

# CALINE MOUAWAD

## PARTNER

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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 the Americas to Europe 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.

Among other leadership roles, Caline serves as Vice-Chair of the Steering Committee of the ICC Commission on Arbitration and ADR and the Steering Committee's liaison to the ICC Task Force on Addressing Corruption Issues. Caline also serves as Vice Chair of the IBA Arbitration Committee and is a member of the IBA Arbitration Committee's Task Force on Privilege. She is a Director of the New York International Arbitration Center (NYIAC), as well as a Member of its Executive Committee. 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 also serves on the Advisory Board of ArabArb.

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 Global** – Band 4 for International Arbitration USA (“an “impressive lawyer”).
- **Chambers USA** – Band 4 for International Arbitration.
- **Crain's New York Business** – 2020 Notable Women in Law.
- **Legal 500 USA** – “Leading Lawyer” for International Arbitration (praising her “excellent, steady hand in arbitration” and her “knowledge of the players, issues”).
- **Legal 500 Latin America** – “Recommended Lawyer” for International Arbitration.
- **Euromoney's Expert Guides** – World's Leading Women in Business Law for Commercial Arbitration (US).
- **Latinvex** – One of Latin America's Top 100 Female Lawyers.
- **Who's Who Legal** – Global Thought Leader in Arbitration (distinguishing her “astonishing ability to find the weak spot of a case in a heartbeat” and for being “great on her feet and an excellent advocate on complicated issues”).

## 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 a U.S. and European manufacturer of wind turbines and O&M operator in an ICDR arbitration against the owners regarding alleged defect and O&M issues under New York law.
- Representing a Spanish subsidiary of a U.S. consumer goods company in an UNCITRAL arbitration against Venezuela for breaches of the Spain-Venezuela BIT.
- Representing a U.S. energy investor in an ICSID arbitration against Argentina over breaches of the U.S.-Argentina BIT.
- Representing a European marine equipment supplier in a SIAC arbitration arising out of the termination of multiple contracts, which are governed by New York law.
- Represented owners of power plants in an ICC arbitration under New York law regarding breaches of EPC contracts.
- Represented a pharmaceutical company in an ICC arbitration concerning a licensing agreement dispute under New York law.
- 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 intra-African BIT 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 BIT concerning breaches of treaty 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 Libya for breaches of the Cyprus-Libya BIT.
- 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 BIT concerning a dispute over the termination of waste management concession agreements.
- 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

- “Climate Science: A Role to Play at Every Stage of Investment Arbitration?” in Anja Ipp and Annette Magnusson (eds.), *INVESTMENT ARBITRATION AND CLIMATE CHANGE* (2024) (co-author)
- “Composition of the Arbitral Tribunal,” in S. Kroll, A. Bjorklund, and F. Ferrari (eds.), *CAMBRIDGE COMPENDIUM OF INTERNATIONAL COMMERCIAL AND INVESTMENT ARBITRATION* (2023) (co-author)
- “[Arbitration in a Changing World](#),” *American Review of International Arbitration* (ARIA Vol. 32 No. 1) (Oct. 2021)
- “The Illegality Objection in Investor–State Arbitration,” *Arbitration International* (Mar. 2021) (co-author)
- “[Analyzing Illegality Defense Trend In Investor-State Arbitration](#),” *Law360* (Feb. 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

- “Good Faith in Investment Arbitration: What’s Different?” 43<sup>rd</sup> ICC Institute of World Business Law Annual Conference (November 2023)
- Arbitrators in Corporate Disputes: How far can they go?” 26<sup>th</sup> Annual Colloquium of the ICC Institute of World Business Law Annual Conference (November 2023)
- Advocate, [The David D. Caron Praelium 2023](#), New York Arbitration Week (November 2023)
- “Subpoena and Third-Party Evidence – the State of Play,” 7<sup>th</sup> Annual USC-JAMS Arbitration Symposium in Collaboration with SIAC (March 2023)
- “Enforcement of Arbitral Awards,” GAR LIVE New York (October 2021)
- “Debate: Parallel Proceedings in Investment Arbitration Are Abusive and Should be Banned,” ASIL Annual Meeting (March 2021)
- “Arbitration in a Changing World,” Keynote Address, Columbia Arbitration Day (March 2021)
- “News about the Legal Foundations Invoked in International Commercial Arbitration to Remedy Hardship Situations,” 36<sup>th</sup> Annual ICC-SIA-QMC Joint Symposium of Arbitrators (March 2021)
- [“Does 28 U.S.C. § 1782 Apply to Private International Commercial Arbitrations? A Mock U.S. Supreme Court Argument,”](#) *Fordham Conference on International Arbitration and Mediation* (November 2020)
- [“Stronger Together: Colloquy on Diversity and Perseverance,”](#) Keynote Address, ArbitralWomen for New York Arbitration Week (November 2020)
- “Attribution of Harm,” Panel, *Czech Ministry of Finance 10th Investment Treaty Arbitration Conference* (October 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, 8<sup>th</sup> Annual GAR Live New York, New York (October 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)
- “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)
- “How ‘International’ Is International Arbitration?” Keynote Address, ICC YAF event of Second Annual ICC Houston Conference on International Arbitration: *Energy, Ethics and the Effective Management of Arbitration*, Houston (October 2014)
- “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