



## **Thomas H. Webster**

Email: [Webster@thwebster.com](mailto:Webster@thwebster.com)

Web site: [www.thwebster.com](http://www.thwebster.com)

*19, rue du Docteur Blanche  
Paris 75016  
France*

*Tel. (33) 971 448 546  
(33) 785 33 1974*

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### Background

Education:	B.A. (University of Alberta); J.D. (University of Toronto) (with full-time Justice Dept. summer courses in civil law at the Université Laval and the Université d'Ottawa); LL.M (Cambridge University); D.E.A. (University of Paris)
Bar memberships:	Ontario, Canada, 1979; New York, 1980; England, 1982 (Solicitor); Paris, France 1982 (Avocat Honoraire)
Languages:	Trilingual: English, French, German Reading Fluency: Spanish, Italian
Nationality:	Canadian

### Professional Experience

1998 -	<i>Counsel, arbitrator and mediator, Paris and London</i>
1985 - 1998	<i>Hughes Hubbard &amp; Reed, Paris. (Partner)</i>
1979 -1985	<i>Dewey Ballantine, New York and Paris. (Associate)</i>
1976-1977	<i>Lecturer in Comparative Law, Institut de Droit Comparé, Paris</i>

Areas of Activity: International Arbitration (LCIA, ICC, AAA, UNCITRAL, ICDR, CEPANI, ICSID, Swiss Arbitration Rules, Netherlands Arbitration Institute, Polish Court of Arbitration); Mediation

Current Activities: Various arbitrations including: several DIFC-LCIA arbitrations regarding hotel agreements and a construction project, various LCIA Arbitrations regarding financing contracts, an LCIA arbitration regarding netting claims, an LCIA arbitration regarding real estate projects in India, several ICC arbitrations regarding various matters including a defence contract, construction projects and pharmaceuticals, an ICSID arbitration regarding a BIT.

Past arbitrations: Various international commercial and investment arbitrations under most major arbitration rules and in most major centers of arbitration.

The arbitrations dealt with a broad range of matters including financing arrangements, oil production and engineering, construction, mining, thermal, wind, solar and electrical power generation, telecommunications, share purchase agreements, investment agreements, oil exploration and operations, environmental issues, representation and distribution agreements and pharmaceuticals.

The applicable law in the past and current arbitrations has included US law (various states), English law, French law, Swiss law, Turkish law, German law, Japanese law, Belgian law, Canadian law (various provinces), Spanish law, Italian law, Egyptian law, Ethiopian law, law of Trinidad and Tobago, Bulgarian law, Philippines law, Saudi law, UAE law, DIFC law, Chadian law, Sudanese law and international law. Approximately one half of the arbitrations were subject to civil law and one half are subject to common law.

The procedural issues have varied widely. They have included numerous issues as to bifurcation and decisions on dispositive issues, interim relief, amendments of claim and defence, admission or refusal of new evidence and the effect of prior awards.

Court decisions: Most Awards are confidential. However, recent Awards as presiding or sole arbitrator have been upheld in *Erdenet Mining Corporation v. ICBC Standard Bank Plc* [2017] EWHC 1090 (Comm); *C1, C2 and C3 v. D* [2016] EWHC 1893 (Comm); and *C v. D1, D2 and D3* [2015] EWHC 2126 (Comm).

#### Recent Books:

***Handbook of UNCITRAL Arbitration*** (3rd Edition) (Thomson/Sweet & Maxwell/Westlaw) (March 2019)

***Handbook of ICC Arbitration*** (4th Edition) (Thomson/Sweet & Maxwell/Westlaw) with Michael Bühler (October 2018)

***Handbook of Investment Arbitration*** (Thomson/Sweet & Maxwell/Westlaw) (2012)

#### Selected Articles:

Co-author of a chapter in the *Guide to M&A Arbitration* (with Amy Kläsener (GAR 2018) "Agreements to Arbitrate and the Place of Arbitration": Divergences in approach" *Dispute Resolution International* (May 2014)

"Efficiency in Investment Arbitration: Recent Decisions on Preliminary and Costs Issues", Vol. 26 No.3 *Arbitration International* (December 2009)

"Functus Officio and Remand in International Arbitration" Vol. 27 *ASA Bulletin* No. 3 (September 2009)

"Review of Substantive Reasoning of International Awards by National Courts: Ensuring One-Stop Adjudication, Vol. 23 No. 3 *Arbitration International* (June 2006).

"Evolving Principles regarding Enforcement of Awards subject to Annulment Proceedings" Vol. 22 *Journal of International Arbitration* (June 2006)

"Terms of Reference and French Annulment Proceedings", Vol. 20 *Journal of International Arbitration* (December 2003)

"Party Control in International Arbitration" Vol. 19 No. 2 *Arbitration International* (2003)

"Selecting Arbitrators in a Nutshell", Vol. 19 No. 3 Journal of International Arbitration (2002)

"Obtaining Evidence from Third Parties in International Arbitration" Vol. 17 No. 2 Arbitration International (2001)

"Obtaining Documents from Adverse Parties in International Arbitration" Vol. 17 No. 1 Arbitration International (2001)