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International Dispute Resolution

Current and Recent Arbitration, ADR and Expertise Appointments

Chartered Arbitrator. Member of the ICC International Court of Arbitration. Member of the ICSID Panels of Arbitrators and of Conciliators.

Empaneled as arbitrator with the leading international arbitral institutions on five continents:

- Abu Dhabi Commercial Conciliation and Arbitration Centre (ADCCAC).
- Asian International Arbitration Centre (AIAC).
- Australian Centre for International Commercial Arbitration (ACICA).
- Bahrain Chamber for Dispute Resolution (BCDR-AAA).
- Belgian Centre for Arbitration and Mediation (CEPANI).
- Cairo Regional Centre for International Commercial Arbitration (CRCICA).
- Chartered Institute of Arbitrators (CI Arb).
- DIFC-LCIA.
- Dubai International Arbitration Centre (DIAC).
- Hong Kong International Arbitration Centre (HKIAC).
- International Centre for Dispute Resolution (ICDR).
- International Chamber of Commerce (ICC).
- International Centre for Settlement of Investment Disputes (ICSID).
- Jerusalem Arbitration Centre (JAC).
- Korean Commercial Arbitration Board (KCAB).
- Lebanese Arbitration and Mediation Center (LAMC).
- London Court of International Arbitration (LCIA).
- Pacific International Arbitration Center (PIAC).
- Permanent Court of Arbitration (PCA).
- P.R.I.M.E. Finance.
- Russian Arbitration Association (RAA).
- Saudi Centre for Commercial Arbitration (SCCA).
- Singapore International Arbitration Centre (SIAC).
- Tehran Regional Arbitration Centre (TRAC).
- Thailand Arbitration Centre (THAC).
- Vienna International Arbitration Centre (VIAC).
- World Intellectual Property Organisation (WIPO).

Also on the list of arbitrators of the Swiss Arbitration Association (ASA), the International Arbitration Institute (IAI), and the Roster of International Arbitrators of Arbitration Law (JURIS).

Fellow of the Chartered Institute of Arbitrators and Fellow of the Australian Centre for International Commercial Arbitration (ACICA). Consistently ranked in the Euromoney Guide to the World's Leading Experts in Commercial Arbitration and listed by Chambers amongst France's Most in Demand Arbitrators.

In 2019 Professor Affaki was appointed by Decree a Foreign Trade Counselor of France in recognition for his expertise in international trade and dispute resolution.

Fluent in **Arabic, English, and French**, with the ability to conduct proceedings and draft awards in all three languages.

Recent ADR appointments include:

Construction

- Mediator in the World's largest metro project (applicable law: Saudi, seat: Riyadh).
- Chairman of the arbitral tribunal in an ICC case in relation to consolidated arbitrations arising under a multi-contract dispute in the construction sector (applicable law: UAE, seat: Abu Dhabi).
- Chairman of the arbitral tribunal in an ICC case in relation to an iconic infrastructure project dispute in the tourism sector (applicable law: UAE, seat: Dubai).
- Chairman of the arbitral tribunal in a DIAC case in relation to a dispute relating to a series of property development and construction agreements (Arabic-English bilingual proceedings – applicable law: UAE, seat: Dubai).
- Chairman of the arbitral tribunal in a DIAC case in relation to a series of construction disputes arising in relation to a landmark infrastructure project in Dubai (applicable law: UAE, seat: Dubai).
- Sole arbitrator in an *ad hoc* international arbitration case in relation to a dispute between a contractor and an international relief agency operating in the Middle-East (applicable law: general principles of international law, seat: London).
- Sole arbitrator in an ICC case in relation to a dispute arising out of a series of contracts for the design, construction, expansion and development of several terminals in an international airport (applicable law: Saudi, seat: Dubai).
- Sole arbitrator in an ICC case in relation to a dispute arising from the construction of a ship terminal and grain warehouse construction and operation project (applicable law: Iran, seat: Paris).
- Arbitrator nominated by the State in PCA-administered Case N° AA695 under the UNCITRAL rules in relation to a dispute in the construction sector (applicable law: Moldova, seat: The Hague).
- Party-appointed arbitrator in an ICC case concerning a dispute under a settlement agreement under a large construction project (applicable law: English, seat: London).
- Arbitrator nominated by the employer in an ICC case concerning a dispute under a complex FIDIC-type industrial dismantling, transfer and construction series of agreements (applicable law: French, seat: Paris).
- Arbitrator nominated by the contractor in an ICC case concerning a shipbuilding contract in the oil and gas sector (applicable law: Libyan, seat: to be determined).
- Party-appointed arbitrator in an *ad hoc* case concerning a dispute under a joint venture agreement in relation to a real estate investment (applicable law: French, seat: Paris).

Investment

- Chairman of the arbitral tribunal in ICSID Case No. ARB/16/16, *Global Telecom Holding S.A.E. v. Canada*.
- Arbitrator nominated in an *ad hoc* arbitration under the UNCITRAL Rules and the OIC Investment Agreement (applicable law: international and Libyan law, seat: Europe).

Banking and Finance

- Chairman of the arbitral tribunal in HKIAC consolidated cases in relation to a series of multiparty, multi-contract disputes arising under a private equity investment in the energy sector in PRC (applicable law: Hong Kong, seat: Hong Kong).
- Chairman of the arbitral tribunal in an ICC case in relation to a series of multiparty, multi-contract disputes arising under a private equity investment in the education sector in Morocco (applicable law: French, seat: Paris).
- Arbitrator nominated by a State-owned entity in an ICC case concerning a dispute under financing agreements in the context of a bank resolution scheme pursuant to the EU Bank Recovery and Resolution Directive (BRRD) (applicable law: France, seat: Paris).
- Party-appointed arbitrator in a DIAC case concerning a shareholders' dispute in relation to the acquisition of a financial institution (applicable law: Saudi, seat: Dubai).
- Party-appointed arbitrator in a DIAC case concerning a shareholders' dispute in relation to a private equity investment in the education sector in Saudi Arabia (applicable law: English, seat: Dubai).
- Sole arbitrator in a BCDR-AAA case in relation to a dispute relating to the building and operation of an electronic securities trading system (applicable law: Bahrain, seat: Manama).
- Sole arbitrator in an *ad hoc* case in relation to a dispute under a banking service agreement (applicable law: French law and international standard banking practice, seat: Paris).
- Party-appointed arbitrator in an ADCCAC case concerning a dispute under an Islamic banking service agreement (applicable law: UAE, seat: Abu Dhabi).

Energy

- Chairman of the arbitral tribunal in a CRCICA case in relation to a dispute relating to an Egyptian law-governed operation license and gas distribution agreement between the State and a foreign-controlled distributor (proceedings conducted and award issued in Arabic – applicable law: Egyptian, seat: Cairo).
- Sole arbitrator in a DIFC-LCIA case in relation to a dispute arising out of a solar power project (applicable law: Egypt, seat: Dubai).
- Arbitrator nominated by a national oil company in an ICC case concerning a price determination dispute under a long-term gas supply contract (applicable law: Algerian, seat: Geneva).

- Party-appointed arbitrator in an ICC case concerning a dispute under a series of consulting agreements in the power sector involving allegations of corruption of a national oil company (applicable law: Swiss, seat: Geneva).
- Chairman of the arbitral tribunal in HKIAC consolidated cases in relation to a series of multiparty, multi-contract disputes arising under a private equity investment in the energy sector in PRC (applicable law: Hong Kong, seat: Hong Kong).

Commercial

- Sole arbitrator in a DIAC case in relation to a dispute arising out of military procurement agreements performed in a war zone (applicable law: Dubai, seat: Dubai).
- Chairman of the arbitral tribunal in an ICDR AAA case in relation to a dispute relating to an Italian law-governed distribution agreement (applicable law: Italian, seat: Milan).
- Sole arbitrator in an ICC case in relation to a dispute arising out of a settlement agreement in relation to a distribution agreement involving the interpretation of a bilateral tax treaty (applicable law: Brazil, seat: Paris).
- Party-appointed arbitrator in an HKIAC case concerning a dispute under a distribution agreement (applicable law: Hong Kong, seat: Hong Kong).

Other Alternative Dispute Resolution Appointments include:

- Chairman or member of ICC adjudicatory panels in multiple international banking dispute resolution mechanism DOCDEX cases under international standard banking practice.
- Mediator in a multiparty dispute between banks acting as counter-guarantors and guarantors and a consortium acting as applicant in relation to the payment of international guarantees.

Representative counsel and expert appointments in international arbitral and judicial proceedings available at www.affaki.fr or upon request.

Other international dispute resolution-related projects include:

ICC Commission on Arbitration and ADR

- Co-chairman of the Task Force on Financial Institutions and International Arbitration (Final report unanimously adopted on 17 September 2016).

FIDIC

- Delegate of ICC to consult with FIDIC on the introduction of the Uniform Rules for Demand Guarantees into the FIDIC model Construction Contract, Plant and Design-Build Contract, and EPC Turnkey Contract.

Paris Europlace

- Chairman of the Working Group on Applicable Law and Dispute Resolution in Islamic Finance. The Group delivered its report in June 2009. The report was translated into English and Arabic and has been the subject of a number of articles and comments in law reviews.

Academic Positions

- Professor of Law at University Panthéon-Assas (Paris II) since 2002. Classes include International Banking Law and Dispute Resolution.
- Visiting lecturer at Queen Mary University of London on international commercial law, University Panthéon-Sorbonne (Paris 1) on comparative Arab law, and University Paris Dauphine on Islamic finance. Guest lecturer at Brasenose College University of Oxford (2009-2010) and at the University of Geneva (2010-2012), both on international commercial law.
- Previous classes include International Commercial Law, University of Paris I (1999-2000), and International Construction Law, University of Toulouse I (1996-1999).
- Member of the Advisory Board of the Queen Mary-UNIDROIT Institute of Transnational Commercial Law (ITCL).

Career

- **AFFAKI, Partner, Paris.**
Avocat before the Court of Appeal of Paris, practising primarily in international arbitration and litigation, international banking law and regulation, and consulting on law reforms in transition economies.
- **1997 – 2014: BNP Paribas, Paris.**
Member of the Executive Committee of the Corporate and Investment Bank Legal Department. Global Coordinator for Corporate Banking and Global Transaction Banking.
- Earlier career included holding the following positions in France and abroad:
 - **1995 – 1997: S. G. Archibald, Paris.**
Attorney specializing in international arbitration and banking law. Also acting as dedicated counsel to the Arthur Andersen Emerging Markets team in EU Commission and World Bank-funded tenders for advisory services in developing countries.
 - **1993: United Nations Compensation Commission (UNCC), Geneva.**
Legal officer participating in the implementation of the Provisional Rules for Claims Procedure and the processing of individual claims for damages arising out of the first Gulf war.
 - **1986 – 1989: Practised law at the Syrian Bar.**

Bar Admissions

- Paris, Aleppo (currently on the non-practicing roll).

Education

- Habilitation to Direct Research (HDR), University of Paris II. Post-doctoral qualification required to gain tenure as a professor.
- Doctorate of Laws (LL.D.), *summa cum laude*, University of Paris II. The Starr Foundation scholar (1991-1995), Calouste Gulbenkian scholar.
- Postgraduate research degree in commercial law, *cum laude*, University of Paris II. The Starr Foundation scholar.
- Bachelor of Laws, *summa cum laude*, University of Aleppo.

PUBLICATIONS

- Author or editor of several books, including “Trade Finance”, ITC Publishing (awarded the European Prize on Interdisciplinary Research); “Cross-border insolvency and conflict of jurisdictions”, Bruylant; “Increasing Access to Credit – Reforming Secured Transaction Law”, ITC Publ.; “The Guide to ICC Uniform Rules for Demand Guarantees” (with Sir Roy Goode), ICC Publ. No. 702; “Jurisdictional Choices” (with Horacio Grigera Naon), ICC Publ. No. 755, and over 80 articles and case notes on international banking, international arbitration and litigation, economic sanctions, cross-border insolvency and Islamic finance.

⇒ **Complete list of publications available for download at www.affaki.fr.**

CONFERENCES

- Chair, moderator and regular speaker in international fora on issues relating to international dispute resolution, international banking, comparative Arab law, cross-border insolvency, Islamic finance and economic sanctions.

⇒ **Press interviews file and list of citations in the press available.**

Pro Bono and Community Involvement

- Pro bono speaker on legal, economic and social topics at international non-profit organisations. Active involvement in humanitarian relief projects.

Personal details

- Married, two children.
- Dual French and Syrian national.