

John P. Gaffney
Senior Counsel
Al Tamimi & Company, Abu Dhabi



Professional Experience

- Senior Counsel, Arbitration Group, Al Tamimi & Company, Abu Dhabi, United Arab Emirates
- Senior Associate, International Arbitration Group, King & Spalding, Paris, France
- Associate, International Arbitration Group, Freshfields Bruckhaus Deringer, Paris, France
- Associate, Skadden, Arps, Slate Meagher & Flom (UK) LLP, London, England
- Partner with a number of Irish law firms, including William Fry Solicitors, Dublin, Ireland
- Associate Legal Officer, United Nations Compensation Commission, Geneva, Switzerland
- National University of Ireland, Cork (Part-time lecturer in Construction and Engineering Law)

Arbitration experience:

As Counsel (or co-counsel):

- **UAE-registered insurer** in an arbitration with a state-owned oil company (ICC arbitration, Abu Dhabi seat)
- **Subsidiary of a UAE telecommunications service provider** in an arbitration with a UAE service provider (DIFC-LCIA, DIFC seat)
- **Subsidiary of one of Abu Dhabi's leading privately-owned conglomerates** in an arbitration with a UAE/KSA JV contractor (ADCCAC, Abu Dhabi seat)
- **Global leader in visa services** in arbitrations with a Pakistani contracting company (Ad hoc, Dubai seat)
- **UAE gypsum products supplier** in an arbitration with an Indian company (ICC, Singapore)
- **Singaporean hotel operator** in an arbitration with a BVI company (DIFC-LCIA, Dubai seat)
- **Saudi Arabian oil & gas supplier** in an arbitration with a US company (Ad hoc, Dubai seat) (and co-counselling on related US state and federal court proceedings).
- **Abu Dhabi aluminum extrusions company** in a construction dispute with a Lebanese EPC contractor (ICC Expertise Rules & ADCCAC arbitration, Abu Dhabi seat)
- **Abu Dhabi investment company** in a dispute with a design consultant (ADCCAC mediation, Abu Dhabi seat)
- **Subsidiary of Abu Dhabi industrial group** in a franchise dispute (Ad hoc, Montreal seat)
- **Major international player in renewable energy** in a dispute with a UAE company concerning the construction of a photovoltaic plant (ADCCAC arbitration, Abu Dhabi seat)
- **International industrial service provider** in a dispute with a Korean contractor on a major infrastructure project in Abu Dhabi (ICC arbitration, Abu Dhabi seat)
- **Leading Abu Dhabi property development company** in numerous ADCCAC arbitrations
- **Abu Dhabi investment bank and asset manager** in an investment-related dispute (BCDR-AAA arbitration, Bahrain seat)
- **French national** in a shareholder dispute (ICC mediation, ICC arbitration, DIFC seat)
- **Ukraine** in an investment treaty case concerning an oil refining facility brought by a Russian investor under a Bilateral Investment Treaty (UNCITRAL Rules, seated in The Hague)
- **Leading Russian energy company** in an international arbitration against Swedish and Russian companies in relation to the expansion of an existing power plant (ICC arbitration, seated in Zurich)
- **Indian multinational company** in a commercial arbitration brought by a US multinational corporation (ICC arbitration, seated in Paris)
- **African State** in an investment treaty case brought by a Dutch-incorporated investor under a Bilateral Investment Treaty (ICSID arbitration)
- **Albanian telecommunications company** in a dispute with a fixed line operator (ICC arbitration, seated in Paris)
- **Greek industrial group** in a dispute concerning a joint venture with a Spanish partner in the

- Greek energy sector (LCIA arbitration, seated in Vienna)
- **French multinational in a multi-billion construction arbitration** relating to a nuclear facility (ICC, seated in Stockholm)
- **Russian investment bank** in four concurrent LCIA arbitrations arising from sale and purchase and related agreements in the food sector in a CIS state (London seat)
- **US multinational power company** in a multimillion euro arbitration with a Spanish/Japanese consortium concerning the construction of a power plant in southern Spain (Ad hoc, seated in London)
- **Irish luxury goods manufacturer** in an international arbitration
- Advice to **various international and UAE-based clients** on arbitration-related matters, including construction, commercial and investment treaty arbitration matters in the UAE.

As Arbitrator/Expert

- Served on an Expert Panel in three ICANN .gTLD cases administered by the ICC Centre of Expertise
- Served as a panelist in a number of WIPO disputes concerning i.e., domain names
- Serving as a sole arbitrator in a DIAC arbitration case seated in Dubai, UAE

Education

- 2002 - Diploma in International Arbitration, National University of Ireland
- 1999 - International Arbitration Course, Chartered Institute of Arbitrators
- 1998 - Masters of Laws (LL.M.) with distinction in EU & International Trade Law, University of Amsterdam
- 1991 - ERASMUS program (incl. completion of an LL.B. dissertation on an EEC Law issue), Università degli studi di Modena e Reggio Emilia
- 1991 - Bachelor of Laws L.L.B., National University of Ireland
- 1990 - Diploma Dublin Institute on International & Comparative law, University of San Diego (venue: Trinity College, Dublin)
- 1990 - Bachelor of Civil Law (BCL), University of Ireland

Admissions

- 2007 - Admitted as a Solicitor in England & Wales; 1994 - Admitted as a Solicitor in Ireland

Honours:

- Nominated for the 2018 Global Arbitration Review (GAR) Award for Innovation
- Member, ICC Commission for Arbitration and ADR
- Country Reporter for the UAE, ITA Board of Reporters
- Visiting Lecturer, International Commercial Arbitration, Paris Sorbonne University, Abu Dhabi
- Member of the Sounding Board, Business and Human Rights Arbitration Project Editorial Board, Law Update (Al Tamimi & Company publication)
- ICCA Ambassador - ICCA Congress, Mauritius, May 2016
- Reporter for European Parliament Study on Arbitration
- Rapporteur for the popular OGEMID Listserv, and Associate Editor, TDM
- Former Case Notes Editor of the European International Arbitration Review
- Member of the Drafting Committee for the 2011, 2015 Skadden, Arps FDI Moot
- Listed in Who's Who Legal (for Arbitration, Construction), Roster of International Arbitrators, and Euromoney Guide to Leading Commercial Arbitration Experts.

Arbitration-Related Publications - Books and special editions:

1. Co-Editor, TDM Special Issue on the Modernization of the Energy Charter Treaty, TDM (2019)
2. Part V (Court Decisions) of Yearbook Commercial Arbitration Volume XLII (2017)(with M. Nasreddine)
3. UAE Chapter in Commercial Arbitration, Global Arbitration Review (2018, 2019)(co-author with T. Snider and D. Al Houti)

4. Contribution to the UAE Arbitration Yearbook 2017 entitled, The QMUL Study on Resolving TMT Disputes: What Lessons for the UAE (co-author with M. Nasreddine)
5. Chapter entitled 'Overview of Recent EU-Related Developments in Commercial and Investor-State Arbitration', in Contemporary Issues in International Arbitration and Mediation: The Fordham Papers 2015 (ed. Rovine)(2016)
6. Co-Editor, TDM Special Issue on "Comprehensive Economic and Trade Agreement between the European Union and Canada (CETA)", TDM 1 (2016)
7. National Report on Ireland in World Arbitration Reporter (2018)(with E. Crowley)
8. Chapter entitled 'European Bilateral Approaches' in International Investment Law: A Handbook (ed. Bungenberg, Griebel et al) (2015) (with Z. Akcay)
9. Chapter entitled 'How Important Is It To Develop A Coherent Case Law?: The Role Of Judicial Dialogue In Investment Arbitration' in Droit européen (Le) et l'investissement, Colloque (2011)
10. Chapter entitled 'Going to Pieces without Falling Apart: Wälde's Defence of 'Specialisation' in the Interpretation of Investment Treaties' in Liber Amicorum: Thomas Walde, Law Beyond Conventional Thought, edited by Thomas Wälde, Jacques Werner and Arif Hyder Ali (2009)
11. Chapter on 'Enforcement' in Practical Aspects Of Arbitrating EC Competition Law (Schulthess, Zurich) (with S. Wade) (2007)
12. Chapter on 'Ireland' in Transnational Litigation: A Practitioner's Guide, (ed. John Fellas) (co-author with A. Collins and P.A. McDermott) (2006)

Arbitration-Related Publications - Articles:

1. "The Abu Dhabi Global Market: An Arbitral Seat Open to All", Kluwer Arbitration Blog, 14 May 2019
2. "Achmea and Commercial Arbitration", Global Arbitration Review, 29 April 2019
3. "The Arbitral Jurisdiction of the Abu Dhabi Global Market", ICC Institute Newsletter - Issue 11, 20 December, 2018
4. Overview of the UAE Federal Arbitration Law No. 6 of 2018, (4 October 2018, Kluwer Arbitration ITA Arbitration Report, Volume No. XVI, Issue No. 9) (co-author with Ma. Nasreddine)
5. "X v. Y, Court of First Instance of Dubai, 1289 of 2018, 19 September 2018", (Kluwer Arbitration ITA Arbitration Report, Volume No. XVI, Issue No. 11-12) (co-author with M. Nasreddine)
6. "Slovak Republic v. Achmea: A Disproportionate Judgment?", Kluwer Arbitration Blog, Sep 14, 2018
7. "Could BITs and BATs be combined to ensure access to human rights remedies?", Columbia FDI Perspectives, No. 229, July 2, 2018
8. "Has the Time come for Full and Frank Financial Disclosure in International Commercial Arbitration?," ICC Institute Newsletter (2017) (nominated for GAR Award)
9. "Should the European Union regulate commercial arbitration?", Arbitration International (2017) 33 (1): 81-98
10. "The revision of Article 257 of the UAE Penal Code", ICC Institute Newsletter, No 8 (2017)
11. "The Revision of Article 257 of the UAE Penal Code: Concerns, Context, and a call to Countermand", International Journal of Arab Arbitration, Volume 8 - No. (2) (co-author with H. Arab & M. Nasreddine)
12. "The Revision of Article 257 of the UAE Penal Code: A problem also for Party-Appointed Experts?", Kluwer Arbitration Blog, 10 March 2017
13. "Banyan Tree Corporate Pte Ltd v. Meydan Group LLC and Meydan City Corporation, Court of First Instance of Dubai, Case No. 1619/2016, 15 February 2017", (Kluwer Arbitration ITA Arbitration Report) (co-author with M. Nasreddine)
14. "Arbitrating in Abu Dhabi's commercial freezone - an overview", Global Arbitration Review, February 06, 2017 (co-author with M. Nasreddine)
15. "State Courts and the Proposed New Investment First Instance and Appellate Decisions", TDM 1 (2017)
16. "The Rule of Law and Alternatives to Investment Arbitration", European Investment Law and Arbitration Review (EILARev), 2016
17. "The Enforceability of DIAC Arbitral Awards by the DIFC Courts in Confirmed: the DRA and DIAC join forces", (28 October 2016, Kluwer Arbitration Blog) (co-author with M. Nasreddine)

17. "Fluor Transworld Services v. Petrixo Oil, Court of Appeal of Dubai, Commercial Appeal No. 52-2016, 28 September 2016", (Kluwer Arbitration ITA Arbitration Report) (co-author with M. Nasreddine)
18. "How to navigate the UAE's complex jurisdictions", *The Lawyer*, Sept 2016 (with T. Shrayh)
19. "The EU proposal for an Investment Court System: what lessons can be learned from the Arab Investment Court?", *Columbia FDI Perspectives*, Aug. 29, 2016
20. "Arbitration Awards as Works of Art", *Kluwer Arbitration Blog*, June 1, 2016
21. "X v. Y, Court of Cassation of Dubai, Commercial Appeal No. 38-2016, 29 May 2016", (31 August 2016, *Kluwer Arbitration ITA Arbitration Report*, Volume No. XIV, Issue No. 8)
22. "Gavin v. Gaynor, Court of First Instance of the DIFC, 03 April 2016", (*Kluwer Arbitration ITA Arbitration Report*)
23. "When is investor-state dispute settlement appropriate to resolve investment disputes? An idea for a rule-of-law ratings mechanism," *Columbia FDI Perspectives*, June 8, 2015
24. "International Commercial Arbitration - Procedural Approaches: Civil Law versus Common Law", *Transnational Dispute Management*, January 2015 (with A. Ndong)
25. "Appellant v. Respondent, Court of Cassation of Abu Dhabi, Judgment No. 708-2014, 29 October 2014", (2 October 2017, *Kluwer Arbitration ITA Arbitration Report*, Volume No. XV, Issue No. 9)
26. "Cost allocation in investment arbitration: Forward toward incentivization", *Columbia FDI Perspective No. 123* June 9, 2014 (with J. Nicholson)
27. "Achieving sustainable development objectives in international investment: Could future IIAs impose sustainable development-related obligations on investors?", *Columbia FDI Perspective* (co-author with J. Sarvanantham)
28. "Intra-EU BITs: Toothless Tigers Or Do They Still Bite?", *SchiedsVZ 2013*, Heft 2, 68 (*German Arbitration Journal*) (co-author with J. Schaefer)
29. "Should Investment Treaty Tribunals Be Permitted to Request Preliminary Rulings From the Court of Justice of the European Union?", *Transnational Dispute Management*, Vol. 2 (2013)
30. "EU Member State Defends Measures Adverse to Energy Sector Investments on the basis of EU law," in *King & Spalding Energy Newsletter* (February 2013) (with C. Soule)
31. "Case Comment - Slovak Republic v. Eureko B.V., OLF Frankfurt (10 May 2012)," in *The Paris Journal of International Arbitration*, Vol. 4, (2012) (with C. Soule)
32. "Threats to Investment Protection in the EU Energy Sector," in *King & Spalding Energy Newsletter* (August 2012)
33. "Non-party Autonomy: Displacing the Negative effect of the Principle of 'Competence-Competence' in England?" in *1 Journal of International Arbitration* (2012)
34. "How Important is it to Develop a Coherent Case Law?: The Role of Judicial Dialogue in Investment Arbitration" in *Le droit européen et l'arbitrage d'investissement* (2011).
35. "Tilting at Windmills?: The Quest for Independence of Party-Appointed Expert Witnesses in International Arbitration," *Asian Dispute Review*, July 2011 (co-author with G. O'Leary).
36. "EC Law and Intra-EU Investment Treaties: AES Summit Generation Limited and AES-Tisza Eromu Kft. v. Republic of Hungary," *KLRCA Newsletter*, October 2010.
37. "Counsel Must Ensure The Right Of Cross-Examination In Arbitration", *International Litigation Quarterly* (Fall 2010)
38. "Abuse of Process in Investment Treaty Arbitration", *Journal of World Investment & Trade*, Vol. 11 No. 4 (August 2010)
39. "West Tankers: Fuelling the Debate on the Position of Arbitration" (co-author with Colm P. McInerney), *The International Litigation Quarterly*, Vol. 25, Issue 3 (Summer 2009)
40. "Is an investment treaty tribunal entitled to dismiss a claim where it amounts to an 'abuse of process?'," *Kluwer Arbitration Blog*, August 4, 2009
41. "The New York Convention: A Basis For The Enforcement By National Courts Of A Justiciable Liberty Of Decision Of The Arbitral Tribunal," in *The New York Convention: 50 Years Of Experience*, *Mealey's Executive Summary* (Oct. 2008)
42. "Precedent in the United Nations Compensation Commission," 5(3) *TDM* (May 2008)
43. "The 'Effective Ordinary Meaning' of BITs and the Jurisdiction of Treaty-Based Tribunals to Hear Contract Claims," Volume 8, No.1 *Journal of World Investment & Trade*5 (Mar. 2007)(with J. L. Loftis)
44. "Jurisdiction *ratione temporis* of ICSID Tribunals: Lucchetti and Jan De Nul considered," 3(5)

Transnational Dispute Management (2006)

45. "Immunity of arbitrators from suit," IBA Committee D Newsletter, Vol. XI, No. 1, at 26 (Feb. 2006)(with P. Griffin)
46. "European Community Law and International Arbitration: A recent OGEMID discussion," Transnational Dispute Management, Vol. 2, No. 5 (Nov. 2005)
47. "Salini v. Jordan - An Important Contribution To ICSID Jurisprudence on Jurisdictional Issues," 20(4) Int'l Arb. Rep. 35 (2005)
48. "Ireland- Scope of arbitration clause," 9(2) Arb. & ADR 62 (2004)
49. "The Group of Companies Doctrine and the Law Applicable to the Arbitration Agreement," 19(6) Int'l Arb. Rep. 47 (2004)
50. "Confidentiality in International Arbitration: A Recent English Decision," 18(5) Int'l Arb. Rep. 18 (2003)
51. "Ex Parte Measures in International Arbitration," 17(11) Int'l Arb. Rep. 39 (2002)
52. "Evidentiary privileges in international arbitration - Ireland," 7(2) Arb. & ADR 36 (2002)
53. "The Bay Hotel Case: Accommodating the Parties' Wishes," 17(1) Int'l Arb. Rep. 31 (2002)(with D. Rosenblum)
54. 'International, Foreign and Domestic Arbitrations and the Granting of Interim Relief in Ireland', 16(9) Int'l Arb. Rep. 37 (2001) (with O. O'Sullivan)

Recent Conferences, Lectures, and Seminars:

1. Visiting Lecturer, International Commercial Arbitration, Sorbonne University, Abu Dhabi, February 2019
2. Commentator on Keynote Speech: Constructing a multilateral investment court: the path ahead, EFILA Conference, London, Jan. 2019
3. Panelist, Conduct within the arbitration process, Dublin International Arbitration Day, Nov 2018
4. Presentation on UAE Law to the DIFC Courts' Annual Judges Meeting, DIFC, Nov 2018
5. Visiting Lecturer, International Commercial Arbitration, Paris Sorbonne University, Abu Dhabi, March 2018 (with Michael Hwang SC)
6. Panelist, "Rethinking the Role of Courts and Judges in Supporting Arbitration in Africa", Lagos Court of Arbitration Centre, 2016
7. Speaker, International Arbitration Symposium, CILS, Salzburg, Jun. 2016
8. Speaker, EFILA Conference, Paris, Feb. 2016
9. Moderator, "Queen Mary School of International Arbitration - Inaugural Working Seminar on Group Claims in Arbitration", Nov. 2015
10. Moderator & Speaker, "The Confluence of EU Law And International Arbitration—Both Commercial and Investor-State", 10th Annual Conference on International Arbitration and Mediation, Fordham Law School, New York, Nov. 2015
11. Speaker, Energy Disputes, CIArb Centenary Conference, Dublin, Oct. 2015
12. Speaker ICC PIDA conference, Dubai, 2014
13. Speaker, McGill University & QMUL, CETA Conference, Montreal, 2014
14. Speaker, Eighth Dublin Forum on Resolution of International Commercial Disputes, 2014
15. Keynote speaker, CIArb European Branch AGM and Conference, Warsaw, 2014
16. Panelist, "Non-enforcement of Arbitration Awards as Breaches of Bilateral Investment Treaty (BIT) obligations", ICC YAF Conference, Bangalore, 2014
17. Panelist, Inaugural Conference of the CIArb Young Members Group in Dublin on "Investment Arbitration: Fit for purpose?", Dublin, 2012
18. Speaker, Journée d'étude/Seminar, Le droit européen et l'arbitrage d'investissement, European Law and Investment Arbitration, Paris, 2010
19. Speaker, UCC Annual Law Conference, Cork, Ireland, on "The Impact of European Community Law in Irish Litigation", November 2008
20. Panelist, Arbitration and ADR Section, International Bar Association Annual Meeting, Singapore, 2007
21. Panelist, International Arbitration Seminar, Association Internationale de Jeunes Avocats (AIJA) Congress, Geneva, 2006