

## Floriane Lavaud

PARTNER | NEW YORK



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### Floriane Lavaud is a partner in the litigation and arbitration team.

Her practice focuses on public international law, international arbitration, and complex litigation, with a particular emphasis on the Middle East. She is admitted to the New York and Paris Bars, in addition to being a solicitor in England & Wales.

With nearly 20 years of experience, Floriane advises and represents sovereign states, state-owned entities, and multinational corporations in a variety of jurisdictions and fora on issues of civil and common law, public international law, and treaty and contract interpretation, including before the International Court of Justice. She also advises sovereign wealth funds, private equity funds and hedge funds, including in connection with investments in the Middle East.

Floriane advises and represents pro bono clients on both domestic law and public international law issues. Most recently, she has worked with Legal Action Worldwide to seek justice for the Rohingya before the International Criminal Court and for the Tigrayan people before the African Commission on Human and Peoples' Rights. She has also worked with the Clooney Foundation for Justice on a number of high-profile cases seeking the release of unlawfully imprisoned journalists.

In recognition for her Dispute Resolution work in Qatar, Chambers Global has commended Floriane's "strong knowledge of public international law, in addition to being very practical and strategic in responding to her clients' needs." In the 2023 edition of the guide, clients note that she is "dynamic and extremely reliable." Floriane is recommended by Chambers USA 2024, where she has been described as an attorney who "understands the complexities of quantum issues without losing sight of the bigger picture" and whose "emotional IQ is off the charts. Her clients love her, her teams love her and the consultants who work with her love her." She is also recognized as a "Rising Star" for International Arbitration by The Legal 500 US 2024 and by the Euro Money Legal Media Group 2021-2022, which are awarded to the most promising lawyers in the region. In The Legal 500 US, she is described as "a legal surgeon" and "impeccable and greatly motivated." Floriane is recommended as a Global Leader for Arbitration by Who's Who Legal 2022 and was nominated as a Thought Leader in Arbitration in 2023. Previously, she was nominated for five consecutive years as a Future Leader in Arbitration by the guide. According to Who's Who Legal, her peers describe her as "phenomenal" and as a "shining star in the field of international arbitration" with "perfect knowledge of regulatory law." Previous editions of the guide have described her as "one of the most polished lawyers in the field" and "one of the best practitioners in her field. She pays attention to detail

and is very talented in respect of analyzing and constructing legal arguments.”

From 2009 to 2011, she clerked for the Hon. Douglas P. Woodlock of the United States District Court for the District of Massachusetts. Floriane is among the few civil-law-trained attorneys who served as a federal law clerk and therefore has strong experience in US litigation. During her two-year clerkship, she was involved in a wide variety of civil and criminal cases.

Earlier in her career, Floriane worked at Total, one of the world’s leading international oil and gas companies. As a member of Total’s Exploration & Production legal division, Floriane gained in-depth experience with the oil and gas industry and the agreements specific to this industry.

She serves in a number of leadership positions. In 2022, she was elected to the Board of Directors of ArbitralWomen, an international organization that promotes women and diversity in international arbitration. Floriane also currently serves as Board Member and Co-Chair of the International Arbitration Committee of the American Branch of the International Law Association (ABILA). She also served as Co-Chair of International Law Weekend (ILW) in 2022 and 2023, and as a New York Regional Representative of the ICC Young Arbitrators Forum from 2017 until 2019. Floriane regularly speaks and publishes on international law-related issues.

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## Track record

### US - Peru Trade Promotion Agreement

Represented Gramercy Funds Management and Gramercy Peru Holdings in winning a \$100 million award in an UNCITRAL arbitration against the Republic of Peru relating to Peru’s agrarian reform bonds, which is the first decision finding Peru liable under the US - Peru Trade Promotion Agreement and at the time was the largest amount awarded against Peru in any treaty arbitration.

### International Court of Justice

Represented the State of Qatar against the United Arab Emirates before the International Court of Justice concerning the application of the Convention on the Elimination of All Forms of Racial Discrimination (CERD), including twice prevailing in proceedings on provisional measures.

### Domestic and foreign sovereign immunity issues

Represented several investors and private equity funds in dealing with domestic and foreign sovereign immunity issues.

### ICDR arbitration

A Qatari entity against a US entity in an ICDR arbitration concerning the termination of a franchise agreement, resulting in a settlement on favorable terms.

### Arbitrary detention against Cambodia

Represented Cambodian journalist Ros Sokhet before the UN Working Group on Arbitrary Detention against Cambodia in collaboration with the Clooney Foundation for Justice.

## Border dispute

Represented a major US oil company with respect to issues with respect to its offshore concession because of a border dispute between two neighboring countries.

## Arbitrary detention against Cameroon

Represented Cameroonian journalist Paul Chouta before the UN Working Group on Arbitrary Detention against Cameroon in collaboration with the Clooney Foundation for Justice.

## Dispute related to a leading steel company

Represented a leading steel company in the Americas in a dispute arising from an acquisition and related supply agreements.

## Historic decision to constitute ad hoc Conciliation Commissions

Represented the State of Qatar in two separate proceedings against the United Arab Emirates and Saudi Arabia before the Committee on the Elimination of Racial Discrimination under the CERD, resulting in a historic decision to constitute ad hoc Conciliation Commissions to consider Qatar's complaints.

## Historic release of death penalty inmate

Represented death penalty inmate, César Fierro, in securing historic release and return to Mexico after 40 years of imprisonment on death row after victory before the International Court of Justice.

## ICC London arbitration proceedings

Represented a major Japanese automotive corporation as claimant in consolidated ICC London arbitration proceedings concerning a multibillion-euro cross-shareholding and arising out of a commercial alliance.

## Aviation investment treaty arbitrations

Qatar Airways as claimant in four investment arbitrations against the UAE, Saudi Arabia, Bahrain and Egypt seeking at least \$5 billion in damages from the Four States' unlawful measures to close their airspace and airports to Qatar Airways' aircraft and revoking Qatar Airways' licences and permits to operate in the Four States.

## Investment arbitration awards

Represented an investment manager in acquiring and settling on favorable terms a series of investment arbitration awards.

## Human rights violations

Represented Legal Action Worldwide and the Pan-African Lawyers's Unions in seeking justice and securing provisional relief in landmark case against Ethiopia for human rights violations in Tigray.

## Company's first investment in Latin America

Represented Southern Cross Group in its sale of Esmax, an integrated energy and chemicals company, to Aramco, which is the company's first investment in Latin America.

## Rohingya victims

Represented Rohingya victims before the International Criminal Court in collaboration with Legal Action Worldwide.

## Multibillion-dollar investment arbitral award

Represented a leading publicly listed oil and gas company in enforcing a multibillion-dollar investment arbitral award against a Latin American state in the United States and worldwide.

## \$1 billion shipyard dispute

Represented the owner and operator of a shipyard in its \$1 billion dispute with a project finance vehicle formed by a consortium of a national oil company, commercial and development banks and other financial institutions, over the construction of drillships for use in deep water oil operations.

## Republic of the Sudan

Represented the Republic of the Sudan in international claims arising out of its dispute with Ethiopia over the filling and operation of the Grand Ethiopian Renaissance Dam, including before the UN Security Council.

## ICSID award against the Republic of Ecuador

Represented Perenco Ecuador in securing an ICSID award against the Republic of Ecuador worth over \$390 million plus interest, net of cost recovery and other factors, which is the largest compensation any tribunal has awarded in connection with Ecuador's Law 42. Ecuador has committed to pay the Award voluntarily, unconditionally and in full.

## French pharmaceutical manufacturer

Represented a leading French pharmaceutical manufacturer in settling on favorable terms a dispute arising out of a distribution agreement with a Moroccan company.

## Subscription agreement dispute

Represented investors in settling on favorable terms a dispute arising out of a subscription agreement with a leading Chilean financial services company.

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## Talks

- *'When international arbitration meets corruption,'* Bocconi University - 2024, speaker
- *'The Relevance of Inter-State Energy Related Disputes,'* ADGM-ICSID - 2024, speaker

- *'Recognition and Enforcement of Arbitral Awards,'* Harvard Law School - 2024, speaker
- *'Inter-State Conflicts and International Arbitration,'* Harvard International Arbitration Conference - 2024, speaker
- *'Formation and Validity of International Arbitration Agreements,'* Columbia Law School Seminar - 2024, speaker
- *'International Arbitration and the Challenges of Financial Services in the First Three Decades of the New Century,'* Washington Arbitration Week - 2023, speaker
- *'Empowering the UN Security Council to Address Modern Threats to Peace and Security,'* International Law Weekend - 2023, speaker
- *'International Arbitration for Business Lawyers,'* Columbia Law School Seminar - 2023, speaker
- *'Future Leaders Symposium,'* GAR Live: Istanbul (2023); *'Good Faith and Abuse of Rights in Public International Law,'* Colloquium on Good Faith and Contract Interpretation in MENA and Beyond - 2023, speaker
- *'Enforcement in Armed Conflicts,'* ICSID-ADGM Joint Conference 2023 Research Seminar on IBT and Related Topics, NYU Law Center for Transnational Litigation, Arbitration and Commercial Law - 2023, speaker
- *'The U.S. Government and the ICC Trust Fund for Victims,'* Public International Law & Policy Group Expert Roundtable - 2023, speaker
- *'Pre-Arbitration Steps: Challenges and Pitfalls,'* ICC YAAF Qatar - 2023, speaker
- *'Role of International Courts in Resolving Armed Conflicts,'* Harvard International Arbitration Conference - 2023, speaker
- *'Addressing Complex Arbitrations,'* GAR Live: Abu Dhabi - 2023, speaker
- *'Recent Developments Before the International Court of Justice,'* The Permanent Mission of Belgium to the United Nations International Day for Women in Multilateralism - 2023, speaker
- *'Challenges and Pathways for Accountability and Justice in Tigray,'* American Bar Association International Law Section - 2022, speaker
- *'Investment Treaty Arbitration Practicum,'* University of Paris II Panthéon-Assas, Dubai Campus Conference - 2022, speaker
- *The Illegality Defense in Investment Treaty Arbitration* Kuwait Business Law Forum, 2022; *"Arbitrating in the MENA Region: Dos and Don'ts,"* Dubai Arbitration Week - 2022, speaker
- *'Coercive Diplomacy in the Skies: Dispute Resolution Mechanisms and Legal Remedies for States,'* International Law Weekend - 2022, speaker
- *'Reforming the U.N. Security Council to Address Modern Challenges,'* International Law Weekend - 2022, speaker
- *'The US BIT Policy in light of NAFTA Cases,'* Annual Investment Treaty Conference, 2022; *'Arbitration and Human Rights,'* Istanbul Arbitration Week - 2022, speaker
- *'Breaking Barriers to Success in International Law Careers,'* WILIG Annual Career Panel, 2022; *'Arbitrating Human Rights Disputes,'* Mute Off Thursdays - 2022, speaker
- *'How to Address Issues of Alleged Corruption,'* CILS International Arbitration Symposium - 2022, speaker
- *'Investment Arbitration in the Middle East,'* Alternative Dispute Resolution and Arbitration Forum - 2022, speaker
- *'Walking the Thin Line: Jurisdiction and Admissibility,'* ICC MENA Conference - 2022, speaker
- *'Notion of Investment: Definition, Legality, and Corruption,'* ICSID-ADGM Joint Conference - 2022, speaker
- *'Recent Arbitration-Related Developments in the Middle East,'* ABILA / ICC Webinar - 2022, speaker
- *'Women in Arbitration,'* Columbia Law School Seminar - 2021, speaker
- *'The Role of the ICJ in State Intervention by Non-Parties to a Dispute,'* and *'Disappearing Land and Displaced Persons: Climate Change and International Law,'* International Law Weekend - 2021, speaker
- *'Developments in International Commercial Litigation and Investment Treaty Arbitration Case Funding,'* IMN Litigation Finance Conference - 2021, speaker
- *'The Choice of Valuation Date in Unlawful Expropriations: The Cleaver Should Fall on the State,'* Expert Witness Debating Series 2021 - 2021, speaker
- *'Hearings and Cross-Examinations,'* Harvard International Arbitration Conference - 2021, speaker

## External Publications

'Withers Partner Floriane Lavaud Publishes Empowering The UN Security Council With Oxford University Press,' Mondaq - September 23, 2024, featured

'Empowering the UN Security Council: Reforms to Address Modern Threats,' Oxford University Press - September 20, 2024, co-author

'Arbitration Guide United States' International Bar Association Arbitration Committee - September 4, 2024, co-author

'3 International Arbitration Trends To Watch: A Midyear Report,' Law 360 - August 7, 2024, quoted

'Evidentiary Challenges in the Context of Armed Conflict' ICSID Review – May 18, 2024, author

'The Afternoon Docket,' Reuters - April 24, 2024, mentioned

'Attorneys 'On the Move': Proskauer Adds Private Client Services Partner; Sheppard Mullin Recruits Loeb & Loeb Entertainment Litigator,' New York Law Journal - April 24, 2024, mentioned

'Friday round-up: merger news leads the way,' Commercial Dispute Resolution - April 19, 2024, mentioned

'Withers adds partner to US disputes team,' eprivateclient - April 18, 2024, featured

'The Daily Docket,' Reuters - April 18, 2024, mentioned

'Withers strengthens US arbitration practice with addition of Floriane Lavaud as senior equity partner,' Solicitors Journal - April 18, 2024, featured

'Withers Adds Ex-Debevoise Middle East Arbitration Pro In NY,' Law360 - April 17, 2024, featured

'Withers hires from Debevoise in New York,' Global Arbitration Review - April 16, 2024, featured

'Empowering the UN Security Council: Reforms to Address Modern Threats,' International Law Association - February 2, 2024, featured

Evidentiary Challenges in the Context of Armed Conflict," ICSID Review - 2024, featured

'IBA Arbitration Country Guide – United States,' IBA Country Guide - 2024, featured

'The American Servicemembers' Protection Act and the Dodd Amendment: Shaping United States Engagement with the ICC (Part II),' Just Security - February 14, 2023, co-author

'Introducing the Symposium on U.S. Support for the ICC's Trust Fund for Victims,' Just Security - February 13, 2023, co-author

'The next 100 years of international law,' Global Arbitration Review - February 6, 2023, co-author

'Reinvesting in international law: five key takeaways,' Global Arbitration Review - December 1, 2021, co-author

'A Duty to Disclose, a Duty to Inquire: French and European Courts Address an Arbitrator's Independence and Impartiality,' LexisPSL - September, 27, 2021, co-author

'Vienna Arbitration Days: How to Deal with Biases and Cultural Differences and Other Practical Issues,' Kluwers Arbitration Blog - April 18, 2019, co-author

'Damages Principles in Investment Arbitration,' The Guide to Damages in International Arbitration - Third Edition - November 1, 2018, co-author

'European Funds Comment: Sovereign Wealth Funds Respond to Climate Change Risks and Opportunities,' Issue 53 - October 19, 2018, co-author

'Damages Principles in Investment Arbitration,' The Guide to Damages in International Arbitration - Second Edition - March 2018, co-author

'IBA Arbitration Country Guide - United States,' IBA Arbitration Country Guide - February 2018, co-author

'Corruption in International Arbitration: Challenges and Consequences,' Global Arbitration Review - August 29, 2017, co-author

## Admissions

New York, 2008  
Paris, 2019  
Solicitor in England & Wales, 2014

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## Education

University of Pennsylvania Law School, 2007, LL.M.  
Université Paris II Panthéon-Assas, 2005, M.A.

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## Languages

English

French

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## Memberships

ArbitralWomen, Board of Directors (2022-2024)

International Arbitration Committee of the American Branch of the International Law Association (ABILA), Board of Directors and Co-Chair

International Law Weekend, Co-Chair (2022-2023)

USA Sub-Committee of the Equal Representation in Arbitration Pledge (2021-present), Member

New York Regional Representative of the ICC Young Arbitrators Forum (2012-2014)

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## Clerkship

Clerked for the Hon. Douglas P. Woodlock (2009-2011)

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## Withers History

Joined 2024

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