

## Yukos arbitrator launches own practice in Geneva

Lacey Yong  
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Charles Poncet

Renowned Swiss arbitrator **Charles Poncet**, co-founder of a firm that eventually became the Swiss branch of CMS and one of the members of the tribunal in the *Yukos* case, has retired to establish his own arbitrator practice in Geneva.

Poncet opened his new boutique, Poncetlaw, on 1 January. While the boutique has no other practitioners, he says that CMS associate **Luisa Mockler** in Geneva and San Francisco will continue to work with him as a “virtual member” of the firm.

Poncet tells *GAR*: “I enjoyed every minute of my time with CMS where I met many outstanding lawyers and made lifelong friendships. However, a vast organisation – almost 4,000 lawyers – generates inevitable conflicts of interest. In the interest of my practice as an arbitrator, I therefore decided to retire.”

In 1986, Poncet co-founded ZPG Avocats in Geneva. Following a merger with another Swiss firm, the practice became part of the CMS network in 2014 as CMS von Erlach Poncet with offices in Geneva and Zurich.

As arbitrator, Poncet has heard high-profile international commercial and investment treaty disputes and was famously part of the Energy Charter Treaty tribunal that ordered Russia to pay US\$50 billion in damages to the former majority shareholders in *Yukos* in 2014.

Poncet was appointed to that tribunal by the shareholders, sitting alongside president **Yves Fortier QC** and Russia’s appointee **Stephen Schwebel**. The award was set aside by a district court in The Hague last April, with an appeal of the decision set to start next week.

At ICSID, Poncet has been appointed to hear three cases, two of which are still ongoing: a claim brought by Italian investors against Albania over an alleged campaign of harassment and a claim launched by the German federal state of Baden-Württemberg against Spain over renewable energy reforms.

The completed claim he heard was against Mali, leading to an award partly in favour of the claimant, Jersey-based gold mining company Randgold Resources, in 2016.

In 2015, Poncet was part of an ICC tribunal that awarded EDF subsidiary Edison €1 billion in a price review claim against Italy's Eni concerning gas supplied from Libya, sitting on a tribunal with German arbitrator and fellow CMS partner **Klaus Sachs** and Swiss arbitrator **François Perret**.

As counsel, he was recently part of a CMS team that represented Spain's Repsol and its South Korean partners in a US\$240 million ICC claim against Algeria's national oil and gas company Sonatrach. The tribunal issued an award in October.

**Dorothee Ruckteschler**, the Stuttgart-based head of international arbitration at CMS, says that Poncet's decision to set up his own arbitration practice is in line with that of "many other great arbitrators."

She adds, "We fully understand Charles's decision and he leaves the firm as a friend. He is a terrific lawyer and an outstanding practitioner of arbitration and we look forward to continuing to see him in the arbitration community."

Fortier describes his former co-arbitrator's move as a "big loss for CMS, but a huge gain for the international arbitration community" and praises him as a "multi-lingual lawyer with vast experience in important arbitrations."

French arbitrator and president of the ICC International Court of Arbitration **Alexis Mourre** says: "Charles is a stellar figure in the world of arbitration: an outstanding and hard-working arbitrator with sound judgment and impeccable ethics. It has always been a great pleasure to sit with him."

Qualified to practise in Geneva and Zurich, Poncet is a graduate of the University of Geneva, where he obtained his law degree and PhD. He also has a Master of Laws from Georgetown Law School in Washington, DC.

Before launching ZPG Avocats, he was an associate at Swiss law firm Poncet Turrettini in Geneva from 1976 to 1981.

He is fluent in English, French, German and Italian.

Outside his practice, Poncet is known for his work faithfully recording the decisions of the Swiss Federal Tribunal in emails circulated to international arbitration practitioners – with his own guidance as to how interesting they are.

Poncet is not the only Swiss arbitrator to have recently launched his own practice. Earlier this week, fellow Swiss **Georg von Segesser** announced he was going solo in Zurich after 35 years with Schellenberg Wittmer – a firm he helped found in 1982.

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