

**DAVID A R WILLIAMS QC**  
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**Scope of Practice – International Commercial Arbitration – International Law**

David A R Williams QC is a graduate of the University of Auckland (LLB, 1965) and of Harvard University (LLM, 1966) and a member of the New Zealand, Australian and English Bars. From 1992 to 1994, he was a judge of the High Court of New Zealand. He was a Visiting Fellow at the University of Virginia, US in 1979 and at Cambridge University in 2002. Mr Williams is a Fellow of the Chartered Institute of Arbitrators and the former president of the Arbitrators' and Mediators' Institute of New Zealand. He is a member of numerous international arbitration panels. Previously, he was a member of the board of the American Arbitration Association, the ICC International Court of Arbitration and the London Court of International Arbitration, and he currently serves as a member of the International Council for Commercial Arbitration (ICCA). In 2010 he was appointed an honorary professor at the University of Auckland Law School where he teaches international arbitration. Together with Amokura Kawharu, Mr Williams is co-author of *Williams and Kawharu on Arbitration* (LexisNexis, 2011), New Zealand's first comprehensive treatise on domestic and international arbitration and has contributed chapters to other works, including: Muchlinski, Ortino and Schreuer (eds) *The Oxford Handbook of International Investment Law* (OUP, 2008); Brown and Miles (eds) *Evolution in Investment Treaty Law and Arbitration* (Cambridge UP, 2011); Pryles and Moser (eds) *The Asian Leading Arbitrators' Guide to International Arbitration* (JurisNet, 2007); and, Rowley (ed.) *Arbitration World* (The European Lawyer, 2006 and 2010). He is the joint arbitration editor of the New Zealand Law Review.

Mr Williams has developed a global international arbitration practice through which he has been involved, either as counsel or arbitrator, in over 130 international arbitrations. He has extensive experience as an international arbitrator in ad hoc, ICC, LCIA, AAA, and SIAC arbitrations in disputes involving oil and gas concessions, commodities pricing, joint ventures, licensing disputes, reinsurance, political risk insurance, power and infrastructure projects, construction, commercial contracts, and pharmaceutical industry disputes. Mr Williams has also conducted numerous investment treaty arbitrations under both the ICSID Arbitration Rules and the UNCITRAL Arbitration Rules. In addition, Mr Williams has sat on many sports arbitration panels under the auspices of the CAS. He serves part-time as the President of the Court of Appeal of the Cook Islands.

**Academic Qualifications**

LLB, University of Auckland Law School, 1965

LLM, Harvard Law School, 1966

Visiting Scholar University of Virginia Law School, USA, 1978

Visiting Fellow Cambridge University, UK, 2002

Honorary Professor, Faculty of Law, University of Auckland

**Professional Qualifications**

Admitted as a barrister to:

- New Zealand Bar (1965) (New Zealand Law Society)
- English Bar (Lincoln's Inn) (2003) (Legal Services Board)\*
- Australian Bar (1986) (Australian Bar Association)\*
- N.S.W. (1987) (New South Wales Bar Association)\*
- Victoria (1987) (The Victorian Bar Inc)\*
- A.C.T. (1986) (Australian Capital Territory Bar Association)\*
- Cook Islands Bar (1998) (Cook Islands Law Society)\*

\* Mr Williams is not the holder of a current practising certificate in these jurisdictions since he does not practise as a barrister in such jurisdictions.

**Indemnity Insurance**

Mr Williams has professional indemnity insurance in New Zealand, provided by AON New Zealand.

**Experience at the Bar**

Litigation partner, Russell McVeagh McKenzie Bartleet & Co, Auckland 1969 - 1984

Barrister at Law 1985-1991, 1995 -

Queen's Counsel, 1987 -

**Judicial Experience**

Justice of the High Court of New Zealand, 1991 - 1994

*Part-time appointments*

Justice of the High Court of the Cook Islands 2000-2005

Chief Justice of the Cook Islands 2005 – 2010

Justice of the Court of Appeal of the Cook Islands 2010 – 2014

President of the Court of Appeal of the Cook Islands 2014 –

Justice of the Court of the Dubai International Financial Centre 2007 – 2013.

**Current Memberships**

- Arbitrators and Mediators Institute of New Zealand (Past President/Fellow)
- British Institute of International and Comparative Law (Member of the Investment Treaty Forum)
- Chartered Institute of Arbitrators (Fellow and Chartered Arbitrator)
- Court of Arbitration for Sport (Panel of Arbitrators)
- International Council on Commercial Arbitration (ICCA) (Council Member)
- International Bar Association (Former Chair of the Sub-Committee on Investment Treaty Arbitration)
- International Law Association (Member of Committee on International Commercial Arbitration and International Law of Foreign Investment)
- International arbitration panels (Member of many international arbitration panels including ICSID (nominee of NZ Government))
- London Court of International Arbitration
- New Zealand Bar Association
- Swiss Arbitration Association

**SUMMARY OF INTERNATIONAL ARBITRATION EXPERIENCE**

(Identity of parties suppressed unless proceedings made public by the parties through Court proceedings, public statements, or otherwise)

**EXPERIENCE AS COUNSEL**

1. **ICC** *CBI NZ Ltd v Badger Chiyoda*  
 Role: Senior Counsel for Badger Chiyoda  
 Subject: International construction contract  
 Applicable law: New Zealand  
 Site: Auckland, New Zealand  
 Outcome: Award 19 May 1988; unsuccessful Claimant appealed to Court of Appeal of New Zealand; appeal dismissed December 1989: see *CBI NZ Ltd v Badger Chiyoda* [1989] 2 NZLR 669 (CA) upholding ICC Rules, Art. 24 providing that parties deemed “to have waived their right to any form of appeal”.
  
2. **ICSID** *Attorney-General of New Zealand v Mobil Oil NZ Ltd*  
 Role: Senior Counsel for Mobil Oil  
 Subject: International investment dispute relating to off-take provisions in contract relating to synthetic fuel plant  
 Applicable law: New Zealand  
 Site: Washington, D.C., USA and Auckland, New Zealand  
 Outcome: Written and oral proceedings (in USA and NZ) prior to issue of Award on liability May 1989; prior attempt by Attorney-General to enjoin ICSID arbitral proceedings failed in New Zealand High Court: see *Attorney-General v Mobil Oil NZ Ltd* [1989] 2 NZLR 649; Mobil Oil succeeded in its claim that the pricing provisions of the investment contract did not violate New Zealand competition laws and that the Government abdication of contract was unlawful; damages were therefore payable to Mobil: see *Mobil Oil v New Zealand* 4 ICSID Reports 140.
  
3. **Ad Hoc** *Attorney-General of the Cook Islands v Cable & Wireless Ltd*  
 Role: Senior Counsel for Attorney-General  
 Subject: Compensation payable on termination of international telecommunications services agreement  
 Applicable law: Cook Islands  
 Site: Auckland, New Zealand and Rarotonga, Cook Islands  
 Outcome: Court ordered Arbitration Award issued in March 1992 settling amount of compensation payable on termination.
  
4. **Ad Hoc** *Marnell Corrao Associates v Sensation Yachts Inc*  
 Role: Senior Counsel for Plaintiff boat-builder  
 Subject: Superyacht construction contract  
 Applicable law: New Zealand  
 Site: London  
 Outcome: Contested High Court proceedings on interim measures reported in 2000: see *Marnell Corrao Associates v Sensation Yachts Inc* (2000) 15 PRNZ 608; preliminary hearings in Auckland, New Zealand 2001; case settled February 2002.

5. **Ad Hoc** *Sensation Yachts Ltd v Darby Maritime Ltd & Anor*
- Role Senior Counsel for Plaintiff boat builder  
 Subject Superyacht construction contract  
 Applicable law: England  
 Site: London  
 Outcome: Successful application to High Court by Plaintiff for interim measures: see *Sensation Yachts Ltd v Darby Maritime Ltd & Anor* (Wild J, HC, Auckland, M 1146-SW02, October 25, 2002); hearings before sole arbitrator, Mr Nicholas Fletcher, London December 2002; Award issued February 2003.
6. **Ad Hoc** *Genesis Power Limited v Rolls Royce Engineering Plc*
- Tribunal Members: Sir David Tompkins (Chair), Rt. Hon J S Henry QC, H Rennie QC  
 Role Senior Counsel for the Claimant  
 Subject Power plant construction dispute  
 Applicable law: New Zealand  
 Site: Auckland, New Zealand  
 Outcome: Preliminary Conference and Order for Directions May 2006; Ruling on Jurisdiction August 2006; arbitration proceedings removed by agreement into High Court of New Zealand.
7. **Ad Hoc** *Genesis Power Limited v Rolls Royce Engineering Plc*
- Tribunal Members: Sir David Tompkins (Chair), Rt. Hon J S Henry QC, H Rennie QC  
 Role Senior Counsel for the Claimant  
 Subject Power plant construction dispute  
 Applicable law: New Zealand  
 Site: Auckland, New Zealand  
 Outcome: Preliminary Conference and Order for Directions May 2006; Ruling on Jurisdiction August 2006; arbitration proceedings removed by agreement into High Court of New Zealand.
8. **UNCITRAL Rules** *Philip Morris Asia Limited v The Commonwealth of Australia*
- Tribunal Members: Prof. Karl-Heinz Boeckstiegel (Chair), Prof. Gabrielle Kaufmann-Kohler, Prof. Donald McRae  
 Role Counsel for Claimant (with Joe Smouha QC, Salim Moolan and Simon Foote)  
 Subject Confidential  
 Applicable law: HK – Australia BIT and International Law  
 Site: TBC  
 Outcome: Preliminary procedures underway.

**EXPERIENCE AS ARBITRATOR****STATE v STATE INTERNATIONAL ARBITRATION**

1. **LCIA** *United States v Canada*
- Role: Party-appointed arbitrator (appointed by USA)  
 Co-arbitrators: Professor Albert Jan van den Berg (party-appointed arbitrator) (appointed by Canada), Professor Gabrielle Kaufmann-Kohler (Chair)  
 Subject: Alleged breaches of the Softwood Lumber Agreement between the Government of the United States of America and the Government of Canada (2006)  
 Site: Ottawa, Canada  
 Outcome: Hearing held July 2009. Award issued January 2011.
2. **LCIA** *United States v Canada No.2*
- Role: Party-appointed arbitrator (appointed by USA)  
 Co-arbitrators: Professor Albert Jan van den Berg (party-appointed arbitrator) (appointed by Canada), Professor Gabrielle Kaufmann-Kohler (Chair)  
 Subject: Interpretation of the award in the first arbitration  
 Site: Ottawa, Canada  
 Outcome: Award issued April 2014

**INTERNATIONAL INVESTMENT ARBITRATION**

3. **ICSID** *CDC Group plc v Republic of the Seychelles*
- Role: Member of three-person ad hoc Committee  
 Other Committee members: Judge C N Brower (U.S.) (Pres.), M Hwang (Singapore)  
 Subject: Annulment proceeding in relation to ICSID Award; underlying dispute involved guarantees given in relation to borrowings to finance development of power stations  
 Applicable law: English  
 Site: Washington DC, London, Singapore  
 Outcome: Decision on Application for Stay of Enforcement issued July 2004; Hearing of Application for annulment January 2005; Decision issued June 2005.
4. **ICSID** *Siag & Vecchi v Republic of Egypt*
- Role: President of a three-person tribunal  
 Co-arbitrators: Professor Francisco Orrego Vicuña (Chile), Professor Michael Pryles (Australia)  
 Subject: Alleged expropriation of business  
 Applicable law: Italy – Egypt BIT and International Law  
 Site: Paris  
 Outcome: Award on Jurisdiction issued April 2007; Substantive hearing March 2008; Award issued June 2009.
5. **ICSID** *Hrvatska v Republic of Slovenia*
- Role: President of a three-person tribunal  
 Co-arbitrators: Judge Charles N Brower (US), Jan Paulsson (France)  
 Subject: Dispute involving nuclear power plant  
 Applicable law: Energy Charter Treaty and International Law  
 Site: Paris

- Outcome: Hearing on certain aspects of liability and damages May 2008; Hearing on treaty interpretation November 2008; Decision on Treaty Interpretation issued June 2009; Hearing on damages July 2009; Awaiting results of Independent Expert Process.
6. **ICSID** *Occidental Petroleum Inc USA v Republic of Ecuador*
- Role: Party appointed member of three-person tribunal  
 Co-arbitrators: Yves Fortier (Canada) (Pres.), Prof. Brigitte Stern (France)  
 Subject: Alleged expropriation in breach of BIT  
 Applicable law: US – Ecuador BIT and International Law  
 Site: Washington DC/Paris  
 Outcome: Interim measures hearing May 2007; Award on jurisdiction issued August 2008; Substantive hearing on liability held December 2008; Hearing on quantum November 2009; Further Hearing on Quantum June 2011; Further Hearing held April 2012; Final Award issued October 2012.
7. **UNCITRAL Rules** *Polish companies v Republic of Turkey*  
 (Administered by Permanent Court of Arbitration)
- Role: Chairman of a three-person tribunal  
 Co-arbitrators: Charles Brower (US), Prof. Pierre Mayer (France)  
 Subject: Alleged expropriation in breach of BIT  
 Applicable law: Poland - Turkey BIT and International Law  
 Site: The Hague  
 Outcome: Case terminated July 2009 as a result of Claimants' failure to prosecute.
8. **ICSID** *Fondel Metal Participations BV v Republic of Azerbaijan*
- Role: Chairman of a three-person tribunal  
 Co-arbitrators: Judge Stephen M. Schwebel (US), J. William Rowley QC (Canada)  
 Subject: Alleged expropriation in breach of BIT  
 Applicable law: Netherlands - Azerbaijan BIT and International Law  
 Site: The Hague  
 Outcome: Case settled December 2008 after completion of interlocutory procedures.
9. **UNCITRAL Rules** *Frontier Petroleum Services Ltd v The Czech Republic*
- Role: Chairman of a three-person tribunal  
 Co-arbitrators: Henri Alvarez QC (Canada), Prof. Christoph Schreuer (Austria)  
 Subject: Denial of justice; Alleged breaches of BIT  
 Applicable law: Canada - Czech Republic BIT and International Law  
 Site: The Hague  
 Outcome: Hearing held October 2009; Deliberations held March 2010; Final Award issued December 2010.
10. **UNCITRAL Rules** *Greek shipping company v. Government of Ukraine*
- Role: Party-appointed member of three-person tribunal  
 Co-arbitrators: L Yves Fortier CC QC (Canada) (Chair), Robert Dossou (Benin)  
 Subject: Alleged expropriation in breach of BIT  
 Applicable law: Greece – Ukraine BIT and International Law  
 Site: Paris  
 Outcome: Award on jurisdiction issued May 2009; Case settled.

11. **UNCITRAL Rules** *Russian investor v. Republic of Georgia*
- Role: Party-appointed member of three-person tribunal  
 Co-arbitrators: Prof. Bernard Hanotiau (Belgium), Prof. William W. Park (USA) (Chair)  
 Subject: Alleged expropriation in breach of Georgian Constitution and Investment Law  
 Applicable law: Georgian law  
 Site: Paris  
 Outcome: Case settled.
12. **ICSID** *Deutsche Bank v Republic of Sri Lanka*
- Role: Party-appointed member of three-person tribunal  
 Co-arbitrators: Makhdoom Ali Khan (Pakistan), Prof. Bernard Hanotiau (Belgium) (Pres.)  
 Subject: Alleged breach of BIT and oil hedging contracts  
 Applicable law: Germany - Pakistan BIT and International Law  
 Site: Singapore  
 Outcome: Hearing held September 2011; Final Award issued October 2012.
13. **ICSID** *Maersk Olie, Algeriet A/S v The People's Democratic Republic of Algeria*
- Role: Party-appointed member of three-person tribunal  
 Co-arbitrators: Dr Kamal Hossain (Bangladesh), Prof. Gabrielle Kaufmann-Kohler (Switzerland) (Pres.)  
 Subject: Alleged breach of BIT by introduction of windfall profits tax  
 Applicable law: Denmark – Algeria BIT and International Law  
 Site: Paris  
 Outcome: Hearing held November 2011; Case settled.
14. **ICSID** *Gold Reserve Inc. v Bolivarian Republic of Venezuela*
- Role: Party-appointed member of three-person tribunal  
 Co-arbitrators: Prof. Pierre-Marie Dupuy (France), Prof. Piero Bernardini (Italy) (Pres.)  
 Subject: Alleged breach of BIT and mining rights  
 Applicable law: Canada – Venezuela BIT and International Law  
 Site: Paris  
 Outcome: Hearing held in February 2012; further Hearing held in October 2013; Award pending.
15. **ICSID** *Bernhard von Pezold & Ors v Republic of Zimbabwe*
- Role: Party-appointed member of three-person Tribunal  
 Co-arbitrators: Michael Hwang (Sing), L Yves Fortier CC QC (Canada) (Pres.)  
 Subject: Alleged expropriation of land and other assets  
 Applicable law: Germany – Zimbabwe and Switzerland – Zimbabwe BITs and International Law  
 Site: Washington, D.C.  
 Outcome: Hearing held in October/November 2013.
16. **ICSID** *Border Timbers Limited, Border Timbers International (Private) Limited, and Hangan Development Co. (Private) Limited v Republic of Zimbabwe*
- Role: Party-appointed member of three-person Tribunal

- Co-arbitrators: Michael Hwang (Sing), L Yves Fortier CC QC (Canada) (Pres.)  
 Subject: Alleged expropriation of land and other assets  
 Applicable law: Switzerland – Zimbabwe BIT and International Law  
 Site: Washington, D.C.  
 Outcome: Hearing held in October/November 2013.
17. **ICSID** *Enron Creditors Recovery Corp. (formerly Enron Corp.) and Ponderosa Assets, L.P. v Argentine Republic*
- Role: Party-appointed member of three-person Tribunal  
 Co-arbitrators: Tan Sri Dato' Cecil Abraham (Malaysia) (Pres.), Dr Kamal Hossain (Bangladesh)  
 Subject: Dispute concerning investment in Argentine gas transportation company.  
 Applicable law: US – Argentina BIT and International Law  
 Site: Washington, D.C.  
 Outcome: Case in abeyance pending outcome of settlement negotiations.
18. **ICSID** *Sempra Energy International v Argentine Republic*
- Role: Party-appointed member of three-person Tribunal  
 Co-arbitrators: Prof. Vaughan Lowe, QC (UK) (Pres.), Dr Kamal Hossain (Bangladesh)  
 Subject: Dispute concerning investment in Argentine gas companies.  
 Applicable law: US – Argentina BIT and International Law  
 Site: Washington, D.C.  
 Outcome: Case suspended.
19. **ICSID** *Nova Scotia Power Incorporated v Bolivarian Republic of Venezuela*
- Role: Party-appointed member of three-person Tribunal  
 Co-arbitrators: Prof. Hans van Houtte (Belgium) (Pres.), Prof. Raul Emilio Vinuesa (Argentina)  
 Subject: Dispute concerning termination of coal supply agreement.  
 Applicable law: Canada – Venezuela BIT and International Law  
 Site: Paris  
 Outcome: Hearing on Jurisdiction held June 2013; Award finding no jurisdiction issued April 2014.
20. **UNCITRAL Rules** *Consortium of Foreign Investors v Central Asian State*
- Role: Chairman of a three-person Tribunal  
 Co-arbitrators: L Yves Fortier CC QC (Canada), Bernard Hanotiau (Belgium)  
 Subject: Dispute concerning termination of mining concession.  
 Applicable law: Energy Charter Treaty and International Law  
 Site: Paris  
 Outcome: Hearing on Jurisdiction held May 2012; Decision on Jurisdiction issued 25 July 2012; Hearing on Liability held November 2013; Award pending.
21. **ICSID** *Tza Yap Shum v Republic of Peru*
- Role: Member of a three-person Tribunal  
 Co-arbitrators: Judge Dominique Hascher (France) (Pres.), Prof. Donald M. McRae (NZ/Canada)  
 Subject: Annulment proceeding.  
 Applicable law: China – Peru BIT and International Law  
 Site: Washington, D.C.



- Outcome: Resigned December 2012 due to a potential conflict of interest which arose (and was disclosed) in November 2012.
22. **ICSID** *Adel A Hamadi Al Tamimi v Sultanate of Oman*
- Role: President of a three-person Tribunal  
 Co-arbitrators: Judge Charles N. Brower (US), Christopher Thomas QC (UK)  
 Subject: Dispute concerning alleged expropriation of limestone quarrying and crushing concession.  
 Applicable law: US – Oman FTA and International Law  
 Site: Washington, D.C.  
 Outcome: Hearing held April 2014.
23. **ICSID** *Sudapet Company Limited v Republic of South Sudan*
- Role: Party-appointed member of a three-person Tribunal  
 Co-arbitrators: Gavan Griffith QC (Australia), Prof. Campbell McLachlan QC (New Zealand) (Pres.)  
 Subject: Dispute concerning alleged expropriation of petroleum and hydrocarbon interests.  
 Applicable law: Southern Sudan Investment Protection Act 2009  
 Site: London  
 Outcome: Hearing on Jurisdiction and Liability scheduled for July 2015.
24. **ICSID** *Ping An Life Insurance Company of China, Limited and Ping An Life Insurance (Group) Company of China, Limited v Kingdom of Belgium*
- Role: Party-appointed member of a three-person Tribunal  
 Co-arbitrators: Philippe Sands (UK), Lord Collins (UK) (Pres.)  
 Subject: Dispute concerning measures taken by Belgian government during 2008 financial crisis.  
 Applicable law: China – EU BIT and International Law  
 Site: The Hague  
 Outcome: Hearing on Jurisdiction scheduled for November 2014.

#### **INTERNATIONAL COMMERCIAL ARBITRATION**

25. **Ad Hoc** *NZ Company v Australian Company*
- Role: Sole arbitrator  
 Subject: International commercial contract  
 Applicable law: New Zealand  
 Site: Wellington, New Zealand  
 Outcome: Award issued in 1994 after written and oral proceedings.
26. **AAA** *Californian Company v Canadian Company*
- Role: Member of three-person tribunal  
 Subject: Breach of written guarantee  
 Applicable law: California  
 Site: San Diego, California  
 Outcome: Preliminary conference October 1995; claim settled.
27. **AAA** *US Company v Canadian Company*
- Role: Chairman of three-person tribunal  
 Co-arbitrators: J Elder QC (Canada), W Kocher (USA)  
 Subject: International licensing agreement  
 Applicable law: Ontario  
 Site: Toronto, Canada

- Outcome: Interim Award on liability issued in October 1996 after five-month hearing; settlement in May 1997 prior to commencement of damages phase.
28. **ICC** *Australian Company v South Pacific Government and English Company*
- Role: Sole arbitrator  
 Subject: Joint venture financing  
 Applicable law: Vanuatu  
 Site: Vanuatu  
 Outcome: Written and oral proceedings in 1997; Interim Awards issued in November 1997 and August 1998; Final Award delivered June 1999; Queensland High Court decision granting leave to enforce interim award upheld in Court of Appeal of Queensland in June 2000: see *Commonwealth Development Corp v A J Montague* [2000] QCA 252, noted in Mealey's Int Arb Rep Vol 15, Iss 7 at 7.
29. **LCIA** *French Company v Jordanian Company and Jordanian Nationals*
- Role: Member of three-person tribunal  
 Subject: International licensing agreement  
 Applicable law: France  
 Site: London  
 Outcome: Case settled.
30. **ICC** *South Pacific Government Corporation v Australian Partnership*
- Role: Sole arbitrator  
 Subject: International construction contract  
 Applicable law: Vanuatu  
 Site: Vanuatu  
 Outcome: Written and oral proceedings 1998 – 1999; Consent Award on liability issued August 1999; Award on interest and costs issued December 2000.
31. **AAA** *US Partnership v Japanese Partnership*
- Role: Chairman of three-person tribunal  
 Co-arbitrators: J N Creer (Australia), C R Thomson QC (Canada)  
 Subject: International contract and fiduciary obligations of partners  
 Applicable law: New York  
 Site: New York  
 Outcome: Preliminary hearings April-May 1998; case settled.
32. **ICC** *Canadian Company v Irish and UK Companies*
- Role: Sole arbitrator  
 Subject: Patent infringement  
 Applicable law: Ontario  
 Site: Toronto, Canada  
 Outcome: Case settled.
33. **Ad Hoc** *NZ Company v US and Korean Companies*
- Role: Sole arbitrator  
 Subject: Worldwide licence agreement  
 Applicable law: New Zealand  
 Site: Auckland, New Zealand

- Outcome: Written and oral proceedings in February 2000; Award issued September 2000.
34. **LCIA** *Swiss and British Virgin Island Companies v English and French Companies*
- Role: Chairman of three-person tribunal  
 Co-arbitrators: P Gross QC (England), Prof. P Bernardini (Italy)  
 Subject: International sales contracts and insurance  
 Applicable law: England  
 Site: London  
 Outcome: Case settled.
35. **Ad Hoc** *International Joint Venture Companies v Airport Authority*
- Role: Sole arbitrator sitting with Engineering Assessor  
 Subject: International construction contract  
 Applicable law: England  
 Site: London  
 Outcome: Preliminary hearings in Hong Kong November 2000; Case settled.
36. **SIAC** *International Consortium of Banks v Indonesian Company*
- Role: Chairman of three-person tribunal  
 Co-arbitrators: Dr Z M Yatim (Malaysia), W T Chu (Singapore)  
 Subject: Banking contracts, guarantees, agency  
 Applicable law: England  
 Site: Singapore  
 Outcome: Preliminary hearing November 2000; Substantive hearing May 2001; Award issued July 2001.
37. **SIAC** *German Bank v Indonesian Company*
- Role: Chairman of three-person tribunal  
 Co-arbitrators: Dr Z M Yatim (Malaysia), W T Chu (Singapore)  
 Subject: Banking contracts, guarantees, agency  
 Applicable law: England  
 Site: Singapore  
 Outcome: Preliminary hearing May 2001; Substantive hearing June 2001; Award issued October 2001.
38. **LCIA** *Finnish Contractor v German Subcontractor*
- Role: Sole arbitrator  
 Subject: Australian construction project  
 Applicable law: England  
 Site: London  
 Outcome: Case settled.
39. **Ad Hoc** *Indian State Owned Enterprise v US company*
- Role: Chairman of three-person tribunal  
 Co-arbitrators: D F Donovan (USA), Hon. Justice P C Mishra (India)  
 Subject: Dispute arising from shareholders' agreement involving electric power distribution company  
 Applicable law: India  
 Site: Bhubaneswar, India  
 Outcome: Preliminary conference July 2004; Substantive hearing on liability August 2005; Partial Final Award issued June 2007; Award on costs issued May 2010.

40. **UNCITRAL Rules** *US company v Australian company*
- Role Chairman of three-person tribunal  
 Co-arbitrators: T Landau QC (England), P Chidambaram SA (India)  
 Subject Dispute arising from Joint Operating Agreement relating to off-shore gas exploration and development
- Applicable law: Indian  
 Site: London  
 Outcome: Substantive hearing September 2002; Partial Award issued March 2003; Final Award issued December 2003.
41. **LCIA** *US company v English Insurers*
- Role Chairman of three-person tribunal  
 Co-arbitrators: Prof. W W Park (USA), Rt Hon. Sir Christopher Staughton (England)  
 Subject Political risks insurance and alleged governmental expropriation
- Applicable law: England  
 Site: London  
 Outcome: Preliminary hearings May 2003; Case settled.
42. **LCIA** *Guernsey (Channel Islands) company v Panamanian company*
- Role: Chairman of three-person tribunal  
 Co-arbitrators: Prof. Julian Lew QC (England), Peter Leaver QC (England)  
 Subject: Shareholders dispute  
 Applicable law: England  
 Site: London  
 Outcome: Preliminary hearings May 2003; Case settled.
43. **UNCITRAL Rules** *State Entity v Italian Joint Venture*
- Role Chairman of three-person tribunal  
 Co-arbitrators: John Marrin QC (England), Hon Justice Zahid (Pakistan)  
 Subject Major construction project in Pakistan involving FIDIC contract
- Applicable law: Pakistan  
 Site: Lahore, Pakistan  
 Outcome: Preliminary hearing November 2003; Substantive proceedings January 2006; Case settled.
44. **ICC** *US Insurance Company v United Arab Emirates Joint Stock Company*
- Role: Party-appointed member of three-person tribunal  
 Co-arbitrators: Prof. K H Boeckstiegel (Chairman) (Germany), Prof. H van Houtte (Belgium)
- Subject: Insurance claim concerning telecommunications satellite  
 Applicable law: England  
 Site: Paris  
 Outcome: Preliminary hearing October 2003; Substantive hearing August 2007; Case settled.
45. **LCIA** *UK company v Spanish company*
- Role: Chairman of three-person tribunal  
 Co-arbitrators: Rt Hon. Sir Anthony Evans (England), Lord Dervaird (Scotland)  
 Subject: Contractual disputes concerning coal trade  
 Applicable law: England

- Site: London  
Outcome: Preliminary hearings October 2003 and May 2004. Case settled.
46. **LCIA** *US/German Banks v English and Bermuda Insurers*
- Role: Chairman of three-person tribunal  
Co-arbitrators: L Yves Fortier CC QC (Canada), Judge C N Brower (USA)  
Subject: Political risks insurance, alleged governmental expropriation  
Applicable law: England  
Site: London  
Outcome: Case settled.
47. **LCIA** *Israeli Corporation v US Corporation*
- Role: Sole arbitrator  
Subject: Alleged breach of joint venture agreement  
Applicable law: New York  
Site: London  
Outcome: Preliminary conference October 2003; Partial Award (Summary Judgment) issued December 2004; Substantive hearing April 2005; Final Award October 2005.
48. **Ad Hoc** *New Zealand Company v Australian Company*
- Role: Sole arbitrator  
Subject: Intellectual Property dispute in respect of trade name  
Applicable law: New Zealand and Australia  
Site: Auckland, New Zealand  
Outcome: Hearing in April 2003; Partial Award delivered May 2004; Further hearings December 2004; Award on Liability issued January 2005; Award on Damages issued February 2005; Award on costs issued June 2005.
49. **UNCITRAL Rules** *Two Indonesian Companies v Malaysian Company*
- Role: Chairman of three-person tribunal  
Co-arbitrators: Prof. H Priyata Abdurrasid (Indonesia), W Khoo (Singapore)  
Subject: Alleged breach of warranty in corporate takeover  
Applicable law: Indonesia  
Site: Singapore  
Outcome: Case settled.
50. **ICC** *Indian Corporation v English Corporation*
- Role: Sole arbitrator  
Subject: Dispute arising from shareholders' agreement in relation to joint venture company  
Applicable law: India  
Site: London  
Outcome: Case settled.
51. **ICC** *Australian Corporation v UK Corporations*
- Role: Chairman of three-person tribunal.  
Co-Arbitrators: Prof. Michael Pryles (Australia), B. Tozer (Australia)  
Subject: Alleged breach of contract to develop a coal mine and deliver coal to power station.  
Applicable Law: England  
Site: Brisbane, Australia  
Outcome: Case settled.

52. **UNCITRAL Rules** *State Agency v Croatian Company and Austrian Company*
- Role: Sole arbitrator  
 Subject: Dispute concerning alleged breaches of share purchase agreement  
 Applicable law: English  
 Site: London  
 Outcome: Hearing on jurisdiction October 2004; Award on jurisdiction issued March 2005; Substantive Partial Award issued January 2006; Award as to Costs issued April 2007; Proceedings terminated by agreement January 2009.
53. **LCIA** *Australian Subsidiary Company v Mozambique Subsidiary Company*
- Role: Sole arbitrator  
 Subject: Dispute arising out of contract for supply of oil drilling services and equipment, applicability of standby rate in case of delay in mobilising equipment to drilling site  
 Applicable law: England  
 Site: London  
 Outcome: Hearing April 2005; Award issued July 2005.
54. **ICC** *Philippines Subsidiary of UK Plc v Philippines Corporation*
- Role: Chairman of three-person tribunal  
 Co-Arbitrators: J William Rowley QC (Canada), Jan Paulsson (France)  
 Subject: Alleged breach of contract for supply of Electricity Generation Station  
 Applicable law: Philippines  
 Site: Manila, Philippines  
 Outcome: Interim measures of protection ordered July 2005; Case settled.
55. **LCIA** *UK plc v Central American State*
- Role: Chairman of three-person tribunal  
 Co-Arbitrators: J William Rowley QC (Canada), Ian Glick QC (United Kingdom)  
 Subject: Alleged breach of share option agreement  
 Applicable law: England  
 Site: London  
 Outcome: Interim measures of protection ordered January 2005; Case settled.
56. **ICC** *UK Manufacturer v Asian State*
- Role: Chairman of three-person tribunal  
 Co-Arbitrators: Vivian Ramsey QC (UK) (on his appointment to UK High Court replaced by Stewart Boyd QC), Jan Paulsson (France)  
 Subject: Alleged breach of contract for supply of high-speed coastal defence vessel  
 Applicable law: England  
 Site: Zurich/London  
 Outcome: Hearing June 2006; Award submitted to ICC; Case settled.
57. **LMAA** *UK Owner v New Zealand Yacht Building Company*
- Role: Sole arbitrator  
 Subject: Super yacht building agreement dispute  
 Applicable law: England  
 Site: London

- Outcome: Case settled.
58. **Ad hoc** *International Insurers v International Pharmaceutical Manufacturer*
- Role: Chairman of three-person tribunal  
 Co-Arbitrators: Kenneth Rokison QC (UK), Prof. W W Park (USA)  
 Subject: Insurance and Reinsurance coverage, Bermuda form catastrophe insurance claim in pharmaceutical industry flowing from withdrawal of pain-killing drug from worldwide markets.
- Applicable law: New York  
 Site: London  
 Outcome: Hearing on liability November/December 2006 and March 2007; Award on liability issued November 2007. Case settled.
59. **SIAC** *Australian National v Australian National*
- Role: Sole arbitrator  
 Subject: Partnership agreement  
 Applicable law: Singapore  
 Site: Singapore  
 Outcome: Case settled.
60. **European Development Fund Rules on Conciliation and Arbitration**
- African State v South African Company*
- Role: Member of three-person tribunal  
 Co-Arbitrators: David St John Sutton (UK) (Chair), Derek Elliot (UK)  
 Subject: Validity of termination of highway construction contract in Uganda
- Applicable law: Uganda  
 Site: London  
 Outcome: Hearing June 2007; Partial Award issued July 2008; Case settled.
61. **UNCITRAL Rules** *Polish State Oil Company v Russian Oil Company*
- Role: Member of three-person tribunal  
 Co-Arbitrators: Prof. J. Martin Hunter (UK), J. William Rowley QC (Canada) (Chair)  
 Subject: Oil supply contract  
 Applicable law: England  
 Site: London  
 Outcome: Case settled.
62. **ICC** *Iranian Engineering and Construction Contractor v UK and US Companies*
- Role: Sole arbitrator  
 Subject: Breach of licensing contract  
 Applicable law: England  
 Site: Geneva  
 Outcome: Award as to Jurisdiction issued April 2006; Partial Award on Damages issued September 2006; Ruling on Costs issued February 2007.

63. **AIDA Reinsurance and Insurance Arbitration Society (ARIAS Rules)***US insurance company v Russian company*

Role: Chairman of three-person tribunal  
 Co-Arbitrators: Judge C N Brower (USA), Stewart Boyd QC (UK)  
 Subject: Directors and Officers Liability Insurance coverage claim  
 Applicable law: England  
 Site: London  
 Outcome: Proceedings stayed 2006.

64. **AAA***Vanuatu company v Irish company*

Role: Party-appointed member of a three-person tribunal  
 Co-arbitrators: Alan Redfern (UK) (Chair), Samuel Haubold (USA)  
 Subject: Distribution Agreement in relation to internet pop-up ads  
 Applicable law: New York  
 Site: London  
 Outcome: Hearing October 2006; Award on Liability January 2007; Hearing on damages May and July 2008; Award on damages issued December 2008.

65. **ICC***Indian Company v Indian Company*

Role: Chairman of a three-person tribunal  
 Co-arbitrators: David Brynmor Thomas (UK), Todd Wetmore (USA)  
 Subject: Telecommunications Joint Venture, shareholders' dispute  
 Applicable law: India  
 Site: Paris  
 Outcome: Proceedings terminated by ICC Court.

66. **ICC***French National v Indian Nationals*

Role: Chairman of a three-person tribunal  
 Co-arbitrators: Harish N Salve (India), Andrew Onslow QC (UK)  
 Subject: Joint venture dispute  
 Applicable law: India  
 Site: London  
 Outcome: Award on Jurisdiction February 2007; Substantive hearing November 2007 and March/May 2008; Partial Final Award against First Respondent issued January 2010; Award against Second Respondent issued July 2011.

67. **ICC***Isle of Man Corporation v African Government*

Role: Chairman of three-person tribunal  
 Co-arbitrators: Rayner M Hamilton Esq (USA), Cherie Booth QC (UK)  
 Subject: Joint venture agreement relating to steel plant in Nigeria.  
 Applicable law: Nigeria  
 Site: London  
 Outcome: Hearing September 2007; Award issued June 2008; Award on costs and interest issued.

68. **LCIA***British Virgin Isles Corporation v Cypriot Companies*

Role: Chairman of a three-person tribunal  
 Co-arbitrators: Sir Martin Nourse (UK), Per Runeland (UK)  
 Subject: Shareholders' Dispute concerning Russian corporation  
 Applicable law: Cyprus  
 Site: London  
 Outcome: Case settled.



69. **LCIA** *London Company v US Company and Subsidiaries*
- Role: Party-appointed member of three-person tribunal  
 Co-arbitrators: The Right Honourable Lord Steyn (UK) (Chair), Stewart Boyd QC (UK)  
 Subject: Political Risk Insurance relating to alleged expropriation  
 Applicable law: England  
 Site: London  
 Outcome: Case settled.
70. **ICC** *US Company v Japanese Company*
- Role: Chairman of a three-person tribunal  
 Co-arbitrators: Jay Lapin (US), Prof. Masabumi Suzuki (Japan)  
 Subject: Licence Agreement dispute  
 Applicable law: New York  
 Site: Japan  
 Outcome: Case settled.
71. **Ad hoc** *Australian Company v New Zealand Company*
- Role: Sole arbitrator  
 Subject: Drilling services contract  
 Applicable law: New Zealand  
 Site: Auckland  
 Outcome: Hearing April 2007; Substantive Award issued May 2007.
72. **Ad hoc** *US Company v UK Company*
- Role: Chairman of a three-person tribunal  
 Co-arbitrators: Judge Abner Mikva (US), Sir Christopher Staughton (UK)  
 Subject: Insurance coverage dispute, pharmaceutical industry, Bermuda form  
 Applicable law: New York  
 Site: London  
 Outcome: Case settled.
73. **LCIA** *UK Aircraft Financing Companies v Group of Reinsurers*
- Role: Chairman of a three-person tribunal  
 Co-arbitrators: Samuel Haubold (US), Ian Hunter QC (UK)  
 Subject: Insurance, reinsurance coverage dispute, commercial aviation industry  
 Applicable law: England  
 Site: London  
 Outcome: Interim Award July 2007 and upheld by English Court; Case settled.
74. **ICC** *Canadian Company v US Company*
- Role: Chairman of a three-person tribunal  
 Co-arbitrators: William Horton (Canada), Rayner Hamilton (US)  
 Subject: Licensing agreement, alleged breach of contract  
 Applicable law: Ontario, Canada  
 Site: Toronto  
 Outcome: Hearings April 2008; Award issued November 2008.

75. **UNCITRAL Rules** *Dutch Company v Italian Company*
- Role: Party-appointed member of three-person tribunal  
 Co-arbitrators: Gabrielle Kaufmann-Kohler (Swiss) (Chair), Graham Dunning QC (UK)  
 Subject: Sale and purchase of company shares  
 Applicable law: England and Netherlands  
 Site: Geneva  
 Outcome: Case settled.
76. **ICC** *Cayman Islands Company v Cayman Islands Company*
- Role: Party-appointed member of three-person tribunal  
 Co-arbitrators: Gerald Aksen (USA) Chair, Lord Michael Mustill (UK)  
 Subject: Telecommunications  
 Applicable law: England  
 Site: London  
 Outcome: Case settled.
77. **ICC** *Hong Kong Company v BVI Company*
- Role: Chairman of a three-person tribunal  
 Co-arbitrators: James Carter (US), Sally Harpole (Hong Kong)  
 Subject: Commercial property, loan agreement relating to Shopping Centre development in Beijing  
 Applicable law: New York  
 Site: Hong Kong  
 Outcome: Hearings in 2007 and 2008; Final Award issued August 2009.
78. **ICC** *Pakistan Company v Pakistan Company*
- Role: Party-appointed member of three-person tribunal  
 Co-arbitrators: Christopher Lau SC (Singapore) (Chair), Prof. Michael Pryles (Australia)  
 Subject: Gas Supply Agreement  
 Applicable law: England  
 Site: Singapore  
 Outcome: Hearing June 2008; Award issued December 2008.
79. **ICC** *Netherlands' Corporation v Philippines' Corporation*
- Role: Party-appointed member of three-person tribunal  
 Co-arbitrators: Douglas Jones (Australia) (Chair), Prof. William W Park (USA)  
 Subject: Gas sale and distribution agreement  
 Applicable law: England  
 Site: Hong Kong  
 Outcome: Hearing May 2009; Partial Award issued August 2009; Consent Award issued September 2010.
80. **Ad Hoc** *Louisiana Corporation v Swiss Insurer*
- Role: Chairman of three-person tribunal  
 Co-arbitrators: V V Veeder QC (UK), A Stevens Clay (USA)  
 Subject: Insurance claim relating to New Orleans Hotel damaged in Hurricane Katrina  
 Applicable law: Undetermined  
 Site: London  
 Outcome: Case settled.

81. **LCIA** *NZ Telco v NZ Telco*
- Role: Sole arbitrator  
 Subject: Alleged breaches of contract  
 Site: Auckland, New Zealand  
 Outcome: Hearing completed September 2008; Award issued November 2008.
82. **ICC** *German Company v. German Company*
- Role: Party-appointed member of three-person tribunal  
 Co-arbitrators: Alan Redfern (UK) (Chair), Richard Fernyhough QC (UK)  
 Subject: Alleged breaches of gas supply agreement  
 Applicable law: England  
 Site: Paris  
 Outcome: Case settled.
83. **LCIA** *Spanish Company v. Indian Company*
- Role: Sole arbitrator  
 Subject: Alleged breaches of co-operation agreement  
 Applicable law: England  
 Site: London  
 Outcome: Case settled.
84. **ICC** *Texas Limited Liability Company v. Tanzanian State Corporation*
- Role: Chairman of three-person tribunal  
 Co-arbitrators: John Marrin QC (UK), Sir Philip Otton (UK)  
 Subject: Alleged breach of power take-off agreement  
 Applicable law: Tanzania  
 Site: Dar es Salaam, Tanzania  
 Outcome: Substantive hearing held in Dubai during April 2010; Award issued November 2010.
85. **ICC** *Portuguese Company v. Australian Corporation*
- Role: Chairman of three-person tribunal  
 Co-arbitrators: Prof. John Uff QC (UK), Hon. Ian Callinan AC, QC (Australia)  
 Subject: Alleged breach of vessel services agreement  
 Applicable law: Australia  
 Site: Singapore  
 Outcome: Case settled.
86. **ICC** *French & Dutch Corporations v. Australian Companies*
- Role: Sole arbitrator  
 Subject: Alleged breaches of shareholder agreement  
 Applicable law: Australian law (New South Wales)  
 Site: Sydney, Australia  
 Outcome: Hearings held December 2009 and April 2010; Partial Final Award issued December 2010; further hearing held April 2011; Second Partial Final Award issued June 2011; Case settled.
87. **ICC** *Japanese Corporation v. United States Corporation*
- Role: Chairman of three-member tribunal  
 Co-arbitrators: Alan Redfern (UK), Judge Charles N. Brower (USA)  
 Subject: Alleged breaches of development and distribution agreement  
 Applicable law: Pennsylvania

- Site: Philadelphia, United States of America  
 Outcome: Hearing held April 2010; Partial Final Award issued October 2010; further hearing held March 2011; Second Partial Final Award issued August 2011; Final hearing held November 2011; Third Final Award Issued February 2013; Final Hearing Scheduled for later in 2013.
88. **ICC** *British Company v. Channel Islands, Swiss, Italian, Korean, Uruguayan and Mexican Companies*
- Role: Chairman of three-person tribunal  
 Co-arbitrators: Judge Charles N. Brower (USA), Sir Simon Tuckey (UK)  
 Subject: Alleged breaches of agreements to purchase steel products  
 Applicable law: English Law  
 Site: London, United Kingdom  
 Outcome: Hearing on preliminary issues held July 2010; Award issued December 2010; Case settled.
89. **UNCITRAL Rules** *British Company v. Singapore Company*
- Role: Party-appointed member of three-person tribunal  
 Co-arbitrators: Michael Hwang SC (Singapore), Vinayak Pradhan (Malaysia) (Chairman)  
 Subject: Alleged breaches of contract for provision of accommodation vessel  
 Applicable law: Undecided  
 Site: Singapore  
 Outcome: Case settled.
90. **Ad Hoc** *Bermuda Company v. Bermuda Company*
- Role: Chairman of three-person tribunal  
 Co-arbitrators: Kenneth Rokison QC (UK), Charles B. Renfrew (USA)  
 Subject: Reinsurance dispute  
 Applicable law: New York  
 Site: Bermuda  
 Outcome: Hearing held December 2010; Partial Final Award issued March 2011; Settlement reached as to costs.
91. **ICC** *Pakistan Company v. Pakistan Statutory Corporation*
- Role: Chairman of three-person tribunal  
 Co-arbitrators: Prof. Michael Pryles (Australia), Timothy Young QC (UK)  
 Subject: Alleged breaches of power purchase agreement  
 Applicable law: Pakistan  
 Site: Singapore  
 Outcome: Partial Award issued June 2010; Final hearing held May 2012; Award pending.
92. **LCIA** *Jersey Company v Russian Company*
- Role: Chairman of three-person tribunal  
 Co-arbitrators: Dr Julian Lew QC (UK), Hilary Heilbron QC (UK)  
 Subject: Alleged breach of contract in respect of the sale of crude oil  
 Applicable law: England  
 Site: London  
 Outcome: Partial Final Award issued January 2010; Final Award issued June 2010.
93. **LCIA** *Australian Companies v Argentinian Company*
- Role: Chairman of three-person tribunal

- Co-arbitrators: Guido Santiago Tawil (Argentina), Michael Polkinghorne (Australia/based in France)
- Subject: Alleged breach of contract by failing to take delivery of coking coal
- Applicable law: England
- Site: London
- Outcome: Case settled.
94. **UNCITRAL Rules** *British Virgin Islands Company v Malaysian Company*
- Role: Chairman of three-person tribunal
- Co-arbitrators: Kenneth Tan, S.C (Singapore), Dato V.C. George (Kuala Lumpur)
- Subject: Alleged breach of Share Sale Agreement and Supplemental Share Sale Agreement.
- Applicable law: Malaysia
- Site: Singapore
- Outcome: Hearing held November 2010; Partial Final Award issued October 2011. Settlement reached as to costs.
95. **ICC** *Dutch and Isle of Man Companies v USA Company*
- Role: Chairman of three-person tribunal
- Co-arbitrators: James C. Freund (USA), Prof. William W. Park (USA).
- Subject: Alleged breach of contract.
- Applicable law: New York
- Site: London, United Kingdom
- Outcome: Case settled.
96. **LCIA** *German Finance Professional v Luxembourg Companies*
- Role: Party-appointed member of three-person tribunal
- Co-arbitrators: Prof. Bernard Hanotiau (Belgium), John Beechey (UK)
- Subject: Alleged breaches of consultancy agreement and call option agreement
- Applicable law: England
- Site: London
- Outcome: Hearing held January 2011; Case settled.
97. **SIAC** *United States Company v Indonesian Company*
- Role: Chairman of three-person tribunal
- Co-arbitrators: Prof. Michael Pryles (Australia), Toby Landau QC (UK)
- Subject: Alleged breach of coal sale and purchase agreement
- Applicable law: England
- Site: Singapore
- Outcome: Case settled.
98. **UNCITRAL Rules** *Indonesian Company v Indonesian Companies*
- Role: Party-appointed member of three-person tribunal
- Co-arbitrators: Prof. Michael Pryles (Australia), David R. Haigh QC (Canada) (President)
- Subject: Alleged breach of coal mining supply agreement
- Applicable law: Queensland, Australia
- Site: Singapore
- Outcome: Hearing held March 2011; Partial Award issued December 2011; Final Award issued September 2012.
99. **ICC** *Turkish Company v Russian Company*
- Role: Chairman of three-person tribunal

- Co-arbitrators: Richard Fernyhough, QC (UK), John Blackburn, QC (UK)  
 Subject: Dispute regarding construction of a large commercial complex  
 Applicable law: English, Russian  
 Site: London, United Kingdom  
 Outcome: Hearings held May, June and September 2011; Final hearing held November 2011; Partial Final Award Issued February 2013; Final Hearing Scheduled for April 2013.
100. **Ad hoc** *Barbados Company and Canadian Company v Bermuda Company*
- Role: Chairman of three-person tribunal  
 Co-arbitrators: Robert J Cunningham (USA) and Steven Klugman (USA)  
 Subject: Reinsurance  
 Applicable law: New York  
 Site: London, United Kingdom  
 Outcome: Case settled.
101. **UNCITRAL Rules** *Chinese Company v Tanzanian State Corporation*
- Role: Chairman of three-person tribunal  
 Co-arbitrators: John Marrin QC (UK) and Stephen Furst QC (UK)  
 Subject: Contractual dispute arising out of roading contract  
 Applicable law: Tanzania  
 Site: Dar es Salaam, Tanzania  
 Outcome: Case settled.
102. **ICC** *United States Company v Indian Company*
- Role: Chairman of three-person tribunal  
 Co-arbitrators: Andrew Foyle (UK) and Justice Dr B P Saraf (India)  
 Subject: Alleged breaches of ISDA Master Agreement in respect of certain derivatives transactions.  
 Applicable law: England  
 Site: London, United Kingdom  
 Outcome: Case settled.
103. **ICC** *United States Company v UAE Company*
- Role: Party-appointed member of three-person tribunal  
 Co-arbitrators: Michael Collins QC (UK), Michael Lee (UK) (Chair)  
 Subject: Alleged breaches of supply contract.  
 Applicable law: England  
 Site: London, United Kingdom  
 Outcome: Case settled.
104. **UNCITRAL Rules** *Indonesian Company v Indonesian Companies*
- Role: Party-appointed member of three-person tribunal  
 Co-arbitrators: Prof. Michael Pryles (Australia), David R. Haigh QC (Canada) (President)  
 Subject: Dispute regarding price-review under coal mining supply agreement  
 Applicable law: Queensland, Australia  
 Site: Singapore  
 Outcome: Hearing held in December 2011; Partial Award issued March 2012; Further hearing scheduled for May 2013.

105. **ICC** *French, Japanese and Turkish Companies v State Department*
- Role: Chairman of three-person tribunal  
 Co-arbitrators: Mr R. A. Shadbolt (UK), Professor Wolfgang Wiegand (Switzerland)  
 Subject: Dispute regarding termination of contract for the design and construction of a major railway project  
 Applicable law: Turkey  
 Site: Zurich, Switzerland.  
 Outcome: Phase one hearing scheduled for July 2013.
106. **LCIA** *US Insured v English Insurers*
- Role: Chairman of three-person tribunal  
 Co-arbitrators: Sir Simon Tuckey (UK), Hon. Abraham D. Sofaer (US)  
 Subject: Political risk insurance coverage dispute  
 Applicable law: England  
 Site: London  
 Outcome: Case settled.
107. **LCIA** *US and Czech Insured v English Insurers*
- Role: Chairman of three-person tribunal  
 Co-arbitrators: Lorelie Masters (US), William Wood QC (UK)  
 Subject: Trade credit insurance dispute  
 Applicable law: England  
 Site: London  
 Outcome: Case settled.
108. **LCIA** *US and Czech Insured v English Insurers*
- Role: Chairman of three-person tribunal  
 Co-arbitrators: William Wood QC (UK), William Rowley QC (Canada)  
 Subject: Trade credit insurance dispute  
 Applicable law: England  
 Site: London  
 Outcome: Case settled.
109. **LCIA** *US and Czech Insured v English Insurer*
- Role: Chairman of three-person tribunal  
 Co-arbitrators: Joseph Dehner (US), Jonathan Hirst QC (UK)  
 Subject: Trade credit insurance dispute  
 Applicable law: England  
 Site: London  
 Outcome: Case settled.
110. **ICC** *Indian and Spanish Companies v Indian State Entity and Indian Joint Venture Company*
- Role: Chairman of three-person tribunal  
 Co-arbitrators: David St John Sutton (UK), Justice R Jayasimha Babu (India)  
 Subject: Construction of desalination plant  
 Applicable law: India  
 Site: London  
 Outcome: Case stayed pending settlement.

111. **ICC** *Spanish Company v Indian State Entities and Indian Joint Venture Company*
- Role: Chairman of three-person tribunal  
 Co-arbitrators: David St John Sutton (UK), Justice R Jayasimha Babu (India)  
 Subject: Shareholder dispute  
 Applicable law: India  
 Site: London  
 Outcome: Case stayed pending settlement.
112. **ICC** *Australian Company v Pakistani Provincial Government*
- Role: Party-appointed member of three-person tribunal  
 Co-arbitrators: Lord Collins (UK) (Chairman), Dr Michael J Moser (Hong Kong)  
 Subject: Joint venture mining dispute  
 Applicable law: India  
 Site: London  
 Outcome: Preliminary hearing held June 2014.
113. **UNCITRAL Rules** *Private Equity Investor v Chinese Company*
- Role: Party-appointed member of three-person tribunal  
 Co-arbitrators: Matthew Gearing (Chair) (England), Robert Pe (Hong Kong)  
 Subject: Shareholder dispute  
 Applicable law: New York and Hong Kong  
 Site: Hong Kong  
 Outcome: Preliminary procedures underway.
114. **LCIA** *BVI and Bermuda Companies v Bahrain Company*
- Role: Sole arbitrator  
 Subject: Share-purchase agreement  
 Applicable law: England  
 Site: Bahrain  
 Outcome: Case stayed pending settlement.
115. **ICC** *Japanese Company v German Company*
- Role: Chairman of three-person tribunal  
 Co-Arbitrators: Dr Michael J. Moser (Hong Kong); Dr Klaus Sachs (Germany)  
 Subject: Joint-venture agreement  
 Applicable law: England and Japan  
 Site: London  
 Outcome: Hearing held April 2014.
116. **UNCITRAL Rules** *Indonesian Company v Indonesian Companies*
- Role: Party-appointed member of three-person tribunal  
 Co-arbitrators: Max Bonnell (Australia), J William Rowley QC (Canada) (President)  
 Subject: Dispute regarding price-review under coal mining supply agreement  
 Applicable law: Queensland, Australia  
 Site: Singapore  
 Outcome: Partially settled; case suspended pending outcome of other disputes.



117. **SIAC** *Philippines Company v Philippines Corporation*
- Role: Chairman of three-person tribunal  
 Co-arbitrators: Michael Crane QC (UK); David Goodwin (US)  
 Subject: Share Purchase Agreement  
 Applicable law: England  
 Site: London  
 Outcome: Case settled.
118. **SIAC** *Japanese Corporation v Korean Company*
- Role: Chairman of three-person tribunal  
 Co-arbitrators: Professor Michael Pryles (Australia); Professor Michael Lee (UK)  
 Subject: Dispute over interpretation of consortium agreement about payment for litigation  
 Applicable law: England  
 Site: Singapore  
 Outcome: Hearing scheduled for October 2014.
119. **ICC** *Saudi Individual v United States Companies*
- Role: Sole arbitrator.  
 Subject: Alleged breach of shareholder agreement in healthcare joint venture  
 Applicable law: England  
 Site: DIFC  
 Outcome: Hearing scheduled for September 2014.
120. **ICC** *Turkish Company v Japanese Company*
- Role: Party-appointed member of three person tribunal  
 Co-arbitrators: Ali Yesilirmak (Istanbul); Pierre Tercier (Switzerland)  
 Subject: Alleged breach of contract for supply of technology to Turkish entity  
 Applicable law: Swiss  
 Site: Zurich, Switzerland  
 Outcome: Hearing scheduled for mid-2015.
121. **SIAC** *American Company v Hong Kong Company*
- Role: Sole arbitrator  
 Subject: Breach of sale and purchase agreements for coking coal  
 Applicable law: Singapore  
 Site: Singapore  
 Outcome: Hearing scheduled for February 2015.
122. **Ad hoc (UNCITRAL)** *Swiss Company v Russian Company*
- Role: Chairman of three-person tribunal  
 Co-arbitrators: Prof. William Park (US); Per Runeland (Sweden)  
 Subject: Alleged breach of agreement to provide launch services  
 Applicable law: California, USA  
 Site: Stockholm  
 Outcome: Hearing scheduled for December 2014.
123. **Ad Hoc** *New Zealand Company v German Company*
- Role: Chairman of three-person tribunal  
 Co-arbitrators: Hon. Barry Paterson QC (NZ); John Rowland QC (NZ)  
 Subject: Breach of reinsurance contract

- Applicable law: New Zealand  
 Site: New Zealand  
 Outcome: Hearing scheduled for December 2014.
124. **PCA (UNCITRAL)** *Lesotho and South African Companies v State*
- Role: Chairman of three-person tribunal  
 Co-arbitrators: Doak Bishop (US); Justice PM Nienaber (Sth Africa)  
 Subject: Breach of Mining Lease  
 Applicable law: English  
 Site: Singapore  
 Outcome: Preliminary procedures underway.
125. **LCIA** *US Companies v Saudi Company*
- Role: Chairman of three-person tribunal  
 Co-arbitrators: Hon. Herbert J Stern (US); Sir Gordon Langley (UK)  
 Subject: Breach of a franchise termination agreement  
 Applicable law: English  
 Site: London, England  
 Outcome: Hearing scheduled for September and November 2014.
126. **ICC** *Netherlands and BVI Companies v Vietnamese State Entity*
- Role: Party-appointed member of three person tribunal  
 Co-arbitrators: Yves Derains (France); Gary Born (US)  
 Subject: Breach of Production Sharing Agreement and related taxation issues  
 Applicable law: Singapore  
 Site: Singapore  
 Outcome: Hearing scheduled for December 2014.
127. **ICC** *French and Japanese Companies v American Company and ors*
- Role: Party-appointed member of three person tribunal  
 Co-arbitrators: John Rowley QC (UK); Gabrielle Kaufmann-Kohler (Swiss) (Chair)  
 Subject: Dispute over gas production and supply arrangements  
 Applicable law: New York, United States  
 Site: France  
 Outcome: Preliminary procedures underway.
128. **Ad Hoc** *American Company v American Company*
- Role: Chairman of three-person tribunal  
 Co-arbitrators: Sam Haubold (UK); Kenneth Rokison QC (UK)  
 Subject: Breach of reinsurance contracts  
 Applicable law: New York, United States  
 Site: London  
 Outcome: Preliminary procedures underway.
129. **LCIA** *American Company v New Caledonian Company*
- Role: Sole Arbitrator  
 Co-arbitrators: -  
 Subject: Breach of construction contract  
 Applicable law: English  
 Site: Sydney, Australia  
 Outcome: Preliminary procedures underway.

130. **UNCITRAL** *French Company and ors v New Zealand Company*
- Role: Party-appointed member of three person tribunal  
Co-arbitrators: Gary Born (US); Chairman yet to be appointed  
Subject: Breach of supply agreement  
Applicable law: English  
Site: Singapore  
Outcome: Preliminary procedures underway.
131. **ICC** *Oman Companies v State*
- Role: Chairman of three-person tribunal  
Co-arbitrators: Timothy Young QC (UK); John Marrin QC (UK)  
Subject: Breach of construction contract  
Applicable law: Oman  
Site: Muscat, Oman  
Outcome: Preliminary procedures underway.

**DOMESTIC ARBITRATION**

Chairman or sole arbitrator in numerous domestic commercial arbitrations in New Zealand and Australia including the following major arbitrations:

Sole arbitrator in the first major share valuation case under the minority buyout provisions of s 112 of the Companies Act 1993 - extensive hearings in Wellington, New Zealand July 2000 - award delivered in June 2001 determining that the minority shareholder was entitled to a further payment of NZ\$11 million for its shares.

Sole arbitrator in heavy construction dispute over large multi-storey city building - two week hearing in 1999 - four separate awards issued 1999 - 2000, Auckland, New Zealand.

Sole arbitrator in dispute over sale of substantial business - three week hearing in Auckland during 2000 - award delivered February 2001 - Auckland, New Zealand.

Member of three person Arbitral Tribunal in dispute over Electricity Market Participant Fees - award delivered January 2003, Sydney, Australia.

Sole arbitrator in domestic arbitration which was nevertheless conducted in accordance with LCIA Rules - see case 66 above.

Member of three person Arbitral Tribunal in insurance dispute - Wellington, New Zealand (ongoing).

Counsel in numerous domestic arbitrations in disputes involving contract, shareholder issues, construction, rental valuations and intellectual property.

**EXPERIENCE IN INTERNATIONAL EXPERT DETERMINATION**

1. **Ad Hoc** *Middle Eastern State v Foreign Concessionaire*  
Role: Party-appointed expert  
Subject: Interpretation of Concession Agreement relating to Power Station  
Applicable law: Oman  
Site: Muscat, Oman  
Outcome: Decision issued August 2005.
  
2. **Ad Hoc** *UK company v UK companies*  
Role: Party-appointed expert  
Subject: Interpretation of clause of gas sales agreement  
Applicable law: England  
Site: London  
Outcome: Hearing in November 2007; Determination issued February 2008.

## **EXPERIENCE IN SPORTS ARBITRATION AND DISPUTE RESOLUTION**

### **Thoroughbred Horse Racing**

Numerous cases involving thoroughbred horse racing including many hearings as member of the Judicial Committee of Auckland Racing Club and also as a member of Appeals Tribunals appointed by the Judicial Control Authority under the New Zealand Racing Act.

### **New Zealand Bowls Association**

#### *S v Bowls NZ Inc*

Role:	Sole Arbitrator
Subject:	Appeal against penalty imposed for misconduct during bowls tournament
Applicable Law:	New Zealand
Site:	Auckland, New Zealand
Outcome:	Appeal dismissed in Award dated 21 May 2003.

## **INTERNATIONAL SPORTS ARBITRATION**

### **Court of Arbitration for Sport (CAS)**

#### **1. CAS**

Role:	Member of three-person CAS Panel
Co-Arbitrators:	Alan Sullivan QC (Australia) (President), Sir Thomas Eichelbaum (New Zealand)
Subject:	Appeal by Yachting New Zealand against decision of New Zealand Sports Disputes Tribunal relating to Yachting Federation Inc nominations for Laser and Mens 470 classes for 2004 Athens Olympics New Zealand
Applicable Law:	Swiss/New Zealand
Site:	Auckland, New Zealand
Outcome:	Hearing in April 2004; Award issued April 2004; Award No. 2 on Costs issued July 2004.

#### **2. CAS**

Role:	Member of three-person CAS Panel
Co-Arbitrators:	Kaj Hober (Sweden) (President), Yves Fortier (Canada)
Subject:	Appeal by US 4x400m relay team at Sydney Olympics against decision of IAAF to revise final placings after the doping offence of Mr Jerome Young
Applicable Law:	IAAF Rules
Site:	London, England
Outcome:	Award issued 20 July 2005.

#### **3. CAS**

Role:	President of three-person CAS Panel
Co-Arbitrators:	Alan Sullivan (Australia), Kaj Hober (Sweden)
Subject:	Appeal against decision of International Canoe Federation to sanction Mr Nathan Baggaley for a period of two years.
Site:	Sydney, Australia
Outcome:	Partial Final Award dismissing claim due to time limitation issued 29 December 2006.

- 4. CAS**
- Role: President of three-person CAS Panel  
 Co-Arbitrators: Christoph Vedder (Germany), Peter Grilc (Slovenia)  
 Subject: Appeal by IAAF against a decision of the Athletics Assn of Sri Lanka to exonerate Jani Chathurangani Chandra Silva of a doping offence.  
 Site: Lausanne, Switzerland  
 Outcome: Award on Jurisdiction 30 October 2007; Award on Merits issued April 2008.
- 5. CAS**
- Role: President of three-person CAS Panel.  
 Co-Arbitrators: Jeffrey Benz (US), Michele Bernasconi (Switzerland)  
 Subject: Appeal against decision of the International Skating Union to sanction US Speed Skater Mr Anthony Lobello for failure to provide an up-to-date record of his whereabouts.  
 Site: Lausanne, Switzerland  
 Outcome: Award issued 6 December 2007.
- 6. CAS**
- Role: President of three-person CAS Panel  
 Co-Arbitrators: Jan Paulsson (France) and David Rivkin (US)  
 Subject: Appeal by Floyd Landis against the decision of the USADA in relation to a doping offence following the 2006 Tour de France  
 Site: New York, USA  
 Outcome: Award issued June 2008.
- 7. CAS**
- Role: Member of three-person CAS Panel  
 Co-Arbitrators: Malcolm Homes QC (Australia), Alan Sullivan (Australia)  
 Subject: Appeal by IRB and the WADA against the decision of the Australian Rugby Union (ARU) to exonerate rugby player Luke Troy of a doping offence.  
 Site: Sydney, Australia  
 Outcome: Award issued August 2009.
- 8. CAS**
- Role: Member of three-person CAS Panel  
 Co-Arbitrators: Petros Mavroidis (Greece) (President), David Askinas (US)  
 Subject: Appeal by the Samoa Football Federation against a decision of FIFA.  
 Site: Lausanne, Switzerland  
 Outcome: Award issued May 2009.
- 9. CAS**
- Role: Member of three-person CAS Panel  
 Co-Arbitrators: Hon. Roger Gyles AO, QC (Australia) (President), Hon. Andrew Rogers QC (Australia)  
 Subject: Alleged breach of a Manager Services Agreement in respect of the Qantas Socceroos  
 Site: Lausanne, Switzerland  
 Outcome: Award on jurisdiction issued August 2009.

**10. CAS**

Role: President of three-person CAS Panel  
Co-Arbitrators: Prof. Ulrich Haas (Switzerland), Prof. Massimo Coccia (Italy)  
Subject: Application by IAAF to lengthen two-year ban for anti-doping infringements by Russian athletes  
Site: Lausanne, Switzerland  
Outcome: Award issued July 2009.

**11. Ad hoc**

Role: Member of three-person Tribunal  
Co-Arbitrators: Hon. Michael H. McHugh QC (Australia) (Chairman), Anthony J. Meagher SC (Australia)  
Subject: Alleged breach of a Manager Services Agreement  
Site: Sydney, Australia  
Outcome: Case settled.

**12. CAS**

Role: President of three-person Tribunal  
Co-Arbitrators: Prof. Grilc (Slovenia) and Prof. Jin Huang (China)  
Subject: Appeal over finding of breach of contract to attend tournament.  
Site: Lausanne, Switzerland  
Outcome: Award issued March 2014.

**13. CAS**

Role: President of three-person CAS Panel  
Co-Arbitrators: Hon. Barry Paterson QC (NZ), and Alan Sullivan QC (Australia)  
Subject: Appeal over alleged whereabouts failures  
Site: Auckland, New Zealand  
Outcome: Hearing held June 2014; Award pending.



## JUDICIAL EXPERIENCE - MAIN JUDGMENTS - HIGH COURT OF NEW ZEALAND

During the period 1991 to 1994 when a Judge of the High Court of New Zealand gave a number of important decisions in the field of commercial law, contract law, utilities regulation and intellectual property. Amongst the decisions in the intellectual property field was the major trade mark case involving a Levi Strauss trade mark which is reported as *Levi Strauss & Co v Kimbyr Investments Limited* [1994] Fleet Street Reports 335; [1994] 1 NZLR 332. A list of the main reported judgments follows:

*Maori Trustee v Prentice* [1992] 3 NZLR 344 - Property Law

*Darvell v Auckland District Legal Services Committee* [1993] 1 NZLR 111 - Administrative Law - Legal Aid

*Artifakts Design Group Ltd v NP Rigg Ltd* [1993] 1 NZLR 196 - Copyright Infringement - Passing Off – Breach of Contract - Fair Trading Act

*Re Southern World Airlines Limited* [1993] 1 NZLR 597 - Company Law: Scheme of Arrangement

*Re Pountney* [1992] NZFLR 24 - Matrimonial Property

*Maddever v Umawera School Board of Trustees* [1993] 2 NZLR 478 - Administrative Law - Judicial Review of Actions of School Trustees

*Telecom Directories Limited v Adviser NZ Limited* [1992] 26 - Intellectual Property Reports 37 - Comparative Advertising - Misleading and Deceptive Conduct

*Cox v Commissioner of Inland Revenue* [1992] 17 Tax Reports New Zealand 153 - Deductions - Legal Expenses - Claim by Company Director

*Willis v Castelein* [1993] 3 NZLR 103 - Contract - Sale of Land - Whether duty of care is owed in tort

*B v Dentists Disciplinary Tribunal* [1994] 1 NZLR 95 - Administrative Law - Admissibility of Video Conference Evidence

*Machinery Movers Limited v Auckland Regional Council* [1994] 1 NZLR 492 - Environmental Law

*Levi Strauss & Co v Kimbyr Investments Limited* [1994] Fleet Street Reports, 335; [1994] 1 NZLR 332 - Trade Mark Infringement - Confusing Similarity - Passing Off - Fair Trading

## JUDGMENTS AS JUDGE OF HIGH COURT OF COOK ISLANDS

Formerly a Judge of the High Court of the Cook Islands and Chief Justice of Cook Islands. Present member of Court of Appeal of the Cook Islands. (Part-time positions). Judgments include:

*A v B and Others* [2002] 4 International Trust and Estate Law Reports 877 - Asset Protection Legislation - Application of Secrecy Provisions.

*Market Beach Pty Ltd Hugh Henry & Associates Ltd* [12 February 2002] HC, Rarotonga, 55/99 – interpretation of Cook Islands development legislation – legality of loan agreement.

*A v E and Others* [10 October 2002] HC, Rarotonga, 17/2001 - Asset Protection - Discovery of Documents - Application of fraud exception to claim of legal professional privilege.

*Cook Islands National Line Agency Ltd v Cook Islands Shipping Corporation Ltd* [16 December 2003] Court of Appeal, CA1/03 & 2/03, Casey, Smellie and Williams JJ – interpretation of prohibitions on anti-competitive conduct contained in international shipping legislation.

*Messine v Mitchell & Mitchell* [18 December 2003] HC, Rarotonga, 20/03 – Sale of Goods Act 1908 – agency – unjust enrichment.

*Malcolm v Tanga* [26 April 2004] HC, Rarotonga, OA6/2004 – legality of Cabinet announcement deferring local elections – application of s 1 Bill of Rights Act 1988 and *Fitzgerald v Muldoon* [1975] 2 NZLR 615.

*Taakoka Island Villas Limited v Tupangaia and Others* [23 December 2004] HC, Rarotonga, OA 5104 – application for change of venue for hearing – analysis of constitutionality of Cook Islands Court sitting in New Zealand.

*Police v Chikami & Burgess* [4 October 2006], HC, Rarotonga, CR No's: 606-619/2004 – prosecutions under the Marine Resources Act for illegal fishing – relevance of principles of “soft” international law to sentencing – sentencing principles including means of offender and forfeiture.

*Tupangaia and Others v Taakoka Islands Villas Limited* [27 April 2007], CA, Rarotonga, CA02/2006 CA12/2006 – property law – appeal against High Court's decision to grant relief against forfeiture of lease and award of costs – whether or not exceptional circumstances existed to warrant disentitlement of remedy of relief against forfeiture – relevant principles when interfering with a lower court's discretion.

*Teiri Tepa and Others v National Environment Service and Others* [21 September 2007] HC, Rarotonga, Plt No. 28/06, Misc No. 63/06 – judicial review – judicial review of various consent orders granted by the defendants concerning the removal of coastal protection units and the installation of groyne and gabion structures along a beach in Rarotonga – whether or not the defendants had applied the correct provision in the Environment Act 2003 – whether or not the defendants had taken into account irrelevant considerations in reaching their decision – issues of materiality and relief also considered.

*Admission application by Vakalalabure* [20 December 2007] HC, Rarotonga, Misc 67/07 – application for admission – consideration of “fit and proper person” – applicant had served as the Attorney-General following the Speight coup in Fiji in 2000 – applicant found guilty in Fiji of professional misconduct – applicant convicted of certain offences under Public Order Act (Fiji) for involvement in coup and sentenced to term of imprisonment – consideration of applicable principles governing applications for admission - Admission refused.

*Complaint against Norman George, Barrister & Solicitor* [18 February 2008] HC, Rarotonga – consideration of professional misconduct – whether or not the defendant had acted contrary to the provisions of the Law Practitioners Act – consideration of relevant principles governing professional misconduct – defendant found guilty of professional misconduct and reprimanded – recommendation to amend and update the disciplinary provisions of the Law Practitioners Act.

*Application under Section 390A of the Cooks Islands Act 1915* [28 March 2008] HC, Rarotonga; Application No. 1/07 – land law - consideration of Court's jurisdiction under Sect. 390A – interpretation of Sect. 390A(10).

*Application Strickland v Ben under Section 390A of the Cook Islands Act 1915* [14 April 2008] HC Rarotonga, Application No. 9/05 – alleged mistake in land allocation on behalf of party not considered in prior judicial decision – consideration of applicable principles governing estoppel – estoppel rejected – finding that no mistake had in fact occurred – confirmation of original Occupation Right.

*Marsters v Richards* [9 May 2008] HC, Rarotonga, DP 4/2008 – Child abduction, father in New Zealand, Mother and child in Cook Island – consideration of what weight to afford to the Hague Convention since Cook Islands are not party– consideration of objectives of the Convention and the legal principles governing international abduction cases – decision to return abducted child to New Zealand (foreign jurisdiction).

*Descendants of Utanga and Arerangi Tumu v Descendants of Iopu Tumu* [24 June 2008] HC, Rarotonga, Application No. 08/01 – land law – consideration of validity of Order made in 1912 - finding that no error was made in terms of Section 390A(1) of the Cook Islands Act 1915 – validation of 1912 Order.

*Re Complaint against BM* [15 December 2008] HC, Rarotonga, Misc. 18/08 – complaint against practitioner – detailed consideration of applicable provisions of Law Practitioners Act – finding of professional misconduct.

## EXPERIENCE AS COUNSEL

A list of reported cases in New Zealand and overseas Courts is available on request.

## PRINCIPAL PUBLICATIONS

### Books and Chapters in Books:

*Williams & Kawharu on Arbitration* (2011) Wellington, LexisNexis.

Co-Author with Simon Foote of "Recent Developments in the Approach to Identifying an 'Investment' pursuant to Article 25(1) of the ICSID Convention" chapter in *Evolution in Investment Treaty Law and Arbitration* (CUP, 2011).

"Jurisdiction and Admissibility other than Consent" in Peter Muchlinski, Federico Ortino and Christoph Schreuer (eds) *The Oxford Handbook of International Investment Law* (2008) New York, Oxford University Press.

"Interim Measures" chapter in Michael Pryles and Michael Moser (eds) *Asian Leading Arbitrators' Guide* (2007) New York, Juris Publishing.

Co-Author of New Zealand Chapter in J. William Rowley QC (ed), *Arbitration World, Jurisdictional Comparisons* (2006 and 2010) London, The European Lawyer,

Author of "Arbitration" title for *The Laws of New Zealand* (2001) Wellington, Butterworths.

*Environmental Law in New Zealand* (2nd ed, 1997) Wellington, Butterworths.

Contributing author Duncombe & Heap (eds), *Australasian Dispute Resolution* (1995) Sydney, LBC Information Services.

"The Development of Merger and Takeover Regulation in New Zealand" in Ahdar RJ (ed) *Competition Law and Policy in New Zealand* (1991) Sydney, Law Book Company.

*Environment Law in New Zealand* (1980) Wellington, Butterworths.

### Main Articles:

"Note: *Arbitrability: AG for New Zealand v Mobil*" (1995) 11 *Arbitration International* 96.

"The New Zealand Arbitration Act - Adoption of the Model Law with Additions" [1998] 1 *International Arbitration Law Review* 214.

"The Confidentiality of Arbitral Proceedings under the New Zealand Arbitration Act 1996" [2000] *International Arbitration Law Review* N-24.

"The Further Development of International Commercial Arbitration through the Unidroit Principles of International Commercial Contracts" (1996) 2 *NZBLQ* 7.

"Recent Developments in Arbitration and Dispute Resolution in New Zealand" [2001] *International Arbitration Law Review* 41.

"Correction and Interpretation of Awards under Article 33 of the Model Law" [2001] *International Arbitration Law Review* 119 (with Amy Buchanan).

"Review and Recourse against Awards Rendered under Investment Treaties" (2003) 4 *Journal of World Investment* 251.

"Recent Developments in Arbitration in New Zealand" [2004] *International Arbitration Law Review* 127.

“Downer-Hill Joint Venture v Government of Fiji” [2004] International Arbitration Law Review 177 (with Julia Crockett).

### **New Zealand Law Review - Contributor - Arbitration and Dispute Resolution**

#### *Annual Reviews of Arbitration and Dispute Resolution*

[1989] *NZ Recent Law Review* 331.

[1990] *NZ Recent Law Review* 296.

[1991] *NZ Recent Law Review* 21 (with F J Thorp).

[1992] *NZ Recent Law Review* 353 (with F J Thorp).

[1994] *NZ Recent Law Review* 1 (with F J Thorp).

[1995] *NZ L Rev* 1 (with F J Thorp).

[1996] *NZ L Rev* 96 (with F J Thorp).

[1998] *NZ L Rev* 1.

[2000] *NZ L Rev* 61.

[2002] *NZ L Rev* 49.

[2004] *NZ L Rev* 87.

[2005] *NZ L Rev* 119.

[2006] *NZ L Rev* 303.

[2009] *NZ L Rev* 99.

A full list of published articles and papers is available on request.

#### **Seminar Materials:**

Arbitration Act - New Zealand Law Society Seminar 1997 (with F J Thorp).

Arbitration for the 21<sup>st</sup> Century - A Practical Guide - New Zealand Law Society Seminar 2001 (with F J Thorp).

Arbitration – Contemporary Issues and Techniques 2011 (with Daniel Kalderimis)

## **David A R Williams QC – Law Directory Comments**

Who's Who Legal 2005 (Commercial Arbitration) "...one of the world's outstanding commercial arbitrators."

Global Arbitration Review 2007 (International Commercial Arbitration) "...one of London's super arbitrators".

Who's Who Legal 2008 (International Commercial Arbitration – English section) "David Williams QC of Essex Court Chambers is many people's Chairman of choice at the moment ... He is well organised and very bright".

Chambers UK 2008 (International Commercial Arbitration) "...interviewees conveyed admiration at David Williams QC's judgment, handling of parties and ability to keep arbitral proceedings moving."

Who's Who Legal 2009 (Commercial Arbitration) "The New Zealand (arbitration) section features the famous trio from Bankside Chambers. David Williams QC is number one in the country."

Who's Who Legal 2010 (Commercial Arbitration) "David Williams QC is in a league of his own in New Zealand."

Chambers Asia 2010 (International Arbitration) "David Williams QC of Essex Court Chambers is 'right up there as an arbitrator', report interviewees. He is from New Zealand ... and his Asian practice centres on Singapore, where he handles a range of disputes including investment, construction, infrastructure, and oil and gas."

Who's Who Legal 2011 (Commercial Arbitration) "David Williams at Bankside Chambers is rated as the country's leading practitioner."

Chambers UK 2011 (Commercial Arbitration) "David Williams QC is another of Essex Court Chambers star arbitrators. Counsel praise his outstanding knowledge of infrastructure, energy, and construction matters."

Chambers UK 2012 "...has been in high demand of late. A 'charming and decisive chairman', he inspires confidence in clients and counsel alike by firmly guiding proceedings forward whilst also retaining a relaxed atmosphere."

Chambers Europe 2012 "David Williams QC is characterised as 'sensible, pragmatic and excellent in the technical aspects of arbitration'."

Chambers Asia 2012 "David Williams QC of Essex Court Chambers is recommended as 'an excellent arbitrator who is a big name internationally'."

Chambers UK 2013 "David Williams QC of Essex Court Chambers but based in New Zealand, offers significant expertise in investment treaty and commercial arbitration. Market commentators are quick to praise his capabilities as arbitrator, with one source commenting that 'he controls proceedings brilliantly as chairman'."

Who's Who Legal 2014 “The very intelligent David Williams QC ... has been involved in over 120 international arbitrations and currently serves as a member of the International Council for Commercial Arbitration”.

Global Arbitration Review 2014 “Nominee for best prepared/most responsive arbitrator 2013 and 2014.”

Chambers Global 2014 (public international law) “...one of the top international arbitrators in the world.”

Chambers Asia 2014 “outstanding ... internationally renowned arbitrator who acts on many of the top-end international disputes in Asia. Currently New Zealand-based, he brings vast global arbitration experience to act for high-profile clients across the region, in the commercial and investment spheres.”

Chambers Global 2014 (international arbitration) “...has a solid reputation built over many years of acting on the largest cases in the field. He now primarily acts as an arbitrator, focusing largely on the Asia-Pacific region. Sources say: ‘He is absolutely in the top band on a worldwide level’.”