

Statement of Qualifications: Dr Penelope Ridings

New Zealand candidate for the International Law Commission

Personal Details

Name: Penelope J Ridings
Date of Birth: 15 April 1956
Nationality: New Zealand
Position: Barrister and International Lawyer; Honorary Professor, University of Auckland, New Zealand
Languages: English, German, French (conversational)

Summary

Dr Penelope Ridings is a Barrister, International Lawyer and Honorary Professor, practicing and researching in the field of public international law. She is a trusted adviser, skilled negotiator and respected advocate and arbitrator.

She has had a distinguished legal and diplomatic career, including 27 years at New Zealand's Ministry of Foreign Affairs and Trade, during which she served as New Zealand's Chief International Legal Adviser (2011 to 2015), Ambassador to Poland, Estonia, Latvia and Lithuania (2008 to 2011), and High Commissioner to Samoa (2001 to 2004).

Dr Ridings has extensive experience in public international law, as a negotiator, advocate and adjudicator. For example, she was:

- New Zealand Agent, Counsel and Advocate before the International Court of Justice (ICJ) in *Whaling in the Antarctic (Australia v Japan, New Zealand Intervening)*, for which she was awarded a "Member of the New Zealand Order of Merit" for Services to the State.
- Counsel and Advocate for New Zealand before the International Tribunal for the Law of the Sea in *Request for an Advisory Opinion submitted by the Sub-Regional Fisheries Commission (SRFC)*.
- Appointed in 2020 to the World Trade Organisation "Multi-Party Interim Appeal Arbitration Arrangement"¹ as a Member of the pool of arbitrators, following extensive experience as both Counsel and Panellist for the WTO dispute settlement mechanism.
- A central player in the creation of regional fisheries management organisations, in particular the Western and Central Pacific Fisheries Commission (WCPFC), and is currently the Legal Advisor to the WCPFC.
- Lead counsel for New Zealand in a number of key international negotiations, including the Trans-Pacific Strategic Economic Partnership (P4) between Brunei Darussalam, Chile, Singapore, and New Zealand - the first free trade agreement linking Asia, the Pacific and the Americas, and the precursor to CPTPP.

This experience has given Dr Ridings a deep understanding of the academic and diplomatic aspects of international law, and the ability to find common ground and solutions to complex legal issues - experience she would deploy at the ILC to clarify and develop international law in the interests of the global community.

¹ The interim solution to maintain the WTO dispute system's appellate review, until the WTO Appellate Body begins functioning again.

Penelope J Ridings

Education

PhD in Political Science, University of Hawaii at Manoa, 1987

MJur (with Distinction), University of Auckland, New Zealand, 1979

BA/LLB (Hons), University of Auckland, New Zealand, 1978

Professional Experience

- **Honorary Professor**, the University of Auckland: 2021 – current time
- **Barrister and International Lawyer**: 2015 – current time
- **Chief International Legal Adviser**, New Zealand Ministry of Foreign Affairs and Trade: 2011-2015
- **Ambassador** of New Zealand to Poland, Estonia, Latvia and Lithuania, 2008 - 2011
- **International Trade Law Adviser** and Head of Trade Law, New Zealand Ministry of Foreign Affairs and Trade, 2004 –2007
- **High Commissioner** of New Zealand to Samoa, 2001 – 2004
- **Deputy Director**, Legal Division, Ministry of Foreign Affairs and Trade, 1998 – 2001
- **Deputy High Commissioner** of New Zealand to Samoa, 1995 –1998
- **First Secretary**, New Zealand Embassy, Bonn, Germany, 1991 – 1994
- **Legal Adviser**, Legal Division, New Zealand Ministry of External Affairs and Trade: 1988 – 1990
- **Legal Adviser**, Attorney-General's Office, Samoa, 1980
- **Lecturer of Law**, University of Auckland Law School, New Zealand, 1979

Arbitral and Adjudication Experience

Member, Pool of Arbitrators for the WTO Multi-Party Interim Appeal Arbitration Arrangement, appointed 2020

Expert before the New Zealand High Court in *New Zealand Steel Ltd v Minister of Commerce and Consumer Affairs* CIV-2019-485-553 & CIV-2019-485-552 in the matter of the exercise of powers under the *Dumping and Countervailing Duties Act 1988*, 2020

Counsel for the New Zealand Crown before the *Inquiry into Operation Burnham* on issues of detention in non-international armed conflict, 2019-2020

WTO Panellist in *United States - Certain Measures Relating to the Renewable Energy Sector* (DS 510), 2018-2019

WTO Panellist in *Ukraine - Anti-Dumping Measures on Ammonium Nitrate from Russia* (DS 493), 2017-2018

WTO Panellist in *European Union - Measures Affecting Tariff Concessions on Certain Poultry Meat Products from China* (DS 492), 2016-2017

Expert witness for the New Zealand Crown before the Waitangi Tribunal on investment obligations and interpretation of the *Trans-Pacific Partnership Agreement* (WAI 2522), 2016

Counsel for New Zealand at the WTO in *Indonesia – Importation of Horticultural Products, Animals and Animal Products* (DS477), 2015-2016

Counsel and Advocate for New Zealand before the International Tribunal for the Law of the Sea in *Request for an Advisory Opinion submitted by the Sub-Regional Fisheries Commission (SRFC)*, 2013-2014

Penelope J Ridings

Agent, Counsel and Advocate for New Zealand before the International Court of Justice in *Whaling in the Antarctic (Australia v Japan, New Zealand Intervening)*, 2012-2014

Witness before New Zealand's Waitangi Tribunal hearing on investment issues and the mixed ownership model as they relate to the freshwater inquiry (WAI 2358), 2012

Lead Counsel for New Zealand in WTO dispute settlement consultations in *Australia — Measures Affecting the Importation of Apples from New Zealand* (DS 367), 2007

Lead Counsel for New Zealand before the WTO Appellate Body in *United States — Final Dumping Determination on Softwood Lumber from Canada — Recourse to Article 21.5 by Canada* (DS 264), 2006

Lead Counsel for New Zealand before the World Trade Organisation panel and Appellate Body in *United States — Safeguard Measure on Imports of Fresh, Chilled or Frozen Lamb from New Zealand* (DS 177), 1999-2001.

Participation in International and Regional Rule-Making

Legal Advisor to the Western and Central Pacific Fisheries Commission, 2015 – present

Legal Counsel, *Free Trade Agreement between New Zealand and the Republic of Korea*, 2014

Head of New Zealand delegation and member of the Technical Drafting Group of the renegotiation of the *Multilateral Treaty on Fisheries Between Certain Governments of the Pacific Island States and the Government of the United States of America*, 2012-2014

Head of New Zealand delegation to the diplomatic conference held in Cape Town, South Africa, which adopted the *Cape Town Agreement of 2012 on the Implementation of the Provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977*, October 2012

Head of New Zealand delegation to negotiations leading to the adoption of the *Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*, 2008-2009

Head of New Zealand delegation to the International Conference on Chemicals Management, Dubai, 4-6 February 2006

Legal Counsel for the *Trans-Pacific Strategic Economic Partnership Agreement* among Brunei Darussalam, Chile, New Zealand and Singapore, 2004-2005

Legal Counsel for the *Thailand – New Zealand Closer Economic Partnership Agreement*, 2004.

Head of New Zealand delegation to the *Preparatory Conference of the Western and Central Pacific Fisheries Commission*, (PrepCon 1, 2, 3 and 5), 2001-2003

Head of New Zealand delegation to the Multilateral High-Level Conference (MHLC) which negotiated the *Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean*, (MHLC 5, 6 and 7), 1999-2000

New Zealand delegate to the negotiation of the 1998 and 2000 *Arrangement between the Government of New Zealand and the Government of Australia for the Conservation and Management of Orange Roughy on the South Tasman Rise*, 1997-2000

Head of New Zealand delegation, and Delegate, First, Second and Third Consultations on *Management Arrangements for South Pacific Albacore*, 1989-1990

Penelope J Ridings

Chair's Assistant, Diplomatic Conference to conclude the *Convention on the Prohibition of Fishing with Long Driftnets in the South Pacific*, Wellington, New Zealand, 1989

Other Key International and Legal Experience

Designated by New Zealand to the Panel of Arbitrators and Panel of Conciliators of the International Center for the Settlement of Investment Disputes, 2019

Nominated by New Zealand to the List of Conciliators under Annex V and List of Arbitrators under Annex VII of the United Nations Convention on the Law of the Sea

Chair, First Performance Review Panel of the South Pacific Regional Fisheries Management Organisation (SPRFMO), 2018

Preparation of drafts and advice on interpretation of conservation and management measures of the Western and Central Pacific Fisheries Commission, 2015-present

Provision of legal advice to the Forum Fisheries Agency on arrangements for the aerial surveillance program, 2018-19

Head of New Zealand delegation to the *Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction (BBNJ)*, 2014-2015

Lead New Zealand negotiator with the Chinese Government on diplomatic assurances, 2014

Head of New Zealand delegation to the 12th and 13th Sessions of the *Assembly of States Parties to the Rome Statute of the International Criminal Court*, 2013-2014

Head of New Zealand delegation to the United Nations 6th Committee, 2013-2014

Head of New Zealand delegation, Meeting of the Regional Operational Experts Group, *Proliferation Security Initiative*, Sopot, June 2009

Head of New Zealand delegation to negotiations with the European Commission on access arrangements for New Zealand butter to the European Union market, 2006-2007

New Zealand delegate, WTO Rules Negotiating Group on Anti-Dumping, Subsidies and Countervailing Measures (including Fisheries Subsidies), 2006

New Zealand delegate, WTO Ministerial Conference in Hong Kong, China, December 2005

Head of New Zealand delegation, Commission on the Conservation of Antarctic Marine Living Resources (CCAMLR) 1990, and New Zealand delegate CCAMLR 1998

Awards and Offices

Member of the New Zealand Order of Merit (MNZM) for Services to the State, 2015

Member of the Advisory Board, New Zealand Yearbook of International Law

Council Member, Australian and New Zealand Society of International Law, 2011-2015

President, East-West Centre Participants Association, Honolulu, Hawaii, 1981-1982

East West Center, Distinguished Service Award, 1984

Desmond Lewis Memorial Prize in International Law, University of Auckland Law School, 1976

Professional Associations

Barrister and Solicitor, High Court of New Zealand

Penelope J Ridings

Member, New Zealand Bar Association

Member of the Australian and New Zealand Society of International Law

Associate Member of the Arbitrator' and Mediators' Institute of New Zealand

Member of the International Council for Commercial Arbitration

Member of the American Society of International Law

Selected Publications and Speaking Engagements

"New Zealand and International Dispute Resolution: Drivers and Influence" in An Hertogen and Anna Hood (eds), *International Law in Aotearoa/New Zealand* (Thomson Reuters, forthcoming 2021)

Public Lecture "A New Zealand Perspective on International Law", Beeby Colloquium and International Law Association (New Zealand Branch), Wellington, New Zealand, November 2020

"The Role of International Dispute Resolution as an Accountability Mechanism for Climate Change", presentation to the London Conference on International Law, October 2019

Facilitator and Presenter, Forum Fisheries Agency Judicial Symposium, "Responsibility in Fisheries", Honiara, Solomon Islands, August 2019

"Arbitrating International Trade Disputes: What does the Future Hold?" presentation to the Arbitrators' and Mediators' Institute of New Zealand Conference, August 3, 2019, SSRN

Chair and Commentator, "Sea Level Rise and International Law", Public Lecture, Beeby Colloquium and International Law Association (New Zealand Branch), Wellington, New Zealand, November 2018

"Redefining environmental stewardship to deliver governance frameworks for marine biodiversity beyond national jurisdiction" *ICES Journal of Marine Science* Vol 75: 1, 435-443, January/February 2018

Panel presenter, "Law Beyond Boundaries: innovative mechanisms for the conservation and sustainable use of biodiversity beyond national jurisdiction", Australian and New Zealand Society of International Law Oceans and International Environmental Law Interest Group, University of Wollongong, Australia, February 2017

"Investment Negotiations: Walking the Tightrope between Offensive and Defensive Interests" *New Zealand Business Law Quarterly* Vol 21 No 4, 277-296, 15 December 2015

Panel presenter, "The Role of International Legal Advisers to Government", Australian and New Zealand Society of International Law – 23rd Annual Conference, July 2015

Panel discussant, "The Rainbow Warrior - a game changer? A 30 year retrospective," Victoria University of Wellington, May 2015

"International Arbitrations" in P Green, B Hunt and T Kennedy-Grant, *Green and Hunt on Arbitration Law and Practice* (Thomson Reuters) 2015, 2017 and 2019 editions

"The Intervention Procedure in Whaling in the Antarctic: A Threat to Bilateralism?" 32 *Australian Year Book of International Law*, 97-112 (2014)

Penelope J Ridings

Panel presenter, “Disputes resolution process”, Trade Negotiations in the Twenty-First Century: what’s at stake? A panel discussion to mark the twentieth anniversary of the Completion of the Uruguay Round, Wellington, New Zealand, December 2014

Panel presenter, “New Zealand and International Dispute Settlement”, panel discussion on The Peaceful Settlement of International Disputes: Some Reflections on Negotiating, Mediating, Arbitrating and Judging, Australian and New Zealand Society of International Law and New Zealand Centre for Public Law at Victoria University of Wellington School of Law, Wellington, August 2014

Panel presenter, “Whaling in the Antarctic”, Australian and New Zealand Society of International Law – 22nd Annual Conference, July 2014

Presenter, United Nations General Assembly – UN World Conference on Indigenous Peoples: Report on Participation in the Interactive Hearing organized by the President of the General Assembly, New York City, June 2014

Presenter, Workshop for the Universality of the Rome Statute of the International Criminal Court and the Kampala Amendments on the Crime of Aggression in the Pacific Region, Auckland, New Zealand, March 2014

“Whaling in the Antarctic: Some Reflections by Counsel” (with Elana Geddis), 11 New Zealand Yearbook of International Law, 143-158 (2013)

Chair of Session, International Trade and Investment, Australian and New Zealand Society of International Law – 20th Annual Conference, July 2012

Panel presenter, “Year in Review”, Australian and New Zealand Society of International Law – 19th, 20th and 22nd Annual Conferences, July 2011, 2012 and 2014

Panel presenter, Justice for All? The International Criminal Court – A conference: 10 year review of the ICC, Australian Human Rights Centre, University of New South Wales, Sydney, February 2012

Co-Chair, Pacific Outreach Roundtable on the International Criminal Court, Sydney, Australia, February 2012

“New Zealand and the World Trade Organisation Dispute Settlement: A Level Playing Field?”, Presentation to International Law Association Auckland Branch, August 2011

“Liberal Economics: New Zealand Free Trade Agreements” in B Skulska ed, *Proceedings of Conference, East Asian Integration: Myth or Reality?* Economic University of Wroclaw, 115-130 (2010)

Session Chair (with Meredith Kolsky Lewis) “Developments in International Trade Law” Beeby Colloquium, Wellington, August 2007

D Evans & P Ridings, “A Decade of WTO Dispute Settlement: New Zealand’s Experience” 3 New Zealand Yearbook of International Law 1-15 (2006)

Presenter, “The Spaghetti Bowl Effect: Reconciling Different FTAs with Overlapping Parties”, Australian and New Zealand Society of International Law, Annual Symposium, Victoria University of Wellington, August 2005

Penelope J Ridings

Presenter, “WTO Dispute Settlement: A Practical Perspective”, Seminar on International Courts and Tribunals for Practitioners from South-East Asia and the South Pacific Regions, Victoria University of Wellington, July 2004

“Compliance, Enforcement and the Southern Oceans: The Need for a New Approach”, in RA Herr ed, *Sovereignty at Sea: From Westphalia to Madrid*, Wollongong Papers on Maritime Policy No 11, Centre for Maritime Policy, University of Wollongong, 175-190 (2000)

“Pacific Tuna: Biology, Economics and Politics” (with John E. Bardach), in Elisabeth Mann Borgese and Norton Ginsburg ed, *Ocean Yearbook 5*, University of Chicago Press, 29-57 (1985)

Resource Use Arrangements in Southwest Pacific Fisheries, Pacific Islands Development Program, East-West Centre, Honolulu, Hawaii, 1983

“Interpretation of the Territorial Sea and Exclusive Economic Zone Act 1977” Vol 3, No 3, *Auckland University Law Review*, 261-278 (1978)