

THREE CROWNS



Shaparak Saleh

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Shaparak is a partner in the Paris office. She has acted as counsel in a large number of commercial arbitrations both ad hoc and institutional, including under the ICC, IEMA, LCIA, UNCITRAL, and VIAC rules. Her experience includes post-M&A disputes, and disputes in the construction, energy, aeronautics, space, telecommunications, chemicals, and pharmaceutical sectors, relating to projects in Asia, the Middle East, Africa, and Europe.

Over the years, she has acted for, among others, States, State entities, major international oil, gas and mining companies, leading construction groups, an aircraft manufacturer, and electricity companies.

She regularly sits as arbitrator, including as chairperson.

In addition, Shaparak has broad experience in pre- and post-arbitration litigation before the French courts, having represented clients in some 25 set-aside proceedings. She was also involved in enforcement proceedings of numerous awards against sovereign States.

Shaparak is recognised as a Global Leader for arbitration in *Who's Who Legal*, which notes she is "absolutely fantastic at complex international disputes", "very dedicated, experienced, sharp, meticulous and hardworking", and "is able to provide sound solutions and strategy for extremely complex and difficult issues". *Global Arbitration Review* highlights that she has "great advocacy skills and handles her cases with determination and dedication".

For the last twelve years, Shaparak has been a lecturer in international arbitration, teaching courses on enforcement proceedings at a number of prominent universities, such as Sciences Po Paris and Paris II – Panthéon-Assas. She is admitted in Paris and speaks French, English, Italian, and Persian.

Selected Experience

- Acting as arbitrator in commercial disputes, including as sole arbitrator and as Chairman (ad hoc and ICC; seats in Paris and Geneva)
- Representing French construction groups in several disputes against the owners of the projects (ICC and AFA; seats in Paris and Geneva)
- Representing a Malaysian construction group and its French subsidiary in a dispute against a national energy company (ICC; seat in Paris)
- Representing an Algerian company in a construction dispute against a Turkish company (ICC; seat in Brussels)
- Representing several Iranian citizens against a world food company in a dispute concerning the exercise of a put option (ICC; seat in Paris)
- Representing a franchisee against a franchisor in a dispute concerning the violation of a non-compete clause (ad hoc; seat in Sophia-Antipolis)
- Representing two Spanish investors against Venezuela in annulment proceedings before the French courts
- Representing a Canadian gold mining company against Venezuela in annulment proceedings before the Paris Court of Appeal

- Representing international petroleum companies in several disputes arising under production sharing contracts concluded with an Algerian state-owned company in relation to the exploitation of crude oil fields (ICC and UNCITRAL; seats in Geneva)
- Representing several international petroleum companies in disputes related to the implementation of a tax on exceptional profits in Algeria (ICC and UNCITRAL; seats in Geneva)
- Representing a Russian company against an Italian consortium in relation to the termination of a construction contract (VIAC; seat in Vienna)
- Representing an international cement company in a post M&A dispute based in South America (ICC; seat in New York)
- Representing several Swiss and German electricity companies in disputes against a French electricity company (ICC; seats in Paris and Geneva)
- Representing clients in enforcement proceedings of arbitral awards before the French courts (exequatur)
- Representing clients in actions to set aside arbitral awards rendered in France and in Belgium and recourse against orders granting leave to enforce awards in France, at all levels of the French court system

Admissions

- Paris

Languages

- French
- English
- Italian
- Persian

Education

- Postgraduate Degree in Private Law, Paris II – Panthéon-Assas (2005)
- Postgraduate Degree in Private International Law, Paris I – Panthéon-Sorbonne (2004)
- Master in French and English law, Paris I – Panthéon-Sorbonne (2002)
- LL.B French law and English law, King's College London (2000)

Professional Affiliations

- Member of ArbitralWomen
- Member of the Association Française d'Arbitrage
- Member of the CFA 40
- Member of LEX

Publications and Speaking Engagements

Publications

- “The Subway Saga: Arbitration and Franchise Agreements”, ICC Dispute Resolution Bulletin, Issue 1 (2021)
- « Les clauses d’arbitrage conclues avec des consommateurs seraient-elles devenues abusives? », LJA (October 2020)
- « Arbitrage international : les règles de Prague, un an après », LJA (December 2019)
- « L’arbitrage est un moyen d’éviter les conflits armés », Le Point (28 May 2019)
- “Protection of States’ Diplomatic Assets in France”, Kluwer Arbitration (21 February 2018), co-authored with Yann Dehaut-Delville
- “Enforcement”, GAR Know-how, co-authored with Elie Kleiman and Yann Dehaut-Delville (2017)
- “Bon courage, TRIBUNALS!”, BCDR International Arbitration Review, 2, pp 1-14, co-authored with Lucy Reed (2015)
- “Paris Court of Appeal issues three confirmations in one decision”, ILO, co-authored with Elie Kleiman (29 May 2014)
- “Enforcement of international arbitration awards: further developments”, ILO, co-authored with Elie Kleiman (3 October 2013)
- “Enforcement of international arbitration awards: latest developments”, ILO, co-authored with Elie Kleiman (14 March 2013)
- « Célérité et loyauté en droit français de l’arbitrage international : quels pouvoirs et quelles responsabilités pour les arbitres et les parties? », Cah. arb. vol. 1, p 99, co-authored with Elie Kleiman (2012)
- “Arbitrators cannot seek a ruling on the constitutionality of statutory provisions”, ILO, co-authored with Elie Kleiman (13 October 2011)

Speaking Engagements

- Co-Chair, GAR Live: Istanbul – The Future Leaders in Arbitration Symposium (June 2022)
- “Deference in Annulment and Enforcement Proceedings”, Deference in International Arbitration”, Sciences Po and New York University’s Center for Transnational Litigation, Arbitration, and Commercial Law Colloquium (June 2022)
- “Renewable Energies and Arbitration”, Three Crowns, Paris Arbitration Week (March 2022)
- “Proving Disruption Claims: Not Just a Pandemic Problem”, Paris Arbitration Week (September 2021)
- “French courts’ review of investment arbitration awards: what’s left of Prof. Fouchard’s teachings?”, Paris Arbitration Week (September 2021)
- “Understanding the Threats and Barriers to Revive the JCPOA – The Role of Dispute Resolution Mechanisms”, Tehran Regional Arbitration Centre (June 2021)
- « Actualités de l’arbitrage », Les mardis du CMAP (May 2021)

- « L'Iran et le JCPOA (Accord Nucléaire Iranien) à l'épreuve des élections présidentielles américaines », Société de Législation Comparée (November 2020)
- « Les contrats commerciaux à l'épreuve de la crise sanitaire : anticiper les contentieux et les arbitrages » (April 2020)
- "The Art of Cross-Examination in International Arbitration: Dos and Don'ts", Third Tour de Arbitration (February 2019)
- "Efficiency and quality in international commercial arbitration", Fifth International Conference for a Euro-Mediterranean Community of International Arbitration (November 2018)
- "Domestic Courts or ICSID Annulment Committees: Between a Rock and a Hard Place?", Paris Arbitration Week (April 2018)
- « Le risque contractuel dans les accords pétroliers et gaziers africains », Colloque pluridisciplinaire sur les enjeux de l'exploitation pétrolière et gazière en Afrique (May 2017)
- « La réforme du droit des contrats », Formation EFE, 2015-2016
- "Interim measures", ICC-YAF / Young Austrian Arbitration Practitioners Conference (March 2015)
- « Reconnaissance, exécution et annulation des sentences arbitrales en France et aux Etats-Unis », Ecole de Formation Professionnelle des Barreaux de la Cour d'Appel de Paris (April 2013)
- "Class Actions?", Conference on Common Law, École Nationale de la Magistrature (April 2010)
- « Reconnaissance et exécution des sentences arbitrales », Conference on International Contracts, Formation EFE (2009)