



Emmanuel Gaillard

SHEARMAN & STERLING LLP
114 avenue des Champs-Élysées
75008 Paris
France
T: +33.(0)1.53.89.70.00
F: +33.(0)1.53.89.70.70
egaillard@shearman.com

Emmanuel Gaillard is a Visiting Professor of Law at Yale Law School, where he teaches international arbitration. He has written extensively on all aspects of arbitration law, in French and in English. In 1999, he co-authored *Fouchard Gaillard Goldman On International Commercial Arbitration*, a leading publication in this field. In 2007, he authored the first published essay on the legal theory of international arbitration based on his Course at The Hague Academy of International Law (*Aspects philosophiques du droit de l'arbitrage international*), subsequently published in English (*Legal Theory of International Arbitration*) as well as in the Arabic, Chinese, Spanish, Hungarian and Portuguese languages. From 1985 to 2010, he published a yearly feature in the *Journal du Droit International*, commenting on ICSID decisions and awards. In 2004, he published a seminal volume on ICSID arbitration case law entitled *La Jurisprudence du CIRDI*, the second volume of which was published in 2010.

Emmanuel Gaillard has advised and represented corporations, States and State-owned entities in international arbitration cases for over 30 years. He has also acted as sole arbitrator, party-appointed arbitrator or Chairman under most international arbitration rules and is frequently called upon to appear as an expert witness on arbitration law issues in international arbitration proceedings or enforcement actions before domestic courts.

Emmanuel Gaillard regularly acts as expert for the OECD (Organization for Economic Co-operation and Development), UNCTAD (United Nations Conference on Trade and Development) and UNCITRAL (United Nations Commission on International Trade Law). In 2010, he was appointed as expert by UNCITRAL for the drafting of the UNCITRAL Guide on the New York Convention, which will be published in early 2014.

Emmanuel Gaillard was the first President and one of the co-founders of the International Academy for Arbitration Law (AIDA) and chairs the International Arbitration Institute (IAI). He heads Shearman & Sterling's International Arbitration practice.

Experience as Arbitrator

Chairman, sole arbitrator or member of the tribunal in numerous international arbitration proceedings under the Arbitration Rules of ICSID, ICC, LCIA, IACAC, AAA, Franco-German Chamber of Commerce, Zagreb Chamber of Commerce, Geneva Chamber of Commerce and Industry, Cairo Regional Center for International Commercial Arbitration, as well as in ad hoc (including UNCITRAL) arbitration proceedings.

Arbitrations in the public domain include:

- Federal Elektrik Yatırım ve Ticaret A.Ş. and others v. Republic of Uzbekistan (Arbitrator, appointed by the Claimant, ICSID Case No. ARB/13/9). Dispute relating to the renovation and development of a natural gas system.
- EuroGas Inc. and Belmont Resources Inc. v. Slovak Republic (Arbitrator, appointed by the Claimant, ICSID Case No. ARB/14/14). Dispute relating to a talc mining enterprise.
- CEZ AS v. Albania (Arbitrator, appointed by the Republic of Albania, UNCITRAL Case). Dispute relating to a power distribution enterprise. MNSS B.V. and Recupero Credito Acciaio N.V. v. Montenegro (Arbitrator, appointed by the Claimant, ICSID Case No. ARB (AF)/12/8).
- Lundin Tunisia B.V. v. Republic of Tunisia (Arbitrator, appointed by the Claimant, ICSID Case No. ARB/12/30).
- Toto Costruzioni Generali S.p.A. v. Republic of Lebanon (President of the *Ad hoc* Committee, ICSID Case No. ARB/07/12).
- Commerce Group Corp San Sebastian Gold Mines, Inc. v. Republic of El Salvador (President of the *Ad hoc* Committee, ICSID Case No. ARB/09/17).
- Global Trading Resource Corp. and Globex International, Inc. v. Ukraine (Arbitrator, appointed by the Claimants, ICSID Case No. ARB/09/11).
- Saba Fakes v. Republic of Turkey (President, appointed by the parties, ICSID Case No. ARB/07/20).
- Shareholders of SESAM v. Central African Republic (President, appointed by the parties, ICSID Case No. CONC/07/1).
- Victor Pey Casado and President Allende Foundation v. Republic of Chile (Arbitrator, appointed by ICSID, ICSID Case No. ARB/98/2).
- Cargill, Incorporated v. Republic of Poland (Arbitrator, appointed by the Claimant, former ICSID Case No. ARB(AF)/04/2).
- Canfor Corporation v. USA (President, appointed by agreement between the parties, arbitration under the UNCITRAL Arbitration Rules and NAFTA):.
- Consortium Groupement L.E.S.I.-DIPENTA v. Algeria (Arbitrator, appointed by the Republic of Algeria, ICSID Case No. ARB/03/8) and L.E.S.I. SpA and Astaldi SpA v. Algeria (Arbitrator, appointed by the Republic of Algeria, ICSID Case No. ARB/05/3).
- PT Aria West International v. PT Telekomunikasi Indonesia Tbk (Arbitrator, appointed by the Claimant, ICC arbitration, Geneva).

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- Rupert Joseph Binder v. Czech Republic (Arbitrator, appointed by the Respondent, UNICTRAL arbitration).
- Eastern Sugar v. Czech Republic (Arbitrator, appointed by the Respondent, UNICTRAL arbitration).
- Progas et al, Sheffield Engineering Company v. Pakistan (Arbitrator, appointed by the Claimants, UNCITRAL arbitration).

Publications

Author, *Legal Theory of International Arbitration*, Martinus Nijhoff, 2010.

Author, *Aspects philosophiques du droit de l'arbitrage international*, The Hague Academy of International Law, Martinus Nijhoff, 2008.

Co-editor, *Enforcement of Arbitration Agreements and International Arbitral Awards – The New York Convention in Practice*, Cameron May, 2008.

Author, *La jurisprudence du CIRDI*, Pedone, 2 volumes, 2004 and 2010.

Co-author, *Fouchard Gaillard Goldman On International Commercial Arbitration*, Kluwer, 1999.

Co-author, *Traité de l'arbitrage commercial international*, Litec, 1996.

General editor, *Fifteen Years of NAFTA Arbitration*, IAI International Arbitration Series No. 7, Juris Publishing, 2011.

General editor, *The Review of International Arbitral Awards*, IAI International Arbitration Series No. 6, Juris Publishing, 2010.

General editor, *Precedent in International Arbitration*, IAI International Arbitration Series No. 5, Juris Publishing, 2008.

General editor, *State Entities in International Arbitration*, IAI International Arbitration Series No. 4, Juris Publishing, 2008.

General editor, *Towards a Uniform International Arbitration Law?*, IAI International Arbitration Series No. 3, Juris Publishing, 2005.

General editor, *Anti-Suit Injunctions in International Arbitration*, IAI International Arbitration Series No. 2, Juris Publishing, 2005.

General editor, *Annulment of ICSID Awards*, IAI International Arbitration Series No. 1, Juris Publishing, 2004.

Yearly commentaries on ICSID case law in the *Journal du Droit International* (since 1985).

Numerous other articles and book chapters on international arbitration and private international law.

Selected Professional Affiliations and Business Activities

Visiting Professor of Law, Yale Law School (2013-)

Professor of Law, Ecole de droit, Sciences Po (2012-2014)

Visiting Professor of Law, University of Geneva (2009-2013)

Visiting Professor of Law, Harvard Law School, 1984

President and co-founder, International Academy for Arbitration Law (2011-2013)

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Member, appointed by France, ICSID Panel of Arbitrators (2006-2018)
Member, Editorial Advisory Board, ICSID Review – Foreign Investment Law Journal
Member, International Council for Commercial Arbitration (ICCA)
Chairman, International Arbitration Committee, International Law Association (1989-1996)
Member, Comité Français de Droit International Privé
Chairman, International Arbitration Institute (IAI)
Member, Comité Français de l'Arbitrage (CFA)
Member, Swiss Arbitration Association (ASA)
Member, London Court of International Arbitration (LCIA); former Court member (2002-2007)
Member, Board of Trustees of the Foundation for International Arbitration Advocacy

Education

Maîtrise en droit, Université de Paris II, 1975.
DEA en droit privé, Université de Paris II, 1976.
DEA en droit pénal, Université de Paris II, 1977.
Doctorat en droit, Université de Paris II, 1981.
Agrégré des Facultés de Droit, 1982.

Bar admission/Qualification

Paris.

Languages

French and English

Nationality

French