

# Arbitrators

AT 24 LINCOLN'S INN FIELDS



## Benedict Tompkins

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Benedict is described in the 2024 edition of the Legal 500 as an “*up-and-coming arbitrator*”, and is actively building his tribunal practice alongside his work as counsel in substantial commercial and Investor–State arbitrations.

Benedict has sat as a sole arbitrator and as a party-appointed arbitrator in disputes worth up to c. \$6 million, seated in London (ICC Rules) and Paris (UNCITRAL Rules / PCA).

As counsel, he has experience of disputes arising under the ICSID, ICC, LCIA, HKIAC, SIAC, LMAA, ICDR and UNCITRAL Rules; and prior to his call to the bar in England and Wales, Benedict gained substantial experience as a tribunal assistant / secretary in proceedings under all major institutional rules.

He prides himself on working efficiently and is able to provide substantial availability for tribunal appointments, including in particular delivery of awards within agreed (and, if necessary, urgent) timeframes.

### Arbitral appointments

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- Sole arbitrator in a contractual / insurance dispute (ICC, London seat, 2019–2020); Final Award rendered within six months of Terms of Reference
- Party-appointed arbitrator in a shipping dispute involving a major international organisation (UNCITRAL / PCA, Paris seat, 2022–2023)

### International Commercial Arbitration

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- *Claimant v Respondent* (ICC, Benelux seat, 2023–present): instructed for the claimant in a private equity dispute, including appearing as sole counsel in a

successful application for interim measures under the ICC Emergency Arbitrator provisions

- *Claimant v Defendant* (Commercial Court, 2023): sole counsel for an award creditor seeking enforcement of a c. \$5 million award in an LMAA arbitration
- *Claimant v Defendant* (Commercial Court, 2023): sole counsel for sellers resisting an appeal under section 69 of the Arbitration Act 1996 from an award in Refined Sugar Association proceedings
- *Claimant v Respondent* (UNCITRAL, London seat, 2021): counsel for the claimant mining company in a substantial claim against a state-owned electricity company relating to the supply of electricity to a copper and gold mine in southern Africa
- *Wemade Co., Ltd v Lansha Information Technology (Shanghai) Co., Ltd* (Singapore seats, 2018–2021): appearing for and advising a leading PRC gaming company and its affiliates in related ICC and SIAC arbitrations concerning the licensing of gaming software in China
- *ASA v TL* [2020] EWHC 2270 (Comm): counsel for the claimant in an application under s 68 of the Arbitration Act 1996
- *Claimant v Defendant* (Commercial Court, 2018): appeared as junior and sole counsel for the applicant in a successful application for a worldwide freezing injunction under s 44 of the Arbitration Act 1996, in support of an LMAA arbitration
- *Claimant v Respondent* (HKIAC, 2018): acted for the respondent in an arbitration in the pharmaceuticals / life sciences sector
- *Claimant v Respondent* (LCIA, 2017): acted for the claimant in an arbitration arising out of the marketing of luxury motor yachts

## Investment treaty disputes

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- *Border Timbers Ltd v Republic of Zimbabwe* (Commercial Court, 2022–present): counsel for Zimbabwe defending enforcement of a c. \$165 million ICSID award, including on State immunity grounds
- *Investor v State* (UNCITRAL, London seat, 2019–present): counsel for an Indian investor in respect of claims under a BIT arising from the termination of a government lease, seeking damages of c. \$225 million; Benedict had a substantial role at the merits hearing making oral submissions and leading and cross-examining expert witnesses
- *Investor v State* (UNCITRAL, London seat, 2017–2023): counsel for a Middle Eastern investor in an arbitration under the OIC Agreement
- *Cairn Energy PLC v India* (Commercial Court, 2021): counsel for the Republic of India in proceedings seeking enforcement of a \$1.7 billion investor–state arbitral award
- *Vedanta Resources Ltd v India* PCA Case No. 2016-05 (2019–2021): counsel for the Republic of India in a multi-billion dollar claim alleging breaches of an investment treaty by way of a taxation measure

- *World Wide Minerals Ltd v Republic of Kazakhstan* (UNCITRAL, London seat, 2017–2018): instructed on behalf of the respondent state in a \$1.5 billion BIT claim brought by an investor in the uranium mining sector
- Advised prospective claimants in relation to a prospective ICSID / UNCITRAL claim arising out of the expropriation of a copper concession

## Career

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**2017:** Tenancy at Essex Court Chambers, following successful completion of pupillage

**2016:** Call (Lincoln's Inn)

**2013–2015:** Associate, Gilbert Walker, Auckland, New Zealand

**2012–2013:** Crown Prosecutor, Wellington, New Zealand

**2012:** Admitted as a Barrister and Solicitor of the High Court of New Zealand

**2010–2011:** Law clerk to Sir David A.R. Williams KC

## Education

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**2015–2016:** LL.M., Gonville & Caius College, University of Cambridge (starred first)

**2007–2012:** B.A., LL.B. (Hons), University of Auckland

## Awards

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**2016:** B.R.D. Clarke Prize for first in year in the LL.M., 3 Verulam Buildings Prize for international commercial litigation, first in year in international commercial tax (University of Cambridge)

**2015:** W.M. Tapp Studentship and College Scholarship (Gonville & Caius College)

**2012:** Semi-finalist and best applicant memorial, Philip C. Jessup International Law Moot, international rounds

**2011:** First in year in the LL.B. (University of Auckland)

## Publications

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'*The duty to participate in international commercial arbitration*' (2015) 18(1) International Arbitration Law Review 17

## Memberships

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- London Court of International Arbitration
- LCIA Young International Arbitration Group

- ICC Young Arbitrators Forum
- ASA Panel of Arbitrators