

Dr. VANINA SUCHARITKUL, FCI Arb

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Languages: English, Thai, French
Nationalities: Thai, French, American



Specialist in international commercial and investment arbitration with over 15 years' experience. Practiced in international law firms in San Francisco, Bangkok, Paris and Hong Kong advising clients on a range of cross-border disputes including commercial contracts, corporate investigations and anti-corruption, joint ventures, insurance and reinsurance, oil and gas, construction and infrastructure, and investment treaty arbitration. Managed complex cases and acted as counsel and advocate in proceedings spanning multiple jurisdictions under the auspices of institutions including the International Chamber of Commerce (ICC), the Hong Kong International Arbitration Center (HKIAC), the Singapore International Arbitration Center (SIAC), the American Arbitration Association (AAA) and the Thailand Arbitration Institute (TAI). Admitted to the California Bar in 2004, served as Thailand's Court Member to the ICC International Court of Arbitration from 2012-2021 and is currently sitting as arbitrator. Chairperson to the Chartered Institute of Arbitrators (Thailand Branch), Director of ArbitralWomen, Advisor to Chairman of ICC Thailand and Founder and President of the Young Thailand Arbitration Center (YTHAC). Dr. Vanina is listed as arbitrator on the panel of THAC, TAI, the Asian International Arbitration Center (AIAC), the Shenzhen Court of International Arbitration (SCIA), and a Member of the SIAC Reserved List.

EXPERIENCE

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| Fall 2017-present | University of Paris Descartes
<i>Senior Lecturer</i> , International Commercial and Investment Arbitration
LL.M. in International Law, Master 2 in International Law. |
| 2007-2017 | Herbert Smith Freehills
<i>Registered Foreign Lawyer</i> , International Arbitration
Hong Kong, SAR, January 2016-March 2017
Bangkok, Thailand, January 2013-December 2015
Paris, France, May 2011-December 2012
Bangkok, Thailand, July 2007-April 2011. |
| Summer 2007 | Golden Gate University School of Law
<i>Adjunct Professor</i> , International Criminal Law, Bangkok, Thailand. |
| 2004-2007 | Morrison & Foerster
<i>Associate</i> , Litigation and Arbitration, San Francisco, U.S. |
| Spring 2004 | Organisation for the Prohibition of Chemical Weapons
<i>Legal Intern</i> , The Hague, the Netherlands. |
| Summer 2003 | Morrison & Foerster
<i>Summer Associate</i> , Litigation, Palo Alto, U.S. |
| Fall 2002 | San Francisco District Attorney's Office, Kamala Harris
<i>Legal Intern</i> , Narcotics Division, San Francisco, U.S. |

NOTEWORTHY

- 2021-present **Chartered Institute of Arbitrators (CIArb) Thailand Branch**
Chairperson.
- 2020-present **Young Thai Arbitration Center (YTHAC)**
Founder, President.
- 2017-2022 **ArbitralWomen**
Board Member, Global Events Director and Asia Director.
- 2016-present **Thailand Arbitration Center (THAC)**
Arbitrator Committee, responsible for deciding on challenges to arbitrators.
- 2020-present **International Chamber of Commerce (ICC) Thailand**
Advisor to Chairman, Dr. Poj Aramwattananont.
- 2012-2021 **International Court of Arbitration of the International Chamber of Commerce (ICC)**
Court Member (Thailand).

EDUCATION

- 2022 **Université Panthéon-Assas, University of Paris II**
Docteur en Droit, Ph.D. in International Law, Highest honor distinction
Dissertation: *La mise en question de l'arbitrage d'investissement et la réforme du règlement des différends entre investisseurs et Etats* (The Backlash against Investment Arbitration and Investor-State Dispute Settlement Reform).
- 2008 **Golden Gate University School of Law**
LL.M. in International Legal Studies with Honours (GPA 4.0)
Thesis: *Capital Punishment in Thailand and California and the Implementation of the Vienna Convention on Consular Relations on Foreigners Convicted of Capital Crimes*.
- 2004 **University of California, Hastings College of the Law**
Juris Doctor, International Law concentration
Award: Best Oral Advocate, Moot Court
 - *Hastings International and Comparative Law Review*, Development Editor
 - Research assistant to Professor Ugo Mattei for *Schlesinger's Comparative Law: Cases, Text, Materials*
 - International law exchange program at University of Leiden, the Netherlands (Spring 2004).
- 2002 **Golden Gate University School of Law**
First year of Juris Doctor programme (GPA in the top 2% of the class)
Honours:
 - Witkin Award for Excellence in Torts.
 - Witkin Award for Excellence in Contracts II.
 - Witkin Award for Excellence in Civil Procedure II.
 - CALI Award in Legal Writing and Research.
 - International law exchange program at Mahidol University, Thailand (Summer 2002).
- 2001 **University of California, Berkeley**
Bachelor of Arts, English.

RREPRESENTATIVE MATTERS

As Arbitrator:

- **Co-arbitrator** in an expedited arbitration in a dispute relating to petroleum work between a Thai and Chinese party under the ICC Arbitration Rules, seated in Bangkok, governed by Thai law.
- **Party-appointed arbitrator** in a sale purchase agreement of COVID relief supplies brought under the Shenzhen Court of International Arbitration (SCIA), seated in China, under Thai law.
- **Sole arbitrator** in a matter involving loan agreements under the SIAC Rules between a Singapore and British Virgin Island party, seated in Singapore under English law.
- **Sole arbitrator** in a construction arbitration of a train station involving claims of fraud under the Asian International Arbitration Centre (AIAC) Arbitration Rules seated in Kuala Lumpur, Malaysia.
- **Party-appointed arbitrator** in three arbitration cases involving the sale purchase of condominiums in Phuket brought under the Thailand Arbitration Institute (TAI) Rules seated in Bangkok.

As Counsel Representing:

- a **leading Eastern European oil and gas corporation** in ICC arbitration seated in Paris against an Eastern European State concerning costs associated with environmental clean-up and remediation projects.
- a **French electricity company** in a potential gas price review arbitration with an Algerian public enterprise under the ICC Arbitration Rules.
- an **Austrian truck and heavy vehicle manufacture** in corruption investigations and successful ICC arbitration in Geneva arising out of a sale purchase agreement to sell fire trucks and boats and disaster mitigation equipment to a Thai Government agency, as well as successful enforcement of the arbitration award in the Thai court.
- a **Thai petroleum exploration and production company** on concessionaires decommissioning security under Thai law.
- a **German construction company** in ICC arbitration seated in Singapore arising out of the lease of a construction equipment to build a motorway in Munich.
- a **French cement company** in ICC arbitration seated in Istanbul arising out of a sale purchase agreement and in subsequent enforcement proceedings in various Eastern European countries.
- a **European investment company** in HKIAC proceedings seated in Hong Kong against a Chinese joint venture partner and mediation in relation to monetization of television format.
- a **Thai satellite operator** in the UNCITRAL *ad hoc* proceedings (HKIAC appointing authority) seated in Hong Kong in a dispute against a Hong Kong satellite operator arising out of a satellite cooperation agreement.
- a **leading Asian telecommunications group** in ICSID arbitration against a State in a dispute over tax assessment on its investment.
- a **U.S. Contractor** in a US\$400 million TAI arbitration against a Thai public agency concerning the design and construction of a nuclear facility.
- a **world leading gold mining company** in potential administrative and bilateral investment treaty (BIT) claims against an African State in a dispute concerning mining rights.
- a **major oilfield service company** in SIAC arbitration seated in Singapore against a Southeast Asian State arising out of an agreement to acquire seismic data.

- the **world's largest aircraft landing gear manufacturer** in potential SIAC arbitration proceedings arising out of an agreement to perform repair, maintenance and overhaul services of major aircrafts.
- a **Japanese construction company** in a successful TAI arbitration arising out of water treatment systems construction in Thailand and subsequent enforcement proceedings.
- a **group of Asia Pacific hotel operator** in SIAC arbitration seated in Singapore against the Thai hotel owner arising from the hotel management and development services agreements and related mediation at the Singapore Mediation Centre.
- a **leading Japanese insurance company** in six *ad hoc* arbitrations against its Thai reinsurers in a dispute arising from the 2011 Thai floods.
- a **Japanese trading company** in two successful enforcement proceedings of International Cotton Association arbitration awards seated in Liverpool in the Thai courts.
- a **Thai conglomerate** in a franchise agreement dispute against a Swiss company in an *ad hoc* arbitration under the UNCITRAL Rules seated in Bangkok, Thailand.
- a leading **political risk insurer** in compensation claims resulting from expropriation of investment in Colombia in arbitration under the auspices of AAA.
- a leading **U.S. insurance company** in New York State Attorney investigation on contingency payment.
- a group of **California high school students** in a class action suit against the State of California challenging the constitutionality of the California high school exit exam.
- **victims** of police brutality in successful pro bono claim against the Fresno Police Department and City of Fresno for breaches of the California and U.S. Constitution.

PUBLICATIONS

- “The European Approach to the Multilateral Investment Court”, *Transnational Dispute Management*, (forthcoming).
- *International Commercial Arbitration: An Asia-Pacific Perspective*, Thailand Country Reporter, in S. Greenberg, R. Weeramantry, Dr C. Kee (eds.), Kluwer Law International, 2nd ed., (forthcoming).
- “The Ban of Double Hatting in Investment Arbitration: a Double-Edge Sword”, *The NLS Business Law Review*, Vol. 7(2), 2021.
- “From Arbitration to the Investment Court System (ICS): Comparing CETA, EVFTA, and TTIP”, in J. Chaisse, L. Choukroune, and S. Jusoh (eds.), *New Handbook of International Investment Law*, Springer, 2020.
- Interview, “Gender Diversity”, THAC News Letter, 1st edition, 1 September 2020.
- Interview, “An Overview of Emerging Arbitration Jurisdictions”, *Embracing Innovation*, AIAC Newsletter no. 2, August 2020.
- “ICSID and UNCITRAL Draft Code of Conduct: Potential Ban on Multiple Roles Could Negatively Impact Gender and Regional Diversity, as well as Generational Renewal”, *Kluwer Arbitration Blog*, 20 June 2020.
- “ICSID and UNCITRAL Draft Code of Conduct’s Potential Ban on Multiple Roles Could Have a Severe Impact on Gender Diversity”, *ArbitralWomen Newsletter*, 11 May 2020.
- “Backlash in Investment Arbitration”, *Investment Law and Arbitration Wiki*, Jus Mundi, January 2020.

- “Thawing the Restrictions in International Arbitration in Thailand”, *Kluwer Arbitration Blog*, 17 December 2019.
- “LexisPSL Arbitration in Thailand Guide”, *LexisNexis*, October 2019.
- “Thailand’s Top Administrative Court Reinstates Rail Award”, *Global Arbitration Review*, 10 July 2019.
- “The Investment Court System: A False Good Idea?”, *Journal of the Office of the Court of Justice*, vol. 2 2018.
- “The Thai Cabinet: Towards Becoming Arbitration Friendlier for Investors?”, *Asia Pacific Reporter*, Singapore Academy of Law, 2018.
- Young-OGEMID Symposium No. 4: “Move it: Lateral Hires in International Arbitration”, 24 October – 7 November 2016, *Transnational Dispute Management*, 13 March 2017.
- Country Reporter for the ICC Commission on “Arbitration and ADR: Task Force on National Rules of Procedure for Recognition and Enforcement of Foreign Awards pursuant to the New York Convention of 1958” (3rd ed.); (contributor to 2nd ed.).
- “From *Walter Bau* to *Hopewell*: Pathways to Bangkok Don Muang Airport”, *Asia Pacific Reporter*, Singapore Academy of Law, 2015.
- Co-author, “Thailand”, in Alejandro Carballo Leyda (eds.), *Asian Conflict of Laws: East and Southeast Asia*, Kluwer Law International, 2015.
- Co-author, “Thai Government Lifts Total Ban on Arbitration Clauses in State Contracts”, *Herbert Smith Freehills Arbitration Note*, 25 November 2015.
- Co-author, “Thailand: When a Contractor Agreement creates an Employment Relationship”, *Herbert Smith Freehills Employment Notes*, 20 November 2015.
- “Seoul: Trends in the Asia-Pacific Region” (4th Annual ICC Asia Pacific Conference Report), *Global Arbitration Review*, 28 November 2014.
- “Thai Administrative Court Overturns an Arbitration Award against the Government”, *Kluwer Arbitration Blog*, 9 October 2014.
- Co-author, “Thailand Chapter”, in L. Newman and C. Ong (eds.), *Interim Measures in International Arbitration*, JurisNet LLC, 2014.
- Co-author, “The Impounded Boeing 747, the Saga Continues”, *Young Arbitration Review*, July 2014.
- Co-author, “Obtaining Evidence through the Thai Courts”, *IBA Legal News*, May 2014.
- Co-author, “Thailand: Sexual Harassment in the Workplace”, *Herbert Smith Freehills Employment Note*, 31 January 2014.
- Co-author, “Thailand, Towards an Arbitration-Friendlier Jurisdiction?”, *Herbert Smith Freehills Arbitration Note*, 8 January 2014.
- Co-author, “Controversial Minimum Wage Hike”, *Herbert Smith Freehills Employment Note*, 13 May 2013.
- Co-author, “The Impounded Boeing 747”, *Young Arbitration Review*, January 2013.
- Co-author, “Tecnimont, the Saga Continues but is Not Yet Over”, *Kluwer Arbitration Blog*, 25 November 2011.

SPEAKING ENGAGEMENTS

- Moderator, “Fireside Chat with HKIAC Secretary General Dr. Mariel Dimsey”, CIArb, Bangkok, Thailand, 13 January 2023.
- Panelist, “Managing Disputes in Asia: an Institutional Perspective”, Joint THAC-HKIAC panel, Bangkok, Thailand, 13 January 2023.
- Host and Welcoming Remarks, “CIArb Holiday Gathering”, CIArb Thailand Branch, Bangkok, Thailand, 19 December 2022.
- Speaker, “The Importance of Dispute Resolution Clauses in Negotiated Transactions”, The American Chamber of Commerce in Thailand webinar, Bangkok, Thailand, 26 October 2022.
- Host and Moderator, “Interview with SIAC Registrar Kevin Nash on Thai-related international arbitration at SIAC: Trends and practical insights”, CIArb (Thailand branch), Bangkok, Thailand, 5 October 2022.
- Panelist, “The Role of Education in ADR”, THAC Academy Launch, Bangkok, Thailand, 15 December 2022.
- Speaker, “Deadly Justice: Death Penalty in India, Iran, Thailand and Saudi Arabia”, Center for the Death Penalty Studies First Annual Conference, Lamar University, Beaumont, Texas, 12 April 2022.
- Speaker, “Gender Diversity in International Arbitration: Trends and Developments in Thailand and Asia”, joint ArbitralWomen-THAC webinar, Annual THAC ADR Series 2021, Bangkok, Thailand, 30 September 2021.
- Speaker, “Gender Diversity in Japan and the Asia Pacific”, International Women’s Day, ArbitralWomen, Tokyo, Japan, 8 March 2021.
- Speaker, “Interplay between Arbitration and Insolvency Proceedings”, Regional Arbitral Institutes Web Forum 2020, Philippine Institute of Arbitrators, Manila, the Philippines, 24 November 2020.
- Speaker, “Arbitration in the Asia-Pacific Region: An Overview of Recent Developments”, University of Malaya-AIAC webinar, Kuala Lumpur, Malaysia, 18 November 2020.
- Speaker, “How to Start a Career in International Arbitration”, YTHAC Launch, THAC ADR Series, webinar, 22 September 2020; Chair, “Regional Updates in International Arbitration and Managing Disputes through The Current Crisis”, Legal Plus Leaders Web Forum, Hong Kong, 17 September 2020.
- Speaker, “The Power of Gender Parity: Challenges and Opportunity in International Arbitration”, joint ArbitralWomen-THAC webinar, Annual THAC ADR Series 2020, Bangkok, Thailand, 10 September 2020.
- Speaker, “Due Process Paranoia: Dilatory Tactics and Their Impact on International Arbitration Efficiency”, THAC ADR Series, webinar, Bangkok, Thailand, 6 August 2020.
- Speaker, “EU Approach on ISDS Reform: Multilateral Permanent Tribunal”, the Conference on Multilateral Reform of Investor-State Dispute Resolution: A Dialogue among Different Approaches, Silk Road Institute, Xi’an, China, 15-16 September 2019.
- Chair, 8th Annual International Arbitration, Regulatory, and Competition Law Summit, Wolters Kluwer & Legal Plus, Hong Kong, 4 July 2019.
- Debater, “The Prague Rules v. IBA Rules: the Good and the Bad”, ADR Week 2019, AIAC, Kuala Lumpur, Malaysia, 28 June 2019.
- Speaker, “Unconscious Bias in International Arbitration”, ArbitralWomen panel discussion, AIAC, Kuala Lumpur, Malaysia, 26 June 2019.

- Speaker, “ADR in Construction Disputes”, THAC (in Thai language), Bangkok, Thailand, 12 June 2019.
- Speaker, “Becoming a Rising Star in International Arbitration”, ArbitralWomen panel discussion, AIAC, Kuala Lumpur, Malaysia, 6 March 2019.
- Debater, “This House Believes that, as Zealous Advocates, Counsel are Free to Use Any Tactics to Win an Arbitration”, CIArb Young Members Group (YMG) Annual Conference, Dublin, Ireland, 30 November 2018.
- Lecturer, New York University Arbitration Training on International Commercial Arbitration, THAC, Bangkok, Thailand, 11-15 June 2018.
- Lecturer, ICC Institute Advanced PIDA Training Level 2 on International Commercial Arbitration in various sessions, including a speech on “Conducting Complex Arbitrations”, Tokyo, Japan, 5-7 March 2018.
- Speaker, “Talk with Two Female ICC Court Members!” with arbitrator Kim Rooney, Tokyo, Japan, 6 March 2018.
- Speaker, “Drafting Arbitration Clauses: Best Practices and Drafting Tips”, ICC Young Arbitrators Forum (YAF) interactive seminar, Bangkok, Thailand, 12 February 2018.
- Panelist, “Effective Counsel in International Arbitration”, Inaugural ICC YAF Thailand seminar, Bangkok, Thailand, 19 October 2017.
- Moderator, “Reaching Equal Opportunity in International Arbitration: Old Challenges and New Chances”, ArbitralWomen panel discussion, Hong Kong, 19 October 2017.
- Speaker, “Developments in Investment Arbitration: Is ISDS in Danger?” with Brigitte Stern, Lucy Reed, and James Claxton, 3rd ICC Annual Asia Conference, Singapore, 28 June 2017.
- Speaker, “Overview, Recent Trends, New Expedited Rules and Insight into The ICC International Court of Arbitration”, Seminar, ICC International Court of Arbitration, Bangkok, Thailand, 29 May 2017.
- Speaker, “Access to Justice and Dispute Resolution Systems: What do Users Want, Need and Expect”, Global Pound Conference, Bangkok, Thailand, 25 May 2017.
- Lecturer, “ICC Arbitration and Unconscious Bias in International Arbitration”, Ateneo School of Law, Manila, Philippines, 13 May 2017.
- Panelist, “Costs of International Investment Arbitration: Impacts on the Future of Arbitration”, 11th Annual Generations in Arbitration Conference, Moot Alumni Association, Hong Kong, 25 March 2017.
- Speaker, “Overview, Recent Trends, New Expedited Rules and Insight into The ICC International Court of Arbitration”, CIArb YMG and ICC YAF joint event on the ICC International Court of Arbitration, Hong Kong, 22 March 2017.
- Speaker, “Best Practices in Award Writing”, THAC, Bangkok, Thailand, 8 March 2017.
- Speaker, “Guerrilla Tactics in International Arbitration”, joint CIArb-ICC-THAC, Bangkok, Thailand, 8 March 2017.
- Speaker, “How Biased Are We? Unconscious Bias: the Hidden Forces that Impact our Decision Making”, ICC in conjunction with World Business Women and ArbitralWomen, Paris, France, 30 January 2017.
- Lead discussant, “China’s Regional Investment Treaties: Past, Present and Future Treaties”, Asia FDI Forum II, Chinese University of Hong Kong, 29 November 2016.
- ICC CEO 3rd Asia Pacific Forum Master of Ceremony, Bangkok, Thailand, 21 October 2016.

- Panelist, “Challenges of Arbitrators”, THAC interactive seminar, Bangkok, Thailand, 18 August 2016.
- Chair of panel, “International Investment Arbitration and Dispute Resolution in Southeast Asia”, University of Sydney, Bangkok, Thailand, 18 July 2016.
- Panelist, “Skills that Make a Difference: What it Takes to be Effective Counsel in International Arbitration/How to Get Your First Arbitrator Appointment”, Young Arbitral Women Practitioner, Hong Kong, 30 June 2016.
- Panelist, “Unconscious Bias in International Arbitration”, 2nd ICC Annual Asia Regional Conference, Hong Kong, 29 June 2016.
- Speaker, UNCITRAL Symposium, “The Future of Legal Harmonization - New Horizons for International Commerce”, Bangkok, Thailand, 8 April 2016.
- Keynote speaker, “Why Alternative Dispute Resolution is the Better Conflict Resolution Mechanism”, THAC, Bangkok, Thailand, 21 December 2015.
- Speaker, “The Expansion of Thai Anti-Corruption Laws”, joint American Chamber of Commerce and British Chamber of Commerce Legal Briefing, Bangkok, Thailand, 19 October 2015.
- Panelist, “Interim Measures in International Arbitration”, CI Arb Centenary Conference, Singapore, 4 September 2015.
- Speaker, “Dispute Resolution in the Construction Sector”, joint British Chamber of Commerce and American Chamber of Commerce Boardroom Briefing, Bangkok, Thailand, 18 August 2015.
- Speaker, “Class Action in Thailand”, American Chamber of Commerce Legal Committee Breakfast Briefing, Bangkok, Thailand, 28 May 2015.
- Speaker, “Mock Emergency Arbitration”, with Michael Young, 1st ICC Annual Asia Regional Conference, Singapore, 26 May 2015.
- Lecturer, “Drafting Enforceable Awards”, ICC Institute Advance Level of Training, Singapore, 25 May 2015.
- Speaker, “Arbitration and Investment in Thailand”, THAC, Bangkok, Thailand 28 April 2015.
- Lecturer, Thai arbitration law for CI Arb Associate International Arbitration Course, Bangkok, Thailand, 31 October 2014.
- Keynote speaker, “Effective ADR in Thailand” the International Seminar on Development of Dispute Settlement for Business and Trade in Thailand: ASEAN Competitiveness”, Bangkok, Thailand, 28 November 2014.
- Moderator for keynote session by Michael Lee, ICC YAF, Asia Chapter Regional Conference, Singapore, 19 September 2014.
- Speaker, “the ICC Scrutiny Process – A Mock Court Session”, 9th Annual ICC New York Conference, New York, U.S., 8 September 2014.
- Speaker, “International Arbitration and Lessons for Thailand”, TAI Colloquium (in Thai language), Bangkok, Thailand, 19 August 2014.
- Panelist, “Leveraging the ASEAN Economic Community for Greater Growth and Development - How to make the most of the AEC Framework to Expand your Business in the Region”, Franco-Thai Chamber of Commerce Briefing, Bangkok, Thailand, 10 July 2014.
- Speaker, “Dispute Resolution Mechanism when Doing Business Internationally: Pitfalls and Preferences”,

ICC Thailand Boardroom Briefing, Bangkok, Thailand, 29 August 2013.

- Panelist, “the Global Approach in Applying the Law”, the 4th Global ICC YAF Conference, New York, U.S., 27-29 June 2013.

PROFESSIONAL PROFILE

- Qualification: California Bar (2004).
- Fellow of the Chartered Institute of Arbitrators (FCIArb).
- AIAC Panel of Arbitrators.
- SIAC Reserve Panel of Arbitrators.
- SCIA Panel of Arbitrators.
- THAC Panel of Arbitrators.
- TAI Panel of Arbitrators.
- ICC Commission on Arbitration & ADR.
- ICC Thailand Committee on Arbitration & ADR.
- Asia Pacific FDI Network Affiliated Expert.