

Kamel Aitelaj

Special Counsel

— VCARD

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Kamel Aitelaj is special counsel in the Washington, DC office of Milbank and a member of the firm's Litigation & Arbitration Group.

Primary Focus & Experience

Kamel's practice focuses on complex transborder dispute resolution. He has represented sovereign states and major international companies (telecommunications, financial, chemical and biosciences, energy and mining) in a wide range of proceedings, including investment treaty-based arbitration and commercial arbitration conducted under all major arbitral rules (UNCITRAL, ICSID, ICC, ICDR, HKIAC, LCIA and SCC). Kamel has substantial experience in matters involving sovereign immunity and award enforcement, including in proceedings before the US Supreme Court. He also regularly advises on matters of international law issues, such as transboundary watercourses and human rights.

Kamel also advises clients operating or investing across borders on foreign investment matters, including economic sanctions, and is a member of the firm's Global Risk & National Security Practice.

Recent representative matters include:

- Successful defense of the Government of Mongolia in an arbitration administered by the Permanent Court of Arbitration in The Hague against Chinese state-owned enterprises regarding access to one of the largest iron-ore mines in the country. (New York seat; Public international law/Mongolian law).
- Successful representation of two Mexican project companies in ICDR arbitration proceedings against construction company Abengoa regarding the development and operation of a wind farm in Tamaulipas, Mexico. (New York seat; Mexican law).
- Successful representation of a global renewable energy company in ICC arbitration proceedings against a Chinese state-owned enterprise acting as general contractor under an EPC Contract for the development of a solar plant in Argentina. (Singapore seat; Argentine law).

- Successful representation of Bayer CropScience in ICC arbitration, and subsequent litigation in US courts, against Dow Agrosciences regarding the use of herbicide-resistant gene under a French law license contract, obtaining nearly half a billion dollars in damages. (Indianapolis seat; French contract law/US patent law).
- Successful representation of ABS Satellite against Korean KTSat Corporation in ICC arbitration, and subsequent litigation in US courts, regarding the sale and transfer of a geostationary satellite. (New York seat; New York/Korean law).
- Successful representation of the operator of the Metrorail system in Manila in UNCITRAL arbitration against the Government of the Philippines. (Singapore seat; Philippine Law).

Recognition & Accomplishments

Kamel is licensed to practice at the New York and District of Columbia bars, the Barreau de Paris and was called to the Bar of England and Wales (Middle Temple). He is listed on the Roster of Commercial Arbitrators of the American Arbitration Association and on the Panel of Arbitrators of the Thailand Arbitration Center. He is a fellow of the Chartered Institute of Arbitrators, a member of the Energy Charter Secretariat Legal Advisory Task Force and a member of the CPR Brazil Advisory Board.

Kamel is a native French speaker. He is proficient in Portuguese and Spanish.

ADDITIONAL DETAILS

EDUCATION

University of Pennsylvania Carey Law School, LL.M.

Paris-Panthéon-Assas University, LL.M.

Université de Paris, LL.B.

ADMISSIONS

District of Columbia

England and Wales

New York

US Court of Appeals for the Second Circuit

US District Court for the Southern District of New York

US Supreme Court

EXPERIENCE

Global Risk & National Security Practice

International Arbitration

Litigation & Arbitration

United States

FEATURED NEWS

Securing International Law Protections for Brazilian Outbound Investments Against Geopolitical Risks

Protect Outbound German Investment Through Bilateral Investment Treaty Planning

Enforcing Arbitral Awards Against Sovereigns in the United States: Recent DC Circuit Court Decision Limits a State's Defense of Sovereign Immunity

When a Dollar Today May Be Worth More than Two Speculative Dollars Tomorrow:
Unlocking the Value of Arbitral Awards Early through Monetization Finance

Securing International Law Protections Against Geopolitical Risks for Canadian Outbound Investments Through Investment Treaties

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