

# CALINE MOUAWAD

## PARTNER

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VCARD



Caline Mouawad represents clients in international commercial arbitrations and in investment treaty disputes with host governments. She counsels clients in an array of multi-jurisdictional disputes that span from Europe to Latin America and from Africa to Asia, and concern such sectors as oil and gas, mining, consumer goods and telecommunications.

Caline has acted as counsel in arbitrations conducted in English and French under the rules of the ICC, ICSID, LCIA, AAA, ICDR, and SIAC, as well as in ad hoc cases under the UNCITRAL Rules. She regularly advises clients on drafting dispute resolution clauses in international commercial contracts and on protecting their international investments under investment treaties. In addition, Caline regularly serves as an arbitrator. She is listed on the Panel of Neutrals for the International Centre for Dispute Resolution and the AAA National Roster of Arbitrators and Mediators.

Caline serves as Vice-Chair of the Steering Committee of the ICC Commission on Arbitration and ADR. She formerly chaired the International Law Committee of the New York City Bar Association, and is currently a member of the International Commercial Disputes Committee.

Caline joined Chaffetz Lindsey in December 2019 and was previously a partner at King & Spalding in New York, where she practiced for more than ten years and was Vice-Chair of the firm's Diversity Committee. Prior to that, Caline practiced for nearly six years at Salans in Paris and New York, and began her legal career as a litigation association at Simpson Thacher & Bartlett in New York.

## RECOGNITION

- **Chambers USA** – Band 5 for International Arbitration
- **Crain's New York Business** – 2020 Notable Women in Law
- **Legal 500 USA** – “Next Generation Partner” for International Arbitration
- **Legal 500 Latin America** – “Recommended Lawyer” for International Arbitration
- **Euromoney's Expert Guides** – World's Leading Women in Business Law for Commercial Arbitration (U.S.)
- **Latinvex** – One of Latin America's Top 100 Female Lawyers
- **Who's Who Legal** – Global Thought Leader in Arbitration

## EDUCATION

- J.D., Harvard University
- B.A. Rice University, *summa cum laude* (Phi Beta Kappa)

## ADMISSIONS

- New York
- Paris (inactive)
- U.S. Court of Appeals for the D.C. Circuit
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York

## LANGUAGES

- English; French
- Arabic (conversational)

## REPRESENTATIVE MATTERS

- Representing owners of power plants in an ICC arbitration under New York law regarding breaches of EPC contracts.
- Representing a pharmaceutical company in an ICC arbitration concerning a licensing agreement dispute under New York law.
- Representing a Spanish company in an UNCITRAL arbitration brought under a South American bilateral investment treaty concerning a consumer goods business.
- Represented private equity investors in multiple, parallel AAA arbitrations concerning power plant projects.
- Represented a Canadian mining company in an ICC arbitration under New York law, concerning the termination of a supply agreement.
- Represented a telecommunications company in an ICSID arbitration brought under an African bilateral investment treaty concerning the revocation of a license.
- Represented an energy company in an ICC arbitration concerning a dispute over a preemption right relating to an interest in a deepwater project.
- Represented a major U.S. oil company in an UNCITRAL arbitration brought under the U.S.-Ecuador bilateral investment treaty concerning breaches of treaty, investment agreement and international law.
- Represented a major Southeast Asian conglomerate in a SIAC arbitration concerning a shareholder dispute with its joint venture partner over infrastructure projects.
- Represented a Canadian company in an ICSID arbitration brought under the Canada-Peru Free Trade Agreement concerning a mining project.
- Represented an international trading company in an ICC arbitration against a North African state concerning beverage and manufacturing facilities.
- Represented a U.S. company in a dispute brought under the U.S.-Peru Trade Promotion Agreement concerning a mineral mining project.
- Represented a production sharing contractor in an ICC arbitration under New York law, involving 18 other parties and concerning LNG sales and supply arrangements.
- Represented Dutch investors in an ICSID arbitration brought under an Eastern European bilateral investment treaty concerning a dispute over the termination of waste management concession agreements.
- Represented an Australian mining company against a North African state in an ICC arbitration concerning a breach of contract claim.
- Represented an energy company in an UNCITRAL arbitration relating to a production sharing agreement and the allocation of responsibility for a windfall tax on oil profits.
- Represented a French global media and communications company before an LCIA tribunal concerning claims of breach of a shareholders.

## SELECTED PUBLICATIONS

- “The Illegality Objection in Investor–State Arbitration,” *Arbitration International* (Jan. 2021) (co-author)
- United States Chapter, in Julien Fouret (ed.), *Enforcement of Investment Treaty Arbitration Awards* (2d ed. 2021) (co-author)
- “Structuring Investments into Africa through Mauritius to Benefit from Investment Treaty Protection,” *MARC Insights*, Issue 1 (Dec. 2019) (co-author)
- Chapter on Article 49 of the ICSID Convention, in Julien Fouret, Rémy Gerbay, and Gloria M. Alvarez (eds.), *The ICSID Convention, Regulations and Rules: A Practical Commentary* (2019) (co-author)
- “Investment Arbitration under Multilateral Treaties in the Middle East,” *BCDR International Arbitration Review Vol. 3, No. 2* (December 2016), 243-65 (Bahrain Chamber for Dispute Resolution) (co-author)
- “A Case for Dispositive Motions in International Commercial Arbitration,” *BCDR International Arbitration Review Vol. 2 No. 1* (June 2015), 77-98 (Bahrain Chamber for Dispute Resolution) (co-author)
- “Structuring Your Investment to Protect IP Rights – the Case of Compulsory Licensing,” *The Pharma Letter* (Mar. 21, 2014) (co-author)
- “Energy Disputes in Times of Civil Unrest: Transitional Governments and Foreign Investment Protections,” in Arthur W. Rovine (ed.), *Contemporary Issues in International Arbitration and Mediation: The Fordham Papers 2013*, 234-50 (2015) (co-author)
- “The Protection Offered by ‘Umbrella Clauses’ in Korean Investment Treaties,” *Journal of Arbitration Studies Vol. 23 No. 3* (Sept. 2013), 127-47 (co-author)
- “Resource Nationalism and Mining Reforms: An Increased Potential for International Disputes,” *The Northern Miner* (Sept. 26, 2013) (co-author)
- “A Guide to Interim Measures in Investor-State Arbitration,” *Arbitration International Vol. 29 No. 3* (2013), 381-434 (co-author)
- “Who Decides? The Tug-Of-War Between U.S. Courts and Arbitrators: A Commentary On Republic of Iraq v. BNP Paribas USA,” in Jalal El Ahdab (ed.), *International Journal of Arab Arbitration Vol. 4 No. 3* (2012), 112-28 (co-author)
- “The DynCorp Case: The Journey of an International Arbitration Award,” in Jalal El Ahdab (ed.), *International Journal of Arab Arbitration Vol. 3 No. 3* (2011), 25-54 (co-author)
- “Modern and Competitive: The New CRCICA Rules,” in Jalal El Ahdab (ed.), *International Journal of Arab Arbitration Vol. 3 No. 1* (2011), 17-24 (co-author)
- “The Meaning of ‘Investment’ in the ICSID Convention,” in Pieter Bekker, Rudolf Dolzer, and Michael Waibel (eds.), *Making Transnational Law Work in the Global Economy: Essays in Honour of Detlev Vagts* (CUP 2010), 326-356 (co-author)

## SELECTED SPEECHES & PRESENTATIONS

- “Does 28 U.S.C. § 1782 Apply to Private International Commercial Arbitrations? A Mock U.S. Supreme Court Argument,” Panel, *Fordham Conference on International Arbitration and Mediation*, Virtual (November 2020)
- “Attribution of Harm,” Panel, *Czech Ministry of Finance 10th Investment Treaty Arbitration Conference*, Virtual (October 2020)
- “The Impact of International Corruption on Cross-Border Litigation and Arbitration,” Panel, NYSBA Annual Meeting, International Section, New York (January 2020)
- “In the Hot Seat: Dealing with Corruption in International Arbitration,” Panel, McGill Journal of Dispute Resolution and McGill Arbitration Student Society, Montreal (January 2020)
- “New York as a Seat for International Arbitration,” Panel, *8th Annual GAR Live New York*, New York (October 2019)
- “Deal Issues and the Challenges of Obtaining Financing for Litigation,” *2nd Annual IMN Financing, Structuring & Investing in Litigation Finance*, New York (June 2019)
- “Mandatory Laws and Lois de Police,” Panel, IBA Arbitration Day on *Beyond the Governing Law: Mandatory Rules, Lois de police, Trade Sanctions and Other Conflicts of Laws*, Montreal (March 2019)
- “*Women in International Law: Journey to Parity*,” New York City Bar Association, New York (November 2018), Moderator
- “Third-Party Funding in International Commercial and Investment Treaty Arbitration,” Panel, *IMN Financing, Structuring & Investing in Litigation Finance Conference*, New York (May 2018)
- “The Interpretation and Application of the New York Convention: Taking Stock of the Practice,” NYIAC, New York (September 2017) (*The Second Circuit and the New York Convention*)
- 2017 ITA Annual Workshop, “Challenges to the Legitimacy of International Arbitration,” Co-Chair and Moderator of two panels (Regulating Arbitration Ethics, Legitimacy of the Arbitral Process) (June 2017)
- “How Procedure Makes Substance in International Courts and Tribunals,” 2017 ASIL Annual Meeting, Washington D.C. (April 2017)
- “Is there a U.S. Culture of International Arbitration?,” Panel, *The Grand Central Forum* (New York International Arbitration Center), New York (May 2016)
- “The influence of international arbitration on domestic litigation and vice versa,” IBA Annual Meeting, Vienna (October 2015)
- “Recent Developments in International Arbitration,” *The Grand Central Forum* (New York International Arbitration Center), New York (April 2015)
- “How ‘International’ Is International Arbitration?” Keynote address at ICC YAF event of Second Annual ICC Houston Conference on International Arbitration: *Energy, Ethics and the Effective Management of Arbitration*, Houston (October 2014)
- *The International Arbitrator’s Point of View*, PLI Arbitration Day, New York (June 2013), Moderator
- “Latin America - Enforcement of Awards” First Annual ICC Houston Conference on International Arbitration: *Houston as the Crossroads between the Middle East and the Americas*, Houston (April 2013)
- “Privatizing Justice: Shifting Adjudication Out of the Judiciary” Panel, Randolph W. Throver Symposium (Emory Law School): *Privatization: Managing Liability and Reassessing Practices in Local & International Contexts*, Atlanta (February 2013)
- “Women in International Law: Transforming the Legal Landscape,” New York City Bar Association, New York (May 2012), Moderator
- “Enforcement of Arbitral Awards Against Sovereigns” Panel, Columbia Arbitration Day 2012: *Arbitrating with a Sovereign: Issues in Commercial and Investment Arbitration*, New York (March 2012)
- “The Impact of Technology and the Internet on the Content of Advocacy in Arbitration,” *World Arbitration Forum on Intellectual Property (WAFIP)*, Jordan (November 2010)