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BAR ADMISSIONS

Paris Bar
Athens Bar

EDUCATION

2006

Master's degree in Private International Law and Law of International Commerce, Paris II University Panthéon-Assas (merits; scholar of the Greek Ministry of Education upon winning national competition)

2004

Master of Laws in Corporate and Commercial Law, Queen Mary, University of London (merits)

2003

Bachelor of Laws, University of Athens (merits)

WORK EXPERIENCE

2007-2014

Associate, Freshfields Bruckhaus Deringer

2012

Legal department of UNESCO (on secondment from Freshfields Bruckhaus Deringer)

2015-2017

Counsel (previously associate), Lazareff Le Bars

2018-2022

Counsel, Eversheds Sutherland

CITIZENSHIP

Greek

LANGUAGES

English, French, Greek (fluent)



ATHINA FOUCHARD PAPAEFSTRATIOU INTERNATIONAL ARBITRATOR

Athina Fouchard Papaefstratiou is an independent arbitrator based in Paris.

She has worked for 15 years in two of the most renowned international arbitration groups globally (as counsel at Eversheds Sutherland and associate at Freshfields Bruckhaus Deringer) and in an arbitration boutique specialised in Africa-related arbitration (Lazareff Le Bars), before establishing her own practice in 2022, focusing mainly on missions as arbitrator.

Athina Fouchard Papaefstratiou has significant experience in Africa-related arbitration, as well as in arbitration involving States and State entities. Her sector focus is on telecommunications, construction, energy and corporate disputes. Her experience includes arbitrations under the ICC, ICSID, UNCITRAL, PCA, Swiss Arbitration Centre, LCIA, ACIC and CCJA arbitration rules.

She publishes, teaches and speaks in conferences on issues of arbitration, international law and contract law.

Athina Fouchard Papaefstratiou is listed as arbitrator in the major arbitration institutions in the world, and she is a member of several prestigious professional groups. She is a founding member (and former co-head) of AfricArb, an association of professionals focusing on Africa-related arbitration, a member of the ICC Commission on Arbitration and ADR and a Board member of the Arbitration Committee of ICC Greece. She is a CI Arb Fellow, a member of the Executive Committee of the CI Arb European Branch, and she served in 2020 as the Head of the CI Arb YMG.

She is a Greek citizen, registered with the Bar in Paris and in Athens, and works in English, French and Greek.



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LISTINGS

- Who's Who Legal 2024: included in the 10 "Most highly regarded" arbitration specialists in Europe, Africa and the Middle East: "Athina is an exceptional lawyer and arbitrator", "She is calm and focused despite the time pressure, with an open ear for the parties' requests", "Athina is brilliant and humble"
 - Who's Who Legal 2024: "Global Elite Thought Leader - Under 45"
 - Who's Who Legal 2023: included in the 10 "Most highly regarded" arbitration specialists in Europe, Africa and the Middle East: "Athina Fouchard Papaefstratiou is a favourite among clients who describe her as 'an extremely efficient arbitrator who immediately gets to the crux of an issue' and 'an excellent and diligent practitioner'"
 - Who's Who Legal 2023: "Global Elite Thought Leader - Under 45"
 - Who's Who Legal 2022: included in the 10 "Most highly regarded" arbitration specialists (non-partners) in Europe, Africa and the Middle East: "extremely talented at understanding difficult legal concepts"; possessing "profound knowledge of international arbitration proceedings".
 - Who's Who Legal 2021: included in the 10 "Most highly regarded" arbitration specialists (non-partners) in Europe, Africa and the Middle East: "Excellent speaker who is highly skilled, and sought after as counsel in complex investment disputes across the MENA region"
 - Who's Who Legal 2023, 2022, 2021, 2020, 2019, 2018: "Future Leader" of the international arbitration market
 - Who's Who Legal Future Leader: Who's Who Legal 2023: "National Leader" of the arbitration market in France
 - Who's Who Legal 2022, 2021, 2020: "Future Leader" of the arbitration market in France
 - Best Lawyers 2021-2024
 - Lawyer Monthly 2023: Winner of the Legal Award, Arbitration France
 - Lawyers of Distinction 2023
 - Euromoney's Expert Guides 2021, 2020, 2019: "Rising Star" in commercial arbitration for France
 - Legal 500, 2020 : "Very kind and responsive"
 - Legal 500, 2019: "Very responsive and providing high-quality work"
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EXPERIENCE AS ARBITRATOR

- Party appointed arbitrator in an ICC arbitration between an Iranian and a Danish company, in a dispute relating to the sale of equipment and engineering services in the energy sector (French law applicable, seat in Geneva, proceedings in English)
- Party appointed arbitrator in a PCA arbitration between a Pakistani company and an intergovernmental organisation, in a procurement dispute (UNIDROIT Principles of International Commercial Contracts applicable, proceedings in English)



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- Sole arbitrator in an *ad hoc* arbitration between a United Nations organisation and a construction company, in a dispute relating to a renovation project (general principles of international commercial law applicable, delocalised arbitration, proceedings in French)
- Party appointed arbitrator in an ICC arbitration between an Algerian state-owned entity and an Italian technology company, in a dispute relating to the works in a gas plant (Algerian law applicable, seat in Paris, proceedings in French)
- Sole arbitrator in an ICC arbitration between a Libyan State entity and a Sudanese entity in relation to a loan agreement (Libyan law applicable, seat in Paris, proceedings in English)
- Emergency arbitrator in ICC proceedings in relation to the freezing of guarantees following the termination of a construction contract in Ethiopia (Ethiopian law & FIDIC Orange Book applicable, seat in Paris, proceedings in English)
- Sole arbitrator in an ICC arbitration between two companies incorporated in Guinea as claimants and a Swiss trading company as respondent, in a dispute concerning the pricing of heavy fuel oil cargos (French law applicable, seat in Paris, proceedings in French)
- Party appointed arbitrator in an arbitration pursuant to the Swiss Rules of International Arbitration, in relation to a dispute arising out of a contract for the supply of a pharmaceutical product (Swiss law applicable, seat in Zurich, proceedings in English)
- Emergency arbitrator in ICC proceedings, in relation to a dispute between the shareholders of an entity active in the sports hospitality industry (Swiss law applicable, seat in Zurich, proceedings in English)
- Party appointed arbitrator in an *ad hoc* arbitration pursuant to the UNCITRAL Rules in relation to a dispute between a consortium of French companies and a Kenyan State entity, relating to the construction works for the rehabilitation of an international airport in Kenya (Kenyan law applicable, seat in Mauritius, proceedings in English)
- Party appointed arbitrator in a CCJA arbitration between two Congolese entities, in relation to a construction dispute (seat in Kinshasa, proceedings in French)
- Sole arbitrator in an ICC arbitration between an English and an Israeli company, arising out of a contract for the licence and supply of a technological solution for the automatic identification of commercial goods (English law applicable, seat in Nicosia, proceedings in English)
- Sole arbitrator in an ICC arbitration between the shareholders of a Madagascan company providing digital technology solutions such as electronic visas (French law applicable, seat in Paris, proceedings in French)
- Party appointed arbitrator in an ICC arbitration between a Spanish entity and a Mauritanian entity in a dispute relating to construction works in a mining project (French law applicable, seat in Paris, proceedings in French)
- Sole arbitrator in an ICC arbitration between a constructor and its subcontractor in a dispute relating to a mining project in Mali (Expedited proceedings, Malian law applicable, seat in Paris, proceedings in French)
- Sole arbitrator in an ICC arbitration between a Greek individual, a Belgian company and its Greek subsidiary, in relation to a post-acquisition dispute (Greek law applicable, seat in Brussels, proceedings in English)



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- Sole arbitrator in an ICC arbitration between a German company and a Turkish company in relation to an international sales contract (Vienna Convention on Contracts for the International Sale of Goods applicable, seat in Istanbul, proceedings in English)

EXPERIENCE AS COUNSEL

- * Many of the cases listed in this section concern missions as a member of a team of lawyers of the law firms I worked at before 2022*

COMMERCIAL ARBITRATION

- Advising an African telecommunications company in the context of an ICC arbitration initiated against it by its former partners to a consortium agreement (English law applicable, seat in Geneva)
- Advising a French construction company in an ICC arbitration against its subcontractor in a project for the construction of a cement production plant in Algeria (French law and FIDIC Red Book applicable, seat in Paris)
- Advising an African telecommunications company in an ICC arbitration initiated against it in relation to a dispute arising out of a shareholders' agreement (English law applicable, seat in London)
- Advising a Tunisian company in the chemical industry in LMAA arbitration proceedings relating to damage caused to a vessel in the context of a shipment of hazardous cargo (English law applicable, seat in London)
- Advising an Iranian industrial group active in the area of construction and development of power plants in relation to a series of disputes against a German supplier
- Advising a Canadian construction company and its Algerian subsidiary in ICC proceedings against a Algerian State-owned company in a dispute arising out of the construction of a water supply project (Algerian law applicable, seat in Algiers)
- Advising an Iranian company in view of initiating proceedings against a Pakistani company for breach of a gas sales agreement (French law applicable, seat in Geneva)
- Advising a Cypriot company in a GAFTA arbitration relating to the refusal of a shipment due to the existence of alleged pesticide levels above permissible limits (Cypriot law applicable, seat in London)
- Advising an insurance company in relation to an ICC arbitration involving as respondent its insured construction company, in a dispute relating to a wild fire spreading in a refinery plant in Oman, in the context of renovation works to the plant (Omani law applicable, seat in Dubai)
- Advising an Iranian company in the context of an ACIC arbitration in a dispute relating to the sale of gas (Iranian law applicable, seat in Tehran)
- Advising a French national in the context of an ad hoc arbitration against an international conglomerate in relation to outstanding debts arising from a service contract (French law applicable, seat in Paris)



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- Advising a French company regarding initiating CCJA arbitration against a Togolese State entity in a dispute arising from a services contract relating to cargo tracking
- Advising a Nigerian company in an ICC arbitration, in a dispute between the parties to a joint venture for the exploitation of an oil field
- Advising a European gas importer in the context of two gas pricing disputes against an East European and a North European gas producer
- Advising a Greek industrial group in the context of an LCIA arbitration against a Spanish energy provider in relation to an energy sales contract (Greek law applicable, seat in London)
- Advising a Swiss energy distributor in the context of an ICC arbitration against an incumbent European operator in relation to a power exchange contract (French law applicable, seat in Paris)
- Advising a mobile telecommunications company in the context of an ICC arbitration in a dispute arising out of an interconnection agreement (Albanian law applicable, seat in Paris)
- Advising an African telecommunications company in the context of an ICC arbitration relating to a joint venture agreement (Congolese law applicable, seat in Brussels)
- Advising an international organisation in the context of an ad hoc arbitration under the UNCITRAL Rules against a service provider (Unidroit principles applicable, seat in Paris)

INVESTMENT ARBITRATION

- Advising an African telecom group in respect of potential investment arbitration proceedings against two Middle Eastern States
- Advising a Greek individual in relation to potential investment arbitration proceedings against a Middle Eastern State
- Advising an Emirati construction company in ad hoc investment arbitration proceedings under the OIC Treaty in a dispute against Libya arising in the context of the cancellation of various construction projects
- Advising Orange SA in the context of an ICSID arbitration against Jordan relating to the renewal of a telecommunications licence
- Advising a West African State in relation to its strategy on pending investment arbitration cases
- Advising a French investor in the context of an investment arbitration, under the UNCITRAL Rules, in a dispute against the Russian Federation in relation to the banking sector
- Advising Mytilineos Holdings, a Greek industrial group, in the context of two UNCITRAL arbitrations against a Balkan State in relation to the restructuring and privatization of a mining company
- Advising the Republic of South Africa in the context of an ICSID arbitration in relation to the mining sector
- Advising Greek shareholders of a Cypriot banking institution in the context of an ICSID arbitration against Cyprus
- Advising a French group in the context of an ICSID arbitration against Argentina in relation to its investment in the field of gas exploration, production and transport



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INTERNATIONAL LITIGATION

- Advising a Canadian company in the context of enforcement actions for the recovery of an international arbitral award, and annulment proceedings against the award in Algeria
 - Advising an African telecommunications company in respect of the recovery of a costs award in its favour
 - Advising an Emirati construction company in the context of recovery procedures for a claim against a Turkish company and its Emirati subsidiary
 - Advising an Emirati telecommunications company in the context of an application for the setting aside of an award rendered in an ad hoc OHADA arbitration before the national courts of Benin
 - Advising a French telecommunications company in the context of the enforcement of a favourable arbitral award in France, and the conduct of negotiations
 - Advising a French company active in the environment sector on issues of social governance relating to its subsidiaries in Gabon and Niger
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MISSIONS AND MEMBERSHIPS

- Included in the arbitrator panels of several arbitration institutions (VIAC, CCJA, HKIAC, CRCICA, ACICA, CMAP, SHAC, SCIA, CCJA, EODID, CMAG, PKS...)
 - Founding Member of AfricArb, and Co-Chair in 2017-2020
 - Member of the ICC Commission on Arbitration and ADR
 - Board member of the Arbitration Committee of ICC Greece
 - Member of the editing team of the ICC Greece Arbitration Newsletter (edition in Greek)
 - CIArb Fellow
 - Member of the Executive Committee of the CIArb European Branch
 - 2020: Chair of the Global Steering Committee of CIArb YMG
 - 2020: Board member of CIArb
 - Member of Comité français d'arbitrage, Arbitral Women, Rising Arbitrators Initiative
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PUBLICATIONS

- Présentation de la nouvelle loi hellénique sur l'arbitrage international (Loi n° 5016/2023), Revue de l'Arbitrage, 4th Issue, 2023 (co-authors M Paralika, M Papadatou)
- Crimea as Russian Territory for the Purposes of the Russia-Ukraine BIT: Consent v. International Law?, Kluwer Arbitration Blog, February 2023



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- Chapter 11 - Territorial Application of Treaties: State Succession and Contested Territories from an International Arbitration Perspective, in E Shirley and K Nasir Gore (eds) *The Vienna Convention on the Law of Treaties in Investor-State Disputes*, Wolters Kluwer, 2022 (co-authors: W Pydiamah, J Fouret, D Papageorgiou)
- Chronique de jurisprudence de la Cour Commune de Justice et d'Arbitrage de l'OHADA, *Revue de l'arbitrage*, 2nd Issue, 2022 (co-authors: C Fouchard, C du Pac de Marsoulies)
- Stabilisation Clauses in Long-Term Investment Contracts – Their Evolution and Their Application by Investment Tribunals, in E Cima and M M Mbengue (eds) *A Multifaceted Approach to Trade Liberalisation and Investment Protection in the Energy Sector*, Brill Nijhoff, 2021
- Commentary on the decision of the Paris Court of Appeal of 25 February 2020 on the case *Ekwa Ngale et al v. EPIC SNH et al*, *Revue de l'Arbitrage*, 1st Issue, 2021 (in French)
- Horizon Scanning, 5G: The Next Generation of Telecoms Disputes, March 2021 (co-authors: W Pydiamah, G Forsyth, D Papageorgiou)
- Contract Interpretation under French Law – the Contract Law Reform of 2016, *The American Review of International Arbitration*, 2021
- Chapter on the enforcement of international investment awards in Greece, in J Fouret (ed), *Enforcement of Investment Treaty Arbitration Awards: A Global Guide*, Second Edition, *Globe Law and Business*, 2021
- Promotion of Investment, *Jus Mundi*, Wiki Notes, November 2021
- New Technologies and International Arbitration, *Arbitration and Mediation (“DID”)*, 2nd issue, 2019 (in Greek)
- Investors’ Obligations Under Domestic Law, *Transnational Dispute Management*, 2019 (co-author: T Shiroor)
- The Africanisation of Rule-Making in Investment Arbitration, *Kluwer Arbitration Blog*, 2018
- Arbitration in Greece, *The European Arbitration Review*, 2018
- Chronique de jurisprudence de la Cour Commune de Justice et d'Arbitrage de l'OHADA, *Revue de l'arbitrage*, 2nd Issue, 2017 (co-author: B Le Bars) (in French)
- Interim Measures in International Investment Arbitration, *Investment Treaty Arbitration Review*, 2017 (co-author: B Le Bars)
- The New ICC Expedited Procedure: Towards More Efficient Justice, *International Arbitration Law*, February 2017
- OHADA Arbitration – A Critical Analysis, *Transnational Dispute Management*, October 2016
- The EU Proposal Regarding Investment Protection: The End of Investment Arbitration as We Know It?, *Kluwer Arbitration Blog*, December 2015
- TTIP: The French Proposal for a Permanent Court for Investment Arbitration, *Kluwer Arbitration Blog*, July 2015
- BIT Country Review: Greece, Presentation of Greece’s BIT policy and BIT network, *Investment Claims website*, Oxford University Press



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- UNESCO's Role in the Resolution of Disputes Relating to the Recovery of Cultural Goods, Transnational Dispute Management, December 2013 (co-authors: M Vicien-Milburn and A Garcia-Marquez)
 - International Arbitration, in Ch Pamboukis (ed), International Trade Law, 2009 (in Greek; co-authors: G Petrochilos and Ch Zoumboulis)
-

RECENT CONFERENCES

- Debate on the Use of Summary Proceedings in International Arbitration (Young ICCA, Paris, March 2024)
- Le Mouton à 5 Pattes: How to Find the Perfect Expert (Boies Schiller Flexner, Paris, March 2024)
- Solo Practitioners: Unpacking a New Trend (Schroeder Arbitration, Paris, March 2024)
- Gestion Efficace d'une Procédure Arbitrale (CMAG, Rencontres Autour de l'Arbitrage, webinar, July 2023)
- Sanctions et Arbitrage (CFA 40, Expert Series, Paris, June 2023)
- Corruption in Investment Projects: The Standard of Proof and the Consequences for Investment Arbitration (World Arbitration Update, webinar, May 2023)
- Procedural Innovations in International Commercial Arbitration (Arbitration Channel, 17th Rio de Janeiro International Arbitration Conference, May 2023)
- Presentation of Greek Law N° 5016/2023 on International Commercial Arbitration (ICC Greece and Athens Bar, Athens, April 2023, in Greek)
- Enforcement, Enforcement, Enforcement: Why It Is The Key Factor at Each Arbitral Stage (Freshfields - Fast & Furious, Paris, March 2023)
- Award Writing Workshop (IBA Arb40, London, November 2022)
- Investment arbitration in Times of War and International Sanctions: the Crimea cases (12th Investment Treaty Arbitration Conference – Ministry of Finance of Czechia, Prague, October 2022)
- Tips and Tricks from the Trenches: How do you Win a Construction Arbitration Case? (Clyde & Co and HKA, Paris, October 2022)
- ICC Emergency Arbitration (Mute Off, webinar, September 2022)
- Psychology and Arbitration: Fighting cognitive biases (PVYAP, Paris, September 2022)
- Controlling the Arbitral Award: Perspectives on Jurisdictional Aspects (PCA, MIAC, Panthéon Assas University, UVSQ, Mauritius, June 2022)
- Is Consent Still the Foundation of International Arbitration? (Science Po & Mayer Brown Arbitration Lecture, Paris, June 2022)
- Effective Arbitration Agreements: Essential Elements and Drafting (EODID, 4th International Mediation and Arbitration Conference, Athens, June 2022)



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- Arbitration in Western and Northern Africa: Institutional Perspectives and Legal Developments (AfricArb & Reed Smith, webinar, March 2022)
- Strategies and Tools for Achieving Early and Speedy Dispute Resolution (CIArb French Chapter & CIArb UAE Branch, webinar, March 2022)
- The Validity of Arbitration Agreements: Towards a Uniform Approach to Resolve Recurring Issues? (Arbit, webinar, March 2022)
- Latest Developments in Investment Arbitration: Regional Perspectives (ESSEC & Jus Mundi, Paris, November 2021)
- Multi-party Arbitrations / Arbitrations and Third Parties (ICC Greece, webinar, June 2021, in Greek)
- Virtual Hearings: Are They Here to Stay? (ICC Greece, webinar, April 2021, in Greek)
- Virtual Hearings and Due Process (CIArb YMG, webinar, March 2021)
- Covid-related Investment Claims (10th Investment Treaty Arbitration Conference – Ministry of Finance of Czechia and KPMG, webinar, October 2020)
- Arbitration and Mediation in Africa (CIArb YMG, webinar, July 2020)
- Contract Interpretation Under French Law (Fordham Law School, New York, November 2019)
- Compliance Obligations Imposed on Foreign Investors and Soft Law Instruments (CBAr, Brasilia, August 2019)
- Arbitration and Mediation at a Crossroads (CIArb YMG, Paris, February 2019)
- Consolidation of Arbitrations and Joinder of Additional Parties (CARDS, Paris, February 2019)
- The Future of Arbitration (EODID, Athens, November 2018)
- Stabilization Clauses in Long-Term Investment Contracts (University of Geneva, Geneva, June 2018)
- Allegations of Corruption and Fraud in Arbitration (Cyprus Arbitration and Mediation Centre, Nicosia, November 2017)
- Security for Costs in Investment Arbitration (AILA, Lagos, October 2017)
- Armed Conflict Clause in International Investment Agreements: Minimum Protection or Lex Specialis (Athens Colloquium on International Investment Law & the Law of Armed Conflict, Athens, October 2017)
- Cross-examination of Factual Witnesses (Young ICCA, Milan, March 2017)
- The Future of Investment Treaty Arbitration (Sciences Po, Paris, March 2017)
- Greece and Cyprus BIT Policy: A Need for Review? (Cyprus Arbitration and Mediation Centre, Nicosia, November 2016)
- Recent Trends in Investment Arbitration (AILA, Dar Es Salaam, September 2016)
- Regulation in Arbitration – The Issue of Arbitral Secretaries (Alumni and Friends of the School of International Arbitration, London, June 2016)
- Counterclaims in Investment Arbitration (ICC YAF, Frankfurt, March 2016)



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- Arbitrage d'Investissement et Secteur Hôtelier – La Compétence du Tribunal Arbitral (ICC YAF, Paris, January 2016)
 - Enforcing Settlement Agreements in Arbitration Proceedings (Cyprus Arbitration and Mediation Centre, Lemessos, November 2014)
 - UNESCO's Role in the Resolution of Disputes Relating to the Recovery of Cultural Goods (Amsterdam University, Amsterdam, March 2013)
 - Successful Arbitration Case Management (ICC YAF, Berlin, June 2012)
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TEACHING

- Panthéon-Assas University, Master 2 Contentieux, Arbitrage et MARD: Workshop on ICC Arbitration (Paris, January 2024)
- CIArb Diploma in International Arbitration: Courses on NY Convention, UNCITRAL Model Law and Rules, arbitration procedure (Oxford, September 2023; e-learning, September 2020, March 2021, September 2021, May 2022, September 2022, May 2023)
- Pensbury Law / iResolve / AYA et al: Training on on-line dispute resolution for law practitioners and SMEs (e-learning, March 2022)
- Commercial Law Development Program (CLDP) and The ADR Center of Sri Lanka: Workshop on award drafting (Colombo, November 2021)
- ESSEC Business School, BBA: Course on international investment law and arbitration (Cergy, September-December 2021)
- Foundation for International Arbitration Advocacy: Workshop on oral advocacy in international arbitration (e-learning, June 2021)
- Paris II Panthéon-Assas University, DIU Juriste OHADA: Course on OHADA Arbitration (Paris, 2019)
- Paris Bar: Course on War Clauses in international investment treaties (Paris, 2019, 2018)
- ELSA Athens Summer Law School: Course on third party funding (Athens, 2018)