

Arbitrators

AT 24 LINCOLN'S INN FIELDS



Benedict Tompkins

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, DIAC and UNCITRAL Rules, and at all levels of the English courts.

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.

He graduated first in his year from the Universities of Auckland and Cambridge.

Arbitral appointments

- 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)

- 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.

International Commercial Arbitration

- *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

- *Border Timbers Ltd v Republic of Zimbabwe* [2024] EWHC 58 (Comm) (Commercial Court and Court of Appeal, 2022–present): counsel for Zimbabwe defending enforcement of a c. \$165 million ICSID award on State immunity grounds, with Benedict conducting part of the oral advocacy both in the Commercial Court and Court of Appeal
- *Middle Eastern Investor v Middle Eastern State* (London seat, 2023-present): counsel for the respondent State in an arbitration under the OIC agreement,

defending a claim for c. \$1 billion arising from geo-political events in the late 2010s and early 2020s

- *Investor v State* (UNCITRAL, London seat, 2019–2024): counsel for an Indian investor in respect of successful claims under a BIT arising from the termination of a government lease (including expropriation, breach of fair and equitable treatment, and discrimination); 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

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

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

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

Awards

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

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

Memberships

- London Court of International Arbitration
- LCIA Young International Arbitration Group
- DIAC Arbitrator List

Nationalities

- New Zealander, British