

Arbitrators

AT 24 LINCOLN'S INN FIELDS



Ricky Diwan KC

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Ricky Diwan KC has a wide-ranging practice in the fields of international commercial arbitration and international investment arbitration, regularly appearing as counsel and arbitrator in international arbitrations seated across the world. He has acted in arbitrations under a wide variety of international arbitration rules including HKIAC, ICC, ICSID, LCIA, SCC, SIAC, UNCITRAL and VIAC.

He is a member of the HKIAC and SIAC Panel of Arbitrators, as well as the UK ICC Committee. He is presently appointed as arbitrator in arbitrations under the ICC Rules, LCIA Rules and SIAC Rules (acting in the capacity of sole arbitrator, presiding arbitrator and co-arbitrator). He has considerable experience of arguing and conducting international arbitrations under both common law (English law, Hong Kong law, Indian law, New York law, Singapore law) and civil law (Angolan law, French law, Iranian law, Kuwait law, Libyan law, Polish law, Russian law, Sudanese law and Turkish law). The subject matter of the cases in which he has acted and sat as arbitrator is necessarily diverse covering a wide array of different fields.

His international arbitration practice is complimented by his vast experience of international arbitration related applications before the English Court raising issues of (inter alia) jurisdiction (including under investment treaties), due process and excess of power. He has appeared at all levels of the English Court on arbitration related cases as well as before leading institutions (including an ICSID Annulment Committee constituted by ICSID). His cases have given rise to important reported judgments and decisions. This includes: *Griffin v Poland* [2018] 1 Lloyd's Rep 410, where he acted for the investor in successfully setting aside an investment award on jurisdictional grounds, being the first investor state award to be set aside by the English High Court (for which he was nominated for an award by GAR in 2019); *Raymond Eyre and Montrose Development v Sri Lanka* (ICSID Case No. ARB/16/25, 2020), where he acted for the State in a hotel development dispute and successfully had the claim dismissed on jurisdictional grounds and then successfully resisted an application for annulment before an ICSID Annulment Committee; *Kabab-Ji v Kout Food Group* [2021] UKSC 48 (Judgment of 27 October 2021), where he recently appeared before

the United Kingdom Supreme Court in successfully resisting recognition and enforcement of ICC arbitral award in a landmark decision on jurisdiction under Article V(1)(a) of the New York Convention.

He co-authored the ICCA International Handbook on Commercial Arbitration for England & Wales (2015) with V V Veeder QC. He also co-drafted the Mauritian International Arbitration Act 2008, advised on the LCIA-MIAC arbitration rules and sits on the advisory board of the Mauritian International Arbitration Centre.

He is highly recommended in leading legal guides for international arbitration in which he has been described as “*a very strong advocate*”, an advocate who “*glues the attention of the court*”, “*exceptionally sharp and extremely pleasant to work with*”, “*widely recognized and recommended figure in the market*” and that “*his understated but powerful performance at hearings is advocacy at its best*”. In 2020, he was one of three nominees for international arbitration silk of the year at the Chambers Bar Awards. In 2019, he was short listed for the GAR Awards (2019) for his successful setting aside of an investment arbitral award. He has lectured in international arbitration at King’s College, London, and regularly speaks at international arbitration events.

Prior to being called to the bar and joining Essex Court Chambers in 1998, he was admitted to the New York Bar and practiced as a qualified attorney-at-law at Debevoise & Plimpton (New York) between 1995 and 1997.

Recent Arbitrator Experience

- Presiding arbitrator in a dispute related to the exit from a shareholders’ agreement (LCIA, Dubai International Financial Centre).
- Sole arbitrator in a dispute relating to consultancy agreements in the oil and gas sector (ICC, London seat).
- Presiding arbitrator in a dispute relating to services in respect of the supply of submarines to a State (LCIA, London seat).
- Co-arbitrator in dispute concerning sale and purchase agreements relating to the sale of interest in the oil and gas sector (ICC, London seat).
- Co-arbitrator in consolidated arbitrations related to share purchase agreements (ICC, Hong Kong seat).
- Co-arbitrator in dispute over a gas transportation pipeline project (LCIA, London seat).
- Co-arbitrator in a dispute over the development and operation of a hotel chain (SIAC, Singapore seat).

- Co-Arbitrator in dispute relating to a Master Lease Agreement in the mobile telecommunications sector (LCIA, London seat).

Recent and Notable Cases as Counsel

Court

- Counsel in the Supreme Court in New York Convention proceedings resisting recognition and enforcement of an ICC award (*Kabab-Ji v Kout Food Group* [2021] UKSC 48).
- Counsel in New York Convention proceedings seeking recognition and enforcement of an UNCITRAL Award rendered under the Ukraine-Russia BIT (*Tatneft v Ukraine* [2020] EWHC 3161).
- Counsel in jurisdictional challenge to an investment treaty award under the Korea-Iran BIT (*Republic of Korea v Dayyanis* [2019] EWHC 3580) on behalf of the Republic of Korea.
- Counsel in jurisdictional challenge to an investment treaty award under the BIT between Poland, Belgium and Luxembourg (*GPF GP SARL v Republic of Poland* [2018] 1 Lloyd's Rep 410) on behalf of GPF GP SARL.

Arbitration

- Counsel in one of the largest gas arbitrations involving long term gas purchase and sale agreement with a State-owned entity (London and Geneva seated arbitrations).
- Counsel in dispute related to supply of equipment for the modernisation and expansion of the fibre optic network of a State (Paris seated, ICC arbitration).
- Counsel in international arbitration proceedings relating to a major infrastructure project in Africa entered into with a State-owned entity (ICC arbitration).
- Counsel in ICSID arbitral and annulment proceedings under the UK-Sri Lanka BIT (*Raymond Eyre and Montrose Development v Sri Lanka* (ICSID Case No. ARB/16/25, 2020).
- Counsel in oil and gas dispute relating to oil fields in Iraq (LCIA, London seat).
- Counsel in high value mobile telecommunication disputes (VIAC, Vienna seated and SIAC Singapore seated respectively).

What others say

- Chambers & Partners (2022)

“Ricky is highly experienced in dealing with a tribunal and has a very nice manner with them. He performs extremely well.” “He gives strong, strategic advice.”

- Legal 500 (2022)

“He provides clear, concise analysis of difficult points. Thoughtful and considered. Excellent all-round knowledge. Very hands-on and responsive. An absolute pleasure to work with.”

- Legal 500 (2021)

“Extremely sharp and understated at the same time – advocacy at its best.”

- Chambers & Partners (2021)

“He’s a very strong advocate, extremely bright and completely straightforward. He glues the attention of the court in a very understated and efficient manner.”

- Chambers & Partners (2019)

“Ricky’s understated but powerful performance at hearings is advocacy at its best. He has a real willingness to exchange ideas and does very careful and detailed analysis.”

- Chambers & Partners (2018)

“Highly regarded for his international arbitration practice, which concentrates on commercial and investment issues.”

- Legal 500 (2019)

“Exceptionally sharp and extremely pleasant to work with.”

- Legal 500 (2018)

“An excellent silk who lives and breathes arbitration.”

- Who’s Who Legal UK Bar (2019)

“Widely recognised and recommended figure in the market.”

- Who’s Who Legal UK Bar (2017)

“Draw[ing] praise for the rate at which he has developed a very strong practice in both international commercial and investment arbitration with one source claiming, “He is one of the best young silks around.”

- Who's Who Legal UK Bar (2016)
"Outstanding Ricky Diwan QC emerges as one of the leading lights in our research and specializes in international commercial arbitration both in London and abroad under a range of laws."
- Chambers and Partners (2017) he was ranked in the field of international arbitration and described as "*meticulous, extremely hard-working and always on top of all the detail.*"

Career

- Called to the Bar of England & Wales: 1998
- Admitted as an Attorney and Counsellor at Law by the State of New York: 1996

Education

- Cambridge University, Trinity College (1991-1994) BA (Law), First Class Honours (Parts 1A, 1B & Part II)
- Harvard Law School, Cambridge Massachusetts, USA (1994-1995), LL.M.

Awards

- Van Heyden Prize for Academics
- ECS Wade Prize for Administrative Law
- Holland Fund Scholarship awarded by Trinity College, Cambridge University for study at Harvard Law School
- Trinity College Senior and Junior Scholarships
- Lord Denning Scholarship, Lincoln's Inn
- Lord Mansfield Scholarship, Lincoln's Inn
- Bar Association Prize for Commerce, Finance & Industry CCH Editions Prize for Company Law
- Finalist of the Robert Wright Mooting Competition