



Matthew Gearing KC

Silk 2014

"Very famous QC whose professional qualifications need no further explanation."

Chambers Global (Dispute Resolution)

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Matthew Gearing KC is an exceptionally highly regarded litigation lawyer, with particular expertise in international arbitration, where he enjoys global recognition.

He has particular experience of acting in arbitrations across Asia, having been principally based in Hong Kong for many years prior to returning to the UK in 2020.

Within *Chambers Global 2022*, he is ranked as a Global Market Leader for Arbitration (International), in the Spotlight Table for arbitration in the Asia Pacific region and in band 1 for his arbitration work in Singapore. His arbitration expertise in China, India and Philippines is also recognised in the guide. Matthew is also ranked in Band 1 for Dispute Resolution: Arbitration: The English Bar – Singapore, in the Spotlight Table for International Arbitration across Asia Pacific and in Experts Based Abroad – Philippines, in *Chambers Asia Pacific 2022*. In recognition of his contribution to the Asian legal community, in 2019, *Chambers & Partners* awarded Matthew the Outstanding Achievement Award. He has also been listed in the Hall of Fame for International Arbitration in Hong Kong by *The Legal 500* and is currently ranked by the directory for his commercial work across the Asia Pacific region. In 2023, Matthew was shortlisted for International Arbitration Counsel Silk of the Year by *The Legal 500*.

Matthew's experience extends to both commercial and investment treaty arbitrations, including under various rules such as ICC, UNCITRAL, SIAC, HKIAC, KLRCA, SCC, LCIA and ICSID, and in a variety of sectors including technology, financial services, energy and natural resources and manufacturing.

Matthew spent over 20 years at a magic circle law firm before being called to the Bar. He was Chairperson of the Hong Kong International Arbitration Centre for three years and was previously co-chair of the LCIA Young International Arbitration Group. He is now a member of the LCIA Court. Matthew is also a Hong Kong solicitor-advocate.

In addition to acting as counsel, Matthew sits as arbitrator across a wide range of cases including investment treaty matters, and is on the HKIAC, SIAC and KLRCA panel of arbitrators.

Recent Highlights

Acting for Nissan Motor Company in a claim against the Union of India pursuant to the 2011 Comprehensive

Economic Partnership Agreement between Japan and India in connection with investment incentive sums owed to Nissan by the State Government of Tamil Nadu.

Acting for BG (now part of the Shell group) and Reliance in arbitration proceedings exceeding US \$5 billion commenced under the UNCITRAL Rules against the Union of India, in disputes arising out of two production sharing contracts, and also advising them in related court proceedings.

Acting for a Chinese SOE in an ICC arbitration in relation a project to redevelop an oil refinery in Central America.

Acting for an international oil and gas company concerning the construction of an LNG facility in Australia.

Acting for an investment bank in a dispute with a counterparty concerning derivatives documented under the ISDA Master Agreement.

Expertise

International Arbitration (as Counsel)

Notable International Arbitration (as Counsel) cases

Union of India v Reliance Industries Ltd & Anor [2022] EWHC 1407 (Comm), Reliance Industries Ltd & Anor v The Union of India [2020] EWHC 263 (Comm) and Reliance Industries Ltd & Anor v The Union of India [2018] EWHC 822 (Comm)

Acting for the Claimants against the Republic of India in long-running commercial arbitration proceedings arising out of two offshore Production Sharing Contracts in the Mumbai basin. The amount in dispute exceeds US\$3 billion. There have been three separate challenges to Awards issued in the case before the Commercial Court, in which a Matthew has appeared.

X, Y v ZPRC, ZHK [2020] HKCFI 631

Acting in anti-suit injunction proceedings relating to proceedings in the PRC, including proceedings commenced by a third party.

Competition Commission v Nutanix & Others CTEA 1 of 2017

First instance decision, plus various interlocutory decisions available on the same website. Acting for a software company (1st Respondent) in the first set of breach proceedings brought by the Hong Kong Competition

Commission.

Nissan Motor Co Ltd v Republic of India (2017, PCA)

Claim for Nissan against the Republic of India in respect of allegations of failure to provide stable investment conditions in respect of Nissan's large operation in Tamil Nadu. Claim under the Japan/India CEPA (investment treaty).

Baggerwerken Decloedt En Zoon NV v Republic of the Philippines (ICSID, 2017, ICSID)

Acting for the Claimants in ICSID proceedings relating to a large dredging project in Metro Manila.

Acting for an oil major in a SIAC arbitration against its joint venture partner relating to exploration activities in an offshore oil and gas block in the Philippines.

Acting for the Owner in a series of arbitrations relating to the Ichthys LNG Project, Darwin, including an arbitration seated in Perth, WA (with Allen & Overy, Perth) and an ICC arbitration seated in Singapore.

Acting for two oil majors in contractual and treaty proceedings concerning offshore oil and gas blocks in Thailand.

Acting for a major private equity group in an HKIAC arbitration arising out of an interest in a real estate fund.

Acting for Baggerwerken Decloedt en Zoon NV, in an ICSID arbitration against the Republic of the Philippines, arising out of the cancellation of a €280 million infrastructure project. This was the first successful ICSID award obtained against the Republic of the Philippines.

Acting for Deutsche Bank in its successful arbitration against Sri Lanka before ICSID under the German-Sri Lanka bilateral investment treaty in respect of indirect expropriation of derivatives.

Acting for the Belize Bank and various other investors in related treaty claims and investment treaty claims against the Government of Belize.

Acting for a Chinese SOE in an ICC arbitration in relation a project to redevelop an oil refinery in Central America.

Acting for private equity investors in various disputes with promoters of Indian companies concerning exit rights, including related issues concerning the arbitrability of proceedings before the Indian Company Law Board (NCLT).

Acting for an investment bank in a dispute with a counterparty concerning derivatives documented under the ISDA Master Agreement.

Acting for the owner of a major hotel in an Asian jurisdiction in a dispute with the operator.

Acting for an Asian lifesciences company in a dispute with a service provider concerning the development of a vaccine.

Acting in a dispute between a PRC based technology company and its private equity investors.

International Arbitration (as Arbitrator)

Reported International Arbitration (as Arbitrator) cases

Zhongshan v Nigeria

Arbitrator in a claim by a PRC investor against Nigeria under the PRC/Nigeria bilateral investment treaty concerning the development of a free-trade zone in Nigeria.

Arbitrator in substantial arbitration between two large energy companies concerning supply obligations relating to a major pipeline. Amount claimed is in excess of US\$5 billion.

Arbitrator in substantial arbitration concerning the status of contractual obligations in the light of EU Sanctions imposed following Russia's invasion of Ukraine.

Aderlyne Limited v Romania (ICSID Case No. ARB/22/13)

Arbitrator in ICSID case. Claimed filed under the Energy Charter Treaty

Arbitrator in substantial arbitration concerning the supply of raw materials from a South American mining company to a Middle Eastern entity. Amount in dispute in excess of US\$200 million.

Directory Quotes

"An interviewee who characterises him as a 'quick-footed advocate' with 'an unrivalled depth of Asian market experience and great cultural sensitivity,' adds: 'I cannot think of anybody in the arbitration space who has achieved what he has in so relatively short a time'."

Chambers & Partners, Asia Pacific (International Arbitration)

"Matthew Gearing QC of Fountain Court Chambers is regarded as a highly distinguished arbitration lawyer with considerable experience behind him in commercial and investment treaty cases. One market source describes him as a 'top guy' for arbitration."

Chambers & Partners, Asia Pacific (Dispute Resolution)

"Matthew Gearing QC of Fountain Court Chambers in London and Singapore is sought after for his expertise in international arbitration involving the Philippines. He is particularly experienced in disputes arising in the energy and infrastructure sectors. One source enthuses: 'I cannot sing Matthew Gearing's praises enough!'"

Chambers & Partners, Asia Pacific (Dispute Resolution)

"He is without a doubt the best lawyer in Asia, he's genuinely great. He's a great mentor, team leader and good advocate."

Chambers Global (Arbitration)

"Matthew is a skilful advocate and engages with the intricate details of the matter. His oral advocacy and court craft are very good."

The Legal 500 (International Arbitration: Counsel)

"He has very sharp thinking on key legal issues and can always take control of the situation during hearings."

Chambers Global (Dispute Resolution)

"Market sources praise Gearing for 'providing a steady hand in steering arbitrations!'"

Chambers Global (Arbitration)

"Matthew Gearing QC is a lauded arbitration counsel in the Indian alternative dispute resolution market."

Chambers Global (Dispute Resolution)

"Enthusiastic and efficient and brings wide knowledge from his international experience."

The Legal 500 (International Arbitration: Counsel)

Directory Rankings

Chambers & Partners – Global

- Dispute Resolution: Arbitration: The English Bar (Singapore) (Band 1)
- International Arbitration – The Bar – Asia-Pacific Region (Spotlight)
- Dispute Resolution – Philippines (Expertise Based Abroad)

The Legal 500 – UK

- International Arbitration: Counsel

Chambers & Partners – Asia Pacific

- Dispute Resolution: Arbitration: The English Bar (Singapore) (Band 1)
- International Arbitration – The Bar – Asia Pacific Region (Spotlight)
- Dispute Resolution – Philippines (Expertise Based Abroad)

The Legal 500 – Asia Pacific

- The English Bar: Commercial
- Leading Arbitrator: Regional International Arbitration

Education

- LPC, The College Of Law, Chester (1995)
- BA (Hons), Jurisprudence, Oxford University (1993)

International Bar / Court Appointments

- Court-member elect, SIAC Court (2023)
- Called to the Bar of Western Australia (2023)

- Vice President of the LCIA court (2022)
- Chairperson of the Hong Kong International Arbitration Centre (2017-2020)
- Solicitor-advocate, Hong Kong (2013)
- Solicitor, Hong Kong (2001)
- Panel member of BVI International Arbitration Centre
- Appointed to HKIAC panel of arbitrators
- Appointed to SIAC panel of arbitrators
- Appointed to KLRCA panel of arbitrators

Appointments, Memberships and Prizes

- Court-member elect, SIAC Court (2023)
- Vice President of the LCIA court (2022)
- Awarded the Outstanding Achievement Award by *Chambers & Partners* (2019)
- Named Arbitration Practitioner of the Year (*Asia Law and Benchmark Litigation Asia-Pacific Dispute Resolution Awards* 2017, 2019 and 2020)
- Chairperson of the Hong Kong International Arbitration Centre (2017-2020)
- King's Counsel (2014)
- Solicitor-advocate, Hong Kong (2013)
- Solicitor-advocate, England & Wales (2005)
- Solicitor, Hong Kong (2001)
- Solicitor, England & Wales (1997)
- Appointed to HKIAC panel of arbitrators
- Appointed to SIAC panel of arbitrators
- Appointed to KLRCA panel of arbitrators
- Panel member of BVI International Arbitration Centre
- Appointed to Prime Finance's panel of Dispute Resolution experts
- Previous Co-Chair of the LCIA Young International Arbitration Group

Publications

- *Russell on Arbitration* 24th Edition, Thomson, Joint Editor, with David Sutton and Judith Gill KC (2015)
- *Russell on Arbitration* 23rd Edition, Thomson, Joint Editor, with David Sutton and Judith Gill (2007)
- "Reforming ICSID", 20 *International Arbitration Report*, 1, p.29 – 38 (2005)
- "International Centre for Settlement of Investment Disputes (ICSID)", *Arbitration World, The European Lawyer Limited*, p.57 – 78, contributed chapter (2004)
- "Contractual Claims and Bilateral Investment Treaties – A Comparative Review of the SGS Cases", *Journal of International Arbitration*, 21 (5), p.397-412 (2004)
- *Arbitration in Hong Kong: A Practical Guide*, Sweet & Maxwell, Contributing Editor (2003)
- "Going Full Circle in Singapore – Dermajaya Properties", 17 *International Arbitration Report*, 10, p.29 – 35 (2002)
- "A Judge in His Own Cause?": Actual or Unconscious Bias of Arbitrators, *Int'l ALR*, 2, p.46 – 51 (2000)

Languages

- French (highly competent)

Awards

