

Dr Karim Hafez

Independent Arbitrator

Year of Call: 1992

Languages: English, French and Arabic

Education: Cairo, Cambridge and Harvard

Nationality: Egyptian

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**PROFILE**

In a career spanning three decades, Dr Hafez has served in more than three hundred arbitration cases across the three principal areas of arbitral practice—commercial, construction, and investment. His sectoral expertise is extensive. His practice is global, with an emphasis on disputes connected to Africa and the Middle East. He handles cases in Arabic, English, and French. Formerly, he founded and led a prominent arbitration practice with offices in Cairo and Paris. Educated in Cairo, Cambridge, and Harvard, his PhD (from Cambridge University) is for a dissertation entitled “Complex Arbitration.” He is a national of Egypt (only).

Dr Hafez has handled some of the most complex cases in the Middle East. He treats arbitrations as projects to control as to duration, cost, and quality. He emphasises case management techniques that lead to early identification of issues, effective pleading, and efficient marshalling and testing of the evidence. He emphasises engagement with counsel to build and sustain consensus around a fair and efficient process.

Beyond credentials and capability, Dr Hafez’s approach to arbitral office emphasises cultural fluency: culture not as display but as respect for alternative social, political, and economic arrangements. Born of early and sustained encounter, this respect informs Dr Hafez’s approach to process and substance in arbitration. On process, he does not default to a single procedural tradition; in consultation with counsel, he selects which to adopt and adapt with due regard to context. On substance, he rejects the model of awards that plod through pleadings and yield perfunctory, often reflexively metropolitan analysis; instead, he delivers decisions marked by clarity, economy, and cultural literacy.

RECOGNITION

The leading legal directories recognise Dr Hafez’s standing as a leading arbitrator and distinguished figure in the field of international dispute settlement. He is listed as a Legal Thought Leader in *Who’s Who Legal: International Arbitration* and

Who's Who Legal: Construction. *WWL Arbitration* describes him as “a leading name in international disputes who earns high praise as ‘the best arbitrator in Egypt.’” *Chambers Global* notes that he is “known as the godfather of arbitration in Egypt” and is “consistently cited as one of Egypt’s most in-demand arbitrators, regularly appointed in major commercial and investment treaty arbitrations.” *Chambers & Partners* describes him as “brilliant ... English-educated, very precise, knowledgeable, well-spoken and generally impressive.” *Legal 500* refers to him as “an arbitrator and counsel of international standard,” calling him “one of the most knowledgeable and skilled lawyers around,” “a very, very good lawyer,” noting his “‘superlative’ reputation both as counsel and as arbitrator.” It adds: “[H]is grasp of the law and strategies is second to none — the outstanding arbitrator of the younger generation.” *Legal 500* also says the firm he founded is “widely acknowledged as the pre-eminent arbitration practice in many sectors” and “the leading practice in arbitration across the Middle East.”

EXPERIENCE

Dr Hafez has handled cases before all major arbitral institutions—as arbitrator adjudicator, mediator, member of dispute boards, and earlier in his career as counsel. His experience spans the entire field of economic activity: what follows are highlights of his professional experience in industries to which he has dedicated the most professional time.

Aviation

A holder of an FAA Commercial Pilot License, Dr. Hafez brings to aviation disputes a precise command of technical standards, operational practice, and airline economics. He has handled high-value disputes in aircraft finance and leasing, OEM–operator warranty and performance claims, and conflicts between airlines and ground handlers as well as MRO providers. Beyond operations, Dr Hafez has served as arbitrator in multiple cases concerning the design and construction of major international airports. These dealt with airside infrastructure; airport security installations; civil defense and firefighting systems; baggage handling; catering systems; terminal layouts optimised for minimum connecting times, retail concourses, passenger lounges, VIP and diplomatic suites, passenger screening and border control areas; cargo and logistics facilities; crew and maintenance support zones; and air traffic control and operational command centres.

Biosciences

Dr Hafez has acted in arbitrations arising from complex cross-border transactions in the biosciences sector. His experience includes disputes under pharmaceutical licensing and co-commercialisation agreements, joint ventures for the development of biologics, medical devices, and diagnostics, as well as manufacturing and supply contracts for advanced therapies. He has handled cases involving milestone payments, royalty disputes, breaches of exclusivity and

non-compete covenants, and the allocation of intellectual property rights in R&D collaborations. He has experience managing highly technical evidence, including regulatory pathways for biologics and medical devices, and valuation of pipeline assets.

Commercial

Dr Hafez's commercial arbitration practice covers disputes arising from high-value, cross-border transactions. He has extensive experience with joint venture breakdowns, shareholder agreements, and disputes over pre-emption rights, drag-along and tag-along provisions, and breaches of non-compete and confidentiality clauses. His experience includes arbitrations concerning distribution and franchise networks, licensing arrangements, and post-M&A claims. He has also dealt with disputes over escrow agreements, letters of intent, and pre-contractual liability in complex deal negotiations.

Construction & Engineering

Dr Hafez regularly serves as arbitrator in large and complex construction, engineering, and infrastructure disputes. His appointments span a wide range of delivery systems and procurement models, including design-bid-build, design-build, EPC/EPCM, and public-private partnerships. He has extensive experience with disputes under standard forms such as FIDIC, NEC, ICE, and JCT, as well as bespoke contracts for high-value and technically complex projects. His cases have covered every category of built asset: from transportation infrastructure—airports, seaports, railways, highways, bridges, and tunnels—to energy and industrial facilities, including dams, power plants (thermal, nuclear, and renewable), oil and gas production platforms, petrochemical complexes, smelters, and pipelines. He has also acted in arbitrations concerning water and wastewater treatment plants, urban regeneration schemes, hospitals, universities, high-rise developments, and mixed-use commercial hubs. His expertise encompasses a wide range of claims, including variations, delay and disruption, extension-of-time entitlements, acceleration costs, defective works, termination, and calls on performance bonds and guarantees. He is particularly experienced in cases requiring analysis of critical path delay methodologies, concurrent delay, and disruption analysis, as well as quantum claims involving prolongation, loss of productivity, and disputed pricing mechanisms. Dr. Hafez is noted for his meticulous approach to evidentiary and technical issues. He has hands-on proficiency with major project management and scheduling software, which he uses to interrogate baseline and as-built programmes, inspect schedule logic, and assess claims for delay and time-related costs.

Energy

Dr Hafez has been appointed in some of the most significant energy arbitrations in the Arabian Gulf. His practice covers disputes arising from concession

agreements, production-sharing contracts, joint operating agreements and a range of midstream and downstream arrangements. He has acted in arbitrations involving allegations of cost recovery disputes, lifting imbalances, pre-emption rights, unitization and pooling issues. He has experience in cases concerning farm-in and farm-out agreements, long-term gas and LNG supply contracts, and transportation arrangements for crude oil, natural gas, and refined products. His work includes price review and gas pricing disputes, including claims under price re-opener and indexation clauses, as well as arbitrations concerning take-or-pay obligations and force majeure events affecting supply. Dr Hafez has particular expertise in matters involving regulatory measures impacting energy investments and the termination of production services and drilling contracts. In addition, he has substantial experience in disputes arising from electric power generation, transmission, and distribution projects. His appointments include arbitrations concerning independent power producer arrangements, power purchase agreements, and long-term energy supply contracts for both conventional and renewable generation facilities. He has acted in cases involving grid interconnection agreements, wheeling charges, and disputes over ancillary services and capacity payments. He is frequently appointed in matters requiring the resolution of claims under stabilisation and change-in-law clauses in the context of power sector privatisation, as well as arbitrations concerning regulatory interventions in tariff setting, market access, and subsidies affecting electric utilities. His work also encompasses disputes over force majeure events impacting power projects, EPC and O&M contract performance issues, and claims arising from the termination or extension of long-term concession agreements. Dr. Hafez has significant experience in energy disputes requiring the management of complex technical evidence, including reservoir analysis, production forecasting, grid capacity modelling, and damages quantification under discounted cash flow and netback valuation methodologies.

Finance

Dr Hafez's finance-related arbitration practice focuses on disputes arising from complex banking, capital markets, and investment transactions. He has acted in cases involving syndicated loan agreements, project and acquisition finance structures, and disputes over inter-creditor and subordination arrangements. He has acted in disputes over breaches of limited partnership agreements, GP-LP fiduciary obligations, carried interest entitlements, clawback provisions, and waterfall distribution mechanics. His practice also encompasses disputes concerning valuation methodologies, earn-out provisions, and contested exits from joint investment vehicles.

Healthcare

Dr Hafez has handled disputes involving hospital management agreements, healthcare service concessions, and technology transfer arrangements. These

cases often involve performance obligations under healthcare infrastructure PPPs, as well as contractual frameworks integrating service delivery, financing, and regulatory compliance.

Hospitality

Dr Hafez has extensive experience in hospitality-related arbitrations. He acted in disputes arising from hotel management agreements, franchise arrangements, and concession contracts. His appointments frequently involve claims over owner approval rights, performance and key money obligations, profit-sharing mechanisms, and the termination or extension of long-term management agreements. He has significant experience of disputes concerning maintenance, repair and refurbishment obligations, the allocation of liability for operational risks, and disputes over brand standards, royalty fees, and customer data ownership. His practice also covers claims relating to sales and marketing commitments, collective purchasing arrangements, and issues arising from force majeure events disrupting operations. He has particular expertise in cases requiring the balancing of owner and operator interests in highly leveraged projects and in assessing damages methodologies for lost revenue streams and brand devaluation.

Insurance & Reinsurance

Dr Hafez has acted in arbitrations involving insurance and reinsurance disputes, including cover under property, liability and marine policies, facultative and treaty reinsurance agreements, and financial lines. His cases have addressed issues of aggregation, allocation, disclosure, subrogation, and policy construction.

Investment

Dr Hafez is regularly appointed as arbitrator in investor-state disputes under ICSID, UNCITRAL, PCA, OIC, and other arbitral frameworks. His practice encompasses claims brought under bilateral investment treaties, multilateral and free trade agreements, as well as investment contracts. His appointments typically require balancing sensitive regulatory and sovereign prerogatives with the procedural and substantive protections afforded to investors under international law. He has considerable experience in cases involving allegations of unlawful expropriation, denial of fair and equitable treatment, breaches of full protection and security, and violations of national treatment and most-favoured-nation clauses, as well as denial of justice. Dr. Hafez has also handled disputes concerning stabilisation and change-in-law clauses, umbrella clauses, and the scope of most-favoured-nation provisions in relation to dispute settlement. His expertise covers jurisdictional and admissibility challenges, including objections based on corporate nationality, denial of benefits clauses, fork-in-the-road provisions, and ICSID's Article 41(5) defences. He has sat in cases involving state counterclaims, parallel proceedings before domestic and international fora, and annulment applications before ICSID ad hoc committees. He has extensive

experience with complex damages methodologies, including discounted cash flow, asset-based valuations, and lost profits analysis.

Media

Dr Hafez has handled commercial disputes in the media and broadcasting industries, including co-production and format agreements for television content, licensing and distribution across satellite, cable, and streaming platforms, advertising and sponsorship contracts, and shareholder conflicts. His cases have engaged complex revenue-sharing waterfalls, exclusivity and territorial carve-outs, exploitation of intellectual property rights, and cross-border financing structures, including under bespoke production and syndication agreements.

Mining & Metals

Dr Hafez has acted as arbitrator in high-stakes disputes arising from mining concession agreements, joint ventures, and long-term off-take and supply contracts. His appointments include cases involving cost recovery claims, stabilisation and change-in-law provisions, and disputes over environmental and social obligations under concession frameworks. He has expertise in arbitrations concerning uranium enrichment intermediation agreements, smelting and refining agreements, pricing re-opener mechanisms in off-take contracts for base and precious metals, and disputes over royalty payments and production sharing arrangements. Dr Hafez has experience with cases requiring the integration of complex technical evidence, including reserve assessments, production forecasting, and asset valuation methodologies in mining.

Real Estate

Dr Hafez has handled arbitrations arising from large real estate and property development projects, including joint ventures, master development agreements, sale and purchase contracts, and leasing structures. His experience covers disputes over project financing, construction interface risk, delay and disruption, and the allocation of rights and obligations in multi-party development schemes.

Shipping And Commodities

Dr Hafez has handled arbitrations across the shipping and commodities sectors, including disputes under charter-parties, bills of lading, and contracts of affreightment, as well as shipbuilding and sale-and-purchase agreements. He has acted in high-value commodity arbitrations concerning the international trade of oil and gas, LNG, metals and minerals, and agricultural products. These often involve price review clauses, quality and specification issues, force majeure, and demurrage. His cases have required engagement with technical evidence, market practice, and the interface between carriage, financing, and trading structures in cross-border commerce.

Sports

A past member of the Court of Arbitration for Sport, Dr Hafez has experience in arbitrations arising from sports-related contracts, including broadcasting and sponsorship agreements, event management, and regulatory disputes. His appointments in this sector have involved engagement with the commercial, disciplinary, and governance aspects of international sport.

Technology

Dr Hafez has acted in arbitrations arising from high-value transactions in the technology and digital infrastructure sectors. His experience includes disputes under software licensing and development agreements, cloud services and data centre projects, and joint ventures for fintech and e-commerce platforms. He has been appointed in cases involving breaches of service level agreements (SLAs), indemnities for cybersecurity breaches, intellectual property ownership in co-development arrangements, and the allocation of liability in platform migration projects. Dr Hafez has experience of disputes at the intersection of technology and infrastructure, including arbitrations over undersea cable consortia, satellite deployment contracts, and large-scale IT outsourcing arrangements.

Telecom

Dr Hafez has acted in some of the largest and most technically complex telecom arbitrations in the Middle East, involving disputes across fixed-line, mobile, broadband, satellite, and submarine cable systems. He has handled cases between incumbents and new market entrants, equipment manufacturers, and service providers operating at the intersection of traditional broadcasting and modern telecoms infrastructure. His experience includes arbitrations over interconnection and access agreements, spectrum allocation and re-farming, network sharing and convergence disputes, and claims concerning tariff setting, fair competition, and universal service obligations. Dr Hafez has also handled cases involving regulatory measures impacting telecom investments, disputes over joint ventures and MVNO arrangements, and issues arising from technological transitions and market liberalisation.

Transportation & Logistics

Dr Hafez has extensive experience in arbitrations across the transportation and logistics sectors, including disputes arising from aircraft leasing and financing agreements, long-term rail and port concessions, and shipping and charter-party contracts. He has acted in cases involving force majeure and frustration events, termination of integrated logistics services agreements, and disputes over profit-sharing and revenue guarantees in transport infrastructure projects. Dr Hafez is also appointed in arbitrations concerning build-operate-transfer and public-private partnership arrangements for airport and container terminal developments.

INSTITUTIONAL APPOINTMENTS

Dr Hafez is a past member of the London Court of International Arbitration, the Court of Sport Arbitration, and the Board of Trustees of the Dubai International Arbitration Centre, the Advisory Committee of the Cairo Regional Centre for International Commercial Arbitration. He was also member of the IBA Task Force on Drafting International Arbitration Clauses and the UNCITRAL Working Group on the Revision of the UNCITRAL Arbitration Rules. He sits on the Editorial Board of the Global Arbitration Review.

PANEL MEMBERSHIPS

Dr Hafez appears on many institutional arbitration panels, including The International Centre for the Settlement of Investment Disputes; London Court of International Arbitration; International Chamber of Commerce; International Centre for Dispute Resolution; American Arbitration Association; Dubai International Arbitration Centre; Abu Dhabi Centre for Conciliation & Arbitration; Abu Dhabi Global Market Arbitration Centre; Cairo Regional Centre for International Commercial Arbitration; Tehran Regional Arbitration Centre; Shanghai International Arbitration Centre; and Bahrain Chamber for Dispute Resolution (member of statutory panel appointed to hear commercial disputes referred to Bahraini courts).

VISITING ACADEMIC POSITIONS

Dr Hafez was elected to research fellowships at the Lauterpacht Research Centre for International Law in Cambridge, and the International Legal Studies Program at the Harvard Law School. He taught International Arbitration at the Graduate Institute of International and Development Studies (Geneva), and International Investment Law as well as International Dispute Settlement at the American University in Cairo.