

## Biography

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### Jennifer Younan

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### Practice

Jennifer Younan is a partner in Shearman & Sterling's International Arbitration Group. She has extensive experience advising and representing States, State-owned entities and companies in investment treaty and commercial arbitrations conducted under most major institutional rules, including the ICSID, ICC, LCIA and Swiss Rules, and in *ad hoc* arbitrations, with a particular focus on investment and energy disputes. Jennifer Younan has notably participated in several of the largest international disputes submitted to arbitration. Her experience covers a wide range of sectors, including energy (oil and gas, power, nuclear), business combinations (mergers & acquisitions, joint ventures), banking and finance, infrastructure/transportation, construction and general commercial matters.

Jennifer Younan is a member of the ICC Commission on Arbitration and ADR, ICC Task Force on maximizing the probative value of witness evidence and an Australian Government Delegate to the UNCITRAL Working Group II on Arbitration and Conciliation.

Prior to joining Shearman & Sterling in 2003, Jennifer Younan clerked for the Hon. Michael Kirby AC CMG at the High Court of Australia.

Jennifer Younan is admitted to practice in New South Wales (Australia), England and Wales and Paris (as a foreign qualified lawyer).

### Selected Experience

*Recent or pending arbitrations in which Jennifer Younan has appeared as counsel include the representation of:*

- A French-German consortium in an ICC arbitration in Stockholm against a Finnish utility company. The dispute arises from an agreement for the construction a nuclear power plant in Finland. Finnish law governs. Over EUR 5.8 billion is at stake.
- A European energy company and its Central European affiliate as Respondents in an ICC arbitration in Paris initiated by a Southeastern Europe energy company. The dispute arises from an agreement for the privatization of a State-owned electricity company. The law of the Claimant's State applies.
- The majority shareholders in the former Yukos Oil Company as Claimants in a series of three arbitrations against the Russian Federation in relation to the expropriation of their investment in the company. The claims were brought under the Energy Charter Treaty, a multilateral treaty governing trade and investment in the energy sector. The arbitrations were conducted in accordance with the UNCITRAL Arbitration Rules and were administered by the Permanent Court of Arbitration (PCA) in The Hague. In an Interim Award of November 20, 2009, the Arbitral Tribunal decided that it had jurisdiction over the dispute and that the claims were admissible. In a

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Final Award rendered on July 18, 2014, the Arbitral Tribunal ordered the Russian Federation to pay over USD 50 billion in damages to our clients, which makes this the largest arbitral award ever rendered by an arbitral tribunal. The Tribunal also ordered the Respondent to reimburse to our clients 75% of the legal fees they had incurred in these proceedings, as well as 100% of the arbitration costs.

- A Cypriot company as Claimant in two LCIA arbitrations in London against the borrower and the guarantor in a USD 1.6 billion loan to a leading Russian oil and gas company. The Claimant sought payment of the unpaid balance of all sums owing under the loan agreement. English law applied and the language of the proceedings was English. The amount at stake in these arbitrations was in excess of USD 650 million (without interest).
- A European chemical company as Respondent in an ad hoc arbitration in London brought by the European subsidiary of a Middle Eastern chemical company. The dispute arose from a long-term supply agreement and involved complex issues of EU competition law. English law applied.
- A Dutch company as Claimant in an ICSID arbitration against the Republic of Slovenia. The claim was brought under the Netherlands/Slovenia BIT and concerned the Claimant's investment in the Slovenian brewing industry. Multiple proceedings were associated with the case. The amount at stake was in excess of USD 111 million.
- A European-led joint venture in an ad hoc arbitration in Paris under the UNCITRAL Arbitration Rules against a Middle Eastern State. The opponent's national law applied and English and French were the languages of the arbitration. The firm's client was seeking over USD 140 million in damages and additional payment under a contract for the reconstruction and expansion of an international airport.
- Two European transportation companies as Respondents in an ICC arbitration in Paris initiated by a European company. French law applied and the languages of the arbitration were French and English. The dispute concerned the non-renewal of an exclusive distributorship contract. The amount at stake was in excess of USD 160 million.

### Selected Professional Affiliations and Business Activities

- Member, ICC Task Force on Maximizing the Probative Value of Witness Evidence
- Australian Government Delegate, UNCITRAL Working Group II (Arbitration and Conciliation / Dispute Settlement) (65<sup>th</sup> Session)
- ICCA 2018 Ambassador, 24<sup>th</sup> ICCA Congress, Sydney, Australia (April 15-18, 2018)
- Member, American Society of International Law (ASIL)
- Fellow, Australian Centre for International Commercial Arbitration (ACICA)
- Member, British Institute of International and Comparative Law (BIICL)
- Member, ICC Commission on Arbitration and ADR
- Member, International Arbitration Institute (IAI)
- Member, London Court of International Arbitration (LCIA)
- Lecturer, Institut d'Etudes Politiques de Paris (Sciences Po) (2012)
- Faculty Member, International Criminal Court, Office of the Prosecutor, Trial Advocacy Training Program, The Hague (2011)
- Volunteer, Office of the Legal Advisor to the President, Asmara, Eritrea (October 2007)

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#### Selected Speaking Engagements and Publications

- Speaker, “Emergency Arbitrators and Interim Relief”, Eastern European Dispute Resolution Forum, Minsk, Belarus, September 23, 2016
- Speaker, “The Future of International Arbitration after *Yukos*”, 5<sup>th</sup> ICC YAF Global Conference, London, June 25-27, 2015
- Speaker, Dispute Resolution Panel, 10<sup>th</sup> ECA (Europe-Caucasus-Asia) Legal Forum, Tbilisi, Georgia, June 17-20, 2015
- Moderator, Workshop “A New Model? The ‘Partnering’ of NGOs and Law Firms in Support of Human Rights”, 61st Annual United Nations DPI/NGO Conference, Paris, September 3-5, 2008
- *State Entities in International Arbitration, IAI Series on International Arbitration No. 4* (Co-editor, Juris Publishing, New York, 2008)
- Collaboration with Emmanuel Gaillard on his International Arbitration column in the *New York Law Journal*

#### Education

University of Oxford, Magdalen College, M.Phil., 2003

University of Oxford, Magdalen College, B.C.L., 2001

University of New South Wales, LL.B., 1998

University of New South Wales, B.Com., 1998

#### Bar Admissions/Qualifications

New South Wales, Australia

England & Wales

Paris (foreign qualified lawyer)

#### Languages

English

French

#### Nationalities

Australian

French