

「Landmark  
Chambers」

Landmark Chambers in Dubai





## Introduction

Introducing Landmark Chambers International – the international practice group of Landmark Chambers, an award-winning barristers’ chambers based in the heart of London’s legal district. With more than 85 advocates, including over 30 Queen’s Counsel, Landmark is widely recognised for its legal expertise in the planning & infrastructure, energy, environmental, commercial, real estate, transport and public/regulatory sectors.

Our international practice is wide ranging and innovative. Our barristers have advised governments, multi-national companies, non-governmental organisations (“NGOs”) and a broad spectrum of special interest groups on legal issues in jurisdictions ranging from the British Virgin Islands and the Cayman Islands, to Hong Kong and New Zealand.

With its unique geographical position standing between East and West and acting as a gateway to Africa, Dubai’s importance as a strategic business location cannot be underestimated. For more than three decades the UAE, and Dubai in particular, has gained global attention for the scale and sheer ambition of the infrastructure and real estate projects it has undertaken. Landmark’s market-leading expertise in these and related sectors makes us ideally placed to assist in relation to contentious and non-contentious legal issues that arise in relation to such projects.

In addition to advisory services, members of Landmark’s International Group are able to represent clients in a wide-range of commercial disputes in the Dubai IFC Courts (where five of our barristers, including four Queen’s Counsel and an award-winning junior, are registered practitioners), as well as in commercial arbitrations seated in Dubai, London, Hong Kong and other global locations.

**“Set apart by their speed of delivery, and willingness to work as a team and develop good relationships” (Legal 500)**

For more information about how Landmark Chambers can assist you in the UAE please contact:



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## Our offering in Dubai

### Advisory

A large proportion of Landmark's work involves providing specialist expert legal advice to clients based around the world.

This advice can take a number of forms including a formal written opinion, advice by email (often at short notice), or oral advice given in person, by conference call or video-conference.

For large, time-critical projects, Landmark's barristers are able to provide support from London in order to significantly extend the normal working day.

### Litigation in the DIFC Courts

Our International Group's barristers are all seasoned court advocates, with experience of acting in a range of courts and tribunals in England & Wales and Northern Ireland, as well as in the courts of other common law jurisdictions including Australia, the British Virgin Islands, the Cayman Islands, South Africa, New Zealand and Hong Kong.

At present Landmark has five barristers (including four experienced QCs and an award-winning junior) who are Part II Registered Practitioners at the common law Dubai IFC Courts, with full rights of audience. We have also been amongst the chambers most integrally involved in the launch of the Astana International Finance Centre Courts (modelled on the Dubai IFC Courts) in Kazakhstan, with seven barristers (including three Queen's Counsel) being AIFC Registered Practitioners.



# Our offering in Dubai

## Consultancy

**We are experienced in advising overseas governments, public authorities and international bodies on complex projects relating to constitutional change and/or regulatory reform.**

In some cases, we have been asked to provide advice on establishing new legislative frameworks to govern real estate, environmental or planning law in a foreign jurisdiction. Examples of such work include: advising the Cambodian Government and the European Commission on land registration reform in Cambodia, advising the Hong Kong Government on planning regulation, and advising the British Virgin Islands Government on the establishment of a new Eastern Caribbean Commercial Court.

For large projects, whether privately or publicly-funded, Landmark's international practice will participate in tenders, independently, or as part of a consortium or formal alliance. This is particularly the case for large state-sponsored infrastructure projects requiring a multi-disciplined project team including legal experts.

We are always keen to identify opportunities to partner with international law firms or consultancies in response to international tender opportunities.

## Arbitration

**Arbitration is a growing area of Landmark's practice both in the UK and internationally.**

We offer representation in commercial arbitrations seated in a range of locations, including in the MENA region, in disputes which apply or are informed by English law and/or public international law, often involving the industry sectors referred to in this brochure.

Our expertise in public international law, acting both for and against state bodies, means we are ideally placed to assist with complex investment treaty claims.

In addition to providing representation in arbitration proceedings, Landmark's international practice group can also provide arbitration support through its Landmark Flex service which makes counsel available to provide support for a discrete element of a large and complex arbitration, for example, to assist in the preparation of expert evidence.



# Our offering in Dubai

## Introducing Landmark Flex

**In the ever-changing market for professional legal services we recognise that the need for highly-skilled, cost effective and flexible legal resource is of paramount importance to our clients.**

Aimed at private practice lawyers and corporate counsel, Flex provides legal professionals with the opportunity to instruct high-calibre barristers with varying levels of experience who can be called upon at short notice to provide additional support to their internal team, either on-site in their office, or working remotely.

As a leading chambers involved in dispute resolution, and a broad range of public inquiry work, our barristers are adept at working as part of a multi-disciplinary team comprising lawyers, experts, and counsel from other chambers. Sometimes our barristers will remain a key part of the team until the conclusion of a particular matter, but often they will be called upon to undertake a discrete part of a case, for example the preparation of expert reports, or of witnesses for cross-examination ahead of a court or arbitration hearing.

We believe that our highly-skilled independent barristers offer exceptional value to clients who need access to flexible legal resource.

Level of Call	Day rates (GBP)	Day rates (AED)	Day rates (SIN \$)	Day rates (HKD \$)
Less than 5 years	Between 600–1,050 (plus VAT)	2,850–4,950	1,075–1,850	6,075–10,600
5 to 10 years	Between 900–1,800 (plus VAT)	4,275–8,600	1,600–3,200	9,100–18,250

Please note, fees paid in currencies other than GBP Sterling will be subject to conversion at the prevailing exchange rate. Fees billed outside the UK will not be subject to Value Added Tax (VAT). Day rates for barristers of over 10 years' call are available on request.

# Our sectoral expertise

## Infrastructure

**Infrastructure projects are fundamental to the health and prosperity of any economy.**

Landmark has a long-established reputation as the UK's pre-eminent chambers on the regulatory issues impacting the sector (planning law, environmental law and other public law issues) as well as in relation to real estate disputes; more recently, we have expanded our practice, including by a number of notable lateral hires, to cover commercial dispute resolution in the infrastructure sector. We are often instructed on complex, high profile projects relating to:

- Airports, harbours and ports
- Tall buildings
- Railways and trams
- Highways, bridges and tunnels
- Power generation (renewable and non-renewable)
- Water infrastructure and waste water treatment
- Pipelines

In addition to providing advice and representation regarding large-scale infrastructure projects, our barristers regularly advise on foreign direct investment (FDI) and on the investor protections available through various international investment treaties.

Our experience includes acting for developers, investment funds and banks, governments (local and regional) as well as host states, regulatory bodies and third parties.

Some of the projects Landmark barristers have advised on include:

- High Speed 2 (HS2)
- Crossrail
- The Channel Tunnel Rail link
- London Heathrow Airport 3rd Runway & Terminal 6
- Expansion of London Gatwick, London Stansted, London City, London Southend, and Belfast City Airports
- Hinkley Point C Nuclear Power Station
- Renzo Piano's Shard of Glass Tower



# Our sectoral expertise

## Energy and Natural Resources

Landmark's award-winning team has, for many years, had a focus on the energy and natural resources sectors, with a number of barristers recognised in the Legal 500 as sectoral leaders.

Our expertise in this sector includes planning and environmental regulation, project finance, procurement of public contracts, international trade and investment law (including the Energy Charter Treaty), international sanctions relating to the energy sector, and commercial dispute resolution.

Our barristers have worked on most, if not all, of the highest profile energy projects in the UK in recent years, including:

- Hinkley Point C Nuclear Power Station
- The North-South Ireland Interconnector
- Keuper Gas Storage Project
- Energy from Waste plans at Ardley, Runcorn, Kings Lynn and Avonmouth
- Ffos-y-Fran land reclamation project (which includes one of Europe's largest open cast coal mines)
- The UK's first fracking projects in Lancashire and North Yorkshire
- The Navitus Bay 175m<sup>2</sup> offshore windfarm
- Curraghinalt Gold Project

Our international work in this sector includes:

- Rosneft's and Gazprom's challenges to the EU sanctions on the Russian oil sector.
- A US\$1bn ICSID investor-state arbitration claim against Pakistan by a Turkish energy company arising out of the Pakistan Government's temporary power procurement programme in 2011/2012.
- Rating of power station plant and machinery in Hong Kong.
- Litigation in the Cayman Islands Grand Court regarding a gas/oil exploration agreement with CNPC, the Chinese state-owned oil company.
- Proceedings in the Hong Kong courts for breach of trust and fraudulent misrepresentation relating to a RMB 130million investment into a town gas distribution project in China.

As these examples indicate, our experience spans the sector and includes, renewables, nuclear power, energy from waste, shale gas fracking, offshore oil and gas, and electricity infrastructure.



# Our sectoral expertise

## Real Estate

Landmark's award-winning real estate team is widely recognised as one of the UK's leading teams for specialist advice on all aspects of property. With 38 practitioners, including eight Queen's Counsel, the team provides a full range of advisory, litigation and alternative dispute resolution services to clients based in the UK, Europe, Middle East, North Africa and Asia.

The team is often instructed by international companies, real estate investors, landowners, commercial landlords, and governments on a wide range of complex property disputes.

The team has vast experience of litigation in the UK courts up to and including the Supreme Court.

Landmark is also able to represent clients in other jurisdictions, this includes Dubai where the team has five barristers with full rights of audience in the Dubai IFC Court, and in Kazakhstan where seven barristers are registered with the recently launched (July 2018) AIFC common law Court based in Astana.

Landmark's international work also encompasses representation in commercial and investor state arbitrations with a real estate component. Recently Landmark has been instructed as counsel in arbitrations seated in North Africa and Hong Kong.

Our recent cases include:

- Greenland Group's multi-million pound Chancery Division litigation against Minerva concerning overage provisions in the £135m sale contract for the Ram Brewery Site in Wandsworth: *Minerva (Wandsworth) Ltd v Greenland Ram (London) Ltd* [2017] EWHC 1457 (Ch).
- Acting for Associated British Ports ("ABP") in *ABP v Tata Steel UK Limited* [2017] EWHC 694 (Ch). The proceedings concerned a 25-year licence between ABP and Tata for use of the jetty at Port Talbot. The licence provided for the renegotiation of the licence terms in the event of a major physical or financial change in circumstances affecting operations at the port or steelworks. The licence provided for the matter to be referred to an arbitrator if no agreement was reached. Tata gave notice of a major change in financial circumstances said to be, inter alia, changes in the price of steel and currency fluctuations.

The issue for the Chancery Division was whether the clause was too uncertain to be enforced. Rose J. held that the inclusion of the arbitration clause indicated that the parties had not intended to retain the freedom to agree or disagree and the arbitration clause was a binding agreement to refer the dispute to arbitration.

- Acting for JC Decaux and Outdoor Plus at first instance and in the Court of Appeal in a claim for £12m release fee damages arising out of trespassing advertising hoardings (*LB Enfield v (1) Outdoor Plus Ltd (2) JC Decaux* [2012] EWCA Civ 608). The claim involved shared ownership leases, the effect and construction of planning obligations, and allegations of sham.



# Our sectoral expertise

## Commercial Dispute Resolution

**Landmark has a well-established and growing practice in the field of commercial dispute resolution, particularly but by no means exclusively, in the context of the development & infrastructure, energy, transport and real estate sectors in which we are acknowledged as having market leading sectoral expertise.**

Landmark's barristers are regularly involved in complex commercial litigation in the UK and internationally, often involving substantial factual and/or expert evidence, as well as appeals concerning legal issues of general importance to commercial disputes (e.g. regarding the approach to contractual interpretation). Five of our barristers, including four Queen's Counsel, are Part II Registered Practitioners at the Dubai IFC Courts with full rights of audience to provide representation in such cases.

In addition to litigation, we also provide advice and representation in commercial and investor-state arbitrations. Several of our barristers are Members or Fellows of the Chartered Institute of Arbitrators.

A number of our senior Queen's Counsel sit as arbitrators in complex and substantial disputes.

Examples of our recent commercial dispute resolution work include:

- Multi-million pound English Chancery Division litigation between China's Greenland Group and the UK developer Minerva concerning overage provisions in the £135m sale contract for the Ram Brewery Site in Wandsworth.

- Arbitration proceedings concerning the interpretation of a contract for the maintenance and repair of the tidal defence gates at a major UK harbour.
- Litigation in the Cayman Islands Grand Court regarding a gas/oil exploration agreement with CNPC, the Chinese state-owned oil company.
- Proceedings in the Hong Kong courts for breach of trust and fraudulent misrepresentation relating to a RMB 130million investment into a town gas distribution project in China.
- Litigation in the British Virgin Islands arising out of a claim for unfair prejudice, breach of fiduciary duty by the defendant and relating to his replacement as a director under ss.184B & 184I of the BVI Business Companies Act 2004.
- An appeal in the Caribbean Court of Justice relating to a challenge to the constitutionality of anti-arbitration legislation.
- Proceedings in the Hong Kong Court of First Instance, Court of Appeal and Court of Final Appeal concerning the ownership of 200 million shares in a public company listed on the Hong Kong Stock Exchange.
- A US\$1bn ICSID investor-state arbitration claim against Pakistan by a Turkish energy company arising out of the Pakistan Government's temporary power procurement programme in 2011/2012.
- A PCA investment treaty claim and related constitutional and judicial review litigation arising out of the Belize Government's utilities nationalisation programme between 2009 and 2011.





# Our team



**John Litton QC (Chair, Landmark International)**

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John Litton QC is called to the Bar of England and Wales (QC 2010) and the Bar of Northern Ireland. He is also fully admitted to the Hong Kong Bar and the Supreme Court of the Eastern Caribbean (BVI). He regularly appears in the Cayman Islands on an ad hoc basis. He is a Part II Registered lawyer in the Dubai IFC Court and the AIFC Court (Kazakhstan) and is a Member of the Chartered Institute of Arbitrators (CIArb) and a Fellow of the Hong Kong Institute of Arbitrators (HKI Arb).

He has offices in London and Hong Kong and a multi-jurisdictional practice spanning the environment, energy, infrastructure and commercial dispute resolution sectors. Recent international cases include:-

- Newry Chamber of Commerce & Trade v Department of the Environment – judicial review of planning permission for comprehensive mixed use development in Newry (Northern Ireland).
- North-South Interconnector – application for a proposed 400kV electricity line connecting the electricity grids of Northern Ireland and the Republic of Ireland (Northern Ireland).
- Nam Sang Wai – a large residential development in the New Territories close to the Deep Bay RAMSAR site (Hong Kong).
- Jonnex International Ltd v Town Planning Board – judicial review of an application to amend the Sai Ying Pun & Sheung Wan Outline Zoning Plan (Hong Kong).
- Hong Kong Resort td v Town Planning Board – judicial review of an application to amend the Discovery Bay Outline Zoning Plan (Hong Kong).
- Best Origin Ltd v Commissioner of Rating and Valuation – appeals against the assessment of Government rent relating to development sites (Hong Kong)
- CLP Power Hong Kong Ltd v Commissioner of Rating and Valuation – appeals against the assessment of rates of power stations and electricity distribution networks in Hong Kong (Hong Kong).
- Aspial Investment Ltd v Mayer Holdings Ltd – share ownership and winding up proceedings of a listed company (Hong Kong and Cayman Islands).
- Mayer Corporation Development International Ltd v Alliance Financial – action to set aside judgments obtained by fraud (Hong Kong).
- China Energy Development Holdings Ltd v Totalbuild Investments Holdings Group Ltd – breach of warranty claim relating to the acquisition of companies whose assets included mineral exploitation agreements in the PRC (Cayman Islands)
- Energy International Investments Holdings Ltd v China International Energy Investments (Hong Kong) Ltd – breach of warranty claim relating to the acquisition of companies whose assets included mineral exploitation agreements in the PRC (Cayman Islands)
- China NTG Investments Ltd v Great River Corporation – claims for breach of fiduciary duty, breach of trust and fraudulent misrepresentation (BVI and Hong Kong).
- Li En Qiang v Nova Direct Investment Ltd – claim for the recovery of proceeds of redemption and the remaining shares in an investment fund (BVI).
- COFCO Resources Pte. Ltd v Shenzhen Cereals Group Co. Ltd – enforcement of an arbitral award (Hong Kong).
- Yu Qigang v Yang Wang Jian – shareholder dispute and derivative action (BVI and Hong Kong).



**Russell Harris QC**

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Russell Harris QC was called to the Bar in 1986 and took Silk in 2003. In 1990, he accepted an invitation from Sir Frank Layfield to join his planning and environmental law chambers. Since that time he has specialised in planning and environmental work. Russell has promoted tall buildings by most of the world's top architects.

Among others, he has acted on:

- 30 St Mary Axe (the Gherkin) by Norman Foster and Ken Shuttleworth
- The Shard by Renzo Piano
- 20 Fenchurch Street (Walkie Talkie) by Rafael Vinoly
- Elizabeth House Waterloo by Sir David Chipperfield
- Heron Tower City of London by Lee Polisario (KPF)
- One Blackfriars by Ian Simpson
- Commonwealth Institute by Rem Koolhaas
- Notting Hill Gate Tower by Verna Bostandzic
- Bishops Place Shoreditch for Fosters

The regulatory and planning environment in London is very challenging. Russell's experience of working with top architects, evaluating their designs and presenting them effectively for planning permission has meant that he is also often consulted on aspects of tall buildings in other jurisdictions such as Hong Kong, Singapore and Dubai.

Russell has promoted every one of the London Spatial Strategies (London Plans) for mayors Ken Livingstone, Boris Johnson and Sadiq Khan. He has advised the Welsh Government on its National Spatial Strategy and on the creation of a Cardiff Capital City Region.

In addition, Russell advises National Grid on all of its new nationally important transmission lines, and is presently seeking consent for major transmission lines serving nuclear power stations in Wales and Northern England. Russell is a Part II Registered lawyer with full rights of audience in Dubai's IFC Courts.



**Zia Bhaloo QC**

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Zia Bhaloo QC was called to the Bar in England and Wales in 1990 and was appointed Queen's Counsel in 2010. Zia is a registered lawyer, with full rights of audience in the common law Courts in Dubai IFC (Part II Registered) and the Astana IFC in Kazakhstan.

Acting for clients across a range of industry sectors based in the UK and internationally, Zia maintains a broad advisory and commercial disputes practice which includes property, insolvency, shareholder disputes, professional negligence, and trusts.

Her vast experience in commercial disputes means she is increasingly called upon to represent clients in international arbitrations and is currently instructed on a significant arbitration in the MENA region. Zia is also an accredited mediator with experience of successfully mediating complex, high-value multi-party disputes.

Recent cases include:

- Acting in an international arbitration concerning claims for breach of warranty and fraud in relation to a share purchase agreement.
- Acting for an international telecoms service provider in arbitrations seeking the repayment of sums paid in connection with contracts for the installation of sub ducts and fibre optic cables which it is claimed were not in fact installed. This involves complex factual issues, restitution and an issue as to whether one of the projects is subject to the arbitration clause in an umbrella agreement.
- Acting in a multi-million pound arbitration concerning the interpretation of a development finance agreement.

# Our team



**David Holland QC**

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David Holland QC has over 30 years' experience of dealing with disputes involving commercial contracts, particularly those involving land and property development. His work is both advisory and litigious.

He is well known for his written and oral advocacy as well as his testing cross-examination of both lay and expert witnesses. He has for example recently:

- Acted in the Court of Appeal in a case involving the correct construction of a commercial lease
- Acted for a developer against a well-known high street supermarket in a series of expert determinations involving a development agreement
- Acted in the High Court for a landowner in a dispute involving the rights under a land transfer.

David is a Part II Registered lawyer at the Dubai IFC Courts. He also sits as a Deputy High Court Judge and acts as an arbitrator and expert.



**Charles Banner (Vice Chair, Landmark International)**

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Charles Banner is the No. 1 ranked UK junior barrister in the field of planning & infrastructure law in the latest editions of Chambers & Partners UK Bar and Legal 500 UK Bar. He was the winner of 'Environment and Planning Junior of the Year' at the Chambers UK Bar Awards 2017 and was shortlisted for 'Real Estate, Environment and Planning Junior of the Year' at the Legal 500 UK Bar Awards 2018. In addition to his planning & infrastructure law work, he maintains a broad practice, in the firm belief that knowledge and experience gained in one field can often be of value in another. He is recommended as a 'leading junior' by Chambers & Partners and Legal 500 in a total of eight practice areas. He has acted in over 100 reported cases, including 16 appeals in the UK Supreme Court.

His work has a strong international element, focusing on commercial dispute resolution in the infrastructure, transport, real estate and energy sectors. He has rights of audience in Northern Ireland (called 2010) the Dubai IFC Courts (Part II Registered since 2015), the Singapore International Commercial Court (Foreign Lawyer since 2017) and the Astana International Finance Centre Courts (Registered 2018). He is a Member of the Chartered Institute of Arbitrators and the Hong Kong Institute of Arbitrators, with an Advanced Certificate in International Arbitration.

Charles' recent projects include: London Heathrow Airport 3rd Runway; expansion of London Stansted and London Southend Airports; the High Speed Two railway; the North-South Ireland Interconnector; Runcorn Energy From Waste Plant; the Keuper Gas Storage Project; £multi-million litigation for the Greenland Group concerning the £135m sale contract for a development site in central London; a £10m+ contractual dispute in the Commercial Court arising out of contamination at one of Europe's largest pig farms; arbitration proceedings concerning a contract for the maintenance and repair of tidal defence gates at a major harbour; Rosneft's and Gazprom's challenges to the EU sanctions on the Russian oil sector; advising the UK Government on the international investment treaty implications of Brexit for Northern Ireland.



**James Neill**

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James Neill has represented corporate clients and States in both investment treaty and commercial arbitrations and in related litigation in various commonwealth jurisdictions. He has experience of arbitrations conducted under the major arbitration rules (including the ICC, LCIA, ICSID, UNCITRAL rules) particularly in the energy, real estate, infrastructure and construction sectors. He also has experience in proceedings related to arbitration-related disputes before English and other Commonwealth courts, including anti-suit injunctions and enforcement of arbitral awards. He joined Landmark Chambers in 2017 having spent five years working with Allen & Overy's International Arbitration group.

Major casework and published cases in which he has been involved include:

- *Karkey v Islamic Republic of Pakistan Karkey Karadeniz Uretim SA v Islamic Republic of Pakistan (ICSID Case No. ARB/13/1) – US\$1bn claim against Pakistan by a Turkish energy company arising out of the Pakistan Government's temporary power procurement programme in 2011/2012.*
- *British Caribbean Bank Limited v Government of Belize (PCA Case No. 2010-18) – investment treaty claim and related domestic constitutional and judicial review litigation arising out of the Belize Government's utilities nationalisation programme between 2009 and 2011*
- *Dunkeld International Investment Ltd v Government of Belize (PCA Case No. 2010-13) – an arbitration commenced under the UK-Belize BIT relating to the nationalisation of Telemidia, a telecommunication company*
- *Zuniga et al v Attorney General of Belize [2014] 2 CCJ – challenge to constitutionality of anti-arbitration legislation*
- *Nobiskrug GmbH v Valla Yachts Limited - Commercial arbitration (LMAA Rules, London seat) over the design and construction of the world's largest superyacht (the £650m Sail Yacht A) purchased by Andrey Melnichenko.*



**Admas Habteslasie**

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Admas Habteslasie practises across public and private law with a focus on commercial disputes relating to land with an international element and public law disputes raising issues of public international law. He speaks fluent Arabic and has extensive experience of working in Arabic including conducting interviews and reviewing documentary and witness evidence.

Admas has a broad public law practice, with a focus on litigation which raise international law issues. He is currently instructed in a challenge to the Foreign Secretary's decision to refuse to allow resettlement of the Chagos Islands. He also advises on 'pure' public international law matters and is currently advising a number of NGOs on human rights and other public international law issues arising out of conflicts in the MENA region.

Admas also acts for private entities based in the MENA region in a range of commercial disputes relating to property in England, including contractual and trusts disputes.

Prior to commencing practice at Landmark Chambers, Admas undertook postgraduate law studies at the University of Pennsylvania Law School (specialising in international law), where he graduated joint first in his year. He also carried out research for the Legal Adviser to the UN Special Envoy to Syria, worked as a caseworker for the UN Refugee Agency in Jordan and spent a year as a judicial assistant to the President of the UK Supreme Court.

# Landmark Chambers

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