

## DERAINS & GHARAVI

### HAMID G. GHARAVI

Founding Partner

Tel.: +33 (0) 1 40 555 100

Fax: +33 (0) 1 40 555 105

[hgharavi@derainsgharavi.com](mailto:hgharavi@derainsgharavi.com)

[www.derainsgharavi.com](http://www.derainsgharavi.com)



### Languages: French, English, Farsi

Hamid Gharavi, founding partner of the firm, is a member of the Paris and the New York Bars.

He has acted as arbitrator or counsel in over 100 *ad hoc* and institutional commercial arbitrations under civil, common and Islamic law as well as under investment treaties and general public international law.

Hamid Gharavi also advises States and companies on public international law matters, including the accession to and denunciation of international treaties, boundary disputes, succession of States, compliance with national, regional and international sanctions, boycott and anti-boycott regulations, as well as laws and conventions on corruption.

He has been appointed to the LCIA Court, the Panel of ICSID Arbitrators as well as other panels, including the Court of Arbitration for Sport. He is the author of a number of publications in the field of arbitration and regular speaker at international conferences.

Hamid Gharavi has been recognized as an arbitration and public international law expert in specialized journals. Legal 500 portrays him as “a brilliant legal mind coupled with exceptional managerial abilities.”

### ILLUSTRATIVE EXPERIENCE AS COUNSEL

- Successfully representing the Republic of Turkey in an USD 19 billion ICSID arbitration against a Dutch national for alleged expropriation of an investment in the telecom industry: Obtained Award on Jurisdiction dismissing the claim with costs published at [http://ita.law.uvic.ca/documents/Fakes\\_v\\_Turkey\\_Award.pdf](http://ita.law.uvic.ca/documents/Fakes_v_Turkey_Award.pdf) (Saba Fakes v. Republic of Turkey - ICSID Case No. ARB/07/20)

- Successfully representing the Republic of Albania in an ICSID arbitration against a Greek Company for alleged unfair treatment and denial of justice against an investment in the construction industry: Obtained an Award dismissing the claim published at <http://ita.law.uvic.ca/documents/PantechnikiAward.pdf> (Pantechniki S.A. Contractors & Engineers v. Republic of Albania - ICSID Case No. ARB/07/21)
- Successfully representing a US investor against Ukraine in an ICSID arbitration initiated pursuant to a bilateral investment treaty for unfair and inequitable treatment and discrimination against an investment in the radio industry: Obtained an award with partial legal costs. It is the first international award holding a State liable for breach of international law in relation to tenders (published in [http://ita.law.uvic.ca/documents/LemireVUkraine\\_Award\\_28March2011.pdf](http://ita.law.uvic.ca/documents/LemireVUkraine_Award_28March2011.pdf) and a Decision establishing the liability of Ukraine for unfair and inequitable treatment published in <http://ita.law.uvic.ca/documents/Lemirev.Ukraine2010.pdf> (Joseph C. Lemire v. Ukraine - ICSID Case No. ARB/06/18)
- Successfully representing Turkish companies in an ICSID arbitration initiated pursuant to a bilateral investment treaty against the Republic of Kazakhstan for expropriation of an investment in the telecommunication industry: Obtained an Award for USD 175,000,000 including interests against Kazakhstan on July 29, 2008 published at <http://ita.law.uvic.ca/documents/Telsimaward.pdf> (Rumeli Telekom A.S. and Telsim Mobil Telekomunikasyon Hizmetleri A.S. v. Republic of Kazakhstan - ICSID Case No. ARB/05/16) and successfully representing these same companies in the annulment proceedings that were ultimately dismissed by decision dated March 25, 2010 published at <http://ita.law.uvic.ca/documents/RumeliAnnulment.pdf>
- Successfully representing an Omani company against the Republic of Yemen in an ICSID arbitration initiated pursuant to a bilateral investment treaty for governmental interference, expropriation and denial of justice with respect to an investment in the construction industry: Obtained an Award of USD 25,000,000 inclusive of moral damages published at <http://ita.law.uvic.ca/documents/DesertLine.pdf> (Desert Line Projects LLC v. Republic of Yemen - ICSID Case No. ARB/05/17)
- Representing a Lebanese family against the Democratic Republic of Congo in an ICSID arbitration initiated pursuant to the foreign investment law for breach of international law with respect to an investment in the wood and construction industry (Antoine Abou Lahoud and Leila Bounafteh-Abou Lahoud v. Democratic Republic of the Congo – ICSID Case No. ARB/10/04)
- Representing the Republic of Togo in the ICSID annulment procedure only (i.e. not in the underlying arbitration that led to the challenged Award) No. ARB/06/7 against Togo Electricité and GDF Suez E.S. concerning a dispute related to an electricity concession
- Representing a French investor against the Republic of Moldova in an ICSID arbitration initiated pursuant to a bilateral investment treaty in relation to an investment in the duty free industry (Mr. Franck Charles Arif v. Republic of Moldova– ICSID Case No. ARB/11/23)

- Advising States on the procedure and consequences of the denunciation of international treaties
- Advising Multinational companies on compliance with international sanctions as well as laws on corruption
- Representing a British company against a Central Asian State in an UNCITRAL arbitration initiated pursuant to a bilateral investment treaty in relation to an investment in the mining industry
- Representing the Republic of Albania in an ICSID arbitration related to an alleged investment in the gambling industry (Burimi S.R.L. and Eagle Games SH.A v. Republic of Albania - ICSID Case No. RB/11/18)
- Representing the Republic of Albania in an ICSID arbitration related to an alleged investment in the oil and gas industry (Mamidoil Jetoil Greek Petroleum Products Societe Anonyme S.A. v. The Republic of Albania - ICSID Case No. ARB/11/24)
- Representing a leading French water management company in expertise and arbitration proceedings against a State owned Middle Eastern entity for breach of a construction and commissioning contract of a water treatment facility
- Representing a Canadian construction company in an ICC arbitration in Geneva against a public entity arising out of the construction of a plant in the Middle East
- Representing a French telecommunication company in an ICC arbitration in Paris against a Middle Eastern company for breach of a contract for the supply of a GSM network in an African country
- Representing a French telecommunication company in an ICC arbitration in Geneva against a Middle Eastern company for breach of a contract for the construction of a cellular network in that Middle Eastern State
- Representing an Asian energy company in an ICC arbitration in Paris against a Mauritanian company for breach of an energy related contract
- Representing a French construction company in an ICC arbitration in Paris against a State entity of an Eastern European State for breach of a construction contract
- Representing the owner of a 4 star hotel in France in an ICC arbitration in Paris against a hotel management company for breach of a contract for the management of the hotel in France
- Representing the owner of a 4 star hotel in Lebanon in an ICC arbitration in London against a hotel management company for breach of a contract for the management of the hotel in Lebanon
- Representing an individual against a Western company for deceit and nonpayment of a commission in relation to an agency agreement for the construction of a nuclear plant in the Middle East

- Representing a French Sport Federation in an ICC arbitration in Paris against a foreign company for breach of broadcasting rights of a major sport event

### **EXPERIENCE AS ARBITRATOR**

- Co-arbitrator, sole arbitrator or chairman in over 50 institutional arbitrations (including ICC, ICSID, LCIA and CRCICA) and *ad hoc* procedures (including UNCITRAL). Most recent illustrative arbitral appointments include:
  - Chairman of an LCIA Tribunal in London between Nigerian and English companies for the alleged breach of a Concession Agreement relating to a State Contract in the steel industry
  - Chairman of an LCIA Tribunal in London between English and Indian companies for the alleged breach of a contract for sale of steel
  - Chairman of a TRAC Arbitral Tribunal between and Iranian and a Turkish company for the alleged breach of a consultancy agreement
  - Sole Arbitrator in an ICC arbitration in Paris between a Swiss company and an African State for the alleged breach of a contract for the reform and management of the African State's import and customs authority
  - Sole Arbitrator in an ICC arbitration in Milan between a European company and a North American company for the alleged breach of a procurement contract for conveyor dryers in relation to the construction of a project in Asia
  - Sole Arbitrator in an UNCITRAL arbitration between a European company and a Middle Eastern public entity regarding the construction of a baggage handling system in the international airport of the country's capital
  - Sole Arbitrator in an LCIA Arbitration in London under New York Law between a North American company and a European bank for the alleged breach of a financial agreement
  - Co-Arbitrator in an ICC arbitration between a Dutch company and an African State regarding the performance of a project in the field of gas exploitation and power generation
  - Co-arbitrator in an ICC arbitration between a French State Defense Group against an Asian government for alleged breach of a contract for military equipment
  - Co-arbitrator in an ICC arbitration between two Middle Eastern oil companies for alleged breach of a contract for the lease and operation of oil rigs
  - Co-Arbitrator in several ICC arbitrations between a Middle Eastern company and a Eastern European State for the alleged breach of construction contracts

- Co-Arbitrator in an ICSID Arbitration between Shell and the Federal Republic of Nigeria for the alleged expropriation of oil fields (ICSID Case No. ARB/07/18)
  - Co-Arbitrator in an ICSID Arbitration between H&H Enterprise Investments and the Arab Republic of Egypt for the alleged expropriation of a hospitality complex (ICSID Case No. ARB/09/15)
  - Co-Arbitrator in an ICSID Arbitration between Mr. Hassan Awdi, Enterprise Business Consultants, Inc. and Alfa El Corporation and Romania for alleged expropriation of a concession contract related to the press industry (ICSID Case No. ARB/10/13)
  - Co-arbitrator in an UNCITRAL arbitration between major US and Arab companies for alleged breach of a joint venture for the exploration of oil
  - Co-Arbitrator in an UNCITRAL arbitration in Geneva between French and Turkish companies for alleged breach of a contract for the procurement of a computer software
  - Co-Arbitrator in an arbitration under the auspices of the Cairo Regional Arbitration Centre dispute relating to the management of a 5 star hotel between the European Owner of the Hotel and a Public entity of a Middle Eastern State
  - Co-Arbitrator in an ICC arbitration between a European food manufacturer and its Middle Eastern distributor for alleged breach of a distribution contract
- Appointed by the Kingdom of Cambodia on the ICSID Panel of Arbitrators and Conciliators
  - Member of the Court of the London Court of International Arbitration (LCIA) until 2012

## **PROFESSIONAL EXPERIENCE**

Since 2009	Founding Partner, Derains & Gharavi
2000 - 2008	Partner (2005-2008), Salans - Paris
1999	Visiting Professor at Richmond University School of Law (international comparative law and arbitration) - Virginia
1996-1998	Associate, Skadden Arps Slate Meagher & Flom LLP - New York

## **EDUCATION**

2002	Member of the Paris Bar
2000	Ph.D (University of Paris II)
1997	Member of the New York Bar
1996	Master of Comparative Jurisprudence (New York University School of Law)
1995	D.E.A. Droit Nord Américain et Anglais des Affaires (University of Paris I)
1994	DESS Juriste d'Affaires Internationales (University of Paris V)
1993	Maîtrise (University of Paris II)

## **MEMBERSHIP**

- Member of the ICSID panel of arbitrators and mediators
- Court member of the LCIA
- Member of the List of Arbitrators of the Dubai International Arbitration Centre
- Member of the Panel of Arbitrators of the Singapore International Arbitration Centre
- Member of the Court of Arbitration for Sport
- Member of the French Commission on Arbitration of the ICC
- Member of the Swiss Arbitration Association
- Member of the International Arbitration Institute (IAI)
- Nominated by Cambodia on the ICSID panel of arbitrators and mediators

## **PUBLICATIONS**

- L'Article 10 du nouveau Règlement d'arbitrage de la CCI : Percées et formalisation de la pratique de la Cour sur la "Jonction d'arbitrages", in *Les Cahiers de l'Arbitrage / The Paris Journal of International Arbitration*, 2012 n°1, p. 51, written with Marie-Laure Bizeau

- “Les joies et frayeurs du Conseil”, in “L’arbitrage relatif aux investissements : nouvelles dynamiques internationales”, Journée d’Études du 4 mars 2011, Dossier d’Orientation, Convention/s ([http://www.convention-s.fr/documents/CNV\\_journ%C3%A9e%20arbitrage\\_dossier\\_tr.pdf](http://www.convention-s.fr/documents/CNV_journ%C3%A9e%20arbitrage_dossier_tr.pdf))
- “Le Secrétaire Général du CIRDI”, in “CIRDI, 45 ans après, Bilan d’un système”, Editions A. Pedone, 2011
- “Iran: la révolution inachevée”, Le Figaro, February 22, 2010
- “The Advantages and Disadvantages of Investment Arbitration and Turkey’s Dilemma”, Uluslararası Özel Hukuk Sempozyumu, February 14, 2009
- “The International Effectiveness of the Annulment of Arbitral Awards”, Kluwer Law International, 2002
- “L’arbitrage au Yémen” / “Arbitration in Yemen”, ICC Bulletin 41 (volume 17, n°2)
- “Update, Thoughts And Perspectives on CEFAREA (Centre Français d’Arbitrage de Réassurance et d’Assurance)”, 20.3 Mealey’s International Arbitration Report (2005)
- “Arbitration Adventures and Misadventures in Naftland”, 19.6 Journal of International Arbitration 621 (2002)
- “Update, Thoughts and Perspectives on Azerbaijan’s Arbitration Regime”, ICC Bulletin (volume 13, n°2)
- “Update, Thoughts and Perspectives on Iran’s International Arbitration Regime”, Swiss Arbitration Bulletin n°4 (2000)
- “The 1997 Iranian Law on International Commercial Arbitration: The UNCITRAL Model Law à l’Iranienne”, Arbitration International (1999-1)
- “Le nouveau droit iranien de l’arbitrage commercial international”, Revue de l’Arbitrage (1999-1)
- “Arbitration under Bilateral Investment Treaties – An Often Overlooked Tool”, 13.5 Mealey’s International Arbitration Report (1998)
- “Finality and Enforceability of Foreign Arbitral Awards: From “Double exequatur” to the Enforcement of Annulled Awards”, 13.1 ICSID Rev. – FILJ 101 (1998)
- “A Nightmare Called Hilmarton”, 12.9 Mealey’s International Arbitration Report (1997)
- “Chromalloy: Another View”, 12.1 Mealey’s International Arbitration Report (1997)