



DAVID KHACHVANI
COUNSEL

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EDUCATION

University of Geneva Law School

Doctor of Laws (Ph.D.), (*summa cum laude*) – June 2021

Topic: Compensation for Regulatory Expropriation in International Investment Law; Supervisors:
Prof. Zachary Douglas KC and Prof. Gabrielle Kaufmann-Kohler

Graduate Institute of International and Development Studies and University of Geneva

Geneva, Switzerland

LL.M. in International Dispute Settlement (MIDS), (Hans Wilsdorf scholar; amongst top five graduates of the class) – September 2014

Ivane Javakhishvili Tbilisi State University

Tbilisi, Georgia

LL.B. (Bachelor of Laws) – June 2011

PROFESSIONAL EXPERIENCE

Lévy Kaufmann-Kohler, Geneva, Switzerland (September 2014 – present)

Counsel (2022-present)

Senior Associate (2019-2021)

Associate (2014-19)

- Acting as counsel, arbitrator and arbitral secretary in international investment and commercial arbitrations (over 35 cases as of November 2023).
- Providing legal opinions and advice to States, foreign investors and corporations on matters of international dispute settlement.

LPA Law, Tbilisi, Tbilisi, Georgia (2013 – 2014)

Associate

- Represented foreign investors in transactions with State entities, in courts and arbitration.
- Assisted several infrastructure, construction and energy companies, in transactions including in respect of their administrative permits and licenses.

WilmerHale LLP, London, UK (2012)

Arbitration intern

- Assisted counsel teams in several high profile commercial arbitrations in shareholding disputes in fashion and watch-making industries.
- Assisted Prof. Gary Born on the publication of his treatise and publications; Acknowledged in Born, *International Commercial Arbitration* (Wolters Kluwer 2nd ed, 2014).

JSC Partnership Fund, Tbilisi, Georgia (Public wealth fund of Georgia) (2011)*Legal Officer*

- Advised the Fund on its financing transactions in different infrastructural and strategic projects.
- Assisted the Fund on matters of corporate law and financial regulations.
- Liaised with larger financial institutions (World Bank, EBRD, Asian Development Bank) for implementing their standards in financing agreements.

Ministry of Justice of Georgia, Tbilisi, Georgia (2010)*Legal Intern at the Department of State Representation in International Arbitration*

- Assisted international law firms representing Georgia in investment and commercial arbitrations.
- Provided pre-dispute advice to different governmental entities on potential disputes with foreign investors.
- Provided advice to the Government in negotiations of investment treaties and arbitration provisions in major state contracts.

REPRESENTATIVE CASES

- Claims against a Central European State under several investment agreements. Dispute arising out of measures taken by the State that affected the investors' interests in the banking sector (counsel to State).
- *Carrizosa v. Colombia* (ICSID Case No. ARB/18/5), dispute arising out of Colombia's regulations and judicial conduct, involving the objections to jurisdiction *ratione temporis* (tribunal secretary).
- *Miedzi Copper v. Poland* (PCA Case No. 2015-27), dispute related to a copper mining concession and related to administrative and judicial measures (tribunal secretary).
- *Cairn Energy v. India* (PCA Case No. 2016-7), dispute arising out of India's tax measures (tribunal secretary).
- *Horthel v. Poland* (PCA Case No. 2014-31), dispute arising out of Poland's gambling regulations (tribunal secretary).
- *GMS v. Iraq* (ICSID Case No. ARB/22/8), dispute arising out of Iraq's regulations in the pharmaceutical sector (tribunal secretary).
- *Magyar v. Hungary* (ICSID Case No. ARB/17/27), dispute arising out of Hungary's land regulations (tribunal secretary).
- *Federal Elektrik v. Uzbekistan* (ICSID Case No. ARB/13/9), dispute involving allegations of abuse of prosecutorial and judicial powers by Uzbekistan (tribunal secretary).
- *Vestey v. Venezuela* (ICSID Case No. ARB/06/4), dispute concerning Venezuela's land regulations (tribunal secretary).
- *Kardassopoulos v. Georgia* (ICSID Case No. ARB/05/18), dispute concerning Georgia's use of judicial and prosecutorial powers (counsel for Respondent).
- *Ron Fuchs v. Georgia* (ICSID Case No. ARB/07/15), dispute arising out of an alleged cancellation of concession for development of oil pipeline (counsel for Respondent).
- *iZee v. Georgia* (ad hoc UNCITRAL), dispute arising out of an alleged seizure of claimant's business premises in Tbilisi (counsel for Respondent).
- *Karmer Marble v. Georgia* (ICSID Case No. ARB/08/19), dispute arising out of an alleged termination of the highway construction contract (counsel for Respondent).
- *Foreign investor v. Asian State*, advice to investor (foreign State-owned bank) on potential claims before the Swiss courts and under the applicable BIT in a dispute arising from the freezing of the client's accounts.

ARBITRATION PANELS AND MEMBERSHIPS

- LCIA (List of appointed arbitrators)
- ICC YAAF (Member)
- ASA Below 40 (Member)
- Young ICCA (Member)
- Georgian Bar Association Exam with the Specialization in Civil Law

REPRESENTATIVE PUBLICATIONS

- *Non-Compensable Regulation v. Regulatory Expropriation: Are Climate Change Regulations Compensable?* (ICSID Review 2021, Oxford University Press, Vol. 35, Issue 1)
- *Can Pharmaceutical Companies Counter the Waiver of their Patents for COVID-19 Vaccines through Investment Treaty Arbitration?* (Kluwer Arbitration, 26 May 2021)
- *LIBOR Phase-Out: Questions of Interest to Arbitrators* (with Sabina Sacco) (Kluwer Arbitration, 24 June 2019)
- *Compensation for Unlawful Expropriation: Targeting the Illegality* (ICSID Review 2017, Oxford University Press, Vol. 32, Issue 2)
- *Exclusion of the Right to Challenge an Arbitral Award* (Latin American Journal of International Trade Law, Vol. 2, Issue 1; Bilingual: English/Spanish)

SELECTED TEACHING ENGAGEMENTS AND CONFERENCES

- Visiting lecturer at University of Turin, LL.M. in International Trade Law. Course: Substantive Standards of Protection in International Investment Law
- Invited Lecturer at the Academy of Georgian Association of Arbitrators: Arbitrators' Qualification Course
- Speaker at the Eurasian Arbitration Days, Astana, Kazakhstan, Georgia's Practice of International Investment Agreements, September 2023
- Speaker at the GIAC Arbitration Days, Tbilisi, Georgia, Armed Conflicts and International Investment Law, October 2023
- Speaker at World Arbitration Update, Africa and MENA Day (virtual), Corruption in International Investment Projects, 22 May 2023
- Speaker at the ICC YAAF Conference, Best Practices for Effective Corporate Compliance in International Arbitration (virtual), November 2022
- Speaker at the GIAC Arbitration Days, Tbilisi, Georgia, Investment Treaty Planning and Abuse of Process, Tbilisi, Georgia, October 2023
- Speaker at the Istanbul Arbitration Days, Legitimate Treaty Planning Practices for Foreign Investors, Istanbul, Turkey, October 2023
- Speaker at the ICC YAAF conference on Economic Sanctions and International Disputes, Brussels, Belgium, 21 September 2022
- Speaker at the St. Petersburg Foreign Direct Investment Conference, Compensation in International Investment Arbitration (virtual), October 2021

ADDITIONAL INFORMATION

- **Languages:** Georgian (native); English (fluent); Russian (proficient); Spanish (proficient); French (proficient).
- **Nationality:** Georgian (Permanent resident of Switzerland).