

SIR DAVID A R WILLIAMS KNZM, QC

Barrister-at-Law & Arbitrator

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Scope of Practice

International Arbitration

Sir David A R Williams KNZM, QC is a graduate of the University of Auckland (LLB, 1965) and of Harvard University (LLM, 1966). He was a litigation partner in leading litigation law firm Russell McVeagh from 1969 – 1986. He later moved to the independent Bar, attaining the rank of Queen's Counsel in 1987. Sir David served as a judge of the High Court of New Zealand from 1992 to 1994 before returning to legal practice as a barrister and arbitrator. Sir David made a Knight Companion of the New Zealand Order of Merit in 2017. The award acknowledged Sir David's contribution to the development of arbitration in New Zealand and internationally.

Sir David has developed a global international arbitration practice through which he has been involved, most often as President of the Tribunal, in over 150 international arbitrations both commercial arbitrations and investment treaty cases. He has also been involved in many Court of Arbitration for Sport cases including the case involving the disqualification of Floyd Landis in the Tour de France. He has recently been appointed as an inaugural member of the International Association of Athletics Federations Disciplinary Tribunal.

He serves part-time as the President of the Court of Appeal of the Cook Islands.

He is an Honorary Professor at the University of Auckland, where he teaches international arbitration. Together with Amokura Kawharu, Sir David is co-author of *Williams and Kawharu on*

Arbitration, New Zealand's first comprehensive treatise on domestic and international arbitration. The second edition was published in September 2017 and in the Preface written by the President of the Court of Appeal of New Zealand the work was described as "among the great New Zealand legal texts".

Academic Qualifications

LLB, University of Auckland Law School, New Zealand, 1965
LLM, Harvard Law School, 1966
Visiting Scholar, University of Virginia Law School, USA, 1978
Visiting Fellow, Cambridge University, UK, 2002
Honorary Professor, University of Auckland Law School, 2010–

Awards

- Knight Companion, New Zealand Order of Merit (KNZM) 2017
- Distinguished Alumni Award, University of Auckland, 2016
- JF Northey Memorial Book Award (for *Williams and Kawharu on Arbitration*), 2011

Professional Qualifications

Admitted as a barrister to:

- New Zealand Bar (1965)
- Australian Bar (1986)
- Australian Capital Territory (1986)
- New South Wales (1987)
- Victoria (1987)
- Cook Islands Bar (1998)
- English Bar (Lincoln's Inn) (2003)
- Honorary Bencher, Lincoln's Inn (2017)

Law Practice

Litigation partner, Russell McVeagh McKenzie Bartleet & Co, Auckland, 1969–1985
Barrister-at-Law, 1985–1991; named Queen's Counsel in 1987
Barrister-at-Law and International Arbitrator, 1995–

Judicial Experience

Justice of the High Court of New Zealand, 1991–1994

Part-time appointments

Justice of the High Court of the Cook Islands, 2000–2005
Chief Justice of the Cook Islands, 2005–2010
Justice of the Court of Appeal of the Cook Islands, 2010–2014
President of the Court of Appeal of the Cook Islands, 2014–
Justice of the Court of the Dubai International Financial Centre, 2007–2013

Current Memberships

Member of:

- New Zealand Bar Association
- Arbitrators' and Mediators' Institute of New Zealand (AMINZ) (Past President/Fellow)
- Chartered Institute of Arbitrators (Fellow and Chartered Arbitrator)

- Court of Arbitration for Sport (CAS) (Panel of Arbitrators)
- Disciplinary Tribunal of the International Association of Athletics Federations Disciplinary Tribunal
- International Council on Commercial Arbitration (ICCA) (Council Member)
- International Bar Association (Former Chair of the Subcommittee on Investment Treaty Arbitration)
- International Law Association (Member of Committee on International Commercial Arbitration and International Law of Foreign Investment)
- Numerous international arbitration panels, including ICSID (nominee of NZ Government); London Court of International Arbitration (LCIA); and Swiss Arbitration Association

Selected International Arbitrations

Sir David has been involved in over 150 international arbitrations throughout his career, including close to 100 appointments as either the President of the Tribunal or as the sole arbitrator.

International Commercial Arbitration

Sir David has extensive experience as a commercial international arbitrator in *ad hoc*, ICC, LCIA, SIAC and SCC international commercial arbitrations in disputes involving oil and gas concessions, commodities pricing, joint ventures, licensing disputes, reinsurance, political risk insurance, power and infrastructure projects, construction, commercial contracts, and pharmaceutical industry disputes.

Investment Treaty Arbitration

Sir David has conducted over 30 investment treaty arbitrations under both the ICSID Arbitration Rules and the UNCITRAL Arbitration Rules. Sir David's notable recent investment treaty arbitrations include:

- *Swissbourgh Diamond Mines (Pty) Limited (and others) v Kingdom of Lesotho* PCA Case No 2013-29 (issued 18 April 2016);
- *Hrvatska Elektroprivreda DD v Republic of Slovenia* ICSID Case No Arb/05/24 (issued 17 December 2015) (nominated for the GAR Most Important Decision of 2016 Award);
- *Al Tamimi v Sultanate of Oman* ICSID Case No Arb/11/33 (issued 3 November 2015);
- *Von Pezold (and others) v Republic of Zimbabwe* ICSID Case No Arb/10/15 (issued 28 July 2015) (nominated for the GAR Most Important Decision of 2016 Award);
- *Ping An Life Insurance Company of China Limited (and other) v Kingdom of Belgium* ICSID Case No Arb/12/29 (issued 30 April 2015);
- *Khan Resources Incorporated (and others) v Government of Mongolia* PCA Case No 2011-09 (issued 2 March 2015);
- *Gold Reserve Inc v Bolivarian Republic of Venezuela* ICSID Case No ARB(AF)/09/1 (issued 22 September 2014);
- *Nova Scotia Power Incorporated v Bolivarian Republic of Venezuela* ICSID Case No ARB(AF)/11/1 (issued 30 April 2014);

- *Deutsche Bank AG v Democratic Socialist Republic of Sri Lanka* ICSID Case No ARB/09/02 (31 October 2012);
- *Occidental Petroleum Corporation (and other) v Republic of Ecuador* ICSID Case No ARB/06/11 (issued 5 October 2012); and
- *Siag (and other) v Arab Republic of Egypt* ICSID Case No ARB/05/15 (issued 1 June 2009).

Court of Arbitration for Sports (CAS)

Sir David has been appointed in 15 arbitrations under the auspices of the Court of Arbitration for Sports, including seven appointments as President of the Tribunal. In this capacity, Sir David has been involved in appeals relating to doping offences in connection with the Olympic Games and the Tour de France (Floyd Landis case) and sanctions imposed by various sporting unions, and numerous breach of contract cases.

Selected Recommendations

Sir David has a reputation as “... *one of the world’s outstanding commercial arbitrators*” (Who’s Who Legal, 2005). Notable recent recommendations include:

- “David Williams QC is in a league of his own in New Zealand.” (Who’s Who Legal, 2010 (Commercial Arbitration))
- “[David Williams QC] has been in high demand of late. A ‘charming and decisive chairman’, he inspires confidence in clients and counsel alike by firmly guiding proceedings forward whilst also retaining a relaxed atmosphere.” (Chambers UK, 2012)
- “David Williams QC is characterised as ‘sensible, pragmatic and excellent in the technical aspects of arbitration’.” (Chambers Europe, 2012)
- “[David Williams QC] has garnered considerable acclaim for his work as an arbitrator.” (Chambers and Partners, 2013)
- “[David Williams QC is an] outstanding ... internationally renowned arbitrator who acts on many of the top-end international disputes in Asia. Currently New Zealand-based, he brings vast global arbitration experience to act for high-profile clients across the region, in the commercial and investment spheres.” (Chambers Asia, 2014)
- “[David Williams QC] ... has a solid reputation built over many years of acting on the largest cases in the field. He now primarily acts as an arbitrator, focusing largely on the Asia-Pacific region. Sources say: ‘He is absolutely in the top band on a worldwide level’.” (Chambers Global, 2014 (international arbitration))
- “New Zealand-based David Williams QC of Essex Court Chambers is a former New Zealand High Court Judge who ‘is regarded as one of the world’s top arbitrators,’ according to market sources. A specialist in investment treaty issues and hugely experienced in the management of commercial disputes, he has presided over numerous ICSID, SIAC and UNCITRAL arbitrations.” (Asia Pacific Chambers, 2015)
- “David Williams QC is a ‘greatly respected’ and ‘incredibly talented’ silk. The ‘extremely able’ David Williams QC is a ‘pleasure to work with’ having vast experience in a variety of arbitration related matters”. (Who’s Who Legal, 2016 (UK Bar))
- “David Williams QC is always in demand and very frequently appointed and this is due to his first class abilities as an arbitrator” (GAR Arbitration 2017)

Selected Publications

Sir David is co-author of *Williams and Kawharu on Arbitration*, New Zealand's first comprehensive treatise on domestic and international arbitration. *Williams and Kawharu* was awarded the JF Northey Memorial Book Award in 2011. Sir David's other notable publications include:

Books

- Co-Author with Amokura Kawharu of Second edition of *Williams and Kawharu on Arbitration* (LexisNexis, 2017).
- Contributing author, Duncombe & Heap (eds), *Australasian Dispute Resolution* (LBC Information Services, 1995).
- *Environmental Law in New Zealand* (2nd ed, Butterworths, 1997).
- *Environmental Law in New Zealand* (Butterworths, 1980).

Book Chapters

- Co-Author with Dr Anna Kirk "Fair and Equitable Treatment of Witnesses in International Arbitration" in Caron et al (eds) *Practising Virtue: Inside International Arbitration* (Oxford University Press, 2015).
- Co-Author with Simon Foote "Recent Developments in the Approach to Identifying an 'Investment' pursuant to Article 25(1) of the ICSID Convention" in Newman and Ong (eds) *Interim Measures in International Arbitration* (Juris Publishing, 2014).
- Brown and Miles (eds) *Evolution in Investment Treaty Law and Arbitration* (Cambridge UP, 2011).
- Rowley (ed) *Arbitration World* (The European Lawyer, 2006 and 2010).
- "Jurisdiction and Admissibility other than Consent" in Muchlinski, Ortino and Schreuer (eds) *The Oxford Handbook of International Investment Law* (Oxford University Press, 2008).
- "Interim Measures" in Pryles and Moser (eds) *Asian Leading Arbitrators' Guide to International Arbitration* (JurisNet, 2007).
- "Arbitration" in *The Laws of New Zealand* (Butterworths, 2001).
- "The Development of Merger and Take-over in New Zealand" in Adhar (ed) *Competition Law and Policy in New Zealand* (Law Book Co, 1991).

Articles

- "Costs and Access to International Arbitration" (2014) 80(4) *Arbitration* 432 (with John Walton).
- "Arbitration and Dispute Resolution" [2006] *NZ L Rev* 303.
- "Arbitration Appeals" [2005] *NZLJ* 75.
- "Downer-Hill Joint Venture v Government of Fiji" [2004] *International Arbitration Law Review* 177 (with Julia Crockett).
- "Recent Developments in Arbitration in New Zealand" [2004] *International Arbitration Law Review* 127.
- "Review and Recourse against Awards Rendered under Investment Treaties" (2003) 4 *Journal of World Investment* 251.

- “Correction and Interpretation of Awards under Article 33 of the Model Law” [2001] International Arbitration Law Review 119 (with Amy Buchanan).
- “Recent Developments in Arbitration and Dispute Resolution in New Zealand” [2001] International Arbitration Law Review 41.
- “The Confidentiality of Arbitral Proceedings under the New Zealand Arbitration Act 1996” [2000] International Arbitration Law Review N-24.
- “The New Zealand Arbitration Act - Adoption of the Model Law with Additions” [1998] 1 International Arbitration Law Review 214.
- “The Further Development of International Commercial Arbitration through the Unidroit Principles of International Commercial Contracts” (1996) 2 NZBLQ 7.
- “Note: *Arbitrability: AG for New Zealand v Mobil*” (1995) 11 Arbitration International 96.
- Author of the “Arbitration and Dispute Resolution” in the New Zealand Law Review’s annual update 1989–1992; 1994–1996; 1998; 2000; 2002; 2004–2006; 2009

A full list of published articles and papers is available on request.