

Bruno D. Leurent

Retired Partner

Paris

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Bruno Leurent was a partner in Foley Hoag's Paris office. Bruno had extensive experience in international arbitration and litigation. He represented private companies and sovereign States in a wide range of commercial and investment arbitrations, including LNG contracts, mergers and acquisitions, contracts for construction and development, BOT contracts, pre-financing of exports of State oil agreements, hotel management agreements, distribution and military equipment agreements. He also represented several foreign States before French courts in a high-profile and complex litigation involving domestic law and international arbitration rules.

Bruno Leurent represented private and public parties in several commercial arbitrations related to a wide variety of matters, which included issues related to military supplies; refurbishment and sale of war remnants after a military conflict; financing of mining activities; financing of public works and the effect thereon of a civil war; service agreements and exploration and production sharing agreements in the oil and gas industry; offshore oil construction, construction and operation of satellites. Bruno regularly acted as a co-arbitrator or a chief arbitrator in similar matters.

BAR ADMISSIONS

- Paris

REPRESENTATIVE EXPERIENCE

Investor-State and Commercial Arbitration Cases

- *The Republic of Ecuador and Petroecuador v. ChevronTexaco Corporation and Texaco Petroleum Company.* Represented the Republic of Ecuador in an investment arbitration initiated by Chevron and Texaco under the UNCITRAL Rules and administered by the Permanent Court of Arbitration in The Hague. The claimants allege violations of the bilateral investment treaty between the Republic of Ecuador and the United States of America based on claimed irregularities in certain domestic litigation proceedings which were currently pending in Ecuador and initiated against the claimants by indigenous Amazonian communities. The amount in controversy exceeds US\$27 billion. The arbitration is pending.
- *Murphy Exploration and Production Company International v. The Republic of Ecuador.* Bruno was one of the primary drafters of the briefs leading to the dismissal, in favor of the Republic of Ecuador, of this bilateral investment treaty ICSID arbitration on jurisdictional grounds. The petroleum sector claim sought a recovery of more than US \$200 million in damages.
- *Repsol YPF Ecuador S.A. et al. v. The Republic of Ecuador and PetroEcuador.* Assisted the



EDUCATION

Institut d'Études Politiques de Paris,
(Service Public), *cum laude*, 1968

DES, de droit privé, *cum laude*, 1968

Faculté de Droit de Paris DES, de
droit public, de droit public, *cum
laude*, 1967

LANGUAGES

French

English

Republic of Ecuador and state-owned oil company Petroecuador in this ICSID BIT arbitration initiated by a consortium of international oil companies premised on the Republic's imposition of a windfall-profits levy on certain oil operations in Ecuador.

- *Victor Pey Casado and Fundación Presidente Allende v. Republic of Chile*. Represented Chile in its defense of a claim in an ICSID arbitration under the bilateral investment treaty between the Kingdom of Spain and Chile.
- *International Company for Railway Systems, and Privatization Holding Company (Kuwait) v. The Hashemite Kingdom of Jordan*. Represented the Kingdom of Jordan in an ICC arbitration brought by a railway company and its Kuwaiti shareholder concerning a bilateral investment treaty and novel issues of jurisdiction between ICSID and the ICC.

Commercial Arbitration as Arbitrator

- Chairs the arbitration panel in an UNCITRAL arbitration taking place in Sweden between a Chinese IT equipment manufacturer and an Eastern European company providing IT services.
- Serves as a co-arbitrator in an ICC arbitration between a Russian publishing company and a French publishing company.
- Served as a co-arbitrator in an ICC arbitration between a French company and a Danish company relating to the sale of the shares of a pharmaceutical company.
- Served as chair in an ICC arbitration between a Malay company and a Turkish company relating to a shipbuilding CMI contract.
- Served as a co-arbitrator in a LCIA arbitration between a Russian coal mining company and a Swiss based commodities trading company.
- Served as the chair in an ICC arbitration between a Belgian company and a German company relating to the execution of a contract for construction and installation of a rolling mill in the steel industry.
- Served as the sole arbitrator in an ICC arbitration between an English company and a Czech state company relating to the determination of the management fees in a hotel management contract.
- Served as a co-arbitrator in an ICC arbitration between a Liechtenstein company and a French company relating to the project of an automotive plant in Russia.
- Served as a co-arbitrator in an AFA arbitration between a Swiss company and a Russian company about the cessation of the fabrication of a petrochemical product distributed in Western Europe.
- Served as a co-arbitrator in an ICC arbitration between an English claimant and Korean and Algerian defendants in an ICC arbitration relating to the termination of a hotel management contract in Algeria.
- Served as a co-arbitrator in an ICC arbitration between a French company and a Japanese company about the termination of a distribution agreement in the luxury industry.
- Served as the chair of the panel in an ad hoc arbitration relating to the provision of accommodation services to armed forces in a conflict.
- Served as a co-arbitrator in an ICC arbitration between a Middle East company and an African state related to the pre-financing and execution of public works contracts and the effect of a civil war thereon.

- Served as a co-arbitrator in an ICC arbitration between a French company and an Eastern European State in relation to the construction of strategic oil storage facilities on the territory of the State.
- Served as a co-arbitrator in an ICC arbitration between a Swiss company and an African state in connection with a project of pre-financing of oil and commodities exports.

Commercial Arbitration as Counsel

- Serves as counsel in an ICC arbitration between a Tunisian company and a multinational company relating to the termination of a distribution and services agreement in the oil industry.
- Served as counsel to an Italian company against another Italian company in an ICC arbitration relating to the termination of a lease agreement in the hotel industry.
- Served as counsel to a German financial leasing corporation in an ICC arbitration initiated against a Mexican airline company in relation to the sale of two aircraft.
- Served as counsel to a Malagasy company against a US company in a Chambre Arbitrale de Paris arbitration relating to the termination of a joint venture agreement for commercialization of vanilla processed in Madagascar.
- Represented a French construction company in an ICC arbitration against a Dutch company. The dispute related to alleged breaches of representations and warranties in a shares purchase agreement arising from the accidental explosion of a cracking unit that occurred in the course for upgrading of refinery in Italy.
- Represented a French construction company against a US oil company in an ICDR arbitration seated in Houston, Texas. The dispute related to the installation of oil construction equipment in offshore Africa.
- Acted as counsel to a French construction company against a Dutch company in an arbitration seated in London. The dispute related to a consortium agreement for engineering, procurement, construction, and installation of drilling and gas gathering platforms and related umbilicals and pipelines for an oilfield in offshore Nigeria.
- Represented a French hotel company against an Eastern European company in an ICC arbitration seated in London. The dispute related to the application of a gross operation profit guarantee given in a hotel management contract.
- Represented the diamond mining company of an African state against a South African company in an UNCITRAL arbitration seated in Lisbon and relating to the sale of the diamond production of a region in African State.
- Acted as counsel for an African company against another African company in a LCIA arbitration placed in London. The subject matter of the dispute was a loan for the development of activities and the effect thereon of a civil war.
- Acted as counsel for a French construction company against an Egyptian state company in an UNCITRAL arbitration seated in Cairo, the dispute related to the payment of works for the construction and laying of sub-sea equipment for the development of a gas field in the Mediterranean sea.
- Represented a French company in an ICC arbitration in Paris against an African state, the dispute relating to the abrupt termination by the State of an agricultural development project.
- Represented a French construction company in an ICC arbitration in Paris against

American and European insurers. The subject of the dispute was whether coverage under a PLI policy applied to major corrective design works performed in relation to a new technology for lifting crude oil in deep waters 1200 meters below sea level.

- Acted as counsel in an ICC arbitration for an African country against a claim for payment of military equipment brought by a special trade company of the disintegrated former Yugoslavia.
- Acted as counsel in an UNCITRAL arbitration for a French satellite imagery company against a Swedish organization, the dispute matter being the implementation of a cooperation agreement.
- Acted as counsel for a Polish company against a US company in an ICC arbitration about the termination of license and distribution agreements.
- Represented a State of the Arabic Gulf in an ICC arbitration brought against this State by an Eastern European special trade company claiming lost profits in connection with a contract for refurbishment and commercialization of war remnants, ammunition and equipment.

PROFESSIONAL EXPERIENCE

- From 1999 to 2003, chaired a panel of commissioners at the United Nations Compensation Committee involved in claims brought against Iraq by non-Kuwaiti corporations or state enterprises.
- Served as a legal advisor to the Iran-U.S. Claims Tribunal from 1982 to 1984.
- Serves on the arbitration panels of numerous institutions, including the International Chamber of Commerce, the London Court of International Arbitration, the Association Française d'Arbitrage, the Korean Commercial Arbitration Board and the GCC Commercial Arbitration Center.

HONORS & INVOLVEMENT

Honors

- Listed in Best Lawyers, "Best Lawyers in France-International Arbitration"
- Cited by *Chambers Global* as "among the best established practitioners in the field"
- Listed in the Euromoney Legal Media Group's *Guide to the World's Leading Experts in Commercial Arbitration*

Involvement

- French Committee on International Law, Member
- International Law Association
- French Committee on Arbitration, Member
- Swiss Arbitration Association, Member
- International Chamber of Commerce, Member
- London International Court of Arbitration, Member
- French Arbitration Association, Member
- Instructor of private and public international law and contracts at Universities of Phnom Penh (Cambodia) and Paris X

PUBLICATIONS

- Author and contributor, *Revue Critique de Droit International Privé*, *International Business Law Journal*, *Revue de l'Arbitrage*, *Arbitration International*, *Journal of International Arbitration*, *ASA Bulletin*, and the *Stockholm Arbitration Report*.
- "Choix D'un Règlement et Création de Précédents," 6 *Revue Droit & Affaires* 76, 2008 (French).
- "Les Incidences Politiques de la Souveraineté sur l'Arbitrage: Reconnaissance et Continuité des États," *Revue de l'Arbitrage*, November 2003 (French).
- "Views on the UNCC and its Adjudication of Contractual Claims" *Journal of International Arbitration*, 2000.
- "Les Implications des Législations de Sanction et des Législations de Blocage sur les Relations Juridiques Privées Internationales," in *Sanctions Unilatérales, Mondialisation du Commerce et Ordre Juridique International* - à propos des Lois Helms Burton et d'Amato Kennedy, published in Montchrestien in 1998 (French).
- "Reflections on the International Effectiveness of Arbitration Awards," *Arbitration International*, 1996.
- Réflexions sur l'efficacité internationale des sentences arbitrales in *Travaux du Comité Français de droit International Privé*, 1995, p 181 (French).
- "Problèmes soulevés par les demandes des double nationaux devant le Tribunal des différends irano-américains," *Rev. Critique de Droit International Privé*, 1985, p. 9 and following (French).

SPEAKING ENGAGEMENTS

- Speaker: "Arbitration Under the UNCITRAL and ICSID Rules: A Comparison," Workshop on the Key Substantive Issues in International Investment Agreements, organized by UNCTAD, Ministry of Economy of Croatia, and the University of Kiel, Zagreb, September 23, 2011.
- Speaker: "Pratique de l'arbitrage: les phases du délibéré, de la sentence et de sa relecture," Association Française d'Arbitrage, Paris, June 2011.
- Speaker: "Grounds for Initiating Arbitration Against States," UNCTAD and Ministry of Justice of Ukraine, Kiev 2007.
- Speaker: "Criminal Law and Arbitration Proceedings - Is There an Arbitrator's Obligation to Denounce Criminal Money Laundering, Corruption of Officials and Other Offences Committed by Parties, The Arbitrator as Accomplice - Sham Proceedings And The Trap of The Consent Award." 12th Geneva Global Arbitration Forum, Geneva, December 7, 2006.
- Speaker: "Legislative Restrictions to the Right of Public Companies to Enter into Arbitration Agreements. The Issue of Subjective Arbitrability. The French Perspective." Brussels, 2001.
- Speaker: "Le facteur espace dans l'arbitrage international, le siège de l'arbitrage," Symposium Mutations Economiques et Arbitrage, Tunis, May 26-27, 2001.
- Speaker: "Les Développements de l'arbitrage international en France au cours de l'année écoulée," Union Internationale des Avocats, Philadelphia, September 3-7, 1997.
- Speaker: "The Impact of International Arbitration on International Investments,"

Kuwait, April 27, 1997.

- Speaker: "Remarques brèves sur le coût d'une procédure d'arbitrage international," CREDIMI, Dijon, February 10, 1995.
- Speaker: "Incidence de la procédure collective sur la reconnaissance et l'exécution de la sentence," IBA, The Effect of insolvency proceedings on Arbitration, Paris, September 19-20, 1994.
- Speaker: "L'instance arbitrale dans l'arbitrage commercial international," Dakar, February 1994.
- Speaker: "The Trend of Arbitrators to Avoid Application of Municipal Laws," Union Internationale des Avocats, San Francisco, August 1993.
- Speaker: "La jonction de différents contentieux et l'arbitrage multipartite," Institute for International Research, Paris, October 21-22, 1992.
- Speaker: "Quelques questions pratiques posées par la crise du Golfe," Lectures at Institut des Hautes Etudes Internationales, Paris, May 1992.
- Speaker: "Les principes généraux de droit applicables dans l'arbitrage international," O.F.D.I., Paris, April 10, 1991.
- Speaker: "Garanties bancaires et Arbitrage," Forum Européen de la Communication, Paris 1990.
- Speaker: "Le Tribunal des Différends Irano-Américains, L'activité du Tribunal et ses développements les plus récents," CEDIN 1ère journée d'actualités internationales, Paris, April 19, 1984.