

# Professor Dr. Georges Affaki, C.Arb, FCIArb

## International Arbitrator, Avocat à la Cour

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### International Dispute Resolution

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#### Current and Recent Arbitration, ADR and Expertise Appointments

Chartered Arbitrator. Member of the ICSID Panels of Arbitrators and of Conciliators. Member of the Board of Directors of the Saudi Center for Commercial Arbitration. Served two terms as a member of the ICC International Court of Arbitration (ending in June 2021).

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

- ADGM Arbitration Centre.
- Arbitration Foundation of Southern Africa (AFSA).
- Asian International Arbitration Centre (AIAC).
- Australian Centre for International Commercial Arbitration (ACICA).
- Bahrain Chamber for Dispute Resolution (BCDR-AAA).
- Cairo Regional Centre for International Commercial Arbitration (CRCICA).
- Chartered Institute of Arbitrators (CIArb).
- DIFC-LCIA.
- Dubai International Arbitration Centre (DIAC).
- Georgia's Permanent Arbitration Institution, Dispute Resolution Center.
- Hong Kong International Arbitration Centre (HKIAC).
- International Islamic Centre for Reconciliation and Arbitration (IICRA).
- International Centre for Dispute Resolution (ICDR).
- International Chamber of Commerce (ICC).
- International Centre for Settlement of Investment Disputes (ICSID).
- Japan Commercial Arbitration Association (JCAA).
- Jerusalem Arbitration Centre (JAC).
- Korean Commercial Arbitration Board (KCAB).
- Lebanese Arbitration and Mediation Center (LAMC).
- London Court of International Arbitration (LCIA).
- Mauritius International Arbitration Centre (MIAC).
- Netherlands Arbitration Institute (NAI).
- 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).
- Shanghai Arbitration Commission (SHAC).
- 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 recognised by Chambers amongst France's Most in Demand Arbitrators.

In 2019 Professor Affaki was appointed by Decree of the Prime Minister 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.

Representative ADR appointments include:

### **Investment**

- ICSID Case No. ARB/20/47, *Mitsui & Co., Ltd. v. Kingdom of Spain*.  
President: Prof. Georges Affaki, Party Nominee: Prof. John Y. Gotanda, Party Nominee: Sir William Blair.
- ICSID Case No. ARB/16/16, *Global Telecom Holding S.A.E. v. Canada*.  
President: Prof. Georges Affaki, Party Nominee: Gary Born, Party Nominee: Prof. Vaughan Lowe QC.
- PCA Case N° 2019-41 under the Organisation of the Islamic Conference (OIC) Investment Agreement.  
President: Samaa Haridi, Party Nominee: Prof. Georges Affaki, Party Nominee: Prof. Eduardo Silva Romero.
- PCA Case N° 2019-31 under a bilateral treaty and the UNCITRAL Arbitration Rules.  
President: Ian Binnie, CC, QC, Party Nominee: Prof. Georges Affaki, Party Nominee: Prof. Brigitte Stern.

### **Construction, Projects, and Property Development**

- President of the arbitral tribunal in an ICC case in relation to a major water desalination project (applicable law: UAE, seat: Dubai).
- President 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).
- President 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).
- President 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).
- President 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).
- President of the arbitral tribunal in PCA Case No. 2020-13 in relation to a sale and property development project in Saudi Arabia (applicable law: Saudi, seat: Geneva).
- 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).
- Party-appointed arbitrator nominated by a State instrumentality acting as the employer in PCA Case N° AA695 under the UNCITRAL rules in relation to a dispute under an EBRD-financed

bridge construction and road rehabilitation agreement based on the FIDIC Pink Book (applicable law: Moldova, seat: The Hague).

- Party-appointed arbitrator nominated by a State instrumentality acting as the employer in an ICC case in relation to a dispute under an EBRD-financed construction project based on the FIDIC Pink Book (applicable law: Macedonia, seat: Zagreb).
- Party-appointed arbitrator in an ICC case concerning the construction of the Doha metro (applicable law: Qatar, seat: Doha).
- Party-appointed arbitrator in an ICC case concerning a dispute under a settlement agreement and a series of bank guarantees under a large construction project (applicable law: Saudi, seat: London).
- Party-appointed arbitrator in an ICC case concerning a dispute under a construction project (applicable law: Saudi, seat: Riyadh).
- 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: Paris).
- Party-appointed arbitrator in an *ad hoc* case concerning a dispute under a sewerage project (applicable law: Oman, seat: Muscat).
- 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).

### **Energy**

- President 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).
- President 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).
- 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).

## **Banking and Finance**

- President 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).
- President 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).
- Party-appointed arbitrator in an ICC case concerning a shareholders' dispute in relation to a private equity investment in Morocco (applicable law: Moroccan, seat: Paris).
- Party-appointed arbitrator in an LCIA case concerning the bank financing and issue of guarantees in relation to one of the biggest airport development projects in the world (applicable law: Abu Dhabi, seat: Abu Dhabi).
- 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 DIFC-LCIA case in relation to a multiparty debt rescheduling dispute (applicable law: Swiss, seat: DIFC (UAE)).
- 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).

## **Other Sectors**

- President of the arbitral tribunal in ICSID Case No. ARB/16/16 relating to a dispute arising out of an investment in the telecom sector.
- 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).
- President 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).
- Party-appointed arbitrator in an ICC case concerning a dispute under a seaport operations and services agreement (applicable law: Saudi, seat: Riyadh).
- Party-appointed arbitrator in an LCIA case concerning a commodities contract involving allegations of bribery (applicable law: French, seat: London).
- Party-appointed arbitrator in two related *ad hoc* cases concerning disputes under a shareholder agreement in relation to a distribution contract (applicable law: Saudi, seat: Jeddah).

**Other Alternative Dispute Resolution Appointments include:**

- President 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 mediator, counsel, and expert appointments in international proceedings available at [www.affaki.fr](http://www.affaki.fr) or upon request.

Other international dispute resolution-related mandates include:

- Appointed to the International Financial Legal Experts body to the Shanghai High People’s Court.
- Chair of the Drafting Group for the revision of the PRIME Finance Arbitration Rules.
- Co-chair of the ICC Task Force on Financial Institutions and International Arbitration (Final report adopted on 17 September 2016).
- Delegate of ICC to 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.
- Chair of the Working Group on Applicable Law and Dispute Resolution in Islamic Finance. The Group delivered its report in June 2009.
- Appointed to the Practice & Procedures Board of the Australian Centre for International Commercial Arbitration (ACICA).
- Appointed member of the Saudi Center for Commercial Arbitration Rules Advisory Committee.
- Member of the Task Force for the revision of the DIAC Arbitration Rules.
- Member of the Arbitration Rules Revision Committee of the Asian International Arbitration Centre.

**Academic Positions**

- Professor of Law at University Panthéon-Assas (Paris II) since 2002. Classes include Dispute Resolution, International Banking Law, Private International Law, and Contracts.
- Visiting lecturer at SciencesPo on international dispute resolution, 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, at the University of Geneva, and Prince Sultan University in Riyadh, 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

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- AFFAKI, Partner, Paris.  
Avocat before the Court of Appeal of Paris, practicing 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: Practiced law at the Syrian Bar.

## Bar Admissions

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

## Education

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- Habilitation to Direct Research (HDR), University of Paris II.
- Doctorate of Laws (LL.D.), *summa cum laude*, University of Paris II. C.V. Starr scholar, Calouste Gulbenkian scholar.
- *Diplôme d'études approfondies* (Postgraduate doctoral research degree) in commercial law, *cum laude*, University of Paris II. C.V. Starr 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, “Overriding mandatory rules and compliance in international arbitration (with Vladimir Khvalei), upcoming ICC publication, and over 80 articles and case notes on international banking, international arbitration and litigation, economic sanctions, cross-border insolvency and Islamic finance.

⇒ List of publications available for download at [www.affaki.fr](http://www.affaki.fr).

### **Conferences**

- Chair, moderator and 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**

- A national of France and Syria.