

GABRIELLE KAUFMANN-KOHLER

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PERSONAL DATA

Born November 3, 1952; Swiss citizen

PROFESSIONAL POSITION

Practicing attorney, Partner with Schellenberg Wittmer (formerly Brunschwig Wittmer) (since 1996), Partner of Lévy Kaufmann-Kohler (from 1 January 2008)

Professor (Private International Law, including international dispute resolution), Geneva University Law School (since 1997)

Director, Master in International Dispute Settlement, Geneva University and Graduate Institute of International and Development Studies (since 2007)

BAR ADMISSION AND EDUCATION

New York State Bar (1982)

Geneva Bar (1976)

Doctorate, University of Basle (summa cum laude; 1979)

Law degrees, University of Basle (1977) and Geneva (1974)

MAIN PAST OCCUPATIONS

Adjunct professor (Private International Law), Geneva University Law School (1993-1996)

Partner, Baker & McKenzie, Geneva (1985-1995)

Associate, Baker & McKenzie, Geneva and New York (1981-1985)

AREAS OF PRACTICE

International commercial and investment arbitration

Over 150 cases handled in commercial and investment arbitration. Regularly ranked among top ten arbitrators in the world.

International commercial arbitrations as presiding or sole arbitrator, co-arbitrator, or counsel. Arbitrations covered all types of international business transactions involving private companies as well as governments or state-controlled entities, in particular joint venture and partnership agreements, acquisition and shareholders' agreements, distribution and franchising agreements, licenses, energy delivery contracts, sales, concession agreements, and construction contracts. Arbitrations handled included in particular the following trade and industry sectors: commodities, banking, shipping, oil, gas, electricity, telecommunications, media, computer systems, construction (power plants, textile mill, railway and tunnel projects, phosphate treatment plant, oil pipeline, highway network, etc.), car industry, textile, food, pharmaceutical, sports industry and aeronautics.

Active in international investment arbitration as presiding and co-arbitrator, primarily under the Rules of the International Centre for the Settlement of Investment Disputes of the World Bank. Arbitrations involved claims of foreign investors for breach of contracts with governments or state entities of various countries (Turkey, Venezuela, Argentina, Poland, Egypt, Pakistan, Indonesia) or violation of bilateral investment treaties, most in connection with infrastructure projects and public utilities.

Represented parties in Swiss courts in actions in connection with arbitration matters (Supreme Court with respect to actions for setting aside and interpreting awards; Geneva courts with respect to appointment and removal of arbitrators, as well as enforcement of foreign awards).

Gave legal opinions and expert testimony on Swiss and international arbitration, contract law, and international civil procedure issues for use in various courts and arbitral tribunals.

International sports dispute resolution

Member, International Jury, XXXII America's Cup (2003-2006).

Chair, Court of Arbitration for Sports (CAS), ad hoc Division at the Olympic Games from its inception until the Sydney Games (Atlanta 1996, Nagano 1998, and Sydney 2000).

Chair, Court of Arbitration for Sport, Ordinary Division (1994-2001).

Drafted Arbitration Rules for the Olympic Games; participated in drafting revision of Code of Sports-related Arbitration.

Responsible for designing and elaborating arbitral tribunal for FIFA World Cup in Japan and Korea (2002).

Acted as arbitrator on ad hoc sports tribunals.

Advised international sports federations and other sports institutions on matters in connection with sports disputes and sports dispute resolution.

MAIN TEACHING AND RESEARCH ACADEMIC ACTIVITIES

Courses taught in private international law, especially international civil procedure and international contracts (graduate program); international arbitration including commercial, investment and sports arbitration (graduate program); dispute resolution (postgraduate Master of Business Law); comparative law of international arbitration (postgraduate LLM in international law); sports arbitration (Master of Sports Science and Technology).

Research in the area of international arbitration mainly on development of transnational law and practice and improvement of efficiency of dispute resolution mechanisms. Several research projects funded by the Swiss National Research Fund completed or ongoing.

Member of various editorial boards of law reviews in the area of dispute resolution: SchiedsVZ (Germany), Revista Latinoamericana de Mediación y Arbitraje (Mexico), Jusletter (Switzerland), Transnational Dispute Management (UK).

LANGUAGES

English, French, German, Spanish, reading knowledge of Italian

MAIN MEMBERSHIPS

- *ARBITRATION ORGANIZATIONS*

Honorary President of the Swiss Arbitration Association (ASA) (President from 2001 to 2005)

Member of the Board of the American Arbitration Association (AAA)

Member of the Court of Arbitration of the International Chamber of Commerce (ICC)

Member of the International Council for Commercial Arbitration (ICCA)

Member of the Board of the Swiss Society of International Law

- *CORPORATE BOARD*

Non-executive member of the board of directors of UBS AG

ARBITRATION PANELS

International Chamber of Commerce

ICSID Panel of Arbitrators

ICSID Panel of Conciliators

American Arbitration Association

World Intellectual Property Organization (WIPO/OMPI)

Chair, Court of Arbitration for Sports (CAS), *ad hoc* Division at the Olympic Games (Atlanta 1996, Nagano 1998, and Sydney 2000)

Chair, Court of Arbitration for Sports, Ordinary Division, 1994-2001
International Jury of the XXXIIth America's Cup (2004-2006)
Cour Commune de Justice et d'Arbitrage de l'OHADA (Organisation pour l'Harmonisation en Afrique du Droit des Affaires)
Arbitral Center of the Federal Economic Chamber of Vienna
Panel of Arbitrators and Mediators of the International Committee of the Red Cross
Australian Centre for International Commercial Arbitration (ACICA)

PUBLICATIONS (SELECTION)

On sports arbitration

The Ordinary Arbitration Procedure of the Court of Arbitration for Sport, CAS Jubilee Book, T.M.C. Asser Press, 2006, pp. 69-104 (co-author Philippe Bärtsch)

"Doping and fundamental rights of athletes: Comments in the wake of the adoption of the World Anti-Doping Code", International Sports Law Review August 2003, pp. 39-52 (co-authors Giorgio Malinverni and Antonio Rigozzi)

"Arbitration at the Olympics – Issues of Fast-Track Dispute Resolution and Sports Law", Kluwer 2001, 162pp

"Formula 1 racing and arbitration: the FIA tailor-made system for fast track dispute resolution", Arbitration International 2001, pp. 173-191 (co-author Henry Peter)

"Nagano et l'arbitrage – ou vers une justice de proximité" [i.e. Nagano and arbitration, or towards a system of proximate justice], in ASA Bulletin 1998, pp. 311-324

"Arbitration and the Games", in Mealey's International Arbitration Report 1997, pp. 20-29

"Atlanta et l'arbitrage ou les premières expériences de la Division olympique du Tribunal arbitral du sport" [i.e. Atlanta and Arbitration or the first experience of the Olympics Division of the Court of Arbitration for Sport], in ASA Bulletin 1996, pp. 433-447

On commercial and investment arbitration (selection of recent publications)

When Arbitrators Facilitate Settlement: Amiable Imposition or Actual Solution? Clayton Utz / The University of Sydney lecture, Arbitration International 2008.

Mesures ex parte et injonctions préliminaires [i.e., ex parte measures and preliminary injunctions in international arbitration], Clunet 2008, publication forthcoming

L'arbitre-conciliateur - Approche statistique de la corrélation entre le rôle de l'arbitre et sa culture juridique [The arbitrator as conciliator: A statistical Approach of the Relation Between an Arbitrator's Role and his/her Legal Culture], Bulletin CCI 2007, (co-author Victor Bonnin).

Integrating Mediation into Arbitration: Why Is It Successful In the East Dragon?, to be published (co-author Fan Kun).

Arbitrage international: Droit et pratique à la lumière de la LDIP, Schulthess, Zurich, February 2007 (co-author Antonio Rigozzi)

Arbitral Precedent: Dream, Necessity, or Excuse?, Freshfields Lecture 2006, Arbitration International 23, p. 357 (2007).

Consolidation of Proceedings in Investment Arbitration: How Can Multiple Proceedings Arising from the Same or Related Situations be Handled Efficiently?, ICSID Foreign Investment Law Review vol. 21, number 1, Spring 2006, pp. 59-125 (co-authors Laurence Boisson de Chazournes / Victor Bonnin / Makane Moïse Mbengue)

Global Implications of the FAA: The Role of Legislation in International Arbitration, American Arbitration Association, Federal Arbitration Act at 80, Anniversary Lecture Series, ICSID Review Foreign Investment Law Journal, Volume 20, No. 2, 2005, pp. 339-356

Interpretation of Treaties: How Do Arbitral Tribunals Interpret Dispute Settlement Provisions Embodied in Investment Treaties?, in Pervasive Problems in International Arbitration, Loukas Mistelis / Julian Lew (Eds.), Kluwer, 2006, pp. 257-276

“Insolvency and International Arbitration”, in The Challenges of Insolvency Law Reform in the 21st Century, Henry Peter / Nicolas Jeandin/ Jason Kilborn (Eds), Proceedings of the Insolvency Symposium held in Geneva in September 2004, 2006, pp. 257-284 (co-author Laurent Lévy)

The Governing Law: Fact or Law? – A Transnational Rule on Establishing its Content, in Best Practices in International Arbitration, Markus Wirth (Ed.), ASA Special Series No. 26, 2006, pp. 79-85

The Arbitrator and the Law: Does he/she know it? Apply it? How? And a few more questions, Arbitration International, 2005, pp. 631-638