



LORETTA MALINTOPPI (ROME)

Year called 1987

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“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

**Called 1987 (Rome Bar)*

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.

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 international commercial arbitration practice was particularly focused on infrastructure projects, oil and gas concessions, international sales contracts, disputes arising out of shareholders agreements, and construction projects under FIDIC contracts.

She sits as arbitrator in arbitrations under a variety of arbitration rules, including ICSID, ICC, UNCITRAL, SIAC, LCIA, Milan Chamber of Arbitration (CAM) and DIAC. Aside from her native Italian, Loretta is fluent in English, French and Spanish. 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. She 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 appointed to the Governing Board of ICCA on 1 April 2017 for a term of four years. She sits as a member of the CAM, the International Arbitration Committee of the Korean Commercial Arbitration Board (KCAB International) and 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) and of the Advisory Board of the Investment Treaty Forum (ITF) of the British Institute of International and Comparative Law (BIICL).

BARRISTERS · ARBITRATORS · MEDIATORS

In 2009 Loretta co-authored the second edition of Professor Schreuer's *The ICSID Convention – A Commentary* and is one of the editors of the upcoming third edition of the same *Commentary*. She is also a co-editor of the handbook *Investment Protection in Southeast Asia: A Country-by-Country Guide on Investment Laws and Bilateral Investment Treaties* published in October 2016.

Chambers & Partners Global 2019 say that Loretta “*knows public international law inside out*” and that “*she has a long background in PIL and her reputation is high.*”

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PRACTICE AREAS

- International Arbitration
- Public International Law

PRACTICE AREAS

INTERNATIONAL ARBITRATION

Loretta was admitted to the Rome Bar in 1987 and the Paris Bar in 1993.

Loretta’s experience as arbitrator in international commercial arbitration, includes the following:

- Acting as Sole Arbitrator, presiding arbitrator and party-appointed arbitrator in numerous international commercial arbitrations over the last thirty years under the following rules: International Chamber of Commerce (“ICC”), London Court of International Arbitration (“LCIA”), Singapore International Arbitration Centre (“SIAC”), Dubai International Arbitration Chamber (“DIAC”) and Milan Chamber of Arbitration (“CAM”). The cases concern disputes arising from a variety of international transactions (including construction contracts, infrastructure projects, international sale of goods, agency, oil and gas, shareholders’ agreements, and distribution), with particular regard to disputes involving States and State entities. Procedures conducted in English, French, Italian and Spanish;

Examples of recent cases as arbitrator in commercial arbitrations during the past three years include the following (given that the cases are not public, the names of the parties and the names of the cases have been omitted):

- President in an ICC case between six Hong Kong and Taiwan companies as claimants and two German companies as respondents regarding a settlement agreement and supply agreement for the

- sale and manufacturing of pharmaceutical products (applicable law: Republic of China (Taiwan) law);
- Sole Arbitrator in an *ad hoc* case (SIAC acting as fund-holder) between a Singapore company and two Indonesian companies regarding the supply of goods (applicable law: Singapore law);
- Co-arbitrator in an LCIA arbitration between two Eastern European companies concerning the supply of petroleum products (applicable law: English law);
- Co-arbitrator in an LCIA case between a Hong Kong company and a PRC company concerning the sale of crude oil (applicable law: English law);
- President in an ICC case between a Thai company and a Korean company regarding a project for the engineering, procurement and construction of a phenol and acetone plant (applicable law: Thai law);
- President in an ICC case between two UAE companies regarding a pipeline project (applicable law: UAE law);
- President in an ICC case between one Singapore company and six Korean companies as claimants and a Korean State-owned entity as respondent regarding a joint venture for the development of an urban construction project (applicable law: Korean law);
- Co-arbitrator in an ICC case between a Canadian company and two Eastern European State entities concerning onshore operations in oilfields (applicable law: English and Swiss law);
- Sole Arbitrator in an *ad hoc* case (SIAC acting as fund-holder) between three Indonesian companies (one claimant, two respondents) regarding the supply of pipelines (applicable law: Indonesian law);
- Co-arbitrator in an ICC case between two Eastern European companies and an Austrian company concerning a construction project (applicable law: English law);
- Co-arbitrator in a multi-party ICC arbitration concerning the termination of three connected agreements for procurement and manufacturing in the shipping industry (applicable law: Italian law);
- Sole Arbitrator in a SIAC case concerning a sales agreement between a Singaporean company and an Indian company (applicable law: Indian law).

PUBLIC INTERNATIONAL LAW

Loretta's experience as arbitrator in international investment arbitration is as follows:

- Co-Arbitrator in ICSID Case No. ARB/11/5;
- Co-Arbitrator in ICSID Case No. ARB/12/20;
- Co-Arbitrator in ICSID Cases No. ARB/14/6 and No. ARB/14/7;
- Co-Arbitrator in ICSID Case No. ARB/15/16;
- Co-Arbitrator in PCA Case 2016-11;
- Co-Arbitrator in ICSID Case No. ARB/18/7;
- President of the *ad hoc* Committee in ICSID Case No. ARB/15/18;
- President of the *ad hoc* Committee in ICSID Case No. ARB/12/33;
- Member of the *ad hoc* Committee in ICSID Case No. ARB/15/8;
- Co-Arbitrator in ICSID Case No. ARB/18/25;

- Co-Arbitrator in ICSID Case No. ARB/18/47;
- President of the Tribunal in PCA Case 2019-19;
- President of the Tribunal in ICSID Case No. ARB/18/44 (discontinued);
- Co-Arbitrator in PCA Case 2019-44;
- Co-Arbitrator in SCC Case V2019-088;
- Co-Arbitrator in PCA Case 2020-01;
- Co-arbitrator in PCA Case 2020-53;
- Co-arbitrator in OCSID Case No. ARB/30/37;
- President of the *ad hoc* Committee in ICSID case No. ARB/15/7.

Loretta also 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, treaty interpretation, and international environmental law. Examples of cases include:

- Aerial Incident Case of 3 July 1988 (ICJ proceedings, Iran/USA)
- Oil Platforms Case (ICJ proceedings, Iran/USA, Preliminary Objection, 1996)
- Libya-Chad Land Boundary Case (ICJ proceedings, 1992)
- Indonesia-Malaysia Case Concerning sovereignty over Pulau Ligitan and Pulau Sipadan (ICJ proceedings, 2002)
- Philippines Application to Intervene (ICJ proceedings, 2001)
- Yemen-Eritrea Island and Maritime Delimitation Arbitration (*ad hoc* Arbitration, 1999)
- Ethiopia-Eritrea Boundary Commission Proceedings (*ad hoc* Arbitration, 2002)
- Singapore-Malaysia Case concerning sovereignty over islands (ICJ proceedings, 2008)
- 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)
- Case Concerning Aerial Herbicide Spraying (Ecuador-Colombia) (ICJ proceedings, discontinued 2013)
- Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v UAE) (ICJ proceedings, 2021)
- Appeal Relating to the Jurisdiction of the ICAO Council under Article II, Section 2, of the 1944 International Air Services Transit Agreement (Bahrain, Egypt and United Arab Emirates v. Qatar) (ICJ proceedings, 2020)
- Appeal relating to the Jurisdiction of the ICAO Council under Article 84 of the Convention on International Civil Aviation (Bahrain, Egypt, Saudi Arabia and United Arab Emirates v. Qatar) (ICJ proceedings, 2020).

APPOINTMENTS

Appointed to the Council of the Milan Arbitration Chamber – March 2021

MEMBERSHIPS

Arbitrators' Panels:

Member of the following institutional panels of arbitrators: ICSID (designated by the Chairman of the Administrative Council in 2017), IDRC, SIAC, HKIAC, KLRCA, CIETAC and KCAB.

Professional Associations:

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.

Honorary Appointments:

Member of the Governing Board for the Centre for International Law ("CIL") of the National University of Singapore ("NUS");

Member of the Governing Board of the International Council for Commercial Arbitration ("ICCA");

Member of the Nominations & Membership Committee of the ICCA Governing Board;

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 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.

ICC International Court of Arbitration:

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.

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 Private International Law.

University of Rome, Italy, 1979. Laurea in Giurisprudenza (*Juris Doctor*), *Magna Cum Laude*

ADDITIONAL INFORMATION

LANGUAGES:

Italian, mother tongue

French, fluent

English, fluent

Spanish, fluent

PUBLICATIONS:

The ICSID Convention: A Commentary, Second Edition, co-authored with Christoph Schreuer, 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;

“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* (To be published, 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?", *KLRCA 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 œuvre 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 Estado", 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

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.

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