



## **Prof. Dr. Georges Affaki**

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### **International Dispute Resolution**

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

Empanelled as arbitrator with the main international arbitral institutions:

- International Centre for Settlement of Investment Disputes (ICSID), Investment International Chamber of Commerce (ICC), Permanent Court of Arbitration (PCA), International Centre for Dispute Resolution (ICDR), London Court of International Arbitration (LCIA), Hong Kong International Arbitration Centre (HKIAC), Dubai International Arbitration Centre (DIAC), Abu Dhabi Commercial Conciliation and Arbitration Centre (ADCCAC), Bahrain Chamber for Dispute Resolution (BCDR-AAA), Cairo Regional Centre for International Commercial Arbitration (CRCICA), Kuala Lumpur Regional Centre for Arbitration (KLRC), Jerusalem Arbitration Centre (JAC), Russian Arbitration Association (RAA), P.R.I.M.E. Finance, Belgian Centre for Arbitration and Mediation (CEPANI), Singapore International Arbitration Centre (SIAC), Thailand Arbitration Centre (THAC), and Tehran Regional Arbitration Centre (TRAC). Also on the list of arbitrators of the International Council for Commercial Arbitration (ICCA), the Swiss Arbitration Association (ASA) and the International Arbitration Institute (IAI).
- Fluent in French, English and Arabic, with the capacity to conduct proceedings and draft awards in all three languages.

Recent arbitral appointments include:

- Chairman of the arbitral tribunal in a Cairo Regional Center for International Commercial Arbitration (CRCICA) case in relation to a dispute relating to an Egyptian law-governed license operating and gas distribution agreement between a State instrumentality and a foreign-controlled private operator (proceedings conducted and award issued in Arabic – applicable law: Egyptian, seat: Cairo).
- Party-appointed arbitrator in an International Chamber of Commerce (ICC) case concerning a dispute under a complex FIDIC-type industrial dismantling, transfer and construction series of agreements (applicable law: French, seat: Paris).
- Party-appointed arbitrator in an ICC case concerning a dispute under a series of consulting agreements involving allegations of corruption (applicable law: Swiss, seat: Geneva).
- Party-appointed arbitrator in an ICC case concerning a dispute under discount agreements in the context of a bank resolution (applicable law: French, seat: Paris).

- Sole arbitrator in an ICC case in relation to a dispute arising out of a settlement agreement in relation to a distribution agreement (applicable law: Brazil, seat: Paris).
- Sole arbitrator in a Dubai International Arbitration Center (DIAC) case in relation to a dispute arising out of military procurement agreements performed in a major war zone (applicable law: Dubai, 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: Dubai, seat: Dubai).
- Sole arbitrator in a BCDR-AAA case in relation to a dispute relating to a series of investment agreements (seat: Manama).
- Party-appointed arbitrator in an ADCCAC case concerning a dispute under an Islamic banking service agreement (applicable law: UAE, seat: Abu Dhabi).
- 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).
- 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).

#### Other Alternative Dispute Resolution Appointments include:

- Chairman or member of ICC adjudicatory panels in international banking dispute resolution mechanism DOCDEX in cases No. 205, 207, 214, 219, 226, 236, 240, 246, 257, 261, 266, 272, 280 and 315 (applicable law: ICC rules and international standard banking practice).
- Mediator in a multiparty dispute between banks acting as counter-guarantors or guarantors and the partners of a consortium acting as applicant in relation to the payment of a chain of international bank guarantees.

#### Representative Expert Appointments in international arbitral and judicial proceedings include:

- An ICC case in relation to the consequences on a major FIDIC construction contract of the UN embargo on Iraq (applicable law: Iraqi and comparative Arab laws applicable to construction contracts and civil liability), involving the submission of multiple expert reports and the participation as expert in multiple hearings in relation to selected aspects of comparative Arab civil, commercial and administrative laws and *Shari'a*, in relation to the effect of embargos on contracts, force majeure, bank guarantees, civil liability and damages.
- A PCA case in the matter of a Syrian law-governed power B.O.T. project and its operation by a foreign investor under a State-awarded license (applicable law: Syrian and international laws applicable to investment protection treaties) involving the submission of an expert report and the participation as expert in a hearing. My expertise also covered specific aspects of bank guarantees both under the Syrian Civil Code and international guarantee customs and practice.

- An HKIAC case involving multiple guarantees and counter-guarantees issued under Russian and Chinese laws and incorporating the ICC Uniform Rules for Demand Guarantees.
- A case before the United States Federal Courts in relation to the law and banking practice of determining interest rates in France, involving the submission of an expert report.
- A case before the High Court of England in relation to Financial market regulations, international corruption and anti-money laundering in the banking sector.
- A case before the Commercial Court in Paris in relation to the determination of the legal nature of bank guarantee (applicable law: French law, ICC rules incorporated), involving the submission of an expert report.
- A case before the Court of Appeal of Stockholm, subsequently appealed before the Swedish Supreme Court, in relation to the international practice of bank guarantees, involving the submission of multiple expert reports.
- A case before the courts of Shanghai (PRC) involving the submission of an expert report on the law and practice of international bank guarantees.
- A case before the courts of Hangzhou (PRC) involving the submission of successive expert reports on the law and practice of international bank guarantees and the presentation of oral arguments, followed by cross-examination, before the court.
- A case before the courts of Vienna (Austria) involving the submission of an expert report on the law and practice of negotiable instruments drawn in relation to a documentary credit governed by ICC rules.

Details of experience as counsel, including in-house counsel, in international litigation and arbitral proceedings available at [www.affaki.fr](http://www.affaki.fr).

Other international dispute resolution-related projects include:

#### **French Committee on Arbitration**

- Chairman of a bipartisan (banker-arbitrator) international working group on arbitration in banking and financial matters. The Group presented publicly its report at a hearing at the Court of Appeal of Paris on 26 June 2014.

#### **ICC Commission on Arbitration and ADR**

- Co-chairman of the Task Force on Financial Institutions and International Arbitration (Final report expected in 2016).

#### **Other ICC Projects**

- Chairman of the ICC Documentary Dispute Resolution by Expertise (DOCDEX) rules revision group, a joint task force between the Commission on Arbitration and the Banking Commission. Rules unanimously adopted in 2014 and entered into force on 1<sup>st</sup> May 2015.

## **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.

## **International Law Association (ILA)**

- Rapporteur on Resolution No. 3/2012 *Principles of Jurisdiction over Foreign Bank Branches in the Matter of Extraterritorial Attachment and Turnover*. The resolution was sponsored by the Committee on International Monetary Law (Mocomila) and unanimously adopted at the 75th Conference of the International Law Association held in Sofia, Bulgaria, 26 to 30 August 2012 (Resolution text available at <http://www.ila-hq.org/en/committees/index.cfm/cid/22>).

## **International Swap and Derivatives Association (ISDA)**

- Advisor to the ISDA Financial Law Reform Committee on the ISDAfied arbitration clauses, adopted in 2013 as supplement to the ISDA Master Agreement for derivatives. Member of the ISDA Arbitration Group.

## **Career**

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- **AFFAKI SOCIETE D'AVOCAT, Partner, Paris.**

Avocat before the Court of Appeal of Paris, practising primarily in international arbitration and litigation, consulting on international banking law and regulation and acting as expert 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 commercial 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 (admitted in 1986, now on the non-practicing roll).

### **Bar Admissions**

- Paris, Alep.

### **International Organisations**

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#### **International Chamber of Commerce (ICC):**

- Chairman-elect, ICC France Banking Commission.
- Chairman of the Legal Committee of the Banking Commission.
- Vice-Chairman of the Banking Commission (2001 – 2013).
- Chairman (2002-2012), and now Honorary Chairman, of the Task Force on Guarantees.
- Chairman of the drafting group for the ICC Uniform Rules for Demand Guarantees (URDG 758) – rules adopted in 2009.
- Member of the Council of the Institute of World Business Law by appointment of the ICC Secretary General.

#### **United Nations**

- Between 2004 and 2006, delegate to the United Nations Commission on International Trade Law (UNCITRAL) for the drafting of a legislative guide on secured transactions.
- Member of the Expert Panel of UNCITRAL on secured transactions, the UN Convention on International Guarantees and Standby Letters of Credit and on the UN Convention on the Assignment of Receivables in International Trade.

#### **UNIDROIT**

- Member of the Board of Governors of the UNIDROIT Foundation, Rome.

#### **International Trade Center (UNCTAD / WTO)**

- Acted as expert on international banking and trade finance for the International Trade Center of the UN Commission on Trade and Development (UNCTAD) and the World Trade Organization (WTO).

- Drafted several reports (see list of publications) and spoke extensively in conferences in developing countries in relation to access to credit, modernizing the secured transaction framework and enhancing trade finance as part of the transition to an open market economy.

### **European Commission**

- French law rapporteur in a pan-European study on the identification of legal obstacles for the proper functioning of the internal market and distortions of competition.

### **Education**

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- Doctorate of Laws (LL.D.), *summa cum laude*, University of Paris II. The Starr Foundation scholar (1991-1995), Calouste Gulbenkian scholar (1991-1995).
- D.E.A. (postgraduate degree) in commercial law, *cum laude*, University of Paris II. The Starr Foundation scholar (1989-1990).
- Bachelor of Laws, *summa cum laude*, University of Aleppo (1982-1986).

### **Academic Teaching**

- Appointed in 2002 as Associate Professor of Law at the University of Panthéon-Assas – Paris II. Classes include *Secured Transactions* and *International Financial Law* (including arbitration).
- Previous classes include *International Commercial Law*, University of Paris I (1999-2000), and *International Construction Law*, University of Toulouse I (1996-1999).
- Visiting lecturer at Queen Mary University of London, and at University Paris Dauphine. Guest lecturer at Brasenose College University of Oxford (2009-2010).

### **Editorial boards**

- DC Insight, Journal of International Trade and Arbitration Law, Revue Droit & Affaires, and Banque et Droit.

### **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), to be published by ICC Publ., and over 60 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](http://www.affaki.fr).**

## **CONFERENCES**

- Chair, moderator and regular speaker in French and international fora on issues relating to international dispute resolution, international banking, 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 French and international non-profit organisations. Active involvement in humanitarian relief projects.

## **Personal details**

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