



# DAVID CAIRNS

## INDEPENDENT INTERNATIONAL ARBITRATOR

International Arbitration Centre  
190 Fleet Street  
EC4A 2AG  
London  
+44 (0) 203 928 7272



Contact David's Management Team –

Sam.Carter@int-arb.com | +44 (0) 203 928 7280 | +44 (0) 791 719 1476  
Demi.Robinson@int-arb.com | +44 (0) 203 928 7281 | +44 (0) 753 502 9639

[www.int-arbitrators.com](http://www.int-arbitrators.com)  
<https://int-arbitrators.com/davidcairns/>

### Overview

David is a leading independent arbitrator, having previously been a partner at B. Cremades y Asociados in Madrid, Spain.

He has been based in Madrid for over 20 years with experience and particular focus on disputes in Spain and Latin America. David is fluent in Spanish and English, and familiar with both the common law and continental legal traditions.

He has been acting for many years as sole, chair or party-appointed arbitrator under the rules of ICSID, UNCITRAL, ICC, AAA, LCIA, WIPO, Court of Arbitration (Madrid), and the Court of Arbitration for Sport in a variety of seats including London, Madrid, New York, Paris, Washington DC, Miami and Geneva.

His expertise includes construction & infrastructure projects, investor state and commercial disputes as well as intellectual property, mergers & acquisitions and joint venture disputes. He has a particular interest in the history and economic development of Latin America.

He is a national of New Zealand and the United Kingdom.

### Construction & Infrastructure and Investment Arbitration - Latin America.

David acts as arbitrator in investor-state disputes arising from bilateral investment treaties or investment agreements. His work has covered, amongst other issues, treaty interpretation, the definition of 'investment', standards of treatment in international investment law (expropriation, fair and equitable treatment, legitimate expectations), illegality in investment, denial of justice, the protection of intellectual property in international law, disputes between state entities and joint venture parties, the interface of investor rights and the power to regulate, international trusts, the relationship between contractual and treaty rights, compensation, annulment, and procedural questions relating to the interpretation and application of the ICSID Convention and Arbitration Rules.

His experience includes major infrastructure projects in Latin America where recent cases have involved concession contracts, the concurrent application of contractual rights and local

administrative law, and substantial expert evidence relating to the analysis of delays and disruption as well as financial issues

He is currently the presiding arbitrator in two ICSID arbitrations arising from infrastructure concessions in Peru (Metro de Lima Línea 2 S.A. v. Republic of Peru; ICSID Case No. ARB/17/3; Desarrollo Vial de los Andes S.A.C. v. Republic of Peru; ICSID Case No. ARB/20/18), a member of the Tribunal in a NAFTA arbitration pursuant to the ICSID Additional Facility Rules (Lion Mexico Consolidated L.P. v. United Mexican States (ICSID Case No. ARB(AF)/15/2)), and a member of the Tribunal in an investor-State arbitration under the UNCITRAL Arbitration Rules involving the pension funds sector of a Latin American State. He has previously acted as an arbitrator in an investment arbitration pursuant to the Spain-Cuba BIT.

He has also acted as counsel in an ICSID arbitration arising from an infrastructure project in Honduras (Elsamex SA c. Republic of Honduras ICSID Case No. ARB/09/4), and in ICSID annulment proceedings in relation to concession contracts in Argentina (Compañía de Aguas del Aconquija SA y Vivendi Universal c. Republic of Argentina, ICSID Case No. ARB/97/3) and Venezuela (Blue Bank International & Trust (Barbados) Ltd. v. Bolivarian Republic of Venezuela (ICSID Case No. ARB/12/20)). Earlier in his career he also acted as counsel in construction disputes involving industrial plants or electricity generation in El Salvador, Panama and Argentina.

#### **Spanish and Latin America cases – As Arbitrator.**

- President of an ICSID Tribunal appointed by the Parties in an arbitration arising from PPP and DFBOT (design-finance-build-operate-transfer) concession model for a major transport infrastructure project in Lima (Metro de Lima Línea 2 S.A. v Republic of Peru (ICSID Case No. Arb/17/3)).
- President of an ICSID tribunal in an arbitration relating to a highway concession in Peru (Desarrollo Vial de los Andes S.A.C. v. Republic of Peru (ICSID Case No. ARB/20/18));
- President of ICC Tribunal in an arbitration arising from the acquisition of a Spanish banking entity, with the seat at Madrid and subject to Spanish law.
- President of an ICC Arbitration Tribunal in a dispute between Mexican and North American parties under New York law arising from a real estate joint venture in Mexico.
- President of an ICDR-AAA Tribunal in a licensing and distribution dispute subject to New York law between US and Chilean parties and relating to the telecommunications sectors in various Latin American jurisdictions.
- President of an ICC Arbitration Tribunal in a dispute between Mexican and Italian parties arising from a joint venture in the manufacturing sector in Mexico.
- President of an Arbitral Tribunal pursuant to the Rules of the Corte de Arbitraje de Madrid in a construction arbitration relating to biomass plant in Huelva.
- President of an ICC Tribunal in a dispute arising from a pharmaceuticals joint venture under Spanish law.

- President of an ICC Tribunal in a dispute arising from an acquisition transaction in the insurance sector under Spanish law.
- President of an ICC Tribunal in an arbitration arising from a warranty insurance policy in relation to the acquisition of a Spanish corporation by a Dutch investor.
- President of an Arbitral Tribunal under the rules of the Corte de Arbitraje de Madrid in an arbitration relating to the termination of a distribution contract in the consumer healthcare sector under Spanish law.
- Arbitrator appointed pursuant to the ICSID Additional Facility Rules in relation to NAFTA claims arising from real estate developments in Mexico (Lion Mexico Consolidated L.P. v United Mexican States (ICSID Case No. ARB (AF)/15/2)).
- Arbitrator appointed pursuant to a BIT and the UNCITRAL Arbitration Rules involving the pension funds sector of a Latin American State.
- Arbitrator in an ICC arbitration arising from the modernization of a refinery in Peru, subject to Spanish law and with the seat in Miami.
- Arbitrator appointed in an LCIA arbitration arising from a M&A agreement relating to a corporation operating an industrial plant in the Dominican Republic, subject to English law and with the seat in London.
- Arbitrator in an investment arbitration pursuant to the Spain-Cuba BIT arising from a joint venture between an investor and a state entity.
- Sole arbitrator in two ICC arbitrations involving financial derivatives under Spanish law.
- Sole arbitrator in an ICC arbitration relating to a joint venture contract governed by Spanish law for the participation in a public works contract in Qatar.
- Sole arbitrator in an ICC arbitration involving an International carriage of goods contract between German and Spanish companies.
- Sole arbitrator in an arbitration arising from a management buy-out contract between Swedish and Spanish parties pursuant to the Rules of the Corte de Arbitraje de Madrid.
- Sole arbitrator in a dispute arising from the acquisition by an Italian investor of a Spanish corporation in the Pharmaceutical sector.
- Sole arbitrator in a dispute under Spanish law between a foreign investor and a prior-owner of mining rights in relation to the re-opening of a major Spanish mine.
- Sole arbitrator in an arbitration relating to the termination of a real estate joint venture in Cape Verde pursuant to the Rules of the Corte de Arbitraje de Madrid.