

Dr Gavan Griffith QC
International Commercial, Investment and
Treaty Disputes Arbitrator
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Dr Gavan Griffith QC is counsel at the Australian and English bars with over 30 years seniority as a silk, holding 8 Commissions as Queen's Counsel. Following extensive commercial, constitutional and public law practice as counsel, he was appointed Solicitor-General of Australia (Australia's Second Law Officer, *ex officio* the leader of the Australian bars) from 1984 to 1997. Since 1998, continuing practice, now principally from London chambers, as counsel in commercial and public law matters and as arbitrator in commercial, investment and treaty disputes (usually as presiding tribunal member).

As Solicitor-General of Australia, pleaded some 250 constitutional, international law and other cases before the entire bench of the High Court of Australia. Also appeared before other Supreme Courts in Australia and other jurisdictions, including the Judicial Committee of the Privy Council, and in Malaysia, Fiji, Nauru and the Solomon Islands.

Agent and Counsel of Australia at the International Court of Justice in the cases of Certain Phosphate Lands (Nauru v. Australia); East Timor (Portugal v. Australia); the Australian request to intervene in the Request for an Examination of the Situation (New Zealand v. France) and the two requests for Advisory Opinions by the WHO and the General Assembly as to the Legality of Nuclear Weapons.

Australian delegate and sometime Vice-Chairman to UNCITRAL 1984 to 1997, where work included the drafting and adoption of the UNCITRAL Model Law in 1985 and other Treaties and Conventions.

Representative of Australia at the UN General Assembly, including the Sixth Committee.

Australian Delegate to the Hague Conference on Private International Law 1989 to 1997.

Recurrent terms as member, and sometime Chairman, of the INTEL SAT Panel of Legal Experts (3 terms), and of the Permanent Court of Arbitration, and the ICSID Panel of Arbitrators.

Seconded 1994 -1995 as Special Counsel to the Under-Secretary of Legal Affairs, UN New York, to write a report, since implemented, on the reform of the internal legislative structure of the United Nations.

The *Australian Financial Review's* 2012 'Power Edition' named him as one of only three leading counsel who will 'keep securing some of the bar's biggest briefs'.

Commercial Disputes

An extensive arbitral practice, mostly as chairman, of some scores of commercial and contractual disputes, most commonly under the aegis of the ICC and the PCA, but also at the LCIA, HKIAC, SIAC, KLRCA, IAMA and other institutions, and also tribunals *ad hoc*, in disputes involving diverse commercial issues including -

energy (coal, oil, gas and electricity, including pricing reviews), joint ventures, maritime and shipping including charter parties and liabilities under conventions, sale and repair of goods, bills of lading, financing and banking, intellectual property, contracts including construction disputes, franchises, licensing, IP, insurance and the like.

Investment and other treaty disputes

Member, usually presiding, of some 20 investment and other treaty disputes Tribunals, particularly of ICSID Tribunals (including 5 *ad hoc* Annulment Committees) and of other Tribunals with State party respondents established under UNCITRAL or other Rules at the PCA, ICC and elsewhere, and also in State v. State disputes. Currently President of 4 ICSID and other BIT investment Tribunals, and a member of two others.

As arbitrator

1. RSM Production Corporation v. Saint Lucia (ICSID ARB/12/10), arbitrator
2. Sudapet Company Limited v. Republic of South Sudan (ICSID ARB/12/26), arbitrator
3. Tulip Real Estate and Development Netherlands B.V. v. Republic of Turkey (ICSID ARB/11/28), chairman
4. Rafat Ali Rizvi v. Republic of Indonesia (ICSID ARB/11/13), chairman
5. Allard v. Government of Barbados (UNCITRAL/PCA), chairman
6. Bozbey Insaat Sanay v. Turkmenistan (UNCITRAL/PCA), chairman
7. Caratube International Oil Company LLP v. Republic of Kazakhstan (ICSID ARB/08/12), co-arbitrator
8. Bosh International, Inc. v. Ukraine (ICSID ARB/08/11), chairman
9. Abitibi Bowater Inc. v. Canada (NAFTA), arbitrator
10. Philippe Gruslin v. Malaysia (ICSID ARB/99/3), sole-arbitrator
11. Misima Mines Pty. Ltd v. PNG (ICSID ARB/96/2), sole-arbitrator
12. Claimant v. State (ICC), president
13. Larsen v. The Hawaiian Kingdom (PCA), arbitrator

As President of ICSID *ad hoc* Annulment Committees

14. RSM Production Corporation v. Grenada (ICSID ARB/05/14)
14. Continental Casualty Co v. Argentine Republic (ICSID ARB/03/9)
15. Argentine Republic v. Continental Casualty Co (ICSID ARB/03/9)
16. Azurix Corp. v. Argentine Republic (ICSID ARB/01/12)
15. Enron Creditors Recovery Corporation (formerly Enron Corporation) v. Argentine Republic (ICSID ARB/01/3)

Other

16. Bayindir Insaat Turizm Ticaret Ve Sanayi A.S. v. Islamic Republic of Pakistan (ICSID ARB/03/29), counsel
17. Cemex Asia Holdings Ltd. v. Republic of Indonesia (ICSID ARB/04/3), ASEAN Treaty, expert witness

State v. State disputes

18. Ireland v. United Kingdom ("MOX Plant Case") (PCA, OSPAR Convention, arbitrator)
19. Nauru v. Australia ("Certain Phosphate Lands in Nauru case") (ICJ), agent and counsel for Australia
20. Portugal v. Australia ("East Timor case") (ICJ), agent and counsel for Australia
21. Legality of the Use by a State of Nuclear Weapons in Armed Conflict, request for an advisory opinion by the WHO (ICJ), counsel for Australia
22. Legality of the Threat or Use of Nuclear Weapons, request for an advisory opinion by the UN General Assembly (ICJ), counsel for Australia

As Solicitor-General of Australia 1984 to 1997, lead counsel in the High Court of Australia in some 65 treaty-based cases.

Academic and Professional

LLM. Melbourne University

D.Phil. Magdalen College, Oxford University 1968-1971

Call Lincoln's Inn, London, 1969, and other foreign jurisdictions

Queen's Counsel since 1982

Visiting Fellow, Magdalen College, Oxford 1968-1974 and since

Member former Oxford Circuit

Associated with 4 Essex Court, now Essex Court Chambers, since 1969

Member ICSID Panel of Arbitrators since 1992

Member Permanent Court of Arbitration, The Hague (3 terms)

Chartered Arbitrator

Member, Dubai Financial Services Board, DFSA, since 2009

Decorated by the Australian and Austrian Governments for services to public law, the arts, international law and affairs.

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