

ANTHONY CONNERTY
Commercial Dispute Resolution CV:
Litigation, Arbitration and Mediation

PRACTICE SUMMARY

Anthony Connerty is a Barrister, Chartered Arbitrator and Certified and Accredited Mediator in practice in the Chambers of Stephen Hockman QC at 6 Pump Court, Temple, London EC4.

He specialises in the field of dispute resolution as Counsel, Arbitrator and Mediator.

He has acted as Counsel in most English courts and in courts of foreign jurisdiction. As an ADR lawyer he has acted as Counsel, Arbitrator and Mediator in international arbitrations and mediations in countries around the world under the Rules of many of the major international arbitration and mediation institutions.

COVID-19

Anthony assesses the impact of the COVID-19 pandemic on international arbitration in:

“A Hybrid Future?”

***New Law Journal*, 19 June 2020, pp 27-28.**

Chartered Institute of Arbitrators

“The Future of International Arbitration following the Pandemic”

***CI Arb Features*, 9 October 2020.**

Education

Called to the Bar: Inner Temple, 1974

M.A. International and Comparative Business Law (London University) [international banking, insurance, intellectual property and trade law]

Post-graduate Diploma in International Commercial Arbitration: Queen Mary and Westfield College, London University: Course organisers Martin Hunter and Julian Lew

Post-graduate Certificate of Credit in International Energy Law (London University)

LITIGATION

As a litigation lawyer he has extensive experience acting in most English courts. He has represented parties ranging from institutional clients including the Crown Estate Commissioners and the Church Commissioners for England to commercial and entertainment clients such as the designer Katharine Hamnett and the actress Diana Dors.

He has acted as Counsel in courts of foreign jurisdiction: he acted as Counsel in the High Court and Court of Appeal in London, the Supreme Court in the Turks and Caicos Islands and as Adviser in Courts of the People’s Republic of China in a long-running multi-million US dollar dispute involving a commercial property development in Shanghai.

INTERNATIONAL ARBITRATION

As an ADR lawyer he has acted as Counsel, Arbitrator and Mediator in international

arbitrations and mediations in Abu Dhabi, Beijing, Lagos, London, New York, Shanghai, Singapore, Stockholm and Washington D.C. under the Rules of various international institutions including the LCIA, ICC, AAA/ICDR, CIETAC, CIArb, SCC (Stockholm), RCICAL (Lagos), LME (London Metal Exchange), ICA (International Cotton Association) and in *ad hoc* arbitrations under the UNCITRAL Rules and the CIArb Rules.

He has acted as Counsel in arbitration- related litigation in London and in the Turks and Caicos Islands and acted as Adviser in arbitration – related litigation in the Courts of the People's Republic of China.

His areas of experience include complex international multi-million U.S. dollar cases involving general commercial disputes; oil and gas; metals; cotton; banking; online dispute resolution; art law. He has a particular interest in China and has been a member of the CIETAC Panel of arbitrators since 1997.

MEDIATION

Qualifications

CEDR - accredited Mediator [1997] and IMI Certified Mediator [the International Mediation Institute in The Hague was created by the Singapore Mediation Centre/Singapore International Arbitration Centre; the International Centre for Dispute Resolution/American Arbitration Association (ICDR/AAA); and the Netherlands Mediation Institute].

Experience as Mediator and as Mediation Advocate

Actively involved in ADR – in particular mediation - for over 10 years. Experience as Counsel and Mediator in both domestic and high – value international commercial mediations, including acting as counsel or mediator in international commercial mediations in England, China and Singapore.

Has acted as Mediator in over 50 cases.

His experience as mediator (and counsel) in both domestic and high – value international commercial mediations includes acting as mediator and counsel in international commercial mediations in England (counsel in international metals arbitration where parties agreed to mediate during the course of the arbitration); in Beijing (counsel in ICC arbitration where arbitrator at a hearing in Beijing agreed to switch to act as mediator: dispute between parties in the fashion trade); in Singapore (sole mediator in 3 - day mediation in complex oil-related dispute); and as sole mediator in a North Sea oil dispute involving contracts for the fabrication of sub-sea oil drilling structures for use with FPSOs in the North Sea (Floating Production Storage and Off-loading Vessels).

Appointed in various cases by the ICC's International Centre for Expertise, Paris.

Appointed by the UN's World Intellectual Property Organisation, Geneva, as panellist in WIPO domain name disputes.

Anthony is a member of various mediation (and arbitration) panels in the UK, Europe, United States, China and the Middle East.

INTERNATIONAL ARBITRATION:

Cases in which he has acted as counsel; mediator; and as party-appointed arbitrator, sole arbitrator and as chairman of arbitral tribunals include:

Counsel in ICC Arbitration: dispute concerning sale and shipment of U.S. coal. Seat London

Party-appointed arbitrator in trading dispute between U.S. and Turkish metals organisations in *ad hoc* arbitration. Seat London. Application to the Commercial Court in London in relation to the Panel's interim award is reported as *Naporano Iron & Metal Co. v. Sivas Steelworks Inc.* [1997] 2 *Lloyds Reports* 359

Party-appointed arbitrator in Russian oil contract dispute. LCIA administered arbitration under the UNCITRAL Rules. Seat: London

Instructed on behalf of European metals organisation on the enforcement in China of an LME (London Metal Exchange) arbitration award

Counsel in ICC arbitration. Instructed by Chinese law firm in Beijing on behalf of a group of Chinese companies. Dispute between Chinese and Italian parties in the fashion trade involving joint venture agreements; franchising; trademarks; know-how licensing; jurisdiction of the arbitral tribunal and governing law. One hearing took place in Beijing (one of the few ICC arbitration hearings at the time to have taken place in China). The arbitration switched to mediation part way through the hearing

Panel arbitrator in oil contract dispute under SCC Rules (Arbitration Rules of the Stockholm Chamber of Commerce). Seat Stockholm

Sole arbitrator in international *ad hoc* arbitration. Seat London. Dispute concerning international commercial contract in the media field. Turkish law the governing law of share option contract

Co-counsel in LME arbitration between French and Italian parties in dispute relating to metals trading contracts

Appointment to AAA/ICDR Tribunal in dispute involving armaments and weapons systems. Hearings in Washington D.C. and New York

Co-Counsel in a number of international cotton arbitrations under the Rules of the International Cotton Association: Turkish and U.S. parties

Appointment to AAA/ICDR Tribunal in New York in international metals dispute

Sole arbitrator in LCIA arbitration in European/Chinese joint venture dispute involving manufacture of aircraft equipment (governing law the laws of the People's Republic of China)

Presiding arbitrator in dispute administered by the Regional Centre for International

Commercial Arbitration – Lagos: Nigerian and Canadian parties in dispute relating to installation of Web- Based system for a major Bank (governing law the laws of the Federal Republic of Nigeria). Seat Lagos

Sole arbitrator in international metals dispute. UK and Indian parties. Rules of the Chartered Institute of Arbitrators

Appointed Chairman of CIETAC Arbitration Tribunal. Seat of arbitration Shanghai. Chinese and German parties. Disputed claim concerning cargo of phosphate / port charges/ storage fees and demurrage

Party – appointed arbitrator in international dispute under the Rules of the Abu Dhabi Commercial Conciliation and Arbitration Center

Sole arbitrator in Nigerian international oil dispute. *Ad hoc* arbitration under the CIArb Rules. Offshore processing venture. Spanish and Nigerian parties. Anti-arbitration proceedings issued in Lagos and London

Instructed as Counsel by Paris law firm on challenge to an ICC Award in English Courts under the Arbitration Act 1996. Dispute involving a 500 million Euros shipbuilding contract. Libyan and French parties: *General National Maritime Transport Company v. STX France SA* [2016] EWHC 1187 (Comm), Mr Justice Blair. GAR report at GAR News: garbriefing@lbrbroadcast.com

Appointed sole arbitrator by AAA/ICDR, New York. Media and entertainment technology dispute between UK/US and Italian parties

Co - Counsel in LCIA arbitration. BVI and Chinese and Hong Kong corporations. Dispute relating to android smartphones / “white label” browsers/ data capture.

Anthony has also acted as Mediator in international commercial disputes. Cases include sole mediator in 3 - day mediation in complex oil-related dispute in Singapore; and sole mediator in a North Sea oil dispute involving contracts for the fabrication of sub-sea oil drilling structures for use with FPSOs in the North Sea (Floating Production Storage and Off-loading Vessels).

PUBLICATIONS:

Books and Articles

Books

Author of the Commonwealth Secretariat's *Manual of International Dispute Resolution*.

Published by the Commonwealth Secretariat, Marlborough House, Pall Mall, London. ISBN 13: 978-8-0 85092-837-2

Foreword by Sandra Day O' Connor, Associate Justice of the United States Supreme Court.

Reviews of the *Manual* have been published in various international journals including the *ICCA Yearbook*, the *AAA's Dispute Resolution Journal* and the *LCIA's Arbitration International*.

“The Fraud Exception in English Law”

Chapter 21 of the ICC Commercial Crime Services book *“Trade Finance Fraud: Understanding the Threats and Reducing the Risk”*. ICC Publication No. 643 ISBN: 92 842 1312 6

“Strengthening Relations with the Arab World through Dispute Resolution”:

Published by the *Permanent Court of Arbitration / Peace Palace Papers*.

Papers emanating from the Fourth PCA International Law Seminar at The Hague.

Kluwer ISBN 90-411-1972-8;

**Interim and Emergency Relief in International Arbitration –
International Law Institute Washington D. C.**

Series on International Law, Arbitration and Practice

Diora Ziyayeva, Editor / Ian A. Laird, Borzu Sabahi, Anne Marie Whitesell, General Editors

ISBN: 978-1-937518-70-7

CHAPTER on “Bifurcation, Challenges to Jurisdiction and Security for Costs”

The Hugh Lane Bequest: “Ownership, Ethics and Non- Adversarial Settlement Methods”: Volume 26 of the Studies in Art Law, “Cultural Heritage Law and Ethics: Mapping Recent Developments”.

ISBN 978-3-7255-8677-6

Schulthess Médias Juridiques SA, · Genève · Zurich · Bâle 2017

www.schulthess.com

Articles

Articles on international commercial dispute resolution have been published in various journals around the world. Publications include –

Articles on Lehman Brothers published in Hong Kong and London

Articles on the revised CIETAC Rules published in New York and London

“International Cotton Arbitration”, published in *Arbitration International*, the Journal of the LCIA, [May 2013]

“ADR as a ‘Filter’ Mechanism: The Use of ADR in the Context of International Disputes”, published by *Arbitration*, the Journal of the Chartered Institute of Arbitrators [April 2013].

“Lex Mercatoria: Reflections of an English Lawyer”: (2014) 30 *Arbitration International*, 701-719

“The Resolution of Art Disputes by Adjudication: A New Way Forward”. Published by the *Dispute Board Federation*, London, Geneva, Lisbon and Perth, NSW. [May 2020]

The impact of the COVID-19 pandemic on international arbitration:

“A Hybrid Future?” *New Law Journal* [19 June 2020, pp 27-28]
Chartered Institute of Arbitrators “The Future of International Arbitration following the Pandemic”. *CI Arb Features*, 9 October 2020.

Book reviews for various publications including *New Law Journal* and *GAR*.

CONFERENCES

Speaker at conferences in the UK, U.S., Europe, Africa, the Middle East and China on international commercial dispute resolution.

Recent conferences:

Turkey: Istanbul Kemerburgaz University School of Law. Conference on "International Commercial Arbitration and the New Lex Mercatoria", April 2013.

Saudi Arabia: Naif Arab University for Security Sciences Riyadh. Conference on the use of Arbitration in relation to criminal matters. May 2013.

UK: Beijing Arbitration Commission (BAC) Conference, Institute of Advanced Legal Studies, London. June 2013.

UK: Hong Kong International Arbitration (HKIAC) Conference, Norton Rose Fulbright, London. August 2013.

USA: The International Investment Law Center, the IDR Group and the ADR Center of the International Law Institute: Conference on Interim Measures in International Arbitration. Georgetown, Washington D.C. April 2014.

Turkey: Ankara University Faculty of Law and Union of Turkish Public Notaries. Energy Law Symposium. Ankara, May 2014.

UK: Speaker and member of the Organising Committee of Conference at the Guildhall, City of London on “Shaping the Future of International Dispute Resolution”. Staged by the International Mediation Institute and the IDR Group. October 2014.

Turkey: Union Internationale des Avocats Conference on Mediation. Ankara, May 2015.

Turkey: Seminar: Istanbul Kemerburgaz University School of Law. May 2015. **Scotland:** Energy Arbitration Conference. Paper on the Innovations in Conflict Management for the Energy Industry: Role of mediation and other ADR mechanisms for the Energy Industry. Edinburgh, October 2015. Organisations supporting the conference included the Energy Charter Secretariat and the International Centre for Dispute Resolution.

Switzerland: Speaker at Second All Art and Cultural Heritage Law Conference, Art-Law Centre, Geneva, June 2016. Paper “Ownership, Ethics and Mediation” concerning ownership dispute between London and Dublin galleries in relation to the Hugh Lane Continental Pictures.

Turkey: Conference “Litigation, Arbitration and Mediation in the Resolution of International Disputes”. Staged by the IDR Group, Altinbas University and the Istanbul Bar Association at Caglayan Court House Conference Hall, Istanbul. October 2017.

Turkey: Paper for Conference on Art and Law held at the Esma Sultan Mansion, Istanbul, staged by SYZ Private Banking, Hergüner Bilgen Özeke and the IDR Group: “Demands for the Return of National Treasures”. November 2019.

FEEDBACK

Client Feedback: What clients say about Anthony Connerty as Counsel, Arbitrator and

Mediator:

ARBITRATION

As Wing Arbitrator in a Washington D.C. case involving armaments: “He is a top-notch, thorough arbitrator—always well prepared, and an outstanding colleague to work with.”

A Shanghai - based arbitration: “Anthony as presiding arbitrator sensitively but with a clear compass guided German and Chinese parties and arbitrators through a *terra incognita* in a challenging case.”

As Sole Arbitrator in an international arbitration under PRC law: “An astute arbitrator who does not miss a trick... An arbitrator that you want for dealing with difficult parties.”

As Counsel in an international arbitration under the Rules of a major arbitral institution: “Vastly experienced in a wide range of commodities, oil and gas and financial services disputes as counsel, arbitrator and mediator. A go-to multi-talented star.”

As Counsel in arbitration – related litigation: “Anthony is a remarkable attorney and has been of invaluable support in major international arbitrations and ancillary proceedings involving highly sensitive sovereign interests.”

Counsel in litigation concerning the arbitration of a 500 million Euros contract: “Anthony Connerty is a powerful advocate, always in close command of the material, and is excellent at dealing with clients and instructing solicitors. He goes the extra mile to provide an exceptional level of service.”

MEDIATION

On an international petroleum dispute: “A great mediator! Anthony is able to quickly digest key issues, understands what drives disputes, and finds creative solutions.”

The lawyer acting for one of the parties in an international commercial mediation held in Singapore involving breach of contract commented on Mr Connerty’s “ability to grasp key issues and bring the parties together from very different starting points”.

“Mr Connerty’s ability to provide a clear analysis of complex factual and legal issues contributes to his high settlement rate.”

“... an eminently sensible mediator who is able to reach fair settlements even in cases where the parties did not believe a settlement would be possible. Mr Connerty’s steadying influence reduced tensions among parties and helped them to focus on key issues and future interests.”

Even in circumstances where emotions run high “... Mr Connerty’s ability to communicate to parties the strengths and weaknesses of their respective cases played a decisive role in reaching settlements acceptable to all parties involved.”

Several respondents noted that Mr Connerty “conducts himself in a professional, courteous and diplomatic manner, remaining impartial at all times. It was also noted often that the parties reached a fair outcome within a reasonable timescale and that Mr Connerty has

excellent listening skills and is able to convey each party's point of view to the other side. These skills enabled the parties to form a greater understanding of the actual issues at hand.

PROFESSIONAL POSITIONS

Other interests involving international dispute resolution:

Head of THE IDR GROUP ®

A small, not-for-profit group of specialists in international dispute resolution from various countries around the world. Members include those who have sat in the International Court of Justice, the Permanent Court of Arbitration and the International Tribunal for the Law of the Sea. Members have acted in commercial arbitrations in cities around the world under the Rules of the major arbitral and other institutions.

Since its launch at a Reception in the Houses of Parliament in London, the Group has staged conferences on international dispute resolution in London, Ankara, Cairo, Beijing and Washington D.C.

Latest conference "Litigation, Arbitration and Mediation in the Resolution of International Disputes". Staged with Altinbas University and the Istanbul Bar Association at Caglayan Court House Conference Hall, Istanbul. October 2017.

Chairman of the CIETAC Foreign Arbitrators' Forum

Appointed by the China International Economic and Trade Arbitration Commission in Beijing to set up a CIETAC Foreign Arbitrators' Forum in the UK.

The purpose of the Forum is to disseminate information on CIETAC. Forum launched in London in April 2011 at a Reception at the Guildhall hosted by the Corporation of the City of London. Seminars have been staged in London, Edinburgh and Dublin. Speakers have included the Secretary General of CIETAC.

www.cfaforum.co.uk

MEMBERSHIP

Arbitration / Mediation Panel and other Memberships have included:

AIAC: Member of the Arbitration and Mediation Panels of the Asian International Arbitration Center, Kuala Lumpur

American Arbitration Association: Member of the AAA Roster of Arbitrators and Mediators

Abu Dhabi Commercial Conciliation and Arbitration Centre

Arab Bankers Association, London

Beijing Arbitration Commission

Cairo Regional Centre for International Commercial Arbitration

Chartered Institute of Arbitrators' International Arbitration Panel

Chartered Institute of Arbitrators' Mediation Panel

China International Economic and Trade Arbitration Commission, Beijing (CIETAC) [appointed to the CIETAC Panel in 1997. Re-appointed for 3 Years in 2021]

China Maritime Arbitration Commission (CMAC) [re-appointed to the Panel for 3 years in 2021]

Court of Arbitration for Art (CAfA)

Dispute Board Federation, Geneva

Dubai International Arbitration Centre (DIAC)

Florence International Mediation Chamber (FIMC)
ICC (UK) Arbitrators Database
ICDR (the international section of the American Arbitration Association, Chicago): Energy Arbitrator's List (EAL)
ICDR Panel of Arbitrators: American Arbitration Association, New York
IICRA: Member of the Panel of Arbitrators and Experts of the International Islamic Centre for Reconciliation and Arbitration, Dubai
International Mediation Institute, The Hague (The IMI)
International Chamber of Commerce (ICC): [appointed in various cases by the ICC's International Centre for Expertise, Paris]
Regional Centre for International Commercial Arbitration, Lagos, Nigeria;
Scottish Arbitration Centre, Edinburgh
SHIAC: Shanghai International Arbitration Centre
Swiss Arbitration Association (ASA)
Swiss Chinese Law Association, Geneva
Tehran Regional Arbitration Centre (TRAC)
U.N.'s World Intellectual Property Organisation, Geneva (WIPO): Arbitration & Mediation Panel; and the WIPO Domain Name Panel.

OTHER INTERESTS

Admitted to the Freedom of the City of London, May 1991
Former Governor of the Royal Brompton & Harefield NHS Hospitals Trust
Fellow, Royal Society of Arts, John Adam Street, London WC2
Royal Automobile Club, Pall Mall, London SW1
City Livery Club, 42 Crutched Friars, London EC3

FURTHER INFORMATION ON:

- general commercial disputes**
- commodities**
- petroleum/energy**
- metals**
- cotton**
- banking**
- online dispute resolution**
- art law**
- Middle East and Africa**
- Turkey**
- Islamic Finance**
- China**

GENERAL COMMERCIAL DISPUTES

Experience as Counsel, Arbitrator and Mediator in litigation, arbitration, mediation and other forms of international dispute resolution in cases involving various types of commercial disputes including:

Contracts for the sale and carriage of goods; letters of credit; Commodities: metals, cotton and oil & gas; joint venture agreements; franchising; trademarks; know-how licensing; hotels; fashion and clothing manufacturing contracts; armaments and weapons systems; finance/ investment contracts; shipbuilding contracts. Cases involving the jurisdiction of the arbitral tribunal; governing law; the enforcement of arbitral awards; challenge in the English Courts to international arbitral awards.

Appointed in various cases by the ICC's International Centre for Expertise, Paris.

Appointed by the UN's World Intellectual Property Organisation, Geneva, as panelist in WIPO domain name disputes.

COMMODITIES

Anthony has acted as Counsel, Arbitrator, Mediator and Adviser in Commodity disputes relating to Oil & Gas, Cotton, Metals and Grains in cases subject to the Rules of various international institutions including AAA/ICDR, Chartered Institute of Arbitrators, GAFTA, ICA [International Cotton Association], LCIA, LME [London Metal Exchange], SCC [Arbitration Institute of the Stockholm Chamber of Commerce].

PETROLEUM / ENERGY

Anthony has been involved with Petroleum and Energy for over 20 years. He has spoken at petroleum conferences in Shanghai, Qatar, Abu Dhabi, Ankara and the UK. Articles on the subject have been published in various international journals.

Member of the Energy Arbitrators' List of the ICDR (the international section of the American Arbitration Association). Other memberships have included various Middle East arbitration panels: Abu Dhabi, Cairo, Dubai and Tehran.

He has acted as Arbitrator and Mediator in multi-million U.S. dollar disputes relating to petroleum and petroleum – related cases.

CONFERENCES

December 2000

Paper presented at a conference at the Institute of Petroleum in London organised by the IOP and the International Bar Association.

“Dispute Resolution in the Oil and Gas Industries”

Articles based on the Paper were published by the *Institute of Petroleum*: Papers from the December 2000 Conference on the Role of Alternative Dispute Resolution in Oil and Gas Disputes ISBN 0 85293 321-

And in *of Energy & Natural Resources Law [JERL]* by the International Bar Association's Section on Energy, Environment, Natural Resources and Infrastructure Law: Volume 20, No. 2, May 2002

September 2001

Speaker at the WPC's conference in Shanghai on the topic of Asia's natural gas.

His presentation was published in an article in *the International Energy Law and Taxation Review*:

NATURAL GAS IN CHINA: [2003] I.E.L.T.R.

Based on “Asia Natural Gas: Asia’s Natural Gas Industry in the 21st Century”, a paper presented by the author at the World Petroleum Congress Asia Regional Meeting in Shanghai in September 2001. The meeting was arranged by the Chinese National Committee for the WPC.

“China’s rapid economic growth has placed a strain on its energy resources: it has moved from being a net oil exporter to a net oil importer. China’s major energy resource is coal. However, coal means pollution.”

April 2004

Speaker and member of the organising committee at the first International Oil & Gas Conference “Managing Risk – Dispute Avoidance & Resolution” staged at The Great Hall, The Guildhall, City of London. A Two- Day Conference

Organised by the WORLD PETROLEUM CONGRESS and The Chartered Institute of Arbitrators.

The speakers included:

HRH The Duke of Kent

Rory Brady SC, Attorney General of Ireland

Rt Hon Lord Fraser of Carmyllie

Judge Roslyn Higgins, International Court of Justice

Tjaco T van den Hout, Secretary-General, Permanent Court of Arbitration, The Hague

Rt Hon Sir Mark Potter, Lord Justice of Appeal

February – March 2005

5TH DOHA CONFERENCE ON NATURAL GAS – STRETCHING FRONTIERS

Speaker: “GAS PROJECTS WORLDWIDE”

The Paper looked at Natural Gas Projects in four geographical areas of the world involving either transportation by sea or by pipeline: Qatar, China, Russia and Norway.

Some of the projects involve potential maritime delimitation disputes between States.

September 2007

2nd International Oil and Gas Conference

Managing Risk –

Dispute Avoidance and Resolution

One Birdcage Walk, London, UK

Organising Committee: Anthony Connerty, the World Petroleum Council, the Energy Institute. Supporters included the City of London Corporation.

October/November 2007

World Petroleum Congress, 2nd Regional Meeting:

6th Doha Conference on Natural Gas

“Natural Gas Fuelling the 21st Century”

Opening Speech: HH Sheikh Hamad Bin Khalifa Al-Thani
Emir of the State of Qatar
Ministerial Speech: H. E. Abdullah Bin Hamad Al-Attiyah
Deputy Premier and Minister of Energy & Industry

Speaker: “Monetising Natural Gas: A contribution to the problem of emissions and climate change”

May 2014

International Symposium on Energy Law

Ankara

Speaker: “The Use of Arbitration and Mediation in the Resolution of Petroleum-related Disputes”

October 2015

Energy Arbitration Conference, Edinburgh

Speaker: “*Innovations in Conflict Management for the Energy Industry: The role of mediation and other ADR mechanisms for the Energy Industry*”

Event supported by the Energy Charter Secretariat, the AAA’s International Centre for Dispute Resolution, the Energy Arbitrators List (EAL) and the International Mediation Institute, The Hague.

May 2017

The City Law School, London

Oil and Gas Law Research Group:

Arbitration and Mediation in Oil and Gas Industry

Paper: “The Use of Mediation in the Resolution of Oil Disputes”

May 2017

The London Centre of International Law Practice [LCILP]

2nd Annual Conference on Energy Arbitration and Dispute Resolution in the Middle East and Africa

Speaker: “Mediation in Energy Disputes: A Mediator’s Approach”

October 2020

EDAC, ANKORA

Webinar Staged by the Energy Dispute Resolution Centre:

ENERGY DISPUTE RESOLUTION IN THE AGE OF COVID – 19

Speaker: “The Future of Petroleum – Related Arbitration following the Pandemic: The Hybrid Hearing?”

Anthony’s articles on the impact of the COVID-19 pandemic on international arbitration:

“A Hybrid Future?”

***New Law Journal*, 19 June 2020, pp 27-28.**

Chartered Institute of Arbitrators

“The Future of International Arbitration following the Pandemic”
CIArb Features, 9 October 2020.

PUBLICATIONS

Manual of International Dispute Resolution published by the Commonwealth Secretariat, Pall Mall, London.

Foreword by Sandra Day O’ Connor, Associate Justice of the United States Supreme Court: contains sections on UNCLOS III, the ICSID Convention, Maritime Delimitation Disputes, Investor – State Disputes, Investment Treaty Arbitration and the International Centre for Settlement of Investment Disputes.

Global Arbitration Review [GAR] published as an article Chapter 19 of the *Manual*. The Chapter dealt with Alternative Dispute Resolution.

Reviews of the *Manual* have been published in-

Journal of International Trade and Development (Vol 16, No 2, 293-297, June 2007).
Arbitration, the Journal of the Chartered Institute of Arbitrators (November 2007, Vol 73, No. 4).

ICCA Yearbook Commercial Arbitration Volume XXXII - 2007): February, 2008.

Revue de Droit des affaires internationales / International Business Law Journal (RDAI / IBLJ, No 2, 2008).

American Arbitration Association’s *Dispute Resolution Journal* (February - April 2008, Vol 63, No.1).

Asian Dispute Review (April 2008)

Arbitration International, the Journal of the London Court of International Arbitration (LCIA): (2008) 24 Arbitration International. ISSN 0957-0411.

Articles on petroleum include:

Articles based on Papers from the December 2000 Conference on the Role of Alternative Dispute Resolution in Oil and Gas Disputes published by the *Institute of Petroleum*: ISBN 0 85293 321

Article “Dispute Resolution in the Oil and Gas Industries” published in the International Bar Association’s *Journal of Energy and Natural Resources Law* Volume 20, No. 2, May 2002

“Natural Gas in China”: Sweet & Maxwell’s *International Energy Law and Taxation Review*, May 2003

“Natural Gas - China’s Fuel of the 21st Century?”

ISC Publication for the World Petroleum Congress - Ist Youth Forum in Beijing, October 2004

“Gas and the Problem of Disputes”: *First Magazine* publication for the World Petroleum Congress, November 2004 [“The principal purpose of the World Petroleum Congress (WPC) is to promote the management of the world’s petroleum resources for the benefit of mankind” - Dr Eivald Roren, President of the World Petroleum Congress];

“Dealing with Disputes”: article in “The Fundamentals of the Global Oil and Gas Industry 2007: World Petroleum Council Yearbook”. Published by *Petroleum Economist*

“Gas and the Problem of Disputes” published in the *Dubai International Arbitration Centre Journal* (DIAC Journal Volume 2 – Special Edition II), 2008

“Monetising Natural Gas: The Resolution of Disputes”: *Arbitration*, the Journal of the Chartered Institute of Arbitrators (2008) 74

PETROLEUM CASES

Petroleum and petroleum – related cases have included multi-million U.S. dollar disputes:

Party-appointed arbitrator in US\$ 200 million Russian oil dispute: LCIA arbitration under the UNCITRAL Rules.

Oil drilling jack up rig contracts: sole mediator in dispute in Singapore under Rules of London arbitration/mediation institution.

Sole mediator in *ad hoc* mediation in London. Contracts for the fabrication of sub-sea oil drilling structures for use with FPSOs in the North Sea (Floating Production Storage and Off-loading Vessels).

Sole arbitrator in international oil arbitration. Spanish and Nigerian parties. Anti- suit proceedings commenced in two jurisdictions.

METALS

Instructed on behalf of European metals organisation on the enforcement in China of an LME (London Metal Exchange) arbitration award. Worked with major PRC Law Firm in Beijing, conducted meetings with PRC metals organisation and local government officials in Shanghai, and produced Report for Chinese local government in relation to the enforcement of the LME award in accordance with the New York Convention.

Member of Panel of Arbitrators in trading dispute between U.S. and Turkish metals organisations in *ad hoc* arbitration held in London. Application to the Commercial Court in London in relation to the Panel’s interim award is reported as *Naporano Iron & Metal Co. v. Sivas Steelworks Inc.* [1997] 2 *Lloyds Reports* 359.

Co-counsel in LME arbitration between French and Italian parties in dispute relating to metals trading contracts. Mediation successfully used to resolve the dispute.

Co – arbitrator in AAA/ICDR Tribunal in New York in international metals contract dispute.

Advising Chinese lawyers on international metals “scam”.

Appointed sole arbitrator in international metals dispute: *ad hoc* arbitration, London.

COTTON

Co –counsel in international cotton arbitrations under the Rules of the International Cotton

Association: Turkish and U.S. parties.

Article “International Cotton Arbitration” published in *Arbitration*

International, the Journal of the LCIA. The article deals with the arbitration rules of the International Cotton Association and refers to cases on those rules dealt with in the English and Chinese Courts: (2013) 29 *Arbitration International*, pp 295-317.

BANKING

Post-graduate qualification in international and comparative banking law [as part of M.A. (London) in International Business Law].

Lehman Bros Panel: Hong Kong International Arbitration Centre’s Lehman – Brothers – related Investment Products Dispute Mediation & Arbitration Scheme: Appointed as Member of the Panel of Arbitrators instituted by HKIAC.

Appointed by ICC over a number of years in various cases by the International Chamber of Commerce’s *International Centre for Expertise*, Paris.

Instructed by Paris law firm on behalf of Middle Eastern bank as Counsel on application in English courts for freezing order in relation to multi-million US dollar fraud case.

Instructed to advise Middle Eastern government in relation to attempted bank fraud in UK.

Articles, etc on banking published in various international journals:

-The ICC’s DOCDEX Rules (Rules of Documentary Credit Dispute Resolution

Expertise): articles published in Butterworths *Journal of International Banking and Financial Law* and in Sweet & Maxwell’s *Journal of International Banking Law*;

- “The Fraud Exception in English Law”: Chapter in the ICC Commercial Crime Services book “*Trade Finance Fraud: Understanding the Threats and Reducing the Risk*”;

-Section on the ICC’s DOCDEX system in the Commonwealth Secretariat’s *Manual of International Dispute Resolution*.

-Articles on Lehman Brothers published in Hong Kong and London- “The Credit Crunch: the collapse of Lehman Brothers”: *Amicus Curiae*, Journal of the Society for Advanced Legal Studies, London, Issue 83, Autumn 2010

Conferences: Speaker on banking issues at the International Maritime Bureau’s 22nd and 23rd Annual Practical Course on International Trading Problems: *Pitfalls and Remedies in International Trade*: Morschach, Switzerland, 2007 and 2008.

Member of the Arab Bankers Association, Upper Grosvenor Street, London W1.

ONLINE DISPUTE RESOLUTION

Panels

WIPO

Anthony Connerty has been a member of the United Nations WIPO (World Intellectual Property Organisation) Domain Name Panel for a number of years, and has been regularly

appointed as a WIPO Panellist since 2004. Cases on which he has been appointed - mainly as sole panellist- have involved as Complainants major international organisations such as: Pepsi Co, Inc; Hoffmann La Roche; Mastercard; Kodak; AOL; Sanofi Aventis; Orange; Lego; Mamas & Papas; Chivas Pernod Ricard; Michelin; Bayer AG; Wikimedia.

ICC

He has been appointed over a number of years in various cases by the International Chamber of Commerce's International Centre for Expertise, Paris. Cases involve online resolution of disputes between international banking organisations.

Publications and Articles

Manual of International Dispute Resolution

Author of the Commonwealth Secretariat's *Manual of International Dispute Resolution*.

Foreword by Sandra Day O' Connor, Associate Justice of the United States Supreme Court. The Manual includes four chapters in a section dealing with the "Electronic Era": the emergence of online dispute resolution; the ICC's

DOCDEX System (a system involving banking disputes relating to documentary credits); and the WIPO Domain Name Dispute Resolution System. On the future of online dispute resolution, the final chapter in that section suggested that "*The future of online dispute resolution ...seems assured in a world where cyber trade and cyber commerce increase day by day. The day of the cyber arbitrator- or the cyber online dispute resolver – has arrived.*"

Articles

Paper on the ICC's DOCDEX Rules (Rules of Documentary Credit Dispute Resolution Expertise, administered by the ICC's International Centre for Expertise, Paris) published in Butterworths *Journal of International Banking and Financial Law*, November and December, 1998.

Article "Documentary Credits: a Dispute Resolution System from the ICC", Sweet & Maxwell, *Journal of International Banking Law*, 1999, Issue 3.

"Electronic Commerce: A United Kingdom View": Sweet & Maxwell's *International Company and Commercial Law Review*, December 1999

Paper submitted to the Third Chinese Commercial Law Conference at Clare College, Cambridge: "The Internet Era: the Development of Electronic Commerce in China - and a Need for Global Dispute Resolution Processes". September, 2000.

[later published by *Amicus Curiae*, the Journal of the Institute of Advanced Legal Studies, London, in Issue 33, January / February 2001]

"Electronic Commerce and Dispute Resolution: A United Kingdom View" published by the Centre de Conciliation et d'Arbitrage de Tunis in *Tunisian Arbitration Review*: 2002

"Online Jurisdiction: ICANN, WIPO, and the Need for International Action": *Asian Dispute*

Review, July and October, 2006. Published by the Hong Kong International Arbitration Centre.

ART LAW

English Court Actions

Instructed as Counsel in two court actions in the English Courts relating to works of art.

Michelangelo Bronze

The client purchased what he claimed he had been informed was a “Michelangelo bronze”. The bronze was sent to various experts around the world for an opinion as to whether the statuette was genuine: could it properly be described as a Michelangelo bronze? Was it worth a considerable sum of money?

I read the experts’ reports. I went with the client to view the bronze in a safe deposit in London. I wrote a number of Opinions in relation to the proposed legal proceedings. The claim to be issued in the English courts against the seller was complex.

Ultimately, the client decided not to launch the court action.

World –wide Mareva

In all there were three hearings on three separate days in the High Court in London.

The client wished to stop the auction in New York of a work of art. I was instructed to apply in the High Court in London for an injunction to restrain the sale. I applied *ex parte* for the Mareva injunction (now a “freezing order”). The order was granted.

The second application was *inter partes*: the party against whom the injunction was granted at the earlier *ex parte* hearing now had the opportunity of challenging the order. The injunction was continued: a third hearing then took place on the following day.

In breach of a confidentiality provision in the world-wide Mareva injunction the client had sent information about the Mareva to a New York newspaper.

The Judge discharged the injunction.

Speaker at Second All Art and Cultural Heritage Law Conference, Art-Law Centre, Geneva, June 2016. Paper “Ownership, Ethics and Mediation” concerning ownership dispute between London and Dublin galleries in relation to the Hugh Lane Continental Pictures.

Publication: “Ownership, Ethics and Non- Adversarial Settlement Methods: The Hugh Lane Bequest”: Volume 26 of the Studies in Art Law, “Cultural Heritage Law and Ethics: Mapping Recent Developments”.

ISBN 978-3-7255-8677-6

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The dispute between the National Gallery in London and the Dublin City Gallery concerning the one billion GBP French Impressionist Paintings in the Hugh Lane Collection.

Paper for Conference on Art and Law held at the Esma Sultan Mansion, Istanbul, staged by SYZ Private Banking, Hergüner Bilgen Özeke and the IDR Group: “Demands for the Return of National Treasures”. November 2019.

“The Resolution of Art Disputes by Adjudication: A New Way Forward”. Published by the *Dispute Board Federation*, London, Geneva, Lisbon and Perth, NSW. [May 2020].

Member of the Arbitration and Mediation Pools of the Court of Arbitration for Art, The Hague [CAfA]

Member of PAIAM [Professional Advisors to the International Art Market]

Member of TIAMSA [The International Art Market Studies Association]

MIDDLE EAST AND AFRICA

Anthony has been involved in the Middle East and Africa for over 15 years. As Arbitrator and Counsel he has acted in international arbitrations involving Turkish, Nigerian and Libyan parties. At various times he has been a member of arbitral and mediation panels in Abu Dhabi, Dubai, Egypt, Iran, Kuala Lumpur and Nigeria. He has spoken at conferences on international dispute resolution in Abu Dhabi, Ankara, Cairo, Istanbul, Lagos and Saudi Arabia.

His Paper “Strengthening Relations with the Arab World through Dispute Resolution” was published in *The Permanent Court of Arbitration / Peace Palace Papers*: Papers emanating from the Fourth PCA International Law Seminar at The Hague. *Kluwer* ISBN 90-411-1972-8.

TURKEY

In addition to his involvement generally with the Middle East, Anthony has a particular interest in Turkey.

Arbitrations

- Member of Panel of Arbitrators in trading dispute between U.S. and Turkish metals organisations in *ad hoc* arbitration in London. Application to the Commercial Court in London in relation to the Panel’s interim award is reported as *Naporano Iron & Metal Co. v. Sivas Steelworks Inc.* [1997] 2 *Lloyds Reports* 359.
- Sole arbitrator in international *ad hoc* arbitration in London. Dispute concerning international commercial contract in the media field. Turkish law the governing law of the contract. Turkish and U.S. parties.
- Co –counsel in international cotton arbitrations under the Rules of the International Cotton Association: Turkish and U.S. parties.

Article “International Cotton Arbitration” published (2013) 29 *Arbitration International*, 295-317

Conferences

- Speaker at Conference in Ankara staged by the IDR Group with the Union of Turkish Bars and the Ankara Bar – January 2009. Theme of the two- day conference: “International Dispute Resolution: Practice, Procedure and Problems”.
- Conference on *Lex Mercatoria* held at the Istanbul Kemerburgaz University School of Law, April 2013: “*Lex Mercatoria*: Is it relevant to international commercial arbitration?” Speakers included Prof. Dr. Klaus- Peter Berger and Prof. Dr. Karl- Heinz Böckstiegel.

Article “Lex Mercatoria: Reflections of an English Lawyer” published (2014) 30 *Arbitration International*, 701-719.

- May 2015 UIA (Union Internationale des Avocats) Conference in Ankara. Speaker on role of mediation in ADR.
- Speaker at Conference in Istanbul held at the Caglayan Court House and organised by Altinbas University, the Istanbul Bar Association and the IDR Group: October 2017. Conference theme “*Litigation, Arbitration and Mediation in the Resolution of International Disputes*”. Contributors included Gary Born, partner Wilmer Hale and Dr. Pierce Riemer, Director General of the World Petroleum Council.
- Paper for Conference on Art and Law staged by SYZ Private Banking, Hergüner Bilgen Özeke and the IDR Group: “Demands for the Return of National Treasures”.

ISLAMIC FINANCE

Anthony has been a member of arbitral and mediation panels in Abu Dhabi, Dubai, Egypt, Iran, Kuala Lumpur and Nigeria. He has spoken at conferences on international dispute resolution in Abu Dhabi, Ankara, Cairo, Istanbul, Lagos and Saudi Arabia.

He is a member of the panel of Arbitrators and Experts of the International Islamic Centre for Reconciliation and Arbitration, Dubai – IICRA.

Member of the Arbitration and Mediation panels of the Asian International Arbitration Center, Kuala Lumpur- AIAC

Member of the Arab Bankers Association, London

His Paper “Strengthening Relations with the Arab World through Dispute Resolution” was published in *The Permanent Court of Arbitration / Peace Palace Papers: Papers emanating from the Fourth PCA International Law Seminar at The Hague*. Kluwer ISBN 90-411-1972-8.

His article on methods of dispute resolution in Islamic Finance will be published by Global Arbitration Review- GAR:

A. Connerty (2021, forthcoming):

"Methods of Dispute Resolution for Islamic Finance: Litigation and Arbitration"

(TDM, ISSN 1875-4120) May 2021,

www.transnational-dispute-management.com

CHINA

Member of the Panel of Arbitrators of the China International Economic and Trade Arbitration Commission (CIETAC): appointed to the Panel in 1997 and re-appointed for 3 years in 2021.

Member of the Panel of the China Maritime Arbitration Commission (CMAC). Re-appointed to the Panel for 3 years in 2021.

Member of SHIAC; and a Member of the panel of Arbitrators of the Beijing Arbitration Commission (BAC).

He has acted for Chinese clients in international commercial disputes in court hearings and in

arbitration hearings in the UK and in China:

- Appointed Chairman of CIETAC Arbitration Tribunal; seat of arbitration Shanghai; Chinese and German parties.
- Sole Arbitrator in LCIA arbitration: dispute between Dutch and Chinese parties; governing law the Laws of the People's Republic of China.
- Counsel in ICC arbitration. Instructed by Beijing law firm on behalf of a group of Chinese companies. Dispute between Chinese and Italian parties in the fashion trade involving joint venture agreements; franchising; trademarks; know-how licensing; jurisdiction of the arbitral tribunal and governing law. One hearing took place in Beijing - one of the few ICC arbitration hearings at the time to have taken place in China.

Speaker at conferences on international dispute resolution in Beijing, Shanghai, Nanjing and Guangzhou.

Articles relating to China - in particular concerning international dispute resolution - have been published in various journals around the world, including the CIETAC Yearbook (some translated into Mandarin). Article on the 2012 revision to the CIETAC Rules published in New York by the American Arbitration Association's Dispute Resolution Journal, May –July 2012 Edition.

CONTACT:

anthonyconnerty@idrgroup.org

anthony.connerty@6pumpcourt.co.uk