

**Dr Gavan Griffith QC**  
**International Commercial, Investment and  
Treaty Disputes Arbitrator  
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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 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 treaty dispute tribunals.

After 20 years in private practice, he held office for 14 years from 1984 as the Solicitor-General of Australia. As Australia's Second Law Officer, and pleaded some 250 constitutional and other cases before the entire bench of the High Court 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 Test Cases and also in two references by the WHA as to the legality of Nuclear Weapons.

He also represented Australia at the General Assembly, including the 6<sup>th</sup> 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 ITELSAT 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 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. 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
14. Krederei v Ukraine (ICSID ARB/14/17)
15. WNC Factoring v VCzech Republic (PCA President)

### **ICSID *ad hoc* Annulment Committees: President**

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

### **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

### **State v. State Disputes**

23. Ireland v. United Kingdom (“MOX Plant Case”) (PCA, OSPAR Convention, arbitrator)
24. Nauru v. Australia (“Certain Phosphate Lands in Nauru case”) (ICJ), agent and counsel for Australia
25. Portugal v. Australia (“East Timor case”) (ICJ), agent and counsel for Australia
26. 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
27. 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, he was lead counsel in the High Court of Australia in some 65 treaty-based cases and over 250 final appeals and constitutional 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

Decorated by the Australian 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.

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