

ABOUT THE CHAIRS

This second edition of the GAP is chaired by Professor Joongi Kim and Professor Maxi Scherer. Their support and guidance have been key to the design and success of this publication and builds on the earlier work of Professor Maxi Scherer and the late Professor David D. Caron as Co-Chairs of the first edition of the GAP.

Professor Joongi KIM is Professor of Law at Yonsei Law School in Seoul, Korea. His research focuses on international dispute resolution, international trade and investment, corporate governance and good governance. His treatise *International Arbitration in Korea* (Oxford University Press 2017) received the 11th Simdang International Trade and Business Research Award. He has acted as a presiding arbitrator, sole arbitrator, and co-arbitrator in institutional and ad hoc proceedings under the rules of the GGCI, HKIAC, ICC, ICSID, JCAA, KCAB, LMAA, SIAC and UNCITRAL and was selected as International Arbitrator of the Year by KCAB International in 2019 and as one of the Top 10 Arbitrators in Asia Pacific in 2019 by the Bali International Arbitration and Mediation Center. He sits on the editorial board of *International Investment Law and Arbitration* (Brill), *Asian Journal of Comparative Law* (Cambridge University Press), *Dispute Resolution International* (IBA) and *Korean Arbitration Review*. He has been a visiting professor at ESADE, Georgetown, Keio, the National University of Singapore, National Law School of India University (Bangalore), University of Florida and University of Hong Kong.

Professor Maxi SCHERER is Special Counsel at Wilmer Cutler Pickering Hale and Dorr LLP, holds the Chair for International Arbitration, Dispute Resolution and Energy Law at Queen Mary, University of London, and serves on the Delos Board of Advisors. She has extensive experience with arbitral practice both in civil and common law systems, having represented clients, provided expert opinions and sat as arbitrator in more than 100 commercial and investor-state arbitrations. She has been regularly ranked by Chambers Global, Who's Who Legal, BestLawyers, The Legal 500 etc. as leading arbitration practitioner, including in the highest category of "Global Elite Thought Leader". Maxi is a Vice-President of the London Court of International Arbitration (LCIA) and the General Editor of the *Kluwer Journal of International Arbitration*. She holds many other public appointments of trust, including being a member of the panel of arbitrators (ICSID), the International Advisory Board of the Vienna International Arbitral Centre (VIAC), and Drafting Committee for new protocols to the Arbitration Rules of the Permanent Court of Arbitration (PCA).

ABOUT THE EDITORS

The GAP General Editors are Thomas Granier and Hafez R. Virjee, who initiated this publication in 2017. They can be reached for any enquiry at safeseats@delosdr.org.

Thomas GRANIER is a co-founder of Delos and member of its Arbitration Consultative Committee, and a Partner at Anima Dispute Resolution. He has represented numerous private and public companies in more than fifty international arbitrations and proceedings to set aside and enforce arbitral awards. Thomas Granier has rapidly established himself as a leading practitioner in compliance and ESG arbitrations and in disputes on regulated sectors, including energy (renewable, oil & gas and nuclear), mining, infrastructure, defense and pharmaceuticals. He has been described as "a leader of his generation who has rapidly become a reference in arbitration involving Africa". Trilingual in English, French and German, he is part of the new generation of arbitrators. He has acted as sole arbitrator and co-arbitrator in more than ten ICC, DIS, Delos Dispute Resolution and ad hoc arbitrations. Prior to joining Asafo & Co, Thomas worked at McDermott Will & Emery. He was Counsel in charge of the ICC International Court of Arbitration Secretariat team, administering cases relating to Africa, the Middle East and France. Mr Granier holds degrees from the Université Paris I – Panthéon-Sorbonne (Master 2), the Ludwig-Maximilians Universität in Munich (LL.M.) and the Université Paris II – Panthéon-Assas (Maîtrise).

Hafez R VIRJEE is the President and a co-Founder of Delos. Mr Virjee also serves as an independent arbitrator at Virjee Arbitration. He previously acted mainly as counsel. His clients have spanned the range of private equity firms, tech start-ups, industrial concerns, listed companies, State entities and treaty organisations, in disputes across a wide range of sectors and relationships, including shareholder agreements, joint-ventures, agency, M&A, telecommunications, tech, energy, pharmaceutical, construction and defence. Mr Virjee is a solicitor of England & Wales and also qualified in France. He was previously at Dechert in Paris (with a secondment to Dubai in 2015) and prior to that at Freshfields Bruckhaus Deringer in London. He regularly writes and speaks on international arbitration and legal risk management. He holds degrees from the University of Cambridge (M.A.), the Université Paris II – Panthéon-Assas (Maîtrise) and the University of California – Berkeley (LL.M.). He is listed as an arbitration leader by Who's Who Legal in multiple categories.

To ensure the academic rigour, practitioner relevance, coordination of the GAP working group and timely publication of the GAP chapters, Thomas Granier and Hafez Virjee have been working closely with the following colleagues:

David DE FREITAS is the Deputy Editor of the GAP. Based in Geneva, he works as an associate at White & Case, specializing in commercial litigation and international arbitration. He is qualified in Brazil and in Portugal and holds a Master's degree in Global Business Law and Governance from the University Paris I Panthéon-Sorbonne and an LL.M from the City University of Hong Kong. David is fluent in French, English, Portuguese and Spanish and has a good proficiency in Italian.

Kate APOSTOLOVA is a Regional Editor of the GAP and Counsel at Mayer Brown in Singapore. Ranked #1 in Asia-Pacific by Who's Who Legal 2020 and named 2021 Rising Star by Law360, Kate has extensive experience representing clients in a wide-range of industries, including oil & gas, mining, nuclear power, construction, finance, technology. She has been involved in cases before the US courts, ICTY, ECHR, ITLOS, and all major arbitral institutions. She has also undertaken sovereign advisory work in international law-related areas. Kate has a juris doctorate degree from the University of California, Berkeley School of Law, where she was editor-in-chief of the Berkeley Journal of International Law. She is admitted to practice in England & Wales, New York, before the Supreme Court of the United States and the Singapore International Commercial Court. Kate is described by clients as "a sharp and eloquent arbitration practitioner" who is "extraordinarily bright and quick on her feet", "a fine arbitration lawyer with outstanding knowledge in the field," "articulate and responsive," and "quick in analysing complex legal situations."

Filipa CANSADO-CARVALHO is a Regional Editor of the GAP. She is an independent practitioner with over 20 years of experience in international dispute resolution. Filipa has worked in more than 50 arbitrations (including ICC, LCIA, ICSID, OHADA, Corte de Arbitraje de Madrid and ad hoc), in Portuguese, English, Spanish and French involving jurisdictions in Europe, Africa and Latin America and parties of these regions as well as Asia. In 2020, she left a leading Portuguese law firm to embrace an independent project in dispute prevention and resolution (FCCARB), focused mainly on her work as arbitrator and mediator (Filipa is also a CEDR-accredited mediator). Filipa is a member of the board of the Arbitration Centre of the Portuguese Chamber of Commerce and Industry, and of the Portuguese chapter of Club Español del Arbitration (CEA). She co-chairs the mentoring programme of CEA Mujeres, and is a member of the arbitration practice committee of the Portuguese Arbitration Association (APA).

Aksel DORUK is a Regional Editor of the GAP. He is a Partner at MELTEM Avocats, a boutique law firm based in Marseille and Paris, dedicated to the prevention and resolution of commercial disputes. Aksel assists his clients in the context of arbitration proceedings as well as international commercial litigation, with a focus on the energy, construction, engineering, shipping and agri-food sectors. He also acts as an arbitrator. In addition, Aksel regularly advises his clients in relation to international sales and distribution and in the review and drafting of international contracts. Trained in Italy and France, Aksel has worked for two international law firms specialised in international arbitration before founding MELTEM.

Sara KOLEILAT-ARANJO is a Regional Editor of the GAP. She is a Partner at Morgan Lewis and leads the firm's international arbitration, dispute resolution, and global investigations practice across the Middle East and Africa. Sara regularly advises and represents clients in arbitration and arbitration-related court proceedings, including recognition, enforcement and set aside proceedings. She also sits as an arbitrator and acts in mediation proceedings, both as mediator and counsel. Sara is a member of several professional organizations. She is appointed as a Member of the ICC International Court of Arbitration. Sara serves as an IBA Officer of the IBA Arab Regional Forum as well as a Member of the IBA Subcommittee on International Arbitration Case Law. Sara is an expert member of the DIFC Courts' Arbitration Division Working Group. She is featured in Who's Who Legal for her experience in arbitration and has been awarded the Middle East Rising Star Lawyer of the Year Award (2019) by The Association of Corporate Counsel, the American Lawyer and the Legal Week (UK). Sara is an Adjunct Professor of Law at the Université Paris II – Panthéon-Assas where she lectures on comparative judicial systems (civil law and common law) and Islamic law. She holds an LL.B. in French and Lebanese Law from the University of Saint Joseph (USJ), a M.A. in International Business Law from the University of Paris, a M.S. in Finance and Management from the ESSEC Business School in Paris and a Master of Laws (LL.M.) from Harvard Law School. Sara is admitted to the New York, Paris and Beirut Bars and is a registered foreign counsel in the Emirate of Dubai.

Jonathan LIM is a Regional Editor of the GAP. He is Partner at WilmerHale in London. He has represented governments and private corporations in commercial and investment arbitrations under all major arbitration rules sited across Africa, Asia, Europe and South America. He has also advised governments in Africa and Asia on a range of public international law issues and the drafting of arbitration legislation. In addition to his practice as counsel, Jonathan has a developing practice as an arbitrator, with appointments as sole and party-appointed arbitrator in proceedings seated in Europe and Asia. Jonathan also co-teaches a course on international arbitration at the National University of Singapore each January. He is listed in Who's Who Legal 2018 as a Future Leader in International Arbitration.

Dr Olivier MOSIMANN is a Regional Editor of the GAP. He is a Partner at Kellerhals Carrard and co-heads the firm's Arbitration Practice Group. He specializes in international commercial arbitration and has acted as counsel in numerous arbitration proceedings conducted under institutional rules (including ICC and Swiss Rules) as well as in ad hoc proceedings, involving various sectors (including pharmaceutical, chemical, high-tech, energy, construction, consumer goods, financial-service, defense and sport sectors) and concerning diverse legal fields (including sales, joint ventures, construction, distribution, corporate, M&A, IP/IT, public procurement, competition and financing). Olivier has acted as counsel for parties from

around the world in arbitrations involving companies, individuals, states and state-owned entities, and he is used to handling complex cases, including involving multiple proceedings, parties, contracts, jurisdictions and laws. He is also experienced as arbitrator (president, co-arbitrator and sole arbitrator) and as legal expert. Olivier is the current co-chair of Swiss Arbitration Association (ASA)'s Local Group Basel. He co-chaired ASA's young practitioners' group ASA Below 40 and German Arbitration Association's Young Practitioners Initiative DIS40 from 2017-2020. He holds a Master of Laws (LL.M.) degree with a certificate of specialization in Law and Technology from University of California, Berkeley, School of Law, a Doctor of Laws (Dr. iur.) degree from University of Basel for his thesis "Anti-Suit Injunctions in International Commercial Arbitration" (summa cum laude, awarded the 2010 faculty prize), and a licentiate in law (lic. iur.) from University of Basel (summa cum laude). He is admitted to practice before all Swiss courts.

Diora ZIYAEVA is a Regional Editor of the GAP. She is a Partner at Dentons New York. Her practice focuses on investor-state arbitration, international commercial arbitration, complex commercial litigation, and public international law. Dual qualified in New York and Uzbekistan, she has 14 years of experience successfully representing sovereign states and investors in over 30 significant international arbitration proceedings. Diora has been consistently recognized as a "Future Leader" in arbitration by Who's Who Legal, and as one of the American Bar Association's On the Rise – Top 40 Young Lawyers. In addition, she is a Council on Foreign Relations Term Member, a certified mediator, arbitrator, and serves as an Adjunct Professor of Law at Cornell Law School and at Fordham University School of Law, where she teaches investor-state arbitration.

Dr Galina ZUKOVA is a Regional Editor of the GAP. She is a leading arbitration practitioner with twenty years of legal experience, practising at her own firm, Zukova Legal. She has served as an arbitrator (president, sole arbitrator, co-arbitrator and emergency arbitrator alike) in cases conducted under the most major institutional rules, including the ICC, LCIA, DIS, VIAC, SCC and Milan Chamber of Arbitration. She also regularly represents clients (individuals, corporate and state entities), and acts as expert in international arbitration proceedings.

The Editorial team finally includes a publication coordinator, **Frederico Ariel SIVAK**, as well as the following Assistant Editors, whose efforts are critical to the quality of the GAP: **Fatima MALIK**, **Facundo MARCONE** and **Ezequiel PIEN**.

ABOUT THE GAP REVIEWERS

Delos has been privileged to benefit from the energy and talent of an international group of experienced practitioners (the “**GAP Reviewers**”) who, together, performed the editorial review of the GAP chapters. Their role is more fully explained in the Methodology section below.

The GAP Reviewers are as follows. Many have been with the publication since the start. Please note that the first column indicates their countries of nationality, the second column states their first name and LAST NAME and is linked to their LinkedIn profiles, where available, and the third column indicates the name of their firm or other professional organisation (save for independent practitioners) and is linked to their firm bio or equivalent should you wish to contact them via their professional e-mail address.

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This edition has also benefitted from the time and expertise of the following additional Reviewers: Samar ABBAS KAZMI, Jawad AHMAD, Dalal AL HOUTI, Bingen AMEZAGA, Filip BALCERZAK, Aseel BARGHUTHI, Nicolina BORDIAN, Wendy BOUCROT, Diana BOWMAN, Helena BRÄNNVALL, Eleonore CAROIT, Nicolás R. COSTABILE, Amanda DAKOURE, Michael DALY, Nikhil DESAI, Maxime DESPLATS, Paulius DOCKA, Sonia FARBER, Mónica FERNANDEZ FONSECA, Gustav FLECKE-GIAMMARCO, Jola GJUZI, Anjezë GOJANI, Stella HU, Lucian ILIE, Nevena JEVREMOVIC, David KOHEGYI, Tsegaye LAURENDEAU, Juan Felipe MERIZALDE, Shinichiro MORI, Tolu OBAMUROH, Nominchimeg ODSUREN, Rachael O'GRADY, Giulio PALERMO, Marily PARALIKA, Akima PAUL LAMBERT, Vladimir POLACH, Maria POLAKOVA, Maria Claudia PROCOPIAK, Hanna ROOS, Victor RUIZ, Markus SCHIFFERL, Yelena STASYK, Aileen TRUTTMANN, Olivier VAN DER HAEGEN, Alexandra VAN DER MEULEN, Luis Miguel VELARDE SAFFER, Alexey YADYKIN, Patricia ZIVKOVIC and Dora ZIYAEVA.

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Anna SENNO advised on the design and artwork and designed the main cover page.