



Michael Ostrove

Partner

GLOBAL CO-CHAIR OF INTERNATIONAL ARBITRATION

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Michael Ostrove is the Global Co-Chair of DLA Piper's International Arbitration group. Also currently a Vice-President of the ICC's International Court of Arbitration, Michael is member of both the Paris and New York bars, he has over 25 years' experience handling international commercial arbitrations, investment arbitrations and other public international law disputes, as well as domestic litigation, primarily related to enforcement and annulment of arbitral awards.

Michael has advised on a wide range of arbitration matters – including English and French language cases administered by the ICC, ICSID, the LCIA, and the PCA, as well as ad hoc arbitrations pursuant to the UNCITRAL Arbitration Rules and the OHADA Uniform Arbitration Act. He also has extensive experience in corruption investigations, advising both multinational corporations and state authorities.

Michael has handled numerous investment treaty disputes both for and against sovereign states. His investment cases and commercial disputes have involved a variety of sectors, including mining, oil and gas (upstream and downstream), pharmaceuticals, infrastructure, agriculture, telecoms and distribution. His experience in litigation covers a wide range of areas before American and French courts, other national courts, as well as before the International Court of Justice and the Court of Justice of the European Union.

Michael teaches international arbitration in an advanced degree program at the Université de Paris II, and he is one of the editors of Choice of Venue in International Arbitration (OUP, 2014). He speaks and publishes frequently on international investment law, and he is regularly named as a leading practitioner by the specialized press.

Michael is ranked in Chambers Global, which notes that he is described by clients as "a real class act." Chambers also comments that Michael is "detail-oriented, thorough and forceful in his advocacy." Michael has been selected to Who's Who Legal's prestigious list of "Thought Leaders" for international arbitration, and Who's Who Legal France has reported that he "is deemed a 'great advocate'" and that "he is praised for his 'measured and strikingly accurate' advice to clients." In July 2021, Jeune Afrique ranked Michael for the fifth consecutive year as among the most influential lawyers working in francophone Africa – one of the few arbitration specialists on their

- International Arbitration
- Litigation, Arbitration and Investigations

- Energy and Natural Resources
- Life Sciences
- Infrastructure, Construction and Transport

- Rapid Response

French English

list.

LANGUAGES SPOKEN

- French
- English

EXPERIENCE

Public International Law

- Representing INTERPOL in PCA arbitration proceedings relating to a public international law claim brought following the arrest in China of INTERPOL's former President (Ge Gao, Hongwei Meng, Zihong Meng and Ziheng Meng (China) v INTERPOL, PCA Case No. 2019-19).
- Representing the Republic of Guinea in its investigation of corruption in the acquisition of rights to one of the world's most important iron ore deposits, and defense of parallel multi-billion dollar ICSID arbitrations brought by the investor alleging expropriation of a mining concession and related rights (BSG Resources Limited, BSG Resources (Guinea) Limited and BSG Resources (Guinea) SÀRL v. Republic of Guinea (ICSID Case No. ARB/14/22)).
- Representing Messrs. De Sutter and (DS)2 S.A. in a multi-million dollar ICSID arbitration against the Republic of Madagascar relating to an investment in the textile manufacturing sector ((DS)2, S.A., Peter de Sutter and Kristof De Sutter v. Republic of Madagascar (ICSID Case No. ARB/17/18)).
- Representing Hungary in five ICSID matters including a multi-million dollar ICSID arbitration brought by British investors Magyar Farming Company Ltd with respect to an investment in the agricultural sector (Magyar Farming Company Ltd, Kintyre Kft and Inicia Zrt v. Hungary (ICSID Case No. ARB/17/27)).
- Representing the Democratic Republic of the Congo in an annulment action before the Paris Court of Appeal against an investment fund seeking to enforce over USD 200 million in sovereign debt.
- Representing the Republic of Moldova in an ICSID arbitration brought pursuant to the France-Moldova BIT relating to an investment in duty free stores in Moldova (Franck Charles Arif v. Republic of Moldova (ICSID Case No. ARB/11/23)).
- Representing the Republic of Moldova in an annulment action in the Paris Court of Appeal in connection with a USD 48 million arbitral award obtained pursuant to the Energy Charter Treaty, as well as in prejudicial question proceedings brought before the Court of Justice of the European Union.
- Representing the Government of Ghana in an UNCITRAL Rules, PCA-administered BIT arbitration relating to the operation of Ghana Telecom (Telekom Malaysia Berhad v. Republic of Ghana, PCA Case No. 2003-03).

Commercial Law

- Representing a French pharmaceutical company in a USD 200+ million, London seated, New York law ICC arbitration with a bio-tech company relating to rights under a license agreement.
- Representing a leading aircraft manufacturer in an English language, Paris seated, French law ICC arbitration relating to liability for failed parts leading to aircraft damage. The case involved questions of validity of a contract clause under French law worth hundreds of millions of dollars.
- Representing a major telecommunications company in a French language, ad hoc OHADA arbitration and post-award CCJA proceedings regarding management of an operational subsidiary.
- Representing a German agricultural company in an English language, Paris seated, German law USD 60+ million ICC arbitration against its former distributor in Saudi Arabia.
- Representing a State in a USD 40 million, Paris seated, French language, French law ICC arbitration relating to the procurement of military equipment.
- Representing a multi-national food services company in a multi-million dollar, Paris seated, French language, French law ICC arbitration relating to a post-acquisition price adjustment.

Construction Law

- Representing Technip France SA in a Geneva seated, French language, Algerian law ICC arbitration against Sonatrach, regarding the termination of an EPC contract for the expansion and upgrading of the Algiers refinery, with an amount in controversy of over USD 2 billion USD.
- Representing a Japanese contractor in a USD 75 million LCIA arbitration regarding construction of a coal-fired power plant in South-East Asia.
- Representing a Chinese company in a USD 20 million dollar ICC arbitration against a European company regarding construction of storage facilities.

CREDENTIALS

Professional Qualifications

- Attorney-at-law admitted with the Supreme Court of New York
- Avocat admitted to the Paris Bar

Prior Experience

Before he joined DLA Piper, Michael Ostrove worked in an international firm in New York and in Paris. He started his career as a law clerk with the Honorable Eugene H. Nickerson of the Federal District Court for the Eastern District of New York.

Recognitions

- *Best Lawyers* – International Arbitration – 2020-22
- *Chambers Europe* – Band 2 – International Arbitration – 2021
- 'Michael Ostrove is adept at handling investor-state arbitrations, where he often acts for European and African sovereign states. "He has a wealth of experience, he is extremely calm and considered in his approach, he thinks very carefully and very thoroughly," says one impressed client, going on to add: "He is a mine of information on international arbitration. He is also a very diplomatic and modest person.'" *Chambers Europe*, 2021
- *Chambers Global* – Band 2 – Foreign Expert – International Arbitration – 2021
- *Legal 500* – Tier 3 – Dispute Resolution: International arbitration – 2021
- 'Michael Ostrove is excellent; he is a very talented lawyer and advocate, but also an unfailingly courteous and considerate opponent.' 'Michael Ostrove is an utmost professional.' *Legal 500*, 2021
- 'The outstanding Michael Ostrove provides extremely thorough analysis and his writings are to the point and clear.' *Legal 500*, 2020
- *Acritas Star*™ Lawyer – Litigation & Regulatory – 2021
- *Who's Who Legal* – Thought Leader – International arbitration – 2020, 2021. "These individuals are worthy of special mention owing not only to their vast expertise and experience advising on some of the world's most significant and cutting-edge disputes, but also their ability to innovate and inspire."

'Michael "is deemed a 'great advocate'" and that "he is praised for his 'measured and strikingly accurate' advice to clients.", *Who's Who Legal France* 2021
- *Jeune Afriqués* Top 100 Lawyers in Francophone Africa – Ranked for the 5th time – 2021
- Noted as a leading commercial arbitration practitioner in Legal Media Group's Expert Guides.

Education

- University of Paris II (Panthéon-Assas), *auditeur libre* in public international law, 1995
- University of California at Berkeley, J.D. Order of the Coif, 1993
- Yale University, B.A. *magna cum laude*, 1989

Memberships

- International Arbitration Commission of ICC France
- Executive Committee of FIAA (Foundation for International Arbitration Advocacy)
- Comité Français de l'Arbitrage
- Swiss Arbitration Association
- International Arbitration Institute
- American Society of International Law
- American Bar Association's Section on International Law
- International Bar Association's Mediation Committee (on which he was past co-Chair of the Investor-State Mediation Sub-Committee)
- International Bar Association's Arbitration Committee (in which he was a member of the Task Force reviewing the IBA Guidelines on Conflicts of Interest in International Arbitration)
- Droit et Procédure
- Advisory Committee to the Wayne State University Law School Program for International Legal Studies

Additional Information

- Michael is Lecturer in international arbitration at the Université de Paris II
- Michael regularly advises international organizations and other clients on a pro bono basis

INSIGHTS

A frequent speaker at seminars on international disputes, Michael is one of the editors of Choice of Venue in International Arbitration (OUP, 2014), and is regularly named as a leading practitioner by the specialized press.

Publications

GAR guide to challenging and enforcing arbitration awards – Second edition

15 June 2021

The Global Arbitration Review's Guide to Challenging and Enforcing Arbitration Awards addresses the applicable standards for challenging and enforcing awards globally. We have authored a chapter outlining the challenges that may arise when trying to secure the awards.

Paris Court of Appeal finds PCA lacked power to intervene in OIC investor-state arbitration

6 April 2021

The decision of the Paris Court of Appeal casts uncertainty on arbitrations under the OIC Agreement for which the PCA Secretary-General has agreed to act as appointing authority.

Online Arbitration Hearings: A review of key developments in response to COVID-19

28 September 2020

Virtual hearings

In this second report, we focus on arbitration and look at how arbitral institutions have adapted in response to COVID-19. We draw out some of the key legal as well as practical challenges faced, and we offer some observations on what the future may look like.

State defences to investment claims arising from COVID-19

29 April 2020

In response to the COVID-19 pandemic, States have been taking emergency measures to limit the impact of the virus. In our first article, we considered whether these emergency measures could give rise to claims by foreign investors for breaches of international law.

COVID-19: ¿Una base legítima para reclamos de inversión?

21 April 2020

Si las medidas tomadas por diferentes estados en respuesta a COVID-19 podrían representar una base legítima para potenciales reclamos en virtud de los tratados bilaterales de inversión.

COVID-19 – a legitimate basis for investment claims?

16 April 2020

This article considers whether measures taken by States in response to the COVID-19 pandemic could provide a legitimate basis for claims under bilateral investment treaties (BITs) or other investment protection instruments, and identifies some of the defences that may be available to States.

Genocide Case Against Myanmar in the ICJ

24 January 2020

The International Court of Justice (ICJ) yesterday delivered an historic Order for provisional measures with respect to the application brought by The Gambia against Myanmar for allegations of genocide.

- “Defensas de los Estados Frente a Reclamos de Inversión Derivados del COVID-19”, DLA Piper Insights, April 2020
- "The Guide to Challenging and Enforcing Arbitration Awards - First Edition," *Global Arbitration Review Insight*, June 2019

Events

Previous

Korean companies in the global market – best practice to protect your foreign investments

5 November 2021

Webinar

What do in-house counsel expect from external firms during the arbitral process?

28 September 2021

Webinar

Michael Ostrove teaches international arbitration in an advanced degree program at the University of Paris II.

He is a frequent speaker at conferences, the most recent are:

- Webinar: “Aldersgate Funding Limited : une solution unique de tiers-financement des arbitrages et contentieux”, April 2021
- Conference: “The 6th SOAS Conference on Arbitration in Africa”, Douala, Cameroon, March 2020
- Conference: “Arbitration Conference, Dakar”, Senegal, February 2020
- Conference: “Transparency in Investment Arbitration, Latest Developments”, Prague Investment Treaty Arbitration Conference, Prague, 25 October 2018
- Conference: “Anything Taken for Granted?” Kyiv Arbitration Days, Kyiv, 14 September 2018
- and on African disputes at the ICC.

NEWS

DLA Piper’s Michael Ostrove appointed as the Vice-President of the ICC International Court of Arbitration

14 July 2021

Michael Ostrove, DLA Piper's Global Co-Chair of International Arbitration, has been appointed Vice-President of the ICC International Court of Arbitration.
