

## Emilie Gonin



Call: 2015 (2011- Paris Bar)

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### Profile

Emilie is a barrister specialising in investment treaty and international commercial arbitration, public international law and human rights. She is also a lecturer at Sciences Po Paris where she teaches investment treaty arbitration as well as an *Avocate à la Cour* at the Paris Bar.

She has been ranked for a number of years in several legal directories for public international law and international arbitration, which describe her as a *“brilliant lawyer, thorough in her analysis, precise in her drafting and clear in her thoughts. She is a pleasure to work with under any circumstance, including when faced with the stress of a filing deadline or hearing”* (Legal 500, International Arbitration: Counsel, 2021), *“an excellent and committed junior who is a great team player and a joy to work with, she works seamlessly across French and English, and fights like a tiger for her clients”* (Legal 500, Public International Law, 2020) and a barrister whose *“enthusiasm is matched with a razor-sharp mind”* (Who’s Who Legal, UK Bar: Arbitration, 2019).

Emilie has represented parties in more than thirty arbitrations conducted under all major arbitration rules (ICSID, SCC, UNCITRAL, ICC, LCIA, HKIAC, LMAA) across a range of industries, including mining, telecommunications, energy, real estate, finance, shipping and aviation.

She has considerable expertise in investment treaty arbitration. Her notable recent instructions include three ICSID cases in the real estate (*Alverley Investments Ltd, German Properties Ltd v Romania*, ICSID Case No. ARB/18/30; *Dalal v United Arab Emirates*, ICSID Case No. ARB/19/10) and banking sectors (*Jochem Bernard Buse v Republic of Panama*, ICSID Case No. ARB/17/12) and one PCA case in the construction sector (*Patel Engineering Limited (India) v The Republic of Mozambique*). Her expertise is particularly sought after in investment treaty matters involving criminal law with an international element (e.g. Interpol red notices, extradition), human rights and media and entertainment issues.

Emilie's practice also focusses on international commercial arbitrations and matters before the English Commercial Court. Her recent instructions include an UNCITRAL arbitration regarding a shareholders' dispute, an LMAA arbitration acting for France's biggest cereal producer and a dispute regarding the effect of Covid-19 on aircraft leases (*Fibula v Just Us Air*). She is also currently sole arbitrator in an ICC arbitration involving the sale of olive oil and the claimant's appointee in an ICC arbitration involving the sale hydrocarbons.

Emilie has further represented parties before a number of international courts, including the ICJ, the ECtHR and the CJEU. She has appeared on behalf of the African Union before the ICJ in the case of *Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965* (Request for Advisory Opinion) and represented francophone regions of Belgium in the landmark case about the compatibility of the dispute resolution provisions in the Canada EU Trade Agreement with EU Law (Opinion 1/17 of the CJEU).

Emilie is fluent in French, Italian and German and has basic command of Spanish.

## **Education**

LLM in International Business Law (Hons), London School of Economics and Political Science, 2010

Masters in English and North American Business Law (Hons), La Sorbonne, 2009

Masters in Economic Law with major in Litigation and Arbitration (Hons), Sciences Po Paris, 2009

Masters in Public Affairs (Hons), Sciences Po Paris, 2007

Double degree in German and History (Hons), Jussieu and La Sorbonne Nouvelle, 2005

### **Languages**

French

German

Italian

Spanish

### **Related practice areas**

International Arbitration

International Human Rights Law

International Criminal Law

Public International Law

Extradition

Business Crime and Investigations

## **Investment Treaty Arbitration**

### **Experience includes:**

**Acting for two Cypriot investors in the real estate sector**, Alverley and Germen, in Aleverley Investments Ltd, Germen Properties Ltd v Romania (ICSID Case No. ARB/18/30), an arbitration commenced under the Cyprus-Romania BIT (led by Roderick Cordara QC and initially instructed by Shearman & Sterling LLP and later by Quinn Emanuel Urquhart & Sullivan, LLP).

**Acting for a UK investor in the real estate sector**, Mr Dalal, in Dalal v United Arab Emirates (ICSID Case No. ARB/19/10), an arbitration commenced under the UK-UAE BIT (instructed by Shardul Amarchand Mangaldas & Co).

**Acting for a Dutch investor in the financial sector**, Mr Buse, in Jochem Bernard Buse v Republic of Panama (ICSID Case No. ARB/17/12), an arbitration commenced under the Netherlands-Panama BIT (instructed by Lindeborg).

**Advising a mining company** in the context of a potential ICSID arbitration against an African government (led by Salim Moollan QC and instructed by King & Wood Mallesons) (details not public).

**Acting as Secretary of the Tribunal** in Littop Enterprises Limited, Bridgemont Ventures Limited and Bordo Management Limited v Ukraine (SCC Case No. V 2015/092).

**Providing an expert opinion** in relation to a challenge against two UNCITRAL investment treaty awards on jurisdiction brought by an Eastern European Government at the seat of arbitration (led by Professor Makane Mbengue) (details not public).

**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 telecommunication licence.

International Commercial Arbitration

## **Experience includes:**

**Acting for a US auction company** in an LCIA arbitration arising out of the auction of luxury real estate (details not public).

**Acting for a Cameroonian high net worth individual** in an ICC arbitration arising out of a multimillion dollar contract (instructed by Omnia LLP) (details not public).

**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 (details not public).

**Acting for an oil company** claimant in a USD 65 million ICC arbitration arising out of a joint venture agreement with two other oil companies (details not public).

**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 (details not public).

## Public International law / International Human Rights Law

### **Experience includes:**

**Acting for the African Union** in its intervention before the International Court of Justice in the matter of Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965 (Request for Advisory Opinion).

**Acting for Wallonia and Brussels** in the context of Belgium's request for an opinion of the CJEU on the dispute resolution mechanism in the CETA between the EU and Canada (Opinion 1/17).

**Advising a former President** as to breaches of the ECHR in relation to his prosecution by the new party in power (led by Edward Fitzgerald QC).

**Advising the Hungarian Helsinki Committee** in the context of the ECtHR Grand Chamber case of Ilias and Ahmed v Hungary (Application no. 47287/15) (instructed by Fietta LLP).

**Advising a Middle Eastern government** on the strength of its position, as a matter of international law, in the context of a high-profile dispute with neighbouring countries (led by Geoffrey Robertson QC and instructed by Howard Kennedy LLP) (details not public).

**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).

**Acting for Fininvest, an Italian media company** in its claim against Italy before the ECtHR, the company belongs to Silvio Berlusconi and is bringing a claim in relation to judgment of the Italian Supreme Court which affects Fininvest's shareholding in several media groups (led by Edward Fitzgerald QC).

## Arbitration related Court Proceedings

### Experience includes:

**Acting for the Belize Bank Limited** in enforcement proceedings against the Government of Belize before the Caribbean Court of Justice, the highest Court in Belize (led by Eamon Courtenay and Angeline Welsh and instructed by Courtenay Coye LLP).

**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 anti-suit injunctions, anti-arbitration injunctions, and applications for recognition and enforcement.

## Extradition and Interpol Red Notices

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.

Emilie has experience of challenging improperly issued Interpol red notices.

### **Her cases include:**

Advising on the challenge of a red notice issued by a Middle Eastern country against a British businessman on the ground that it was issued in breach of his right to a fair trial.

Advising on the challenge of a red notice issued by a Middle Eastern country against a Canadian businessman on the ground that it was issued in breach of his right to liberty and security and his right to a fair trial.

### **Publications**

Intra-EU Investment Protection and the Rule of Law, in C. Baltag, A. Stanic (eds.) "The Future of Investment Treaty Arbitration in the EU: Energy Charter Treaty, Intra-EU BITs and Multilateral Investment Court", Wolters Kluwer, (forthcoming)

Commentary of Article 17 of the ICSID Convention, in J. Fouret, R. Gerbay, G.M. Alvarez (eds.), "The ICSID Convention, Rules and Regulations: A Practical Commentary", Elgar Commentaries series, 2019

*"ICSID provisional measures vs. extradition proceedings – the case of Nova Group Investments v Romania"*, Lexis PSL Arbitration, 12 December 2017

*"How Effective are ICSID Provisional Measures at Suspending Criminal Proceedings before Domestic Courts: The English Example?"*, Kluwer Arbitration Blog, 30 September 2017

*"CAFTA tribunal corrects award and terminates arbitration (Berkowitz v Costa Rica)"*, Lexis PSL Arbitration, 28 June 2017

*"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)

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