

MONIQUE SASSON

Nationality: Italian, American

Languages: Italian & English (fluent) French
(conversational)



Monique Sasson has over 28 years' experience in international disputes. Prior to her career as independent Arbitrator, Monique worked at two major law firms in London and Rome and as a litigation Lawyer at Morgan Stanley in New York. She has also earned a PhD in International Law from Cambridge University.

Monique's expertise lies in energy, construction, financial instruments, international law and corporate and commercial disputes; she has sat as arbitrator in various matters under the ICC rules.

She has contributed to many books and publications and is the author of *Substantive Law in Investment Arbitration*, published by Kluwer in 2017, (second edition).

Sector Expertise

- Investment Treaty Disputes
- Energy, Oil & Gas
- Mergers, Acquisitions & Shareholder Disputes
- Banking, Finance & Fintech
- Construction, Engineering & Infrastructure
- Commercial Dispute Resolution

Investment Treaty Disputes

Monique has been involved in several investment treaty disputes (ICSID and UNCITRAL). She also advised several companies on the viability of investment disputes. She testified as an expert in public international law in *Central European Aluminium Company (CEAC) v. Montenegro*, (ICSID Case No. ARB/14/8).

Energy, Oil & Gas

Monique was involved in several disputes concerning Energy, Oil and Gas and in particular concerning expropriation of energy assets and sale and purchase of a gas liquefaction unit. She advised on the enforcement of an award concerning a production sharing agreement.

Mergers, Acquisitions & Shareholder Disputes

Monique acted in shareholders disputes arising from misrepresentation rendered during mergers and acquisitions, disputes involving minority shareholders and breach of joint venture agreements.

Banking, Finance & Fintech

Monique acted in several disputes arising from mergers and acquisitions, to tracing assets in the context of white collar crimes, and in proceedings related to worldwide bankruptcies.

Construction, Engineering & Infrastructure

Monique was involved in several arbitrations under the FIDIC umbrella involving the construction of complex industrial plants, fiber optical cable networks and hydro-electric facilities.

Experience

Arbitration

- Sole Arbitrator in an ICC matter involving Swiss Substantive law. Award issued in 2020.
- Tribunal President in an ICC construction project case involving Dutch Substantive law.
- Representing a major U.S. oil and gas company in an ICC arbitration arising from an M&A dispute (Italian Law, Rome seat).
- Advising a major U.K. oil and gas company in an enforcement of an arbitration award in the Italian courts.

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- Representing an Israeli company in an ICC arbitration against a Swiss supplier (English Law, London seat).
- Representing a Korean Company in an LCIA arbitration arising from a joint venture dispute (Ukrainian Law, London seat).
- Representing Vodafone in an LCIA arbitration against a Spanish company concerning a violation of a merger undertaking (E.U. Law, London seat).
- Representing Standard Chartered Bank in an ICC arbitration against a Lebanese company concerning breach of a sale and purchase agreement (French Law, Lausanne seat).
- Representing a French company against a U.S. distributor in an LCIA arbitration (UNIDROIT, London seat).
- Representing a U.S. oil and gas company in an ad hoc arbitration against a Chinese subcontractor (English Law, London seat).
- Advising on the applicability of Bilateral Investment Treaties and the European Convention of Human Rights.
- Advising a major financial institution on a multi-jurisdictional dispute arising out of the insolvency of a major Italian company.

Counsel

- Advising and representing companies in the High Court, London: *IFAD v Jazaheri* (fraud) (Chancery); *ISC Technologies v Hartley* (fraud) (Chancery); *Banca Carige v Banco Central de Cuba and Banco Nacional de Cuba* (State immunity) (Chancery); and *ESEIL & RIL v Mitchell* (shareholders/directors dispute) (Chancery).
- Advising and representing companies before Italian Courts of First Instance and Courts of Appeal concerning mortgages and foreign exchange issues.

Mediation

- Commercial engineering dispute between an Italian manufacturer and its US distributor.
- Commercial dispute concerning waste facility construction between two US companies.

Expert Witness

- Central European Aluminium Company (CEAC) v. Montenegro, (ICSID Case No. ARB/14/8)

Academic & Professional Qualifications

Academic

- 2009 - Ph.D., International Law, Cambridge University, England

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- 2006 - LLM (Merit), University of London (Queen Mary College)
- 1994 - Istituto Arturo Carlo Jemolo, scholarship, postgraduate course to prepare for the careers of Judge and Attorney
- 1993 - Graduated magna cum laude in Law, Guido Carli L.U.I.S.S. (Rome, Italy), Faculty of Law, (thesis in Bankruptcy Law: “Insolvency of Corporate Groups”)

Bar Admissions

- Rome, Italy (1997)
- England and Wales, Solicitor, Senior Courts of England and Wales (2001)
- England and Wales, Solicitor Advocate (Higher Rights of Audience) (2004)
- New York, U.S. (2012)
- Milan, Italy (2018)

Professional Associations & Recognitions

Memberships

- Financial Market Law Committee’s Working Group on the proposed Rome I Regulation
- New York City Bar Arbitration Committee (NYCBA)
- Italian Association for Arbitration (AIA)
- London Court of International Arbitration (LCIA)
- Institute for Transnational Arbitration (ITA) – Executive Committee.

Current Positions

- 2020 – present Of Counsel, D|R Arbitration & Litigation, Milan, Italy
- 2012 - present Co-Managing Editor: Arbitration Report (Institute for Transnational Arbitration) and World Trade and Arbitration Materials
- 2013 - present Adjunct Lecturer, Washington College of Law, American University (Washington, D.C.); “Introductory Course on International Commercial Arbitration”

Previous Positions

- 2018 – 2020 Of Counsel, Macchi di Cellere Gangemi, Milan, Italy
- July 2014-March 2015 Fixed-term contract, Morgan Stanley Incorporated's New York City office, Legal & Compliance/Litigation Unit

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- March 2014 Scholar-in-Residence, Center for Transnational Litigation, New York University School of Law
- 2000-2005 Litigation/Arbitration associate, Herbert Smith-London
- Extensive experience in High Court litigation, transnational litigation, and international arbitration cases. Representative matters included acting for major banks in the High Court as well as in multi-jurisdictional litigation arising out of one of the largest company insolvencies in Europe. In international arbitration, acted for Israeli, USA, Korean and English companies in ICC and LCIA proceedings
- 1995-2000 Associate at Studio Legale Chiomenti, Rome. Advocacy before Courts of First instance and Courts of Appeal in Italy
- 1993 Stagiare in Legal Department of Alenia Spa, Rome, Company law; Mergers & Acquisitions and Bankruptcy Law
- 1993 Trainee, 'Studio Legale Tributario Internazionale' Puoti, Rossi Ragazzi e Giardina, under the supervision of Prof. Andrea Giardina, University of Rome "La Sapienza"
- 1992 Stagiare in Legal Department of Finmeccanica Spa, in Rome

Publications, Articles & Thought Leadership

Books

- *Substantive Law in Investment Treaty Arbitration: The Unsettled Relationship of International and Municipal Law*, Kluwer Law International, second edition, 2017.
- *Substantive Law in Investment Treaty Arbitration: The Unsettled Relationship of International and Municipal Law*, Kluwer Law International, 2010.

Publications

- Special Editor, with R. Alford and C. Baltag, Journal of International Arbitration, Issue on Empirical Analysis of Kluwer Database, 2022, No. 39-3, (forthcoming). 2022.
- "Empirical Analysis of National Court Enforcement of International Commercial Arbitration Awards" co-authored with R. Alford, C. Baltag and M. Hall, in Journal of International Arbitration, Special Issue, 2022, No. 39-3, (forthcoming). 2022.
- "Public Policy in International Commercial Arbitration", in Journal of International Arbitration, Special Issue, 2022, No. 39-3, (forthcoming). 2022.
- "Institution Rules", co-authored with L. Shore, in Happ and Wilske, eds., ICSID Arbitration Rules 2020 – An Article-by-Article Commentary (Beck), (forthcoming). 2022.
- "Arbitration in the United States under the Federal Arbitration Act", co-authored with L. Shore, in Mantucci ed., Volume XI of Trattato di Diritto dell'Arbitrato (Edizioni Scientifiche Italiane). 2022.

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- “Mandatory Law in International Commercial and Investment Treaty Arbitration”, in Kroll, Ferrari, eds., *Cambridge Compendium of International Commercial and Investment Arbitration* (Cambridge), (forthcoming). 2022.
- “Inherent Power of Arbitrators to Exclude Counsel?”, Chapter 3 in Ferrari and Rosenfeld, eds., *Inherent Powers of Arbitrators* (Juris). 2022.
- “Procedure in Investment Arbitration”; “Historical and Policy Background to the Development of Bilateral and Multilateral Investment Treaties The Common and Distinctive Features of the Principal Investment Instruments”; and “Treaty Arbitration: the Notion of ‘Investment’” -- Chapters in Ferrari and King, eds., *International Investment Arbitration in a Nutshell* (West). 2019.
- *Substantive Law in Investment Treaty Arbitration: The Unsettled Relationship of International and Municipal Law* (Kluwer Law International, second edition). 2017.
- “The Applicable Law and the ICSID Convention”, Chapter 10 in Baltag, ed., *ICSID Convention after 50 Years, Unsettled Issues* (Kluwer), pp.273-300. 2017.
- “Court Review of Arbitral Tribunals’ Jurisdictional Decisions”, in *NYSBA, New York Dispute Resolution Lawyer*, Spring 2016, Vol. 9, No. 1 pp. 54-57. 2016.
- “Investment Arbitration: Procedure,” Chapter 11 (III) in *International Investment Law*, M. Bungenberg, J. Griebel, S. Hobe, A. Reinisch, eds. (C.H. Beck-Hart-Nomos), pp. 1288-1372. 2015.
- Review: *The History of ICSID* by Antonio Parra, *American Journal of International Law*, Vol. 107, No 4, October 2013, pp. 980-984. 2013.
- *Substantive Law in Investment Treaty Arbitration: The Unsettled Relationship of International and Municipal Law* (Kluwer Law International, first edition). 2010.
- “The Recent ‘Reform’ of the Italian Civil Procedure Chapter on Arbitration”, in *International Arbitration Law Review*, 2007, No. 1, pp. 1-6. 2007.
- “MultiParty Arbitration”, with Mary Woollett, in *Stockholm Arbitration Report*, 2002, No. 1, pp. 1-20. 2002.
- “I contratti di swap: ancora sui poteri di rappresentanza degli operatori”, in *Rivista dell’Arbitrato*, 1999, No. 2, pp 335-356. 1999.

Recent Speaking Engagements

- Moderator, March 2022, ITA Arbitration Report Roundtable, live webinar via zoom, on “Revisiting the Scope of Public Policy in International Arbitration – views from Germany, Mexico, Turkey and USA”.
- Moderator, April 2021, live webinar via zoom, on “The EU-UK Trade and Cooperation Agreement and its Implications for Investor-State Dispute Settlement”.
- Panel Presenter, March 2021, ICC Italia Brexit Webinar Series on “Legge Applicabile al Contratto e Foro Competente”.
- Moderator, October 2020, First ITA Reporters Roundtable, live webinar via zoom on “Confidentiality, Validity of Arbitration Agreements, Non-Signatories and Enforcement of Set

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Aside Awards in Courts in France, People's Republic of China, Canada, Chile, Egypt and Hong Kong".

- Panel presenter, March 2018, 15th Annual Generations in Arbitration Conference, Vienna, on "The Emergence of Human Rights Protection in Investment Treaty Arbitration".
- Panel debater, March 2018, Annual Conference of the German American Lawyers' Association (Deutsch- Amerikanische Juristenvereinigung, "DAJV"), Frankfurt, on "Investment Arbitration, TTIP and NAFTA after the US/German Elections: Perspectives from Both Sides of the Atlantic in Times of Turmoil".
- Panel presenter, February 2018, AIA-CAM-ILA Conference on Soft Law In International Commercial Arbitration, Rome, on "IBA Guidelines on Conflicts of Interest in International Arbitration and Disclosure of Third Party Funders".
- Panel presenter, February 2018, Third EFILA Annual Conference, conference on Parallel States' Obligations In Investment Arbitration, London, on "Applicable Law in Investment Arbitration: Human Rights and Environment".
- Panel debater, December 2017, CIArb YMG Conference, Investment Arbitration Panel, Paris, on "Towards a Uniform procedure in Investment Arbitration Disputes".
- Panel presenter, November 2017, NYU-SciencesPo conference on Inherent Powers in International Adjudication, Paris, on "Inherent Power of Arbitrators to Exclude Counsel"
- Delivered the March 2014 NYU Transnational Litigation Conference lecture on "Jurisdiction and Admissibility in International Arbitration";
- Panel presenter, February 2014, Institute for Transnational Arbitration ("ITA") Conference, Houston, Texas, debate on "Inherent Powers and Human Rights in Investment Arbitration"; and
- Panel debater, October 2012, ICSID-ICC-AAA Colloquium, Washington, D.C., on "Dissenting Opinions in International Arbitration."

Directories & Client Quotes

Monique Sasson has been recognised in Global Arbitration Review – Who's Who Legal 2022 for International Arbitration.

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