



## **SALIM MOOLLAN**

Born 1971

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### **EDUCATION**

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#### **Lycée Labourdonnais, Mauritius (1981-1988)**

French Baccalauréat, Mathematics and Physics, Mention Très Bien avec les Félicitations du Jury.

French Government scholarship for the best baccalauréat results in Mauritius.

#### **Lycée Louis-le-Grand, Paris (1988-1990)**

Classes préparatoires aux Grandes Écoles scientifiques.

#### **École Polytechnique, Paris (1990-1993)**

Diplôme de l'École Polytechnique (Advanced Mathematics and Physics).

#### **Institut d'Études Politiques de Paris (Sciences-Po) (1993-1995)**

Political science and economics degree

#### **Downing College, Cambridge (1995-1997)**

BA (Law), First Class Honours in Part I and Part II (MA: 2001)

Harris Scholarship  
Senior Harris Scholarship

#### **Inns of Court School of Law, London (1997-1998)**

BVC (Bar Vocational Course)

Middle Temple's Queen Mother Scholarship

### **BAR ADMISSIONS**

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Called to the Bar of England & Wales: 1998

Called to the Mauritian Bar: 1998

## **PROFESSIONAL POSITIONS AND AFFILIATIONS**

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Member of Essex Court Chambers: October 1998 to date

Representative of Mauritius at the United Nations Commission on International Trade Law (UNCITRAL) since 2006; current Chairman of UNCITRAL and of its Working Group II (Arbitration)

Vice-President of the International Court of Arbitration of the International Chamber of Commerce (ICC)

Member of the Court of the London Court of International Arbitration (LCIA)

Senior Visiting Lecturer (International Arbitration Law), King's College, University of London

Member of the ICSID Panels of arbitrators and conciliators.

Editor, *Arbitration International*

Membre du Comité de Lecture, *Revue de l'Arbitrage*

Member of: Comité Français de l'Arbitrage  
Commercial Bar Association (COMBAR)  
Institut pour l'Arbitrage International (IAI)  
LCIA and LCIA Young International Arbitrators Group  
London Common Law and Commercial Bar Association

## **PRACTICE**

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**Counsel:** In private practice as a barrister since 1998, specialising in international and commercial law, and in particular international and commercial arbitration.

### *Arbitration and Investment arbitration*

Advises and acts in a wide range of international arbitrations, including investment arbitration, under institutional (including LCIA and ICC) and ad hoc arrangements (including UNCITRAL), both under English law and foreign law. Recent and current cases include:-

- Acting for a pharmaceutical company in a substantial dispute under ICC rules, London seat, applying English law;
- Acting for a state-owned entity in a substantial commodities dispute under LCIA rules, London seat, applying English law;
- Acting for a Dubai company in an energy-related dispute under ICC Rules, London seat, applying Dubai law.
- Acting for a French company in an energy-related dispute under ICC Rules, London seat, applying Nigerian law;

- Acting for an English private equity firm in a substantial expropriation claim against a Latin American State;
- Acting for an English mining firm in an expropriation claim against the Czech Republic under the UK/Czech BIT;
- Acting for a Madagascar company in a commodities dispute under ICC Rules, Port-Louis seat, applying Malagasy law;
- Acting as Counsel for one of the world's leading communications groups in Europe's largest telecoms arbitration in excess of €2 billion.
- Acting for one of the world's leading equipment companies in an ICC claim relating to the termination of licensing agreements in a developing country.
- Acting for an English company in relation to a potential claim under the Energy Charter Treaty with respect to the expropriation of uranium assets worth in excess of \$2 billion.
- Acting for a State in relation to a claim for denial of justice under a BIT under the UNCITRAL Rules.

### *Commercial Litigation and Conflict of Laws*

Advises and acts for commercial clients across the range of commercial litigation (shipping, insurance, joint venture agreements, agency agreements, sale of goods, asset and share sale agreements) before the Commercial Court and in other Courts, including jurisdictional disputes, summary hearings and trials. Most these cases involve complex issues of conflict of laws and jurisdiction, including anti-suit injunctions.

### *Energy*

Advises and acts in a number of energy or energy-related cases including:-

- Acting for Ghana National Petroleum Corporation in a dispute arising from the hedging of an oil field development;
- Acting for a Dubai company in an ICC arbitration arising out of the construction of an oil refinery;
- Acting for a French construction company in an ICC arbitration arising out of the construction of oil platforms;
- Acting for a Greek construction company in an ICC arbitration arising out of the construction of a Liquid Natural Gas complex.

### *Telecommunications*

Acted on a series of arbitrations seated in Vienna, with amounts in dispute of 2.7 billion euros, relating to a mobile telecommunication company in Central Europe.

Regularly advises, and acts for, mobile telephone operators on interconnect and regulatory issues. This has involved the successful resolution of shareholder disputes (following a settled LCIA arbitration), and currently

involves a MRU 1 billion (\$30 million) claim against the Mauritian Government for defective regulation of the Mauritian mobile telecommunications market.

As part of his Mauritian practice, has concluded the successful privatisation of the Madagascar fixed line operator (Telecom Malagasy SA) on behalf of Hong Kong based foreign investors.

**Arbitrator:** Regularly acts as arbitrator in parallel to his main Counsel work. Recent appointments include appointment as chairman of an ICC tribunal sitting in Paris, as sole arbitrator in a substantial LCIA arbitration with a London seat, as co-arbitrator (appointed by the ICC) in ad hoc arbitration with a Paris seat, party-appointments in ICC arbitrations with London and Geneva seats, further appointments by the LCIA Court in LCIA arbitrations with a London seat, appointments by the Permanent Court of Arbitration and by appointing authorities acting under the UNCITRAL Rules, and appointment by ICSID as co-arbitrator in Case ARB11/8. Has also acted as Assistant to the Ad Hoc Annulment Committee in ICSID Case ARB04/5.

## **OTHER PROFESSIONAL ACTIVITIES**

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Retained by the Mauritian Government to advise on and assist in drafting the new Mauritian International Arbitration Act, which was enacted on 25 November 2008, and came into force on 1 January 2009.

Mauritius delegate at UNCITRAL (2006 to date). Closely involved in the negotiation and drafting of the amendments to the UNCITRAL Arbitration Rules (1976). Member, in individual capacity of UNCITRAL small expert drafting group. Chaired the UNCITRAL session at which the new UNCITRAL Rules were formally adopted (New York, 25 June 2010). Elected to the vice-chairmanship of UNCITRAL in July 2010, to the chairmanship of the Arbitration Working Group in October 2010 and the chairmanship of UNCITRAL in June 2011

Editorial Board, Arbitration International.

Comité de Lecture, Revue de l'Arbitrage.

Regularly lectures on international arbitration and commercial law.

## **PUBLICATIONS**

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*Article II and the Requirements of Form*, Chapter II.9 in Gaillard & di Pietro (eds), "Enforcement of Arbitration Agreements and International Arbitral Awards – The New York Convention 1958 in Practice", Cameron May, 2007 (with T.T. Landau QC)

*Observations on the Court of Appeal's Judgment in Sun Life Assurance Co. of Canada (Canada) and American Phoenix Life and Reassurance Co. (USA) and Phoenix Home Life Mutual Insurance Co. (USA) v. The Lincoln National Life Insurance Co (USA)* in "International Arbitration Court Decisions", 2<sup>nd</sup> ed., Juris Publishing, 2008.

*Chronique de jurisprudence étrangère, Royaume-Uni* in *Revue de l'Arbitrage*, 2006 - No. 1, pp. 258 – 278

*Note - Royaume-Uni Chambre des Lords, 30 juin 2005* in *Revue de l'Arbitrage*, 2006 - No. 4, pp. 1032 – 1038 (with V.V. Veeder QC)

Author of the Arbitration chapter of the *All England Annual Review* since 2004.

*Une brève introduction à la nouvelle loi mauricienne sur l'arbitrage international* in *Revue de l'Arbitrage* 2009 – No. 4

*Rethinking Jurisdiction, competence - competence and separability* (forthcoming publication in the Permanent Court of Arbitration Series in June 2011)

*The New Mauritian International Arbitration Act 2008*, *Paris Journal of International Arbitration* 2010, Vol.1, pp 309-322 (with Ricky H. Diwan)

*Rethinking international arbitration law in a new arbitral seat* (forthcoming publication in *Arbitration International* in September 2011, with Matthias Kuscher)

*Dallah v. Pakistan, Perspectives croisées franco-britanniques* (forthcoming publication in *Revue de l'Arbitrage* in September 2011, with Dr Phillipe Leboulanger)

## **EXTRA CURRICULAR INTERESTS**

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Member of the Board of the Foundation of the Royal Opera House, Covent Garden

## **NATIONALITIES**

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French and Mauritian