

Professor Stavros Brekoulakis

Centre for Commercial Law Studies, School of Law
Queen Mary University of London

GENERAL PROFILE

Stavros Brekoulakis is a Professor and the Director of the School of International Arbitration at Queen Mary University of London; Brekoulakis also practices as an arbitrator at 3 Verulam Buildings (Gray's Inn).

He teaches courses in International Commercial Arbitration, International Investment Law and Arbitration, International Construction Contracts and Arbitration, International Commercial Litigation and Conflict of Laws, and International Commercial Law.

Brekoulakis is widely recognised as a leading authority in the field of international arbitration and has been invited to give the 2026 *Summer Course on Private International Law* at the Hague Academy of International Law.

He is regularly listed in *Who's Who Legal: Arbitration* and *Who's Who Legal: Arbitration Thought Leader*, being praised as “a powerhouse in international arbitration” with “a seemingly encyclopaedic recall of jurisprudence”; “a reigning thought leader in the arbitration space”, “one of the great minds in the international arbitration world”.

In 2020, Brekoulakis received the *Global Arbitration Review Award for Best Public Lecture* for his Roebuck Arbitration Lecture on “The Policy Favouring Arbitration Under English Law”.

His academic work includes the leading books on *Third Parties in International Arbitration* (OUP 2010), *Arbitrability* (Kluwer 2008), *Third Party Funding in International Arbitration* (report commissioned by the International Council of Commercial Arbitration 2018) and numerous articles in leading law journals and reviews, including the *Modern Law Review*, *Oxford Journal of Legal Studies*, *Fordham International Law Journal*, *Pennsylvania State Law Review*, *Journal of International Dispute Settlement*, *American Review of International Arbitration*, *Journal of International Arbitration*.

Brekoulakis is currently leading a major empirical and interdisciplinary (law, psychology, and politics) project on *Impartiality in Arbitral Decision Making*; working on a book on *The Policies of English Arbitration Law* (OUP forthcoming); working on an edited volume on *International Commercial Courts* (CUP forthcoming); and participates in the long-term *Comparative Law and Procedure Project* of the Max Planck Institute Luxembourg.

His academic work is widely cited both by peers and with approval by international tribunals and national courts in several jurisdictions, including the Privy Council, the High Court of England and Wales, the US Southern District of New York, and the India Supreme Court.

Brekoulakis has strong experience in senior administrative positions in academia being the Director of Graduate Studies and the Co-Director of Research of QMUL School

of Law for several years, leading the School's 2021 Research Excellence Framework (REF) submission.

Outside academia, Brekoulakis has led important policy projects and advised a wide number of governmental, intergovernmental, and non-governmental organisations, including being the *Co-Chair of the International Council of Commercial Arbitration Task Force on Third Party Funding*, a member of the *Investment Expert Trade Advisory Group of the UK Department for International Trade* and a member of the *Steering Committee of the UNCITRAL Academic Forum on Investor-State Dispute Settlement*. He serves in several public positions and commissions of trust including being a member of the governing body of the *London Court of International Arbitration*, a member of the *Commission on Arbitration of the International Chamber of Commerce*, a member of the *Academic Council of the Institute for Transnational Arbitration*, and an Assistant Rapporteur in the *International Law Association Committee of International Commercial Arbitration*.

He is the Editor-in-Chief of the *International Journal of Arbitration, Mediation and Dispute Management*; the General Editor of the *Journal of International Dispute Settlement*; the Co-editor of Kluwer's *International Arbitration Law Library* series; a member of the Editorial Board of the *Arbitration International*; and a member of the Editorial Board of the *International Chamber of Commerce Bulletin on International Arbitration*

He has been a visiting professor at Vienna University, Geneva University, National University of Singapore, New York University (NYU) and Athens University.

Brekoulakis is a popular speaker and invited to speak at several academic conferences and professional events annually. He has organised and co-organised many leading academic conferences in his academic career.

Brekoulakis practices law as an arbitrator at 3 Verulam Buildings (Gray's Inn) and has been appointed in more than 60 international investment and commercial arbitrations, as chairman, sole arbitrator, and co-arbitrator under the rules of all major international arbitration institutions.

EMPLOYMENT HISTORY

2007– Present Queen Mary University of London

Professor in International Arbitration Law, Director of the School of International Arbitration

TEACHING

He has taught in the last five years the following courses and modules

- *International and Comparative Commercial Arbitration*
- *International Investment Law and Arbitration*
- *International Commercial Litigation and Conflict of Laws*
- *International Construction Contracts and Arbitration*
- *International Commercial Law*

He has supervised a very large number of LLM Dissertation and PhD students.

Evidence of teaching excellence

- Student evaluations for his teaching are consistently excellent. Brekoulakis has been nominated by QMUL students and staff for the Drapers' Award for Excellence in Teaching for several years. For the current academic year, the evaluation scores *were the highest in the School*: in answer to the question of *Whether the module was well taught*, 91.4% of the students "definitely agreed" and 8.6% of the students "agreed".

ADMINISTRATIVE WORK (DEPARTMENT AND COLLEGE)

Brekoulakis has strong experience in senior administrative positions being the Director of the School of International Arbitration, the Director of Graduate Studies of the Centre for Commercial Law Studies, and the Co-Director of Research of QMUL School of Law. He has previously been a member of the Management Board of the Centre for Commercial Law Studies, the Research Committee of QMUL School of Law, and the Co-Chair REF Steering Committee of QMUL School of Law and 2021 REF Lead.

- **Director**, School of International Arbitration (since 2019) – duties include: developing and leading the School's strategy with the aim to maximising its impact on international scholarship, teaching, education, and engagement with the profession in the field of international arbitration.
- **Director of Research and REF Lead**, QMUL School of Law (since 2015) – duties include: working closely with the Faculty's Senior Management on REF; advising the School's Head on research strategy and implementing

research strategy; providing views on new appointments and sitting at interview panels for new appointments; assessing REF outputs, drafting, and reviewing REF environment statements and REF impact case studies.

- **Director of Graduate Studies**, Centre for Commercial Law Studies, School of Law (from 2011 to September 2014) – duties included: reviewing PhD admissions; chairing Graduate Board meetings; drafting Postgraduate Studentship proposals; reviewing research progress of PhD students.
- **Director of Postgraduate Diploma in International Arbitration by Distance Learning** (from 2007 to 2018) – duties included: leading the development of the programme, reviewing students’ applications, developing academic content.
- **Member of the Management Board**, Centre for Commercial Law Studies, School of Law (from 2012 to 2021) – duties included: advising the Centre’s Director on strategic matters, including finances, programme development, public engagement, research, and teaching.

PUBLICATIONS—RESEARCH

Research outputs of Brekoulakis have been included as part of the QMUL’s submission for the 2008, 2014 and 2021 Research Excellence Framework.

His approach to researching the law of international arbitration is cross-disciplinary cutting across private and public international law. Equally, he employs a variety of methods of inquiry, including doctrinal, theoretical, historical, and empirical methods of legal investigation.

His current research projects revolve around the following areas:

- Policies, Public Policy and the protection of the Public Interest in the law of Arbitration;
- Legal Reasoning and Decision Making, Procedural Justice and the Legal Doctrine of Impartiality;
- Consent, Third Parties and Non-Signatories in International Arbitration;
- Ethics and Regulation of Third-Party Funding in International Arbitration.

Brekoulakis is currently leading a major empirical and interdisciplinary (law, psychology and politics) project on *Impartiality in Investor State Dispute Settlement*. This is a five-year research project which employs a mix-empirical methodology (interviews, surveys and content analysis) aimed at investigating the legal doctrine of impartiality in arbitral decision making.

He is also working on a book on *The Policies of English Arbitration Law* (OUP forthcoming) and an edited volume on *International Commercial Courts* (CUP forthcoming); and participates in the long-term Comparative Law and Procedure Project of the Max Planck Institute Luxembourg.

MONOGRAPHS, EDITED VOLUMES AND TEXTBOOKS

- **Monograph**, *The Policies of English Arbitration Law* (OUP forthcoming). The book provides a historical and doctrinal account as well as a critical assessment of the policies, including public policy, underpinning English arbitration law.
- **Edited Volume**, *International Commercial Courts: The Future of Transnational Adjudication* (CUP forthcoming).
- **Edited Volume**, *The Plurality and Synergies of Legal and Regional Traditions in International Arbitrations: Looking Beyond the Common and Civil Law Divide* (Kluwer Law Forthcoming).
- **Textbook**, on *International Construction Contracts and Arbitration*, 4th Edition (Global Arbitration Review 2019).
- **Edited Volume**, *The Evolution and Future of International Arbitration* (Kluwer Law 2016). The book includes contributions from all leading arbitration scholars and practitioners as well as distinguished judges. The book offers an account of the remarkable evolution of international arbitration as an academic subject and as a distinct field of practice.
- **Monograph**, *Third Parties in International Commercial Arbitration* (Oxford University Press, 2010) The book is the first treatise on the subject, has already sold more than 2,000 copies, and has received enthusiastic reviews as being “deeply researched”, “talented, innovative and far researching” (further reviews are available at: <http://ukcatalogue.oup.com/product/9780199572083.do>). Further, the book has been cited in the highly prestigious Restatement of US Law on Arbitration. Restatements are a set of treatises produced by the American Law Institute that seek to inform judges and scholars; they are considered of exceptional academic importance and esteem, and they rarely include references to non-US scholars.
- **Edited Volume**, *Arbitrability: International and Comparative Perspectives* (Kluwer 2009). This is the first complete study in English of this complicated subject. It has been very positively reviewed by journals in English (among which the *International Council of Commercial*

Arbitration and the *International Arbitration* journal), Spanish and Japanese.

ARTICLES IN PEER-REVIEWED & REFERRED JOURNALS

- **“Impartiality as a Context-Dependent Concept: A new Approach to Assessing Impartiality in Investor State Dispute Settlement”** (forthcoming 2022). This is the first article arising out of the major empirical and interdisciplinary (law, psychology and politics) project on *Impartiality in Investor State Dispute Settlement*, which Brekoulakis leads. Drawing draws on preliminary insights from this project as well as on theory from moral philosophy, the article, for the first time, challenges the conceptual foundations and appropriateness of the judicial doctrine of impartiality found in the adjudication system of Investor State Dispute Settlement, and proposes a new approach to understanding and assessing impartiality in this system of adjudication.
- **“Dissecting Influence in Investor State Dispute Settlement”** (forthcoming 2022). This is the second article arising out of the *Impartiality in Investor State Dispute Settlement* research project. It is the first article that examines the role and function of influence in Investor State Dispute Settlement. It applies a theoretical framework of influence developed by Cox and Jacobson and draws on empirical data from interviews with key actors in the Investor State Dispute Settlement system to understand the construction of influence in Investor State Dispute Settlement decision-making. The paper argues that influence should be recognised as an important element in the Investor State Dispute Settlement decision making process. In this context, the construction of influence in Investor State Dispute Settlement decision is a reflection of both external and internal facets of the individual arbitrator.
- **“The Evolution of Public Policy and Judicial Function in English Law”** (2019) 10(3) *Journal of International Dispute Settlement* 1-24. The article is concerned with the function of English judges in employing the doctrine of public policy to decide cases under common law. For the first time, the article offers a critical appraisal of the recent evolution of public policy and decision making under English law from a structured doctrine of legal rules and limited judicial discretion to an open-ended principle of subjective evaluations. The main thesis of the article is that the latest judicial amendment of the nature of the public policy inquiry constitutes a radical and unnecessary departure from generally accepted propositions on the appropriate function of English judges in addressing issues of public policy. Dry run assessments for the 2021 REF have rated this article as 4*. The

article was the basis for Brekoulakis' 2019 Roebuck Lecture which received the 2020 *Global Arbitration Review* Award for Best Public Speech.

- **“The Historical Treatment of Arbitration under English Law and the Development of the Policy Favouring Arbitration”** (2019) 38(1) *Oxford Journal of Legal Studies* 1-28. The article examines the judicial attitude and the development of the policy of English law favouring arbitration. It suggests that, contrary to the prevailing narrative in legal literature, English judicial attitudes in the 18th and 19th centuries never reflected hostility to arbitration. As is demonstrated, a policy favouring arbitration was introduced by the legislature as early as the end of the 17th century, and was subsequently developed by English courts deciding under statutory law and in the 19th century under the common law. The analysis offers, for the first time, an account of English arbitration as a dispute resolution system which originally emerged as being part of, rather than antagonistic to, the English courts system. Understanding how arbitration developed in England is important not only for historical purposes, but also because it can provide helpful insights into current debates surrounding the legitimacy and potential reform of English arbitration law. Dry run assessments for the 2021 REF rated this article as 4*.
- **“Public-Private Arbitration and the Public Interest under English Arbitration Law”** (2017) 80(1) *Modern Law Review* 22-56. The article explores the public interest implications which may arise in arbitrations involving public entities. It argues that, due to the lack of a developed administrative law sphere in England and the historical development of arbitration as an exclusively private mode of dispute resolution, the current legal framework of arbitration in England has developed around the private law paradigm of a commercial dispute involving private actors, which cannot adequately account and protect the public interest. To that effect, the article submits an original proposal for the amendment of English arbitration law. Dry run assessments for the 2021 REF rated this article as 4*.
- **“Rethinking Consent in International Commercial Arbitration: A General Theory on Non-Signatories”** (2018) 8(1) *Journal of International Dispute Settlement* 1-34. The article is concerned with the role and relevance of non-signatories in international commercial arbitration. The article challenges the efficacy and coherence of the existing arbitration law in this area, and questions whether the traditional concept of consent for arbitration can be reconciled with complex commercial reality and non-signatories today. Instead, the article submits that a general theory on non-signatories is needed, and proposes that the theoretical basis for finding that non-signatories have rights or obligations in arbitration be

shifted from the concept of consent to the concept of dispute. Dry run assessments so far have rated this article 4*.

- **“International Arbitration Scholarship and the Concept of Arbitration Law”** (2013) 36 *Fordham International Law Journal* 745-787. The article is about the concept of arbitration law and its relationship with international arbitration scholarship. It draws on legal theory and jurisprudence to revisit the concept of arbitration law and advance the thesis that the arbitration community has the normative potency to generate procedural practices and standards guiding arbitration practice. The article was included as part of QMUL’s 2014 REF submission.
- **“Systemic Bias and the Institution of International Arbitration: A new Approach to Arbitral Decision-Making”** (2013) 4(3) *Journal of International Dispute Settlement* 553-585. The article examines arbitral decision-making and puts forward three main propositions. First, that the legal concept of bias needs revisiting. For arbitration law and practice to effectively respond to criticism about the integrity of arbitration, the focus of our inquiry should include not only apparent bias associated with individual arbitrators, but also implicit and systemic bias. Second, the article provides a critical assessment of the existing empirical studies on arbitral decision-making. Although empirical studies have provided useful insight into arbitral judicial behaviour, they all depart from the same behavioural assumption that arbitral decision-making is driven almost exclusively by extra-legal factors, such as the personal traits, policy preferences or financial incentives of individual arbitrators. The article discusses the theoretical and methodological limitations of such a behavioural approach, and it, finally, offers an alternative model for the analysis of arbitral decision-making, which takes into account the influence of the broader institutional context within which arbitrators are embedded. Drawing on institutional theories, the article compares the procedural design of international arbitration with that of national and international judiciaries, and provides a description of the institutional structures of international arbitration and how they can affect the way that arbitrators decide. The article was included as part of QMUL’s 2014 REF submission.
- **2012 International Arbitration Survey: Current and Preferred Practices in the Arbitral Process**, (2013) *American Review of International Arbitration* 1-35. This is a detailed analysis of the findings of a major empirical survey on the arbitral process.
- **“Observations on the Limits and Possibilities of Uniform Law”** (2011) 64 *Revue Hellénique De Droit International* 804-839. This is a doctrinal study on the development of uniform law in the form of trade

usages, general principles of law, general principles of contract, transnational law and *lex mercatoria*.

- ***“The Relevance of the Interests of the Non-Signatories In Arbitration: Taking a Closer Look at the Elephant in the Room”*** (2009) 113 *Pennsylvania State Law Review* 1165-1187. The paper examines the role and interests of non-signatories and for the first time attempts to lay down the theoretical premises of their participation in the arbitration process.
- ***“The Negative Effect of Compétence-Compétence: the Verdict has to be Negative”***, (2009) *Austrian Arbitration Review* 237-258. The paper explores issues relating to the conflict of jurisdiction between national courts and international arbitral tribunals. It critically assesses the overgrowing principle of *Compétence-Compétence* in arbitration, arguing that it has now developed to a legal paradox, threatening to undermine the delicate jurisdictional balance between national courts and arbitral tribunals. Has been cited extensively with approval. The article was included as part of QMUL’s 2014 REF submission.
- ***“Enforcement of Foreign Arbitral Awards: Observations on the Efficiency of the Current System and the Gradual Development of Alternative Means of Enforcement”***, (2008), 19 (3-4) *American Review of International Arbitration* 415-446. The paper, published in a major journal of arbitration theory, provides a qualitative analysis of the findings of the empirical survey conducted by the School of International Arbitration on the Enforcement of foreign arbitral awards. The paper puts forward the radical suggestion that the current legal system of enforcement of arbitral awards is waning, while commercial practice gradually develops a more effective and private means of enforcement.
- ***“The Notion of Superiority of Arbitration Agreements over Jurisdiction Agreements: Time to Abandon It”***, (2007) 24(4) *Journal of International Arbitration* 341–363. The paper, included in the QMUL RAE 2008, undertakes a comparative analysis between jurisdiction and arbitration agreements. It shows that arbitration agreements are unwarrantedly afforded preferential treatment over jurisdiction agreements, which, as the paper argues, threatens to overthrow the principle of procedural party autonomy. Cited in various sources, most notably in the leading treaties of Gary Born, *International Commercial Arbitration*. The article was included as part of QMUL’s 2008 REF submission.
- ***“The Effect of an Arbitral Award and Third Parties in International Arbitration: Res Judicata Revisited”*** (2006) 16(1)

American Review of International Arbitration 177-209. This is one of the first comprehensive studies of the binding effect of international arbitral awards. It was included in the QMUL RAE 2008, and it has already been established as one of the main references on the topic, and is cited in several research works and reports, most notably in the Final Report of the International Law Association on “Res Judicata of Arbitral Awards”; also cited with approval by the US Court of Southern District of New York in the *American Express Bank v Banco Espanol De Credito* (2009); several times in the leading treatise of Gary Born, *International Commercial Arbitration*. The article was included as part of QMUL’s 2008 REF submission.

CHAPTERS IN EDITED COLLECTIONS OF ESSAYS AND BOOKS

- **“Transnational Public Policy in International Arbitration”**, in Thomas Schultz and Federico Ortino (eds) *Oxford Handbook of International Arbitration* (OUP 2020) pp.120-149. The Chapter examines the legal function of transnational public policy. It challenges the predominant view in scholarship and in arbitral case law that transnational public policy is a fluid concept that accords arbitrators wide discretion to decide on the basis of non-legal standards such as “morals,” “values” or “principles of universal justice”. By contrast, it is suggested, transnational public policy is a legal doctrine which cannot include anything other than *legal* norms, in the form of either legal rules or legal principles. Dry run assessments for the 2021 REF rated this output as 4*.
- **“Third Party Funding in Investment Arbitration”** in Chaisse, Choukroune & Jusoh (eds) *Handbook of International Investment Law and Policy* (Springer 2020). Modern forms of Third-party funding or Third-party financing (TPF) are no longer new to international arbitration. Recent years have seen significant increases in the number of funders, the number of funded cases, the number of law firms working with funders, and the number of reported cases involving issues relating to funding. As a result, third-party funding has increasingly drawn the attention of commentators and scholars, and even more recently of arbitral institutions, national regulatory authorities, and State trade negotiators. The chapter offers an overview of the existing state of regulation of Third-Party.
- **“Conflict of Jurisdictions in Arbitration: the (diminishing) Relevance of the *Lex Loci Arbitri*”**, in F. Ferrari and S. Kroell (eds), *Conflict of Laws and Arbitration*, (Sellier 2019) pp.117-136. The paper focuses on issues of conflict of laws in arbitration, and the importance of the law of the seat of arbitration.
- **“The Impact of Uniform Law on Greek National Law”** essay in the collection edited by the International Academy of Comparative Law, *The*

Impact of Uniform Law on National Law (2010) pp.82-108. This is the publication of a major study on the development of uniform standards of law in Greece. The study was presented, as a national report, in the Congress of the International Academy of Comparative Law in November 2008, Mexico City.

- **“On Arbitrability: Persisting Misconceptions and New Areas of Concern”** essay in the edited collection, *Arbitrability: International and Comparative Perspectives*, (Kluwer 2009) pp.19-45. This is a scholar study on the material scope of arbitration, focusing on the rationale behind “in-arbitrability” and the role of public policy in particular. The paper has received very positive reviews and has been a basic reference paper on the subject.
- **“Law Applicable to Arbitrability: Revisiting the Revisited *lex fori*”**, essay in the edited collection, *Arbitrability: International and Comparative Perspectives*, (Kluwer 2009) pp.101-121. The aim of the paper is to revisit the scope of the application of *lex fori* to arbitrability, under new theories in arbitration. It has been cited in various sources, and it has attracted the interest of the organisers of the Verona Conference that asked for the paper to be presented there.

PROFESSIONAL QUALIFICATIONS & ASSOCIATIONS

- Member, Athens Bar Association
- Member, 3 Verulam Buildings (Gray’s Inn)
- Member, London Court of Arbitration
- Member, International Chamber of Commerce Commission on Arbitration
- Member, ICC Task Force on Emergency Arbitrator
- Member, Chartered Institute of Arbitrators, London
- Member, Lagos Court of Arbitration
- Member, Court of Arbitration for Sports
- Member, Panel of Arbitrators of the Hong Kong Int’l Arbitration Centre
- Member, Organising Committee of the Int’l Arbitration Charity Ball
- Member, Practical Law Arbitration Consultation Board
- Member, Advisory Board of the UK Private International Law Group
- Member, Expert Committee of Permanent Forum of China Construction Law

AWARDS AND DISTINCTIONS

2018, 2019,
2020 & 2021 Named as a Thought Leader by the *Who’s Who Legal—
International Arbitration*

- 2020 Received the *Global Arbitration Review* Award for *Best Public Lecture* for his Roebuck Arbitration Lecture on “The Policy Favouring Arbitration Under English Law”
- 2016 Runner up of *Global Arbitration Review* Award for Best Lecture for his School of International Public Lecture on “*Consent vs Commercial Reality in International Commercial Arbitration*”
- 2016 & 2017 Nominated as the “*Best Prepared and Most Responsive Arbitrator*” Award of the Global Arbitration Review
- 2014 Received the Park Prize for the best scholarly article on International Arbitration for his article *Systemic Bias and the Institution of International Arbitration: A new Approach to Arbitral Decision-Making*
- 2006–2008 Clive M Schmitthoff, Scholarship, Queen Mary University of London
- 2002–2006 Greek State Scholarship Foundation (IKY)
- 1997 First Honorary Prize and Scholarship, University of Athens

ACADEMIC QUALIFICATIONS

2004 – 2007 **Queen Mary University of London**
 Doctoral (PhD) Degree with honourable mention

2002 – 2003 **King’s College London**
 LL.M. in International Business Law with Merit (*Magna Cum Laude*)

1992 – 1997 **National University of Athens, School of Law**
 LL.B. (*Ptychion*), with Distinction (*Summa Cum Laude*); received the highest grade in his graduating class.

LANGUAGES

- English (bi-lingual)
- Greek (bi-lingual)
- French (working knowledge)