

Dr Gavan Griffith QC
International Disputes Arbitrator
Queen's Counsel

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Gavan Griffith QC is counsel at the Australian and English (call at Lincoln's Inn 1969) bars. He has over 30 years seniority as a silk holding 8 Commissions as Queen's Counsel. He has had extensive practice as a commercial, constitutional and public international counsel, and since his return to private practice in 1998, has practiced, principally from his London chambers, usually presiding, as a member of international commercial and investment and treaty disputes tribunals.

After 20 years in private practice, he held office for 14 years from 1984 as the Solicitor-General of Australia, as *ex officio* the leader of the Australian bars. He also has appeared in other superior appeal courts, including Malaysia, Fiji, Solomon Islands, and in the Judicial Committee of the Privy Council.

He was Agent and Counsel of Australia at the International Court of Justice in the several Cases of Nauru v Australia; Portugal v. Australia and the Nuclear Tests Cases and also in the two references by the WHA as to the legality of Nuclear Weapons.

He also represented Australia at the General Assembly, including the 6th Committee, Australian delegate and sometime Vice-Chairman of UNCITRAL and to The Hague Conference 1984 to 1997 and recurrent terms as member and sometime Chairman of the INTELSTAT Panel of Legal Experts, the Permanent Court of Arbitration, and other international bodies.

In 1994 to 1995 he was seconded as Special Counsel to the United Nations, New York, to write a report, since implemented, for the reform of the legislative structure of the UN.

Commercial

Since returning to private practice in 1998, he has developed 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 under the Rules of the LCIA, HKIAC, SIAC, KLRCA, IAMA and other institutions, and also of other ad hoc Tribunals, in disputes involving diverse commercial issues.

Investment, ICSID, BITS and State Party disputes

Member, usually presiding, of almost 30 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 ad hoc under UNCITRAL or other Rules at the PCA and elsewhere, and also in State v. State disputes.

Investment treaty arbitration: ICSID and other

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. Peter Allard (Canada) v. Government of Barbados (UNCITRAL/PCA, chairman
6. Bozbey Insaat Sanay ve Ticaret Limited Sikreti et al v. Turkmenistan (UNCITRAL/PCA, chairman
7. Caratube International Oil Company LLP v. Republic of Kazakhstan (ICSID ARB/08/12, arbitrator
8. Bosh International, Inc. and B&P, LTD Foreign Investments Enterprise 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. Papua New Guinea (ICSID ARB/96/2)
12. Claimant v State (ICC, president).
13. Krederei v Ukraine (ICSID ARB/14/17)
14. WNC Factoring v Czech Republic (PCA president)

ICSID *ad hoc* Annulment Committees: President

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

20 Claimant v Asian State (BIT UNCITRAL Rules)

Investment treaty arbitrations: Other

21 Bayindir Insaat Turizm Ticaret Ve Sanayi A.S. v. Islamic Republic of Pakistan (ICSID ARB/03/29), counsel

22 Cemex Asia Holdings Ltd. v. Republic of Indonesia (ICSID ARB/04/3, ASEAN Treaty, expert witness)

23 Mobil v Canada (NAFTA)

State v. State disputes:

24 Ireland v. United Kingdom ('Mox Plant case') (OSPAR Convention), arbitrator

25 Lance Paul Larsen v. The Hawaiian Kingdom (PCA), arbitrator)

26 Nauru v. Australia ('Nauru case', ICJ, agent and counsel for Australia

27 Portugal v. Australia ('East Timor case', ICJ, agent and counsel for Australia)

28 Nuclear Weapons Advisory Opinion (ICJ, WHA and UN requests, counsel for Australia)

29 Marshall Islands v US, 1999

As Solicitor-General of Australia 1984 to 1997 he was lead counsel in the High Court of Australia in some 65 treaty-based cases and over 250 final appeals and constitutional causes.

Academic and Professional

LLM. Melbourne University

D.Phil. Magdalen College, Oxford University 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

Former member 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, for 3 terms

Chartered Arbitrator

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

Google search **Gavan Griffith QC** will turn up more detail, including publications.

19 October 2016