The announcement of a new GAR 30 leader was just the start of last night’s GAR Awards in snow-covered Washington, DC. Who were the other winners?

Apart from White & Case, which toppled Freshfields Bruckhaus Deringer from the top spot in the GAR 30 for the first time, Emmanuel Gaillard was the winner of the night, taking to the stage three times to receive awards.

Gaillard, the Paris-based head of international arbitration at Shearman & Sterling, won the first award of the evening – best lecture or speech of the past year – for his recent Freshfields lecture, in which he described the world of international arbitration (including the phenomenon of award ceremonies) in sociological terms.

Zachary Douglas QC was runner-up for a speech at Dutch Arbitration Day.

Gaillard also took to the stage on behalf of Shearman & Sterling, which was named large international arbitration practice that impressed in 2014 for its success in the Yukos case.

The US$50 billion in damages the firm secured against Russia for majority shareholders in the now-defunct oil company is 30 times bigger than any previous investment arbitration award and 20 times bigger than any commercial arbitration award. There was no runner-up in this category.
Later, Gaillard was called to the stage a third time to accept the award for most important published decision of 2014 for jurisprudential or other reasons, which went to the merits awards in Yukos.

Other firms that worked on the case include Cleary Gottlieb Steen & Hamilton and Baker Botts for Russia. The arbitrators were Yves Fortier QC, Charles Poncet and Stephen Schwebel (who was at the ceremony).

A popular runner-up in this category was the US Supreme Court decision in BG v Argentina, which was fought by lawyers from Freshfields based in New York and Washington.

Another winner was Italian arbitration boutique Arblit – Radcati di Brozolo Sabatini Benedettelli, named boutique or regional firm that impressed in 2014 for securing the jurisdictional go-ahead for a mass claim brought by 75 Italian bondholders against Argentina along with other impressive instructions.

The runner-up was Chilean law firm Bofill Mir & Alvarez for its work helping Swiss airport services company Flughafen Zurich and a local partner secure US$34 million from Venezuela for the expropriation of a Caribbean airport.

The HKIAC won an award for best innovation by an individual or organisation in 2014 and UNCITRAL for best development of 2014, in both cases for a range of measures.

The HKIAC’s award – accepted by the institution’s chair Teresa Cheng SC – was for amending its model arbitration clause to include a choice of law requirement, launching a tribunal secretary service and preparing guidelines on the use of tribunal secretaries.

UNCITRAL won for its new transparency rules, which took effect in April 2014; a registry that it has established enabling free online access to investment arbitration decisions; and for the Mauritius Convention – a soon to be signed instrument that will extend the application of the transparency rules to disputes arising under the 3,000 or so bilateral or multilateral investment treaties signed before last April. The award was collected by Anna Joubin-Bret, a former legal adviser at UNCTAD.

The runners up in these two categories were Young ICCA, for its guide on arbitral secretaries, and the European Federation for Investment Law and Arbitration (EFILA), established to counter negative portrayals of investment arbitration by politicians and mainstream media.

Another winner was Mauritius-based joint venture LCIA-MIAC, which took the GAR Guide to Regional Arbitration award for up-and-coming regional institution. Mohammed Abdel Wahab and Pierre Bienvenu collected the award for the
institution, which was created in 2012 to provide a regional arbitration platform for Africa and is already handling its first cases.

The award for the jurisdiction that has made great progress improving its arbitration regime in the past year went to the Netherlands for its recently updated arbitration law – with Mélanie van Leeuwen of Derains & Gharavi picking up the award on behalf of her country.

In the last two categories, the runners up were the Beijing Arbitration Institution and China, respectively.

The best prepared/most responsive arbitrator of 2014 was Julian Lew QC, with another English arbitrator – Andrew Foyle – named as runner up.

The black-tie event took place at Washington, DC’s prestigious W Hotel, just a short distance from the White House. Guests had come from all over the world and braved sub-zero temperatures and heavy snowfall in the US capital to be there.

Washington, DC’s Capitol in the snow

The night began with a packed champagne reception hosted by a new entrant into the Washington market and key player in investment arbitration at ICSID, Derains & Gharavi International. Partner Eloïse Obadia welcomed guests on behalf of the firm, which has just opened an office in the notorious Watergate Building.

The evening continued with a dinner and the unveiling on screens of the new GAR 30, with the top five firms taking to the stage to be presented with plaques.
Master of ceremonies was Sebastian O’Meara, editor-in-chief at Law Business Research (GAR’s publisher). He explained that the winners had been chosen by the GAR editorial staff in light of a vote in which over 600 GAR readers had participated.

To identify the best-prepared and most responsive arbitrator, GAR had additional assistance from members of Who’s Who Legal: Arbitration and a focus group of lawyers who had appeared as counsel before the nominated arbitrators.

One award – large arbitration practice that impressed in 2014 – was determined by the editorial staff in light of their knowledge of the market and information provided in this year’s GAR 100 questionnaires.

O’Meara also commented on trends that were evident from the award nominations – the current concern over the role of tribunal secretaries in arbitration, for example.

He noted that the nominations for best prepared/most responsive arbitrator included a pleasingly high number of young and female arbitrators. One nominee, Jennifer Kirby, was given a special mention for apparently having held a telephone conference as sole arbitrator on her wedding day.

Next year, there will be a separate award for best prepared/most responsive young arbitrator, O’Meara revealed.

Members of the GAR team – editor Alison Ross, associate editor Sebastian Perry and publisher David Samuels – presented awards. Others were handed out by the event’s sponsors: Sundra Rajoo, director of the KLRCA, presented “best innovation” and Andrew Flower of Deloitte presented “large international arbitration practice that impressed in 2014”.

Deloitte has recently shown its commitment to assisting the arbitral market by launching a new calendar of arbitration-related events, accessible via its website.

Other sponsors included the Dubai International Arbitration Centre and Shearman.

As in previous years, the event contributes towards Law Business Research’s support of the Swawou School in Kenema, Sierra Leone. The school for disadvantaged girls has been closed owing to the deadly Ebola virus, but is soon to reopen.

The presentation of a lifetime achievement award to US arbitrator Charles N Brower completed the evening and is reported separately.

**GAR AWARDS 2015: NOMINATIONS SHORTLIST**

**Lifetime achievement award**

- Charles N Brower
Best lecture or speech of 2014


- **Gary Born**, Lalive Lecture 2014

- **Zachary Douglas QC**, keynote speech at Dutch Arbitration Day 2014


- Yves Fortier QC, Kaplan Lecture 2014, “Arbitration, Corruption and the Poetic Experience (When power corrupts, poetry cleanses)”

- **Lord Hoffmann**, speech at Hong Kong International Arbitration Centre, “The rule of law in the context of international arbitration”

- **Stephen Jagusch**, keynote speech at Commercial Litigation and Arbitration Forum 2014, “Judges as arbitrators – the cursed and the cure”


- **Neil Kaplan QC**, keynote speech at Mauritius International Arbitration Conference 2014

- **David W Rivkin**, Seoul Arbitration Lecture 2014, Ethics in International Arbitration

- **Christoph Schreuer**, keynote speech at the Gesprächskreis German discussion forum 2014 in Frankfurt

Boutique or regional practice that impressed in 2014 [not open to vote]

- ArbLit - Radicati di Brozolo Sabatini Benedettelli (Milan)
- Arias (Madrid)
- Betto Seraglini (Paris)
- Bofill Mir & Alvarez Jana (Santiago)
- De Brauw Blackstone & Westbroek (Amsterdam)
- Moreno Baldivieso (La Paz)
- Ferro Castro Neves Daltro & Gomide Advogados (Rio de Janeiro)
- Lazareff & Le Bars (Paris)
- Three Crowns (London, Paris, DC)
- Rajah & Tann (Singapore)
• Volterra Fietta (London)

**Innovation by an individual or organisation in 2014**

**By organisations:**

• LCIA launches new arbitration rules with annexed “General Guidelines for the Parties’ Legal Representatives”

• HKIAC: Change to model arbitration clause to include choice of law provisions; introduction of a tribunal secretary service and guidelines on use of tribunal secretaries

• ICC Commission on Arbitration and ADR produces *Effective Management of Arbitration - Guide for In-House Counsel and Other Party Representative*

• Swiss Arbitration Association proposes global body to enforce ethical standards in arbitration – Global Arbitration Ethics Council [not yet implemented]

• Young ICCA Guide on Arbitral Secretaries

**By individuals:**


• Neil Kaplan QC proposes Kaplan Opening

• Catherine Rogers for Arbitrator Intelligence website

**Best prepared/most responsive arbitrator** [previous winners have been excluded from the shortlist]

• Gerald Aksen
• Mark Baker
• Lawrence Boo
• Juan Fernández-Armesto
• Andrew Foyle
• Gavan Griffith QC
• Hilary Heilbron QC
• Kaj Hober
• Doug Jones
• Jean Kalicki
• Neil Kaplan QC
• Jennifer Kirby
• Melanie van Leeuwen
Large international arbitration practice that impressed in 2014 [not for public vote]

• Winner will be chosen from firms appearing in the 2015 edition of the GAR 100

Best development of 2014

• EFILA (European Federation of Investment Law and Arbitration) established to counter negative portrayals of investment arbitration by politicians and mainstream media and become the “voice” of users in the EU

• IBA revises Guidelines on Conflicts of Interest in International Arbitration

• IBA presidential task force produces report on climate change justice and human rights (recommending “greening” of investment treaties and arbitration of environmental disputes)

• LCIA launches new arbitration rules

• UNCITRAL transparency rules take effect; registry launched for free online access to decisions; Mauritius Convention on transparency in treaty-based investor-state arbitration extends application of rules

• Australian Senate Committee report explains why states should not legislate against investor state dispute settlement mechanisms in investment treaties and trade deals

• Gary Born produces second edition of International Commercial Arbitration

• “Co-chairs Circle” inaugural event brings together representatives of under 40
practitioner groups from 25 countries

**GAR Guide to Regional Arbitration’s award for up-and-coming regional arbitral institution of the year**

- Beijing Arbitration Commission: launched new rules to internationalise its offering
- Centre of Arbitration and Mediation of the Brazil-Canada Chamber of Commerce in Rio de Janeiro: put in place arbitration committees of specialists to oversee different sectors
- German Institution of Arbitration (DIS)
- LCIA-MIAC: handled its first cases less than two years after becoming operational in October 2012 and organised a major conference
- KLRCA: opened new hearing centre in Kuala Lumpur
- Netherlands Arbitration Institute: launched new rules
- Scottish Arbitration Centre: opened hearing centre in Edinburgh and started developing bespoke arbitration rules for energy disputes

**Jurisdiction that has made great progress improving its arbitration regime in the past year**

- **British Virgin Islands**: now covered by New York Convention; unveiled new arbitration law and plans for new centre
- **China**: court decisions signalled that it is opening up to the administration of arbitrations by foreign providers and sorted out some of the jurisdictional confusion arising from CIETAC breakaways; CIETAC and Beijing Arbitration Commission internationalised their offerings
- **India**: Law Commission of India proposed wide-ranging reforms to 1996 Arbitration and Conciliation Act, which are to be debated in parliament in 2015
- **Mauritius**: Building on continuous developments in the arbitration regime since 2008, the Supreme Court issued a key decision on the enforcement of foreign arbitral awards
- **Netherlands**: revised its arbitration law
- **Palestine**: signed New York Convention, support for Jerusalem Arbitration Centre
- **Turkey**: Passed law for the creation of an international arbitration centre in Istanbul
- **Qatar**: Court of Cassation applied New York Convention in relation to an ICC
award, sending signal to lower courts

- **Saudi Arabia**: Following the enactment of a new arbitration law in 2012, established a new centre for the administration of commercial cases

**Most important published decision of 2014 for jurisprudential or other reasons**

- Interim decision on security of costs in RSM Production Corporation v Saint Lucia, ICSID Case No. ARB/12/10, with assenting opinion by Gavan Griffith QC

  First decision ordering ICSID claimant to pay security for costs; sparked debate about whether there is need for a recalibration of the security for costs regime where claimants are backed by third-party funders

- **Decision of UNCITRAL tribunal in Achmea v Slovakia II, May 2014**

  Rejecting pre-emptive treaty claim for expropriations that hadn't yet happened

- Award in Bay of Bengal Maritime Boundary Arbitration between Bangladesh and India, administered by the PCA, with concurring and dissenting opinion of PS Rao.

  UNCLOS tribunal settles competing claims over oil-rich waters, holding that a traditional "equidistance method" would be unfair to Bangladesh.

- **US Supreme Court decision in BG Group v Argentina, March 2014**

  Reinstated a treaty award against Argentina that had been set aside; court held that the determination of threshold issues of jurisdiction by the arbitrators such as whether the local litigation of the BIT had been satisfied was worthy of deference

- **The Yukos merits awards aka final awards on the merits in Hulley Enterprise (Cyprus) v the Russian Federation; Yukos Universal (Isle of Man) v Russian Federation; Veteran Petroleum (Cyprus) v the Russian Federation, July 2014**

  The largest arbitration awards ever, heralded as a triumph for the rule of law; include reasoning on “clean hands” and contributory fault

- **Decision of full Federal Court of Australia in TCL Air Conditioner (Zhongshan) Co Ltd v Castel Electronics Pty Ltd**

  Awards will not be set aside for minor or technical breaches of the rules of natural justice

- **Judgment of Supreme Court of Mauritius in Cruz City I Mauritius Holdings v Unitech Limited & Anor**
Dismissed constitutional challenge to legislation implementing New York Convention in Mauritius and considered meaning of “public policy” with reference to French, Australian, UK and Indian jurisprudence

• Award in Railway Land arbitration between Malaysia and Singapore, October 2014

PCA-administered inter-state case involves interplay of domestic and international law issues; reflects trend of state-to-state disputes being resolved by arbitration in Asia Pacific

• Judgment of China’s Supreme People’s Court in Longlide Anhui Packaging Co Ltd v BP Agnati SRL (issued in 2013 but first published in 2014)

Upheld an agreement providing for ICC arbitration in China; signals the jurisdiction is opening up to foreign arbitration providers

• Judgment of Economic Court of the Commonwealth of Independent States in Stans Energy v Kyrgyzstan, September 2014

Minsk-based court sided with Kyrgyzstan over interpretation of Moscow Convention for the Protection of Investors’ Rights, preventing a potential flood of claims at so-called “pocket” arbitration courts