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Summary

Professor Loukas Mistelis (Greek national) is an acknowledged authority on international dispute resolution and investment treaty law. In 2006 he was listed as one of the “leading lights in international arbitration”, 45 under 45, amongst the top 15 highlighted members of the list, is listed on the Who's Who Commercial Arbitration since 2007 and also a member of the ICSID Panel of Arbitrators as well as the recipient of the GAR Award for best arbitration lecture of 2013.

Loukas Mistelis is the Clive Schmitthoff Professor of Transnational Commercial Law and Arbitration and the Director of the School of International Arbitration at the Centre for Commercial Law Studies, Queen Mary University of London. He joined Queen Mary University of London in 1998 and became a professor in 2005. He was also Visiting Professor, NYU in London (2006-2012), a Visiting Professor at Pepperdine University London programme (2008-2011); he is Distinguished Visiting Professor, National University of Singapore (2013); he was Visiting Scholar at Columbia University Law School (spring semester 2007), Visiting Fellow at NYU Law School (2012), Visiting Professor at Keio University, Tokyo (2008), LUISS, Rome (2009) and Catholic University of Portugal, Lisbon (2007, 2009). He teaches International and Comparative Commercial Arbitration, International Trade and Investment Dispute Settlement and ADR on the Queen Mary LLM programme and also on the Paris based LLM. He is also the founding director of the Queen Mary LLM in Energy and Natural Resources Law LLM and related Institute. He is also a co-ordinator of the Queen Mary Case Translation Programme, part of the CISG Database hosted by Pace University (IALA Website Award 2002) and co-directs IACL (the International Arbitration Case Law - <http://www.internationalarbitrationcaselaw.com>).

Professor Mistelis was the Secretary of the CISG-AC (Advisory Council of the Convention on Contract for the International Sale of Goods) from 2001 to the end of 2007. He is an academic member of the Investment Treaty Forum, British Institute of International and Comparative Law and a member of the Advisory Board of the EFILA (European Federation of Investment Law and Arbitration) and a member of the Academic Committee of AIPN, Chair of Academic Committee of the Civil Mediation Council and a President of the Court of CEDRAC (Cyprus Eurasia Dispute Resolution and Arbitration Centre)

Professor Mistelis was educated in Greece (LLB Hons Athens 1991); France (Certificate in International & Comparative Human Rights, IIHR, Strasbourg, 1990); Germany (MLE *magna cum laude*, 1992, Dr iuris *summa cum laude*, Law School, Hanover, Germany, 1998); and Japan (Certificate in Japanese international trade law, Law School, Keio University, Tokyo, 1998). He has been a member of the Athens Bar since 1993. He is fluent in English, German and Greek, and has good knowledge of French, and basic knowledge of Polish, Russian and Spanish.

His research focuses on international arbitration (in particular, the internationalization of commercial arbitration, investment arbitration, protection of foreign direct investment, the interface of investment and commercial arbitration and harmonization of arbitration procedures), international commercial transactions (including long-term contracts, international sales and trade finance), international sales, secured transactions, gas pricing disputes comparative law (in particular, legal transplants and the role of the judiciary), unification of private law, commercial and civil law reform in Central and Eastern Europe and ADR.

He has practiced law in Germany, Greece and the United Kingdom, having also acted as a consultant in Cambodia, Japan, Moldova, Nigeria, Poland, Ukraine, and Vietnam. He has also advised several UK government agencies (such as DTI, BERR, MoJ) and international organizations, including the United Nations (UNCTAD, UNCITRAL and ECLAC) and the European Bank for Reconstruction and Development (on law reform for various secured transactions legislative projects).

His substantial arbitration experience covers *ad hoc* and ICC, ICSID, LCIA, UNCITRAL, SCC, Swiss Chambers and Moscow cases. Parties in these cases were from Afghanistan, Argentina, Austria, Bangladesh, Canada, Cyprus, Czech Republic, Egypt, France, Georgia, Germany, Greece, India, Ireland, Italy, Korea, Lithuania, Malaysia, Moldova, Nigeria, Russia, Spain, Switzerland, Tajikistan, Turkey, Ukraine, UAE, UK, Ukraine, and the United States. Subject matters included foreign direct investment, sales contracts, distribution agreements, counter-trade, mining, administration of natural resources, mining, and oil and gas transactions. He has also given advice on English and Greek law as an expert in arbitral proceedings and also before Swiss courts.

His publications (in English, German, Greek and Russian) include more than 50 referred articles and 13 books, including:

- *UN Convention on Contracts for the International Sale of Goods (CISG) Commentary* (co-editor with Stefan Kröll and Pilar Perales Viscasillas and author), Beck – Hart – Nomos 2011, 1251 + LXIII pages.
- *International Arbitration and International Commercial Law: Synergy, Convergence and Evolution – Liber Amicorum Eric Bergsten* (co-editor with Kröll, Perlaes Viscasillas and Rogers and author) Kluwer 2011.
- *Concise International Arbitration* (general editor and author), Kluwer Law International, 2010 (1200 pages); second edition in April 2015.
- *Arbitrability in International Arbitration* (Co-editor with Stavros Brekoulakis, and author), Kluwer International, 2009 (408 pages).
- *Mandatory Rules of Law in International Arbitration* (joint editor with George Bermann), 17(1-2) *American Review of International Arbitration* (2007); revised as book published by Juris in 2011 (340 pages).

- *Arbitration Insights* (Co-editor with J. Lew), The Hague: Kluwer Law International, 2006, 536, ISBN 9041126066.
- *Pervasive Problems in International Arbitration* (Co-Editor with J. Lew), The Hague: Kluwer Law International, 2006, 391, ISBN: 9041124500.
- *Commercial Law: Perspectives and Practice* (Co-editor with J. Lowry), London: LexisNexis Butterworths, 2006, 298, ISBN: 1405710071.
- *Comparative International Commercial Arbitration* (Co-author with D.M. Lew and S. Kröll), The Hague: Kluwer Law International, 2003, 952, ISBN: 9041115684.
- *Foundations and Perspectives of International Trade Law* (Co-editor with I. Fletcher and M. Cremona), London: Sweet & Maxwell, 2001, 567, ISBN: 0421741007.

His research includes innovative empirical research into corporate attitudes towards dispute resolution, including:

- Choices in International Arbitration [2010] - <http://www.arbitrationonline.org/research/2010/index.html>
- International Arbitration: Corporate Attitudes and Practices [2004] 15 *American Review of International Arbitration* 525-593, ISSN: 1050-4109
- Recognition and Enforcement of Arbitral Awards and Settlement in International Arbitration: Corporate Attitudes and Practices [2008] 19 *American Review of International Arbitration* 320-375 and 377-389, ISSN: 1050-4109
- International Arbitration: Corporate Attitudes and Practices – Enforcement and Settlement – www.pwc.com/arbitrationstudy
- International Arbitration and Corporate Attitudes: An Industry Approach: <http://www.arbitrationonline.org/docs/pwc-international-arbitration-study2013.pdf>

Since 2009 he has taken over the editorship (with Laurence Shore) of the multi-volume *World Arbitration Reporter – International Encyclopaedia of Arbitration Law and Practice* (Juris) which launched with the first five volumes in March 2010 (and updates in October and December 2010, in March 2011 and December 2012) and the *Smit Arbitration Guides*.

He is member of the Editorial Board of

- *Arbitration International*
- *Beijing Arbitration Quarterly* (China)
- *Global Arbitration Review*
- *Journal of International Trade Law and Policy*
- *Indian Journal of Arbitration Law* (India)
- *International Journal of Arab Arbitration*
- *Journal of International Dispute Settlement*
- *Revista Latinoamericana de Derecho Comercial Internacional* (Mexico)
- *Review of Arbitration and Mediation* (Canada)

Also the General Editor of the Oxford International Arbitration Series (which has so far published 13 books).

Sample Arbitration Experience

Involved in more than 60 cases as arbitrator and/or expert – Examples:

- Sole arbitrator in two consolidated ICC arbitrations about the sale and shipment of cement between a Swiss, an Egyptian and Spanish parties;
- Co-arbitrator in ICC proceedings about a contract for the sale of alumina between an Indian and a Lithuanian company; I have been involved in two more cases involving alumina;
- Co-arbitrator in an LCIA arbitration about the sale of major media products;
- Co-arbitration in a Swiss Rules arbitration about the sale of blood plasma between two European companies;
- Chair in an *ad hoc* arbitration between a Canadian investor and an African investment agency;
- Co-arbitrator in an *ad hoc* arbitration between a US/Singaporean and an Indian company relating to pipeline components (fast-tracked in 120 days);
- Co-arbitrator in an ICC arbitration relating to a dispute between an East Asian and Eastern European company involving a car manufacturing plant;
- Co-arbitrator in an ICC case relating to the same of commodities between two European and a Middle Eastern company;
- Sole arbitrator in an energy consultancy dispute with parties from the UK and South Africa;
- Sole arbitrator in an ICC case between a major construction company and a national railway in Eastern Europe;
- Sole arbitrator in a banking dispute involving parties from Eastern Europe;
- Co-Arbitrator in an ICC arbitration dealing with the due diligence in the context of a sale of an enterprise involving parties from the Middle East and Western Europe;
- Chair in ICC an arbitration proceedings relating to sale of commodities between the UAE subsidiary of an Egyptian corporation and a Bangladeshi party;
- Sole arbitrator in LCIA proceedings relating to a series of finance agreements between a major Eastern European bank and companies owned a by a natural person;
- Sole arbitrator in LCIA arbitration between an airline and an aviation/airport services provider;
- Co-Arbitrator in ICC proceedings relating to a merger of banks (one Greek and one French) and sale of an insurance company owned by one of the two banks;
- Co-Arbitrator in LMAA Arbitration proceedings between three European shipping companies from Greece and Italy;
- Advisor to an African government in relation to *ad hoc* arbitration proceedings arising out of the failed procurement for the privatization of its national telecommunications company;

- Expert counsel in an ICSID case between a foreign investor and an Eastern European country, *Krederi v Ukraine*;
- Expert counsel in an ICSID case between a major steel manufacturer and a country in the Middle East;
- Expert counsel (member of a legal team for the investor) in a US\$ 8 billion arbitration about a major diamond mining dispute involving an Eastern European country
- Expert in an ICSID annulment proceedings – *Vivendi v Argentina* – appointed by the Argentine government – also advised the Argentine government in two other cases;
- Counsel (member of a team) in investment treaty arbitration proceedings against a Central European country, representing the investor (unreported case);
- Counsel in Moscow arbitration proceedings relating to a counter-trade (barter) agreement between an Afghan party and the state of Tajikistan, representing (as part of a team) the Afghan party;
- Advising a major pharmaceutical company about the prospects of bringing an arbitration claim under ICSID Convention against an African state;
- Provided expert evidence before Swiss courts on enforcement of awards made in England, especially about how and when their finality has been established;
- Provided expert evidence in an ICC arbitration about the method of quantification of damages under the UN International Sales Convention (CISG);
- Advised a major European energy company about the arbitration steps to be taken against another European company in LCIA arbitration proceedings;
- Advised a major Japanese technology company on the prospects of an arbitration against the NHS.

Sample of other legal experience

- Advised the Cambodian government on the drafting of the international commercial arbitration law and the steps needed to implement the law;
- Advised the Moldovan government on the drafting of the law on registered pledges;
- Advised the UK government on the adoption of the CISG (UN Sales Convention);
- Advised the Brazilian and Japanese governments (as part of a delegation from CISG-AC) on the adoption of the CISG (UN Sales Convention);
- Advised a UN agency (ECLAC) on the development of a course and a toolkit for investment treaty negotiators and developed a model mock ICSID arbitration;
- Member of UN (UNCITRAL) working groups on international arbitration, international contracts and secured transactions
- Member of various ICC taskforces, including enforcement of awards and the use of technology in arbitration
- Advised the Nigerian government on issues of privatization of national telecommunications

- Advised the Japanese government on ADR education

Publications Since 2001

Books

- *UN Convention on Contracts for the International Sale of Goods (CISG) Commentary* (co-editor with Stefan Kröll and Pilar Perales Viscasillas and author), Beck – Hart – Nomos 2011, 1251 + LXIII pages.
- *International Arbitration and International Commercial Law: Synergy, Convergence and Evolution – Liber Amicorum Eric Bergsten* (co-editor with Kröll, Perlaes Viscasillas and Rogers and author) Kluwer 2011.
- World Arbitration Reporter (general co-editor with Laurence Shore), Juris, 2nd edition, 2011
- *Concise International Arbitration* (general editor and author), Kluwer Law International, 2010 (1200 pages) [new edition in preparation – expected for April 2015]
- *Arbitrability in International Arbitration* (Co-editor with Stavros Brekoulakis, and author), Kluwer International, 2009 (408 pages)
- *Mandatory Rules of Law in International Arbitration* (joint editor with George Bermann), 17(1-2) American Review of International Arbitration (2007); revised as book published by Juris in 2011 (340 pages)
- *Arbitration Insights* (Co-editor with J. Lew), The Hague: Kluwer Law International, 2006, 536, ISBN 9041126066
- *Pervasive Problems in International Arbitration* (Co-Editor with J. Lew), The Hague: Kluwer Law International, 2006, 391, ISBN: 904112450
- *Commercial Law: Perspectives and Practice* (Co-editor with J. Lowry), London: LexisNexis Butterworths, 2006, 298, ISBN: 1405710071
- *Comparative International Commercial Arbitration* (Co-author with D.M. Lew and S. Kroll), The Hague: Kluwer Law International, 2003, 952, ISBN: 9041115684 [new edition in preparation]
- *Foundations and Perspectives of International Trade Law* (Co-editor with I. Fletcher and M. Cremona), London: Sweet & Maxwell, 2001, 567, ISBN: 0421741007

Journal Articles, Chapters in books

- CISG Article 79: Internationalization and Domestication, in: Joseph Lookofsky and Mads Bryde Andersen (eds.), *The CISG Convention and Domestic Contract Law – Harmony, Cross-Inspiration, or Discord?*, DJOF Publishing 2014, pages 207-219 [chapter in book]

- Taking the CESL to ADR: The Solution?, in Matthias Lehmann (ed.), *Common European Sales Law Meets Reality*, Sellier 2014 (15 pages) [chapter in book]
- Filling Gaps in the CISG - Article 7 and CISG Related Documents - Overlaps, Contradictions and Gap-Filling, in: *CONVENÇÃO DE VIENA SOBRE CONTRATOS DE COMPRA E VENDA INTERNACIONAL DE MERCADORIAS: Desafios e Perspectivas*" (VIENNA CONVENTION ON CONTRACTS FOR THE INTERNATIONAL SALE OF GOODS: Challenges and Prospects), Atlas, Sao Paulo 2014, 30 pages (in English and Portuguese) [chapter in book]
- Award as an Investment: The Value of An Arbitral Award or the Cost of Non-Enforcement, *ICSID Review* 2013, pages 1-24
- Delocalization and its Relevance in Post-Award Review, in Gelinas and Bachand (eds.), *25 Years of the UNCITRAL Model Law*, Juris 2013, pages 165-179
- Involvement of international financial institutions in Secured Transactions Law reform: a commentary, in Akseli (ed.), *Availability of Credit and Secured Transactions in a Time of Crisis*, Cambridge University Press 2013
- Setting Aside of Arbitral Awards and Forum Shopping in International Arbitration: Delocalization, Party Autonomy and National Courts in Post-Award Review, in Franco Ferrari (ed), *Forum Shopping in the International Commercial Arbitration Context*, Sellier 2013, pages 277-296.
- Arbitral Seat: Important Features and the Role of Law, *23 American Review of International Arbitration* 407-416 (2012)
- Arbitral Seats – Choices and Competition, in Kroell, Mistelis, Perales Viscasillas & Rogers (Eds), *International Arbitration and International Commercial Law: Synergy, Convergence and Evolution*, Kluwer 2011, 363-379
- General Principles of Law and Transnational Rules in International Arbitration: An English Perspective, *5(2) World Arbitration and Mediation Review* 201-230 (2011)
- Mandatory Rules in International Arbitration: 'Too Much Too Early or Too Little Too Late?', (updated) [chapter in book] in George Bermann and Loukas Mistelis (eds), *Mandatory Rules of Law in International Arbitration*, pp 291-308, Juris Publishing 2010 – 9781933833668
- with Domenico Di Pietro, 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, in Mistelis (ed), *Concise Arbitration*. Kluwer 2010, pp. 1-32 [chapter in book]
- with Julian Lew and Josephine Davies, "LCIA Rules", in Frank-Bernd Weigand (ed.), *Practitioner's Handbook on International Commercial Arbitration*, 2nd edition, Oxford University Press 2009, ISBN 978-0-19-953486-9
- The Settlement-Enforcement Dynamic in International Arbitration, *19(3-4) American Review of International Arbitration* 377-390 (2008)

- (with Baltag C), Denial of Benefits and Article 17 of the Energy Charter Treaty, 113(4) *Penn State Law Review* 101-122 (2009)
- CISG and Arbitration, in *CISG Methodology*, Editors: Janssen, A, Meyer, O, Sellier, pages 375-397 (2008)
- Mandatory Rules in International Arbitration: Too Much Too Early or Too Little Too Late. *American Review of International Arbitration* vol. 18, 217-228 (2008).
- Reality Test: Current State of Affairs in Theory and Practice Relating to "Lex Arbitri". *American Review of International Arbitration*, 155-181 (2008).
- Recognition and Enforcement of Arbitral Awards and Settlement in International Arbitration. *American Review of International Arbitration* vol. 19, ((3-4)) 319-375.
- (With Kritzer A, Monitneri C) . The Case and How it is Changing International Commercial Law. *The Vis Book – A Participant's Guide to the Willem C Vis International Commercial Arbitration Moot*, Editors: Walker, J (2008)
- The Scope of Application of CISG. *International Sales Law – United Nations Convention on Contracts for the International Sale of Goods (CISG)*, Editors: Atamer, Y, Levha Publishers, 1-21, 2008
- (With Baltag C) (2008) . Trends and Challenges in International Arbitration: Two Surveys of Inhouse Counsel of Major Corporations. *WAMR – World Arbitration and Mediation Review* vol. 5, (2) 83-110.
- Reality Test: Current State of Affairs in Theory and Practice Relating to "Lex Arbitri", in *Zivil- und Wirtschaftsrecht im Europäischen und Globalen Kontext / Private and Commercial Law in a European and Global Context - Festschrift für Norbert Horn zum 70. Geburtstag 1005* (K.P. Berger, G. Borges, H. Herrmann, A. Schlüter and U. Wackerbarth, eds., 2006), ISBN 978-3-89949-242-2
- Arbitration Insights: Evolution and Themes, in *Arbitration Insights 1* (L. Mistelis and J.D.M. Lew eds., Kluwer, 2006)
- Workshop on Research, Teaching and Training in International Arbitration: An Introduction [2006] 22 *Arbitration International* 243-247, ISSN: 0957-0411
- Confidentiality and Third Party Participation in Investment Arbitration [2005] 21(2) *Arbitration International* 205-225, ISSN: 09570411 and in T. Weiler (Editor) *International Investment Law and Arbitration: Leading Cases from the ICSID, NAFTA, Bilateral Treaties and Customary International Law*, London: Cameron May: London, 2005, 169-199, ISBN: 1905017073
- International Arbitration: Corporate Attitudes and Practices [2004] 15 *American Review of International Arbitration* 525-593, ISSN: 1050-4109
- UNIDROIT Principles Applied as "Most Appropriate Rules of Law" in a Swedish Arbitral Award [2003] 8(3) *Uniform Law Review* 631-640, ISSN: 1124-3694
- ADR in England and Wales: A Successful Case of Public Private Partnership, in N.

Alexander (Editor), *Global Trends in Mediation*, Cologne: Centrale für Mediation, 2003, 137-178, ISBN: 3935098111

- CISG-AC Publishes First Opinion [2003] 15 *Pace International Law Review* 453-456, ISSN: 0902-7351
- Is Harmonisation a Necessary Evil? Use and Abuse of Comparative Law and the Future of Harmonisation, in I. Fletecher, L. Mistellis and M. Cremona (Editors), *Foundations and Perspectives of International Trade Law*, London: Sweet & Maxwell, 2001, 1-27, ISBN: 0421741007
- ADR in England and Wales [2001] 12 *American Review of International Arbitration* 167-221, ISSN: 1050-4109
- Taming the Dragons of Uniform Law: Sharing the reasoning of courts and arbitral awards (Co-author with A.H. Kritzer) [2001] 5(2) *Vindobona Journal of International Commercial Law and Arbitration* 282-309, ISSN: 1439-9741
- Regulatory aspects: Globalisation, harmonisation, legal transplants and law reform - Preliminary remarks. *International Lawyer*, vol. 18, 155-179.

Work in Progress

- Judges as Arbitrators
- What is transnational arbitration?
- Monograph for OUP: Arbitrators and the Law (on contract)
- Book of OUP: The Role of Arbitration in Shipping (on contract)
- Arbitration and Psychology
- Arbitration and Culture

Interviews / Public Engagement

- The Economist (twice)
- Bloomberg
- Newsnight (twice)
- BBC World Service (twice)
- Financial Times (twice)
- Der Spiegel