

INSIDE ARBITRATION: SPOTLIGHT ON CRAIG TEVENDALE

01 February 2016 | London
Legal Briefings - By **Craig Tevendale, Partner**

Craig Tevendale, London international arbitration partner, has built a reputation for resolving disputes arising out of the Arab world, central Asia and sub-Saharan Africa. Here he discusses his love of Arabic and the road less travelled.

IT ISN'T EVERY LONDON LAWYER WHO SPEAKS FLUENT ARABIC. HOW DID THAT COME ABOUT?

I went to state primary and secondary schools in Scotland and England. I very much enjoyed learning languages, and then I was very lucky that family holidays included time in Saudi Arabia, Egypt and Tunisia whilst my dad worked in the region. I developed a great admiration for the hospitality and culture of the Arab world during those holidays; the humility and warmth of the people we met made a great impression on me. Put all of that together, and it was a natural choice for me to read Arabic at university.

I spent one of my 4 years studying Arabic in Kuwait. I was there between the two Gulf wars in what was, with hindsight, quite a fragile period of peace. During the first week I was there, the airport was closed down and the British Embassy organised a helicopter evacuation plan. The Iraqi army under Saddam Hussein had amassed on the border in order to make a point about sanctions. It was a fascinating and inspiring year, developing a love of the language with a truly diverse selection of students from around the world. There were some wonderful times fishing in the Arabian Gulf, playing football and tennis in 40 degree heat and trying to explain to Omani English literature students the ins and outs of gothic literature. What a mixture of students we had learning Arabic at that time! Not every university course will draw mature students formerly with the US Navy, the Russian army and retired Afghan Mujahideen from the 1980s...

WHY DID YOU CHOOSE A CAREER IN ARBITRATION?

Well, there were some obvious career choices with my background, and I looked into them: the Foreign and Commonwealth Office, government intelligence.... but the law became a compelling choice for me. I wanted a career that offered me real variety, challenge and a broader view of international life. I steered my career towards disputes which gave me that variety and international perspective, focusing on cross-border issues and emerging market jurisdictions. When Herbert Smith Freehills set up its dedicated International Arbitration group in 2005 to concentrate the existing arbitration practitioners in one place, I was already specialising in arbitration, and it was an easy choice to join the new group. Being an arbitration lawyer presents a wonderful opportunity to work opposite, and alongside, practitioners from across the globe with different legal and cultural backgrounds. We are fortunate to work with hugely talented people on very interesting work, and with the variety comes the occasional surprise. I remember an arbitration where the parties had appointed two very eminent expert legal witnesses from South East Asia on complex questions of constitutional law arising in their jurisdiction. It was all very serious stuff. It then emerged under cross examination that these two experts moonlighted as DJs on the same local radio station! That was much of a surprise to our colleagues representing the other party as it was to us.

DO YOU HAVE A PARTICULAR SECTOR OR REGIONAL FOCUS?

One of the most appealing aspects of being an arbitration specialist is that you get to work on a broad caseload across a number of different sectors. I have always enjoyed working in the energy sector in particular, however, and that is a specialism I have built up over many years. I also had the chance to spend 15 months in house at an energy super major earlier in my career, which was a great experience. As a result, I am evangelical about the benefits for any private practice lawyer of working on matters from a client perspective when the opportunity arises. Seeing the resolution of disputes, and the arbitral process, from the client's side of the fence gives a great insight into what is important. And it's interesting to manage other law firms on cases and to learn from what they do well (or badly).

Being an arbitration practitioner, most of the time you don't expect the outcome of your cases to enter the public domain: in fact, you often work very hard to maintain the confidentiality of the process. However, it was a fascinating experience to see an important win I had for South Western trains against the Department of Transport being reported by the full sweep of the British press, from Private Eye to The Sun!

“PUT ALL OF THAT TOGETHER, AND IT WAS A NATURAL CHOICE FOR ME TO READ ARABIC AT UNIVERSITY”

My Arabic background has meant that I am often involved in cases involving the Arab world. In recent years a number of my cases have been disputes arising from the aftermath of the “Arab Spring” in North Africa. But much as the broad caseload of arbitration has led to variety in terms of industry sector, there is also plenty of regional variety. I am particularly active in Central Asia and in Turkey, and have also been working a lot on African matters in recent years; cases from Madagascar, Angola, Tanzania, Namibia and other jurisdictions too. I have also done a number of Iranian law disputes and that is an area which I expect to grow.

WHAT IS THE FUTURE OF ARBITRATION IN THE ARAB WORLD?

Arbitration has a long history in the Arab world: the idea that disputes can be resolved by the appointment of arbitrators is mentioned in the Qur'an, and has long been recognised by Arab culture.

Generalisations about the Arab world are no easier than generalisations about 'Africa'; the Arab world has such a broad range of jurisdictions in legal, political and economic terms. Regional knowledge is valuable when negotiating dispute resolution clauses, and navigating arbitral processes, to make sure that the differences between jurisdictions are taken into account.

Some Arab jurisdictions have sought to champion the development of arbitration and have adapted their legal systems to facilitate that development, and there are success stories where arbitral awards have been enforced or court actions in breach of arbitration agreements have been stayed. It is important to be realistic, however - there remain jurisdictions in the region where arbitration is not widely practised, or where it is seen as undermining the powers of the courts or threatening the sovereignty of the state.

“... THE LAW BECAME A COMPELLING CHOICE FOR ME... REAL VARIETY, CHALLENGE, AND A BROADER VIEW OF INTERNATIONAL LIFE”

On the legislative side there are positive indications in a number of key jurisdictions, but progress continues at different rates - and, of course, sadly there are a number of more compelling priorities on some government agendas at the present time.

One interesting development in the last few years has been the increase in “intra-Arab” disputes. Whilst there have been many claims brought by non-Arab investors in the wake of political and legal change in North Africa, we have also seen a number of cases brought by Arab investors. The traditional assumption that such disputes will be resolved on an amicable basis has been challenged. We will see more of these disputes in the future.

KEY CONTACTS

If you have any questions, or would like to know how this might affect your business, phone, or email these key contacts.



CRAIG TEVENDALE
PARTNER, LONDON

+44 20 7466 2445
craig.tevendale@hsf.com

LEGAL NOTICE

The contents of this publication are for reference purposes only and may not be current as at the date of accessing this publication. They do not constitute legal advice and should not be relied upon as such. Specific legal advice about your specific circumstances should always be sought separately before taking any action based on this publication.

© Herbert Smith Freehills 2021

SUBSCRIBE TO STAY UP-TO-DATE WITH LATEST THINKING, BLOGS, EVENTS, AND MORE

Close

© HERBERT SMITH FREEHILLS LLP 2021