



Loretta Malintoppi*

Year of call: 1987 (Rome)

Email: loretta.malintoppi@39essex.com

Phone: +44 (0)20 7832 1111

*Called 1987 (Rome Bar)

"One of her key strengths is her forensic ability to absorb all the details and then very quickly work out what the key issues in dispute are – she does not get lost in detail." The Legal 500 Asia Pacific 2022

Global Arbitration Review (GAR) Award for *"Best prepared and most responsive arbitrator"*, 2021

An Italian lawyer by training, Loretta has an LLM from Georgetown University Law Centre in Washington DC and is dually qualified, at the Rome and Paris Bars. Loretta has also been registered to practise in Singapore since 2012.

Loretta sits as arbitrator in arbitrations under a variety of arbitration rules, including International Centre for Settlement of Investment Disputes ("ICSID"), International Chamber of Commerce ("ICC"), The United Nations Commission on Trade Law ("UNCITRAL"), Singapore International Arbitration Centre ("SIAC"), London Court of International Arbitration ("LCIA"), Stockholm Chamber of Commerce ("SCC"), Milan Chamber of Arbitration (CAM) and Dubai International Arbitration Chamber ("DIAC"). Loretta also regularly appears as counsel and advocate in State-to-State disputes before the International Court of Justice and in ad hoc inter-State arbitrations. Aside from her native Italian, Loretta is fluent in English, French and Spanish.

Prior to focusing on her career as arbitrator, Loretta acted for twenty-five years as counsel and advocate in international commercial arbitration with a major international law firm based in Paris. Her practice was particularly focused on public international law matters, infrastructure projects, oil and gas concessions, international sales contracts, disputes arising out of shareholders agreements, and construction projects under FIDIC contracts.

Loretta was a Member for Italy of the ICC International Court of Arbitration from 2000 to 2009 and a Vice-President of the ICC Court from 2009 until June 2015. Loretta was nominated as ICCA Vice-President in 2022 for a term of two years, and has been a member of the Governing Board of ICCA from 2017 to 2021. She also sits as a member of the Council of the CAM, the International Arbitration Committee of the Korean Commercial Arbitration Board (KCAB International), the Arbitration Committee of the British Virgin Islands

International Arbitration Centre (BVI IAC) and the Council of the ICC Institute of World Business Law. She is also a Member of the Governing Board for the Centre for International Law (CIL) of the National University of Singapore (NUS). Loretta was designated by the Chairman of the Administrative Council of the World Bank to the ICSID List of Arbitrators.

Areas of expertise

Arbitrators

Public International Law (Arbitrator)

Public International Law (Arbitrator and Counsel)

Public International Law (Arbitrator and Counsel)

Loretta advises States and private entities on non-contentious matters of public international law and has represented States as counsel and advocate in numerous cases before the International Court of Justice (ICJ) and in ad hoc arbitrations involving, inter alia, maritime and land boundary/sovereignty disputes, State responsibility, the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), treaty interpretation, and international environmental law.

Cases of note

- ***Qatar v UAE*** - Application of the International Convention on the Elimination of All Forms of Racial Discrimination (ICJ proceedings, 2021);
- ***Bahrain, Egypt and United Arab Emirates v Qatar*** - Appeal Relating to the Jurisdiction of the ICAO Council under Article II, Section 2, of the 1944 International Air Services Transit Agreement (ICJ proceedings, 2020); and Appeal relating to the Jurisdiction of the ICAO Council under Article 84 of the Convention on International Civil Aviation (ICJ proceedings, 2020);
- ***Ecuador-Colombia*** - Case Concerning Aerial Herbicide Spraying (ICJ proceedings, discontinued 2013);
- ***Romania-Ukraine*** - Case concerning maritime delimitation in the Black Sea (ICJ proceedings, 2009);
- ***The Government of Sudan/The Sudan People's Liberation Movement/Army*** Abyei Arbitration (ad hoc Arbitration, 2009);
- ***Singapore-Malaysia*** - Case concerning sovereignty over islands (ICJ proceedings, 2008);
- ***Ethiopia-Eritrea*** - Boundary Commission Proceedings (ad hoc Arbitration, 2002);
- ***Indonesia-Malaysia*** - Case Concerning sovereignty over Pulau Ligitan and Pulau Sipadan (ICJ proceedings, 2002);
- ***Ethiopia-Eritrea*** - Boundary Commission Proceedings (ad hoc Arbitration, 2002);
- ***Indonesia-Malaysia*** - Philippines Application to Intervene (ICJ proceedings, 2001);
- ***Yemen-Eritrea*** - Island and Maritime Delimitation Arbitration (ad hoc Arbitration, 1999);
- ***Islamic Republic of Iran-United States of America*** - Aerial Incident Case of 3 July 1988 (ICJ proceedings, 1998);
- ***Islamic Republic of Iran -United States of America*** - Oil Platforms Case (ICJ proceedings, Preliminary Objection, 1996);
- ***Libyan Arab Jamahiriya-Chad*** - Territorial Dispute (ICJ proceedings, 1992).

Recommendations

- *“Loretta Malintoppi of 39 Essex Chambers regularly sits as an arbitrator in the Latin America and Asia-Pacific regions, where she impresses sources with her ‘fantastic grasp of the facts’ in her cases. One commentator appreciates the manner in which ‘she commands the room’, while another finds her to be ‘extremely diligent.’”* Chambers Global 2021;
- *“One of her key strengths is her forensic ability to absorb all the details and then very quickly work out what the key issues in dispute are – she does not get lost in detail.”* The Legal 500 Asia Pacific 2022.

Memberships

- Member of the following institutional panels of arbitrators: ICSID (designated by the Chairman of the Administrative Council in 2017), IDRC, SIAC, HKIAC, KLRCA, BVI IAC, CIETAC and KCAB;
- Founding Member of the Singapore Branch of the International Law Association (“ILA”); and Member of the Council of the Branch;
- Member of the ILA Committee on rules of procedure of international courts and tribunals;
- Member of the American Society of International Law;
- Regional co-leader of the Swiss Arbitration Association (“ASA”), South East Asia Chapter;
- Vice-President of the International Court of Arbitration of the International Chamber of Commerce (“ICC”) from 1 July 2009 to 30 June 2015;
- Italian Alternate Member of the International Court of Arbitration of the ICC, 2000-2009.

Honorary Appointments

- Member of the Governing Board for the Centre for International Law (“CIL”) of the National University of Singapore (“NUS”);
- Vice-President and member of the Governing Board of the International Council for Commercial Arbitration (“ICCA”);
- Member of the Advisory Board of the Investment Treaty Forum of British Institute of International and Comparative Law (“BIICL”);
- Member of the Council of the ICC Business Institute;
- Member of the Council of the Milan Chamber of Commerce (CAM);
- Member of the International Arbitration Committee of the Korean Commercial Arbitration Board (KCAB International);
- Member of the Arbitration Committee of the British Virgin Islands International Arbitration Committee (BVI IAC);
- Member of the ICC Commission on Arbitration;
- Former co-Chair of the ICC Commission on Arbitration’s Task Force on Production of Electronic Documents in International Arbitration;
- Former member of the Special Drafting Committee of the ICC Task Force on Arbitration Involving States or State Entities;
- Member of the ICC Latin American Arbitration Group.

Qualifications

Education

- Georgetown University Law School, Washington, D.C., 1986. LL.M. (Common Law Studies), Fulbright Scholar. Coursework included: International Finance, Corporations, International Trade Law, Anti-Trust, International Transactions, International Commercial Arbitration;
- The Hague Academy of International Law, The Netherlands, June-July 1981. Academy Scholarship, Program of Lectures in Public International Law;
- University of Rome, Italy, 1979. Laurea in Giurisprudenza (Juris Doctor), Magna Cum Laude.

Languages

- Italian, mother tongue
- French, fluent
- English, fluent
- Spanish, fluent

Scholarships and prizes

- Fulbright scholar, one-year grant for studying in the United States, 1986

Additional Information

Publications

- *Schreuer's Commentary on the ICSID Convention*, Third Revised Edition, General editor Stephan W. Schill, co-editors Christoph Schreuer, Loretta Malintoppi, August Reinisch and Anthony Sinclair, Cambridge University Press, September 2022;
- *The ICSID Convention: A Commentary*, Second Edition, by Christoph Schreuer, Loretta Malintoppi, August Reinisch and Anthony Sinclair, Cambridge University Press, 2009;
- *Investment Protection in Southeast Asia: A Country-by-Country Guide on Arbitration Laws and Bilateral Investment Treaties*, editor, with Charis Tan, Martinus Nijhoff, 2017;
- "Don't Shoot the Sheriff: The Threat of Legal Claims Against Arbitrators and Arbitral Institutions", *Arbitration International*, 2021, 37, pp. 487–501;
- "L'arbitrato in materia di investimenti davanti ad istituzioni arbitrali diverse dall'ICSID", co-authored with Pierfrancesco Rossi, *Trattato di Diritto dell'Arbitrato* Prof. Mantucci (ed.), Volume XIII, *L'arbitrato negli investimenti internazionali* (2020);
- "The Application of Mandatory Rules by Arbitral Tribunals Under Singapore Law: A Need for Greater Certainty?" co-authored with Alvin Yap, in *Singapore Arbitration Journal*, Vol. 1, November 2019 pp. 55-82;
- "*Challenges of Arbitrators in International Investment Arbitration; Still Work in Progress?*" co-authored with Alvin Yap, in *Arbitration Under international Investment Agreements; A Guide to the Key Issues* Katia Yannaca-Small ed., 2nd edition, Oxford University Press, 2018;
- "Inter-State Arbitration of Disputed Sovereignty and Maritime Delimitation Issues", paper delivered at the ICCA Congress 2016, *ICCA Congress Series* 2017, pp. 45-76;
- "Fact-Finding and Evidence before the International Court of Justice (Notably in Scientific-Related Disputes)", *Journal of International Dispute Settlement*, 2016, 7 (2), pp. 421-444;
- "A Cautionary Tale: the Singapore and Hong Kong Chapters of the *Astro v First Media Saga*", *Les Cahiers de l'Arbitrage* 2015-4;
- "Is there an 'Asian Way' for Investor-State Dispute Resolution?", *KLRCAL Newsletter* 19, July-September 2015;
- "Challenges of Arbitrators: Lessons from the ICC", co-authored with Andrea Carlevaris, in *Challenges*

and Recusal of Judges and Arbitrators, C. Giorgetti ed., Brill 2015;

- “The Non-Disputing State Party in Investment Arbitration: An Interested Player or the Third Man Out?”, co-authored with Hussein Haeri, in *Practising Virtue, Inside International Arbitration*, D. Caron, S. W. Schill, A. C. Smutney, E. E. Triantafilou, Oxford University Press, 2015;
- “Living in Glass Houses? The Debate on Transparency in International Investment Arbitration”, co-authored with Natalie Limbasan, *Bahrain Chamber for Dispute Resolution, International Arbitration Review*, Vol. 1, May 2015, N. 2, p. 31;
- “La procédure arbitrale devant le CIRDI et hors CIRDI: une comparaison”, *Droit international des investissements et arbitrage trans-national*, Ch. Leben ed., Pedone, 2015;
- “Regards croisés sur la mise en oeuvre des techniques interprétatives de la norme internationale – Les techniques interprétatives du CIRDI”, *Revue Générale de Droit International Public*, Vol. 115, 2011, N° 2;
- “The Algiers Accords and the Iran-US Claims Tribunal (1981)”, *World Arbitration Reporter (WAR)*, 2d edition, JurisNet LLC 2011;
- “Unlawful interference with international arbitration by national courts of the seat in the aftermath of *Saipem v Bangladesh*”, co-authored with Luca Radicati di Brozolo, in *Liber Amicorum Bernardo Cremades*, La Ley, 2010;
- “Provisional Measures in Recent ICSID Proceedings: What Parties Request and What Tribunals Order”, in *International Investment Law for the 21st Century: Essays in Honour of Christoph Schreuer* Oxford University Press, 2009;
- “Independence, Impartiality and Duty of Disclosure in Investment Arbitration”, in *Oxford Handbook of International Investment Law*, P. Muchlinski, F. Ortino and C. Schreuer eds., Oxford University Press, 2008;
- “Methods of Dispute Resolution”, co-authored with A. Reinisch, in *Oxford Handbook of International Investment Law*, P. Muchlinski, F. Ortino and C. Schreuer eds., Oxford University Press, 2008;
- “Methods of Dispute Resolution in Inter-State Litigation: When States go to Arbitration Rather Than Adjudication”, *The Law and Practice of International Courts and Tribunals*, Vol. 5, 2006;
- “*La jurisprudencia arbitral de la CCI relativa a los contratos de Estadõ*”, in *Revista de Arbitragem e Mediação*, Ano 1, n.2, maio-agosto de 2004, p. 186;
- Editor, *International Litigation in Practice Series*, Martinus Nijhoff Publishers;
- Member of the editorial board, *The Law and Practice of International Courts and Tribunals*, Martinus Nijhoff Publishers;
- Member of the editorial advisory board, *Journal of World Investment and Trade*.

Teaching Positions and Speaking Engagements

- Faculty Member of the Roma Tre University Certificate in International, Commercial and Investment Arbitration, 8th edition, 2021;
- Lecturer on international investment arbitration at the Singapore International Arbitration Academy 2014;
- Senior lecturer on international investment arbitration in the Master Degree on economic law at Science Po Law School, Paris, 2010-2012;
- Regular lecturer at the Master on Arbitrage & Commerce international of the *Faculté de droit et de science politique of the Université de Versailles – Saint-Quentin*;
- Regular guest lecturer at the *Université de Nanterre (Paris X)*;
- Lecturer at the *Université de droit, d'économie et des sciences sociales de Paris (Paris II)*, 1988-1990, course on Italian law;

- Frequent guest lecturer in the Law Schools of the Universities of Verona, Padova, Treviso and Catania;
- Frequent speaker at conferences and seminars on public international law, investment arbitration and international commercial arbitration.

London

81 Chancery Lane,
London
WC2A 1DD
Tel: +44 (0)20 7832 1111
DX: London/Chancery Lane 298
Fax: +44 (0)20 7353 3978

MANCHESTER

82 King Street,
Manchester
M2 4WQ
Tel: +44 (0)16 1870 0333
Fax: +44 (0)20 7353 3978

SINGAPORE

Maxwell Chambers,
28 Maxwell Road,
WC2A 1DD
04-03 & 04-04, Maxwell Chamber
Suites
Singapore 069120
Tel: +65 6320 9272

KUALA LUMPUR

#02-9, Bangunan Sulaiman
Jalan Sultan Hishamuddin,
50000 Kuala Lumpur,
Malaysia
Tel: +60 32 271 1085

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clerks@39essex.com • DX: 298 London/Chancery Lane • 39essex.com