

## Emilie Gonin

Year of Call: 2015



### Profile

Emilie specialises in international commercial arbitration, investment treaty arbitration, public international law and extradition.

Emilie has represented corporations, states and sovereign entities in both investment treaty and commercial arbitrations. She has experience of arbitrations conducted under the major arbitration rules (ICC, LCIA, ICSID, HKIAC, UNCITRAL) across a range of sectors, including energy, financial and telecoms disputes. She also has expertise in proceedings related to arbitration disputes before English and other Commonwealth courts, including anti-suit injunctions and enforcement of arbitral awards.

Emilie accepts appointments as arbitrator.

Prior to transferring to the Bar, she practised as a solicitor working for four years in the international arbitration department of **Allen & Overy LLP** in London.



Emilie is a lecturer at **Sciences Po Paris** where she teaches investment treaty arbitration. She regularly trains government lawyers, in particular in Africa, in the field of investment treaty arbitration and court proceedings in support of arbitration. She is an assistant editor of the Kluwer Arbitration Blog.

Emilie is also a qualified Paris Bar *Avocate à la Cour*. She speaks French, Italian and German. Emilie can be instructed directly in suitable cases under the Bar's Direct Access scheme.

### **Speaking Engagements and Publications**

*"A paradigm shift in international investment law: Investor Obligations"* (Africa International Legal Awareness, University of Geneva, Cairo, April 2017).

*"The Universal Practice: Investment and Human Rights"* (University of Geneva, Geneva Talks on Foreign Investment in Africa, March 2017).

*"The future of investment treaty arbitration"* (Ciarb YMG, Sciences Po, White & Case, March 2017).

*"The politics of it all: enforcing arbitral awards in the OHADA zone"* (Ciarb YMG Conference, November 2016).

*"Emergency Arbitrations"* (Indian Council of Arbitration, New Delhi, July 2016).

*"Spotlight on OHADA Arbitration following a Recent Decision of the Common Court of Justice and Arbitration"*, YAR, (April 2016), Ed. 21, (co-author).



GAR Knowhow: Investment Treaty Arbitration – Rwanda chapter (2015) (co-author).

*“Enforcement of arbitral award under the New York Convention: practice and alternatives”* (Young Arbitrators Forum of the International Chamber of Commerce, London, 2014).

*“Intra-EU Investment-treaty arbitration: lessons from the Energy Charter Treaty”* (UK Department for Business Innovation and Skills, London, 2013).

*“Interactions between domestic courts and the arbitration process in commercial arbitration”* (Judges of the Kigali Commercial Court, Kigali, 2012).

*“Barristers from the Same Chambers Appearing as Counsel and Arbitrator; Independence Revisited?”* DRI, (November 2011) Volume 5, Issue 2 (co-author).

### **Investment Treaty Arbitration**

Emilie’s experience includes:

**Acting for the Government of Wallonia** in the context of Belgium’s request for an opinion about the dispute resolution mechanism in the EU-Canada Comprehensive Economic and Trade Agreement before the European Court of Justice.

Providing an expert opinion in relation to an ongoing challenge against an investment treaty award on jurisdiction (details confidential).

Advising the CEO of a Nigerian oil company on potential investment treaty claim against a European country whose public investigation into his business had caused the share price of his company to fall (details confidential).

Acting for the Government of Pakistan in **Allawi v Pakistan** and **Progas Energy Ltd. v Pakistan**, two arbitrations commenced by investors in the Liquid Petroleum Gas sector under the UK-Pakistan and the Mauritius-Pakistan BITs.

Acting for a shareholder in a telecommunication company, Dunkeld, in **Dunkeld International Investment Limited v The Government of Belize (PCA Case No. 2010-13)**, an arbitration commenced under the UK-Belize BIT relating to the nationalisation of Telemedia, a telecommunication



company.

Acting for two telecommunication companies, Millicom and Sentel, in **Millicom International Operations B.V. and Sentel GSM SA v The Republic of Senegal (ICSID Case No. ARB/08/20)**, an arbitration commenced under the Netherlands-Senegal BIT relating to a

### **International Commercial Arbitration**

Emilie's experience includes:

**Acting for an individual Respondent** in an ongoing ICC arbitration seated in London arising out of contracts relating to the energy sector in Cameroon (details confidential)

**Acting for two financial institutions**, in their successful claim against the Government of Belize in an LCIA arbitration arising out of a multimillion dollar loan.

**Acting for an oil company** claimant in a USD 65 million ICC arbitration seated in London arising out of a joint venture agreement with two other oil companies.

**Acting for a global investment bank** claimant in an LCIA arbitration regarding its exit from an investment in an Indian real estate company.

**Acting for a Japanese steel manufacturer** in a shareholder dispute with an Italian company in a HKIAC arbitration.

**Acting for a bank and its holding company** in an UNCITRAL arbitration relating to a settlement agreement with a state entity, in particular concerning the legality of certain tax treatment.

### **Arbitration related Court Proceedings**

Emilie's experience includes:

**Acting for a financial institution** in order to obtain the enforcement of an LCIA arbitral award against a Caribbean State, under s. 66 of the English Arbitration Act 1996.

**Acting for BCB Holdings Ltd and the Belize Bank Ltd** in enforcement proceedings relating to a USD 44 million arbitral award against the Government of Belize both before the English courts and the Caribbean Court of Justice.

**Regularly advising** on challenges to arbitral awards, anti-suit injunctions and applications for recognition and enforcement.

### **International Law**



Emilie's experience includes:

Advising a **Middle Eastern State** on whether certain measures taken by other states breached international law and human rights law (led by Geoffrey Robertson QC) (details confidential).

Advising the **government of Somalia** on international remedies available in relation to Illegal, Unregulated and Unreported fishing by foreign vessels in the territorial waters of Somalia and on the redrafting of its domestic fisheries law.

Advising the **government of Senegal** on international remedies available in relation to Illegal, Unregulated and Unreported fishing by foreign vessels in the territorial waters of Senegal (led by Professor Makane Mbengue).

Representing **the OvaHerero and Nama tribes of Namibia** (led by Kirsty Brimelow QC) against the German Republic in relation to their claims for reparations arising out of the genocide committed at the beginning of the 20th century.

Representing **Fininvest**, an Italian media company, (led by Edward Fitzgerald QC) in its claim against Italy before the ECtHR in relation to judgment of the Italian Supreme Court which affects Fininvest's shareholding in several media groups.

Advising **Minority Rights Group** as to the options available for bringing to justice perpetrators of crimes in Syria.

**Advising a government** in relation to the possibility of taking countermeasures against another state.

### Public Law

Emilie is regularly involved in judicial reviews with an international element in England and in the Commonwealth. Her experience includes:

Representing the claimants in **Kontic et al v Ministry of Defence [2016] EWHC 2034 (QB)** (led by Kirsty Brimelow QC) who brought a claim against the Ministry of Defence under Human Rights Act in relation to the UK's acts and omissions during its occupation of Kosovo.

Assisting local counsel in their representation of **several Maya communities** (led by Edward Fitzgerald QC) in their claims against the Government of Belize.

Acting for the **British Caribbean Bank** in several constitutional challenges before the Belize courts to legislation, including constitutional amendments, expropriating the bank's security interests.



## Extradition

Emilie is regularly instructed in extradition cases at first instance and on appeal. She has advised on numerous extradition issues including prison conditions, dual criminality and passage of time.

Notable cases include:

**Poland v Drapiewski, 24 August 2016:** successful section 21A and Article 8 challenges to extradition where the extradition was sought on an accusation warrant as well as on a conviction warrant.

**Germany v Hill:** the accusation warrant was withdrawn by Germany after the full extradition hearing where extradition was challenged inter alia on the basis of section 25 in a context where the requested person had suffered a stroke and was no longer able to communicate effectively.

**Box v USA, 4 October 2016,** unreported: successful appeal of bail refusal by Westminster Magistrates' Court where the Appellant was accused of manslaughter in the United States.

## Qualifications

Avocate à la Cour (Paris Bar), 2011

Registered European Lawyer in England & Wales, 2011

## Education

London School of Economics and Political Science, LLM specialising in International Business Law (hons)

La Sorbonne (Paris I), Masters in English and North American Business Law (hons)

SciencesPo Paris, Masters in Economic Law with major in Litigation and Arbitration (hons)

SciencesPo Paris, Masters in Public Affairs (hons)



**Languages**

French (native)

Italian

German