



ANA GERDAU DE BORJA MERCEREAU

Associate

Tel. +33 (0) 1 40 555 100

Fax +33 (0) 1 40 555 105

agerdaudeborja@derainsgharavi.com

NATIONALITY: Brazilian and German
LANGUAGES: Portuguese, English, French and Spanish
ADMISSION: Brazil, Portugal and Paris (Directive 98/5/EC)
OFFICE: Paris

Ana Gerda de Borja Mercereau is a senior associate at Derains & Gharavi (Paris) with over 12 years' experience in international and domestic arbitration. She has acted as counsel and secretary to arbitral tribunals in commercial and investor-State arbitrations under the ICSID, the ICC, the LCIA-MIAC, and the ICDR/AAA rules, and under Brazilian institutions' rules (CAM-CCBC, CCMA CIESP/FIESP, CAMARB, Câmara FGV, CAM-BM&FBOVESPA, AMCHAM-Brazil and CMA from São Paulo's Instituto de Engenharia). Her cases have included commercial transactions, joint ventures, large infrastructure projects (in construction, renewable energy, oil & gas and transportation), M&A deals, and projects in real estate and for mining research and exploration.

She is a member of the ICC Commission on International Arbitration and ADR, upon nomination of the Brazilian Committee, and of its Task Force entitled "Corruption in International Arbitration." Ana is one of the founders of the Rising Arbitrators Initiative (<https://risingarbitratorsinitiative.com/page/executive-committee.htm>, <https://globalarbitrationreview.com/new-group-offers-support-young-arbitrators>) and co-chair of its Executive Committee, a CI Arb European Branch YMG Representative, a member of CI Arb YMG Global Steering Committee and of Delos' Long View Steering Committee. She was the recipient of one of the 14 "Women in Law Award, Latin America" for Brazil in 2014.

Ana holds a Ph.D. and an LL.M. (International Law) from the University of Cambridge and speaks French, English, Portuguese (native language) and Spanish.

She is admitted to the Bars of Brazil (São Paulo) and Portugal (Porto) and is registered with the Paris Bar (Directive 98/5/EC).

PROFESSIONAL EXPERIENCE

Since Jan. 2018: Associate, Derains & Gharavi (Paris)
2015 - 2017: Associate, International Arbitration, Cleary Gottlieb Steen & Hamilton (Paris)
2010 – 2015: Associate, International and Domestic Arbitration, Professor Wald's law firm (São Paulo)
2009 – 2010: Associate, International and Domestic Arbitration, BKBG (São Paulo)

ACADEMIC POSITION

2017 Lecturer in Private International Law (Prof. Bernard Haftel's course) at the University of Paris-XIII

EDUCATION

2010 PhD in law, under the supervision of James Crawford, thesis: « Regional Economic Community Rules and Investment Treaty Arbitration: The EU Experience and its Relevance for the Andean Community », from the University of Cambridge

2006 LL.M. in international law from the University of Cambridge

2005 LL.B. from the University of *Federal do Rio Grande do Sul*, Porto Alegre

MEMBERSHIPS

- Co-founder of the Rising Arbitrators Initiative (RAI) and co-chair of its Executive Committee
- Fellow, Chartered Institute of Arbitrators, FCI Arb
- Member of the ICC Commission on Arbitration and ADR
- Member of the Brazilian Arbitration Committee (CBar)
- Member of the *Dispute Resolution Board Foundation* (DRBF)
- Member of ICC Brazil
- Member of the ICC *Task Force* for the revision of ADR, Expert and Dispute Board rules (2012-2014)

PUBLICATIONS

- “Prise en compte des droits de l'homme et de l'environnement dans les traités bilatéraux d'investissement” in “La protection des investissements étrangers : vers une réaffirmation de l'État ?”, Actes du Colloque du 2 juin 2017, A. Pedone, 2018
- “Caso Valeri Belokon v. Kyrgyz Republic : the standard of proof applying to corruption allegations” (comentário) in *Revista de Arbitragem e Mediação* no. 56 (2018)
- “Instalment Contracts and Fundamental Breach in the CISG : A Brazilian Perspective”, in I. Schwenzer, C. Pereira, and L. Tripodi (eds), “CISG and Latin America”, Eleven Publishing (2016)
- *Investment Protection in Brazil*, with D. Levy and A. Pucci, Kluwer (2014)
- “Brazil as 'La Belle of the Ball': The Brazilian Courts' Pro-Arbitration Stance (2011-2012)” (with A. Wald and M. Vieira) in *The Paris Journal of International Arbitration/Les Cahiers de l'Arbitrage* 2013-2