambientali e tutela giuridica” (*Environmental emergencies and legal protection*); University of Bologna and Flaminia Foundation.
- 25 September 2015 “Diritto al cibo: le azioni della comunità internazionale” (*The right to food: international community actions*); conference “Alimentazione e ricerca” (*Feeding and research*); University of Bologna and Flaminia Foundation.
- 3 September 2013 “International security before national and international judges: the difficult relationship between functional immunity and human rights”; conference “Le dialogue des juridictions, entre pluralisme et sécurité juridique”; University of Nizza.
- 25 March 2013 “Factual background of the case”; conference “Passaggio in India: il caso marò al vaglio del diritto internazionale” (*Passage in India: the ‘marò’ case*); University of Bologna.

4 September 2012 “Il principio di giurisdizione universale nella giurisprudenza internazionale ed interna” (*Universal jurisdiction in international and domestic case law*); conference “Le responsabilità” (*Forms of responsibility*); University of Verona.