



ARBITRATION CHAMBERS

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Eva Kalnina

Independent Arbitrator

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Eva Kalnina is an independent arbitrator based in London and Geneva. She specialises in international commercial and investment arbitration, and has acted as arbitrator (chair, party-appointed, sole), counsel and arbitral secretary in some 70 international arbitrations. She is a member of the SCC Board (since 2021), the ICC Court (since 2018, re-designated 2021), the PCA and the ICSID Panel of Arbitrators (since 2014, re-designated 2020).

Eva has particular expertise in CIS disputes. In addition to Italian, French, Spanish and German, Eva also speaks Latvian and Russian, allowing her to take an active role in complex arbitrations involving international companies and governments from Eastern Europe, including Russia. She is on the recommended list of arbitrators of the Russian Arbitration Center (RAC) and a former council member of the Georgian International Arbitration Center (GIAC). She has chaired very large CIS arbitrations and has acted as lead counsel in shareholders' disputes in Eastern Europe.

Principal Areas of Practice

- Energy and Oil & Gas
- Joint Ventures/ Shareholder Agreements
- M&A and Financial Transactions
- Construction
- Art

Qualifications

- LL.M., Harvard Law School, 2005 (Fulbright Scholar)
- MRes, European University Institute, 2004
- LL.B., University of Latvia, 2003

Admitted

- New York (2006)

Languages

Latvian, English, Italian, Russian, French, Spanish, German

Nationality

Latvian

Employment History

- Member of Arbitration Chambers (September 2021 – present)
- Partner, Lévy Kaufmann Kohler (2009 – August 2021)
- Associate, BonelliErede (2006 – 2009)
- Visiting Lecturer, Riga Graduate School of Law (2009)
- Researcher, European Commission (2008 – 2011)

Nominations as Arbitrator

Eva is often appointed as arbitrator by parties and various arbitral institutions around the world. She has acted as arbitrator in some 40 disputes stemming from a wide array of industries, under all major institutional arbitration rules (ICC, LCIA, ICSID, SCC, SIAC, SAC/SCAI, FAI, CAM, LMAA, RAC, VCCA and others), governed by various procedural and substantive laws (English, Swiss, US (New York and Connecticut), Swedish, Russian, Ukrainian, Polish, Italian, Singapore, Indian, Israeli, Latvian, Lithuanian, Estonian, CISG, UNIDROIT Principles), and involving amounts in dispute of up to US\$2 billion.

REPRESENTATIVE COMMERCIAL DISPUTES

Shareholder, M&A and Joint Venture Disputes

- An LCIA arbitration arising out of a large multi-party shareholders' dispute (co-arbitrator);
- An LCIA arbitration arising out of a shareholders' dispute in the field of oil and gas (chair);
- An ICC arbitration between an Eastern and a Western European party regarding a post-M&A dispute in the chemical industry (co-arbitrator);
- A SAC arbitration between two financial institutions regarding a share purchase agreement (emergency arbitrator);
- An LCIA arbitration between a CIS and a Panamanian company regarding a share purchase agreement (sole arbitrator);
- An LCIA arbitration between CIS parties regarding a shareholder dispute (co-arbitrator);
- An ICC arbitration concerning a shareholder dispute between Russian companies and Russian nationals (co-arbitrator);
- An LCIA arbitration between BVI and Russian companies concerning a sale and purchase agreement involving a large real estate project (co-arbitrator).

Energy and Oil & Gas Disputes

- An SCC arbitration between two CIS Parties regarding a contractual agreement in the field of oil and gas (sole arbitrator);
- An ICC arbitration between a large multinational energy company and a Middle Eastern construction company concerning the construction of a solar power plant in the Middle East (co-arbitrator);
- An ICC arbitration between two European companies involving the construction of an emergency power plant (co-arbitrator);

- An LCIA arbitration between various Russian entities in the oil transportation industry (sole arbitrator);
- An SCC arbitration between a Middle Eastern and a CIS party in the steel industry (co-arbitrator).

Construction Disputes

- An ICC arbitration between a Western European and a CIS party in the area of property development and construction (chair);
- An SCC arbitration between two CIS parties in the area of construction and natural resources (chair);
- An SCC arbitration between an Asian party and a CIS party concerning the construction of one of the largest metallurgical plants in the CIS region (chair);
- An SCC arbitration between two Eastern European parties in the energy and construction sector (co-arbitrator).

Various Commercial Disputes

- A multi-party LCIA arbitration regarding an insurance claim (chair);
- An LCIA arbitration between European and US entities in the financial services industry (sole arbitrator);
- A SIAC arbitration between two Asian parties regarding a large contractual dispute (sole arbitrator);
- A VCCA arbitration between two European parties with respect to a lease agreement (co-arbitrator);
- A RAC arbitration between a CIS and a Belize company in the legal services industry (sole arbitrator);
- A CAM arbitration regarding a contractual dispute between two European companies (sole arbitrator);
- A SCAI arbitration arising out of a contractual dispute between two European parties (sole arbitrator);
- A SIAC arbitration between a Russian and an Asian party arising out of a distribution agreement (sole arbitrator);
- An LCIA arbitration between European entities in the medical services industry (sole arbitrator);
- A SIAC arbitration between a European and an Asian party in the food distribution industry (sole arbitrator);
- An ICC arbitration between two Middle Eastern companies in the defense and transportation industry (sole arbitrator);
- An LCIA arbitration between two European companies concerning the provision of services in the healthcare industry (sole arbitrator);
- A dispute concerning the sale of goods under the Arbitration Rules of the Finland Chamber of Commerce (sole arbitrator);
- A maritime dispute under the Terms of the London Maritime Arbitrators Association (co-arbitrator).

REPRESENTATIVE INVESTMENT TREATY DISPUTES

- *Almasryia for Operating & Maintaining Touristic Construction Co. L.L.C. v. State of Kuwait*, ICSID Case No. ARB/18/2 (member of the annulment committee);

- An investment arbitration between Eastern European parties in the banking industry (expert);
- *KT Asia Investment Group B.V. v. Republic of Kazakhstan*, ICSID Case No. ARB/09/8, a dispute in the banking industry (assistant to the Tribunal);
- A PCA arbitration between Eastern European investors and a State involving an alleged expropriation in the oil & gas sector (assistant to the Tribunal);
- *Saipem S.p.A. v. The People's Republic of Bangladesh*, ICSID Case No. ARB/05/7, a dispute in the gas transportation industry (counsel);
- *Ares International S.r.l. and MetalGeo S.r.l. v. Georgia*, ICSID Case No. ARB/05/23, a dispute in the steel production industry (counsel);
- *Jan de Nul N.V. and Dredging International N.V. v. Arab Republic of Egypt*, ICSID Case No. ARB/04/13, a dispute in the dredging industry (counsel).

Experience as Counsel

Eva's experience includes participation in arbitrations as counsel and expert. According to Legal 500 (2021), Eva is singled out by sources for her skills as a 'good negotiator' and recommended for her work as counsel.

- An SCC arbitration between Eastern European parties concerning a shareholder dispute arising out of an M&A transaction (lead counsel);
- An ICC arbitration between a pharmaceutical company and its distributor (lead counsel);
- An ICC arbitration between a European bank and a Middle Eastern company in the banking industry (counsel);
- Several other construction disputes between European companies under the ICC Rules, mostly involving multinational integrated energy companies (counsel);
- A CAS arbitration in the football industry arising out of an agency agreement (counsel).

Arbitration Panels & other Professional Activities

- Member of the SCC Board
- Member of the ICC Court of Arbitration (since 2018, re-designated in 2021)
- ICSID Panel of Arbitrators (since 2014, re-designated in 2020)
- Member of the Permanent Court of Arbitration
- Court of Arbitration for Art
- Russian Arbitration Center (Recommended List of Arbitrators)
- Council Member, Georgian International Arbitration Centre (2016-2020)
- Council Member, Republic of Latvia's Council of Independent Experts in EU and International Law

Accolades

Eva is recognized as a "Global Leader" in WWL Arbitration 2021 and 2022 and is recommended by Legal 500 EMEA Guide 2020 and 2021. She is also ranked as "Excellent" in the Leaders' League 2021 'Dispute Resolution – International Arbitration – Switzerland' Guide, and a Rising Star in the Expert Guides 2019 (Commercial Arbitration). In 2019, Eva was recognized as one of the two most highly regarded individuals in Who's Who Legal: Arbitration — Future *Leaders (Europe)*, where clients and peers say she is "like a fish in water when it comes to complex and sophisticated arbitration".

Research, Publications & Lectures

Recent Speaking Engagements and Lectures:

- Speaker, 11th Annual ICC Russia Arbitration Conference "Russia as a place for dispute resolution", talk on "Climate Change and the Changing Landscape of Energy Arbitration in Europe", December 2021;
- Speaker, panel on "Latest arbitration news and developments for Russian arbitrations in London", Russian Law Week, London, England, November 2021;
- Speaker, Roundtable on "Efficiency and Challenges of Cross-Examination in International Arbitration", Cross-Examination Moot, November 2021;
- Speaker, 9th Dublin International Arbitration Day conference, "Europe: What is coming down the track for International Commercial Arbitration", Dublin, Ireland, November 2021;
- Speaker, ERA: Push for Parity, "The Art of Deliberations: Tips from Behind the Scenes", October 2021;
- Speaker, The SCC East-West Forum: Focus on Arbitration in Poland and the Baltic States, "Inspirational Talk", September 2021;
- Speaker, GAR Live: Eastern Mediterranean, "Arbitration and Energy Disputes", June 2021;
- Speaker, London International Disputes Week - "The Evolving Role of the Digital Advocate", May 2021;
- Speaker, St. Petersburg FDI E-Conference, "Complex Corporate Structures and International Investment Law", October 2020;
- Speaker, SIAC and Essex Court Chambers webinar, "How to Win Virtual Arbitration Hearings", July 2020;
- Speaker, Mute-Off Thursdays webinar, "Due Process Paranoia at the time of Covid-19", June 2020;
- Co-chair, LCIA European Users' Council Symposium at Tylney Hall, England, September 2019;
- Speaker, ICC YAF Global Conference: Workshop on the Conduct of Arbitral Proceedings, London, England, June 2019;
- Speaker, GAR Live Frankfurt: panel on "GAR Live question time", Frankfurt, Germany, May 2019;
- Co-organizer, ICC YAF conference "Interim Measures and Security for Costs in International Arbitration", Vilnius, Lithuania, March 2019;
- Speaker, DIS40 and German-Russian lawyers' association (DRJV) conference "Dispute resolution in CIS-related business transactions", panel on investment arbitration in the CIS, Frankfurt, Germany, February 2019;
- Speaker, Swedish Arbitration Association conference "Expedited arbitrations: fast justice or forced adjudication?", Stockholm, Sweden, January 2019;
- Co-organizer, ICC YAF conference "State v Investor: a battle of procedure", Prague, Czech Republic, October 2018;
- Speaker, ICC-FIDIC conference, panel on "ICC Emergency Arbitrator in construction disputes", Tbilisi, Georgia, September 2018;
- Co-organizer and moderator, ICC YAF/ ICDR Y&I/ RCAN/ UAA joint event "The New York Convention: present achievements and future challenges", Kiev, Ukraine, September 2018;
- Speaker, Kiev Arbitration Days, "The science or fiction of legal technology: time to adjust", presentation on "AI as arbitrator: panacea or problematic", Kiev, Ukraine, September 2018;
- Moderator, ICC YAF Europe Regional conference, "Third-party funding in practice", Lisbon, Portugal, June 2018;

- Speaker, ASA below 40 Spring Seminar “Construction Arbitration”, presentation on “The expert-tribunal and expert-expert relationships”, Geneva, Switzerland, June 2018;
- Speaker, St. Petersburg International Legal Forum, panel on “Investment arbitration: how to ensure fair play between foreign investors and host States?” and panel on “Due process paranoia”, St. Petersburg, Russia, May 2018;
- Speaker, Arbitral Women event on “Improving diversity in international arbitration”, London, England, March 2018;
- Speaker, ICC YAF conference “Show me the money - the enforcement of arbitral awards”, presentation on “Enforcement against State assets”, Frankfurt, Germany, March 2018;
- Speaker, ICC Prague Arbitration Days, presentation on “The role of the “seat” in international arbitration”, Prague, Czech Republic, February 2018;
- Co-organizer and speaker, ICC YAF conference on the occasion of VIS Pre-Moot, presentation on “Confidentiality and transparency in commercial and investment arbitration”, Riga, Latvia, February 2018;
- Lecturer, NILS Annual International Arbitration Conference, lecture on “Selection of arbitrators: independence and impartiality”, Kings College London, England, February 2018;
- Speaker, C5 conference "International dispute resolution involving Russian and CIS parties", roundtable discussion on “Costs in International Arbitration and Litigation: Top Tips for Managing “Claimant-Lawyer-Funder” Tri-Partite Relationship”, London, England, January 2018;
- Lecturer, “Balancing transparency and confidentiality in investment arbitration”, the Latvian State Chancellery, Riga, Latvia, January 2018;
- Co-organizer, ICC YAF conference on “The arbitrator’s duty to disclose potential conflicts”, Zurich, Switzerland, December 2017;
- Co-organizer and moderator, ICC YAF/Young ICCA workshop on “Key steps for efficient advocacy in international arbitration”, Kiev, Ukraine, November 2017;
- Speaker, ICC Bulgaria National Committee conference, panel on “Time and cost management in international arbitration”, Sofia, Bulgaria, October 2017;
- Organizer and moderator, ICC YAF conference on “Selected issues of party non-participation in international arbitration”, Vilnius, Lithuania, October 2017;
- Moderator, ICC YAF Global conference, session entitled “There’s something about arbitration”; debate on expedited proceedings and the introduction of dispositive motions in arbitration, New York City, USA, June 2017;
- Co-organizer, ICC YAF conference on “Cost allocation – selected issues”, Zurich, Switzerland, June 2017;
- Speaker, Ukrainian Arbitration Association (UAA) Arbitration School, lecture on “Initiation of arbitration. Request for Arbitration. Answer to Request. Appointment of arbitrator. Independence and impartiality of arbitrators. Challenging and replacing arbitrators”, Kiev, Ukraine, April 2017;
- Speaker, SCC conference on “Filing an investment claim: strategic choices and practical steps”, Frankfurt, Germany, March 2017;
- Speaker, Mumbai Center for International Arbitration (MCIA), Young MCIA training day, lecture on “investment arbitration”, Mumbai, India, February 2017;
- Speaker, C5 conference "International dispute resolution involving Russian and CIS parties", presentation on “Third-party funding, conflict of interest and disclosure”, London, England, January 2017;
- Speaker, ICC YAF/ YIAG/ ICDR Y&I/ UAA conference “Light in the tunnel of ethics? Regulation of counsel conduct in international arbitration”, Kiev, Ukraine, November 2016;
- Speaker, Mumbai Center for International Arbitration Inaugural Conference, roundtable on “Hot topics in international arbitration”, Mumbai, India, October 2016;

- Speaker, European Society of International Law 12th Annual Conference, presentation on “Baltic states and international investment law”, Riga, Latvia September 2016;
- Speaker, SCC conference on “Investment arbitration under the SCC Rules”, presentation on “Transparency and the Mauritius Convention”, Frankfurt, Germany, March 2016;
- Speaker, 74th conference of the University of Latvia, plenary session, “Striving for balance in ISDS: State counterclaims”, Riga, Latvia, February 2016;
- Speaker, ICC Lex Mercatoria Forum, “Challenge of arbitrators in the ICC International Court of Arbitration”, Minsk, Belarus, November 2015;
- Moderator, GIAC Arbitration Days – Regional Development of Arbitration, panel of “Dos and don’ts of acting as an arbitrator” and speaker, Young ICCA Skills Training Workshop, Tbilisi, Georgia, October 2015;
- Keynote speaker, ICC’s Young Arbitrators’ Forum (ICC YAF) and Young Arbitrators Copenhagen (YAC) conference on “Independence and impartiality: the new IBA Guidelines”, lecture on “The challenge of preventing challenges: Independence and impartiality in the next decade”, Copenhagen, Denmark, September 2015;
- Moderator, C5 conference “Women leaders in dispute resolution”, London, England, June 2015;
- Organizer and speaker, London Court of International Arbitration and Young ICCA joint conference, lecture on “Commercial and investment arbitration: similarities and differences”, New Delhi, India, November 2013;
- Speaker, German Institution of Arbitration (DIS) conference on “The interplay of private and public paradigms in international investment arbitration”, Frankfurt, Germany, October 2013;
- Main organizer and moderator, Young ICCA and Milan Arbitration Chamber joint conference on “Tips for conducting a successful arbitration”, panel on “Drafting arbitration clauses, choosing the tribunal and effective oral advocacy”, Milan, Italy, October 2013;
- Organizer and speaker, Young ICCA International Arbitration Training Day for Practitioners, lectures on “Arbitral proceedings” and “Investment arbitration”, Tbilisi, Georgia, June 2013;
- Co-lecturer (with V V Veeder QC), ICCA Roadshow on the Application of the New York Convention, workshop for the Georgian Supreme and Appellate Court judges, Tbilisi, Georgia, June 2013;
- Speaker, DIS Baltic Arbitration Days 2013 – Arbitration in corporate and finance disputes, presentation on “Reps and warranties and knowledge of the purchaser and due diligence in corporate acquisitions”, Riga, Latvia, May 2013;
- Speaker, seminar on international trade law, organized by the Centre for International Legal Studies (CILS) and the Iranian Central Bar Association, lecture on “The impact of economic sanctions on contracts and on the arbitral process”, Tehran, Iran, April 2013;
- Moderator, Young Practitioners’ Symposium, co-organized by the IBA, YIAG and ALARB on the occasion of IBA Arbitration Day, Bogotá, Colombia, February 2013;
- Organizer and moderator, ICC’s Young Arbitrators’ Forum (YAF): “Arbitration in the field of commodities training”, panel on “Current issues in the oil & gas sector”, Geneva, Switzerland January 2013;
- Speaker, Young Arbitration Practitioners (YAP) conference, panel on “Simpler, cheaper, faster: Arbitration in an impatient world”, paper on “One arbitrator? What the user wants”, Singapore, June 2012;
- Co-moderator, International Council for Commercial Arbitration (ICCA) conference, panel on “Relationship between international arbitration and the national judge”, Singapore, June 2012;
- Speaker, Centre of International Legal Studies (CILS) Arbitration Symposium, paper on “Enforcement of commercial arbitral awards through investment arbitration. A mock case.”, Salzburg, Austria, May 2012;

- Speaker, ICC YAF, paper on "Controlling and determining arbitration costs under the new ICC Rules", Prague, Czech Republic, November 2011.

Selected Publications:

- 2020 ICSID Arbitration Rules: Chapter X (Publication, Access to Proceedings and Non-Disputing Party Submissions), in: Dr. R. Happ & Dr. S. Wilske (Eds.), *The 2020 ICSID Arbitration Rules – A Commentary*, C.H. Beck and Hart Publishing, forthcoming (co-author);
- Commentary on Article 46 of the ICSID Convention in: J. Fouret/R. Gerbay/G. Alvarez (Eds.), *The ICSID Convention, Regulations and Rules: A Practical Commentary*, Cheltenham 2019, pp. 413-432 (co-author);
- ICCA International Handbook on Commercial Arbitration: Report on Latvia, co-author, Kluwer Law International (2019), (regular contributor since 2009);
- "The Relationship between International Arbitration and the National Judge", (Ed.), ICCA Congress Series, (co-author with Prof. Gabrielle Kaufmann-Kohler), (2012);
- "El Arbitraje Comercial Internacional en Europa", Vol. 17, Biblioteca de Arbitraje, Chapter on Latvia (2012);
- "White Industries v. The Republic of India: A Tale of Treaty Shopping and Second Chances", 9(4) Transnational Dispute Management Journal (2012);
- "Relevance of Commercial Arbitral Awards Under BITs", 474 Diritto del Commercio Internazionale (2) (2012);
- "Rethinking Arbitrability: Public Policy as a Limit to Arbitrability of Contract and Tort Claims" (submitted to the European Commission in the framework of an EU - commissioned study), (August 2011);
- "The Impact of the EU Human Rights System on Operations of Private Military and Security Companies" in *War by Contract: Human Rights, Humanitarian Law, and Private Contractors*, co-author, Oxford University Press (2011);
- "The Scope of ICSID Review. Remarks on Selected Problematic Issues of ICSID Decisions" in *Liber Amicorum Christoph Schreuer*, Oxford University Press (2009);
- "Interpretation of Bilateral Investment Treaties", Yearbook of Riga Stradins University (2009);
- "The Role of Human Rights in the Regulation of Private Military and Security Companies. General Report - The European System", EUI AEL 2009/17, co-author, available at http://cadmus.eui.eu/bitstream/handle/1814/13220/AEL_2009_17.pdf?sequence=1 (2009);
- "Iura Novit Curia: Scylla and Charybdis of International Arbitration?", 8 Baltic Yearbook of International Law (2008);
- "Disputed Legal Issues in the Field of Diplomatic Protection", European University Institute Review (Spring/Summer 2006).