

Adrian Cole

Nationality: British

Languages: English



Adrian Cole is globally recognised as the 'go-to' arbitrator based in the Middle East. With over thirty years of experience, Adrian is renowned for his expertise in Construction and Engineering disputes.

He was formerly the head of the Dispute Resolution Group at King & Spalding in the Middle East. Adrian has worked both in-house (International Counsel to Vinci in Hong Kong and Paris) and in private practice in the UK, Singapore, Hong Kong, and the Middle East. Prior to becoming a lawyer, Adrian studied engineering and construction and practiced as a quantity surveyor, and has first-hand experience of the practical issues in the engineering and construction industries.

Adrian's wide experience in domestic and international arbitration allows him to bring a commercial and pragmatic approach to the resolution of disputes in both civil and common law jurisdictions. He has sat on multi-billion dollar matters as chair, sole and party-appointed arbitrator under the institutional rules of UNCITRAL, ICC, LCIA, DIFC-LCIA, DIAC, ADCCAC, CRCICA, SIAC, HKIAC, BCDR-AAA, CIArb and IICRA.

Adrian is a construction specialist, and his arbitral experience covers all areas including claims relating to breach and termination of contracts, extensions of time and variations or otherwise in respect of final accounts; claims relating to defective design and construction including catastrophic collapse; claims relating to development permits and zoning. Sectors include Energy, petrochemicals, and other process plant; commercial, residential, leisure, education, and healthcare.

He is a fellow of the Chartered Institute of Arbitrators and is recognised as leader in this field by Who's Who Legal, Chambers Global, and Legal 500. He also sits as mediator and adjudicator to assist parties in amicably resolving their disputes.

He has recently been appointed a part-time Judge in the Court of Cassation in the Kingdom of Bahrain.

Sector Expertise

- Construction, Engineering & Infrastructure
- Energy, Oil & Gas
- Real Estate
- Shipping & Shipbuilding

- Transport
- Commercial Dispute Resolution

Experience

Arbitration

- Chairman Arbitrator under DIAC Rules seated in Dubai concerning a substantial dispute relating to the construction of a large residential real estate project (2,200 residential units and associated buildings and supporting infrastructure) in Dubai. Sum in issue approximately USD 113m.
- Co-Arbitrator under ICC Rules seated in Dubai under DIFC law concerning claims of approximately USD 35m relating to wrongful termination, unpaid variations, defective works, and extensions of time relating to 38 storey mixed use development in Dubai.
- Chairman Arbitrator under DIAC Rules seated in Dubai under UAE law of 12 separated but related arbitrations relating to dispute concerning completion of residential real estate development.
- Co-Arbitrator under ICC Rules seated in Qatar under Qatar law relating to claims of approximately USD 17m relating to the construction of airside facilities for the New Doha International Airport. Issues relating to defective design and construction and responsibility for delays.
- Co-Arbitrator under DIAC Rules seated in Dubai under UAE law relating to a dispute of approximately USD 12m relating to the development of a multi-storey property.
- Chairman Arbitrator under DIFC-LCIA Rules seated in DIFC concerning dispute under Saudi Arabian / Sharia law relating to shareholder agreement to develop large scale development projects in KSA.
- Co-Arbitrator under CRCICA Rules seated in Egypt under Egyptian law relating to a very substantial retail development and claims of approximately USD 25m relating to issues arising with the design of its district cooling plant.
- Co-Arbitrator under DIAC Rules seated in Dubai in a dispute under UAE law concerning performance and completion of civil infrastructure works on a high-profile elevated rail project. Procedural documents and award drafted in substitution of Chair.
- Co-Arbitrator under DIAC Rules seated in Dubai in relation to claims under UAE law of approximately USD 10m concerning the design and construction of a new hospital in the Gulf.
- Co-Arbitrator under DIAC Rules seated in Dubai concerning claims under UAE law of approximately USD 10.5m arising out of a MOU regarding supplemental payments and rescheduling of construction programme relating to the construction of a 72-storey high rise residential building in Dubai Marina.
- Co-Arbitrator under DIAC Rules seated in Dubai concerning claims under UAE law of approximately USD 15m in a second arbitration relating to the construction of a 72-storey residential building in Dubai concerning quality issues, non-payment, delays, and variations.
- Co-Arbitrator under DIAC Rules seated in Dubai in relation to claims under UAE law of approximately USD 5.5m concerning respective obligations between a Master Developer and Sub-Developer and in particular the provision of civil infrastructure in connection with a substantial real estate project in the UAE.
- Sole Arbitrator under DIAC Rules seated in Dubai in connection with a dispute under UAE law concerning the supply of energy services and provision and operation of a waste-water treatment plant.

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- Co-Arbitrator under DIAC Rules seated in Dubai concerning claims under UAE law of approximately USD 3m by international engineering consultants against developer relating to substantial shopping mall and mixed-use multiple tower development for wrongful termination of appointment and non-payment of fees. Corresponding counterclaims for professional negligence.
- Sole Arbitrator under DIAC Rules seated in Dubai concerning claims under Omani Law by government intermediary for unpaid fees from event organiser arising out of a high-profile political event.
- Co-Arbitrator under DIAC Rules seated in Dubai concerning claims under UAE law of approximately USD 53m by Sub-Developer against Master Developer for non-provision of infrastructure and utilities relating to an iconic offshore real estate development.
- Sole Arbitrator under DIAC Rules seated in Dubai concerning claims under UAE law for professional negligence of project manager relating to the design and construction of a substantial building in the UAE and counterclaims for professional fees.
- Co-Arbitrator under DIAC Rules seated in Dubai of a dispute under UAE law of approximately USD 18m relating to a substantial waterside residential real estate construction project in Dubai.
- Co-Arbitrator under DIAC Rules seated in Dubai of a substantial construction dispute under UAE law concerning waterfront real estate. Sum in issue approximately USD 32m.
- Co-Arbitrator under DIAC Rules seated in Dubai and under UAE law, in substantial and complex high value construction arbitration with USD 575m in dispute. Case concerned diligence of contractor and claims of wrongful termination, design defects and delays to 70 storey towers and podium structure for mixed use buildings and hotel.
- Co-Arbitrator under DIAC Rules seated in Dubai under UAE law relating to the construction of 28 storey hotel, apartments, and retail development in Dubai. Sum in dispute approximately USD 15m arising out of termination of contractor and defects in the works.
- Co-Arbitrator under DIAC Rules, seated in Dubai, under UAE law relating to claims by design consultant for professional fees and counterclaims of professional negligence relating to the design and construction of 3 number 45 storey towers in Dubai.
- Co-Arbitrator under ADCCAC Rules seated in Abu Dhabi and under UAE law relating to unpaid professional fees for designing new indoor ski slope, hotel development and solar farm.
- Co-Arbitrator under DIAC rules and UAE law seated in Dubai relating to the construction of substantial residential development and claims of approximately USD 123m relating to entitlement to extensions of time, variations and termination of the contractor.
- Co-Arbitrator under DIAC Rules and UAE law seated in Dubai relating to the construction of new airport terminal in substantial new airport in the Middle East. Sums in issue approximately USD 44m.
- Co-Arbitrator under ICC arbitration Rules seated in Abu Dhabi under English law relating to a substantial dispute between joint venture partners concerning financing of joint venture and the carrying out of a complex underground civil engineering project in the UAE. Sum in dispute approximately USD 3.5m.
- Co-Arbitrator under ICC Rules seated in Abu Dhabi relating to a substantial dispute under UAE law concerning the design and construction of a gas pipeline and related infrastructure.
- Sole Arbitrator under CRCICA Rules seated in Egypt under Egyptian law relating to a substantial real estate development.
- Co-Arbitrator under ICC Rules seated in London in complex dispute of approximately USD 61m under English law relating to iconic mixed use residential, commercial, and 7-star luxury hotel complex, constructed partly in the sea, in Asia concerning claims for professional fees and counterclaims of professional negligence.

- Co-Arbitrator under DIAC Rules seated in Dubai relating to claims of approximately USD 20m under UAE law for variations and extensions of time relating to the design and conversion of a ship into a state-of-the-art vessel with subsequent proceedings to determine counterclaims relating to defective equipment and workmanship.
- Co-Arbitrator under ADCCAC Rules seated in Abu Dhabi between international investor and UAE commercial agent relating to termination of the agency arrangement.
- Co-Arbitrator under ICC Rules seated in Abu Dhabi under English law relating to claims of approximately USD 60m arising out of the design and construction of mixed-use development consisting of four substantial towers and podium structure and disputes concerning structural defects and defective cladding and contractual entitlements following termination of contract.
- Co-Arbitrator under ICC Rules seated in Bahrain under Bahrain law relating to disputes of approximately USD 3.1m with engineer arising out of a significant real estate development.
- Co-Arbitrator under ICC Rules seated in Bahrain under Bahrain law relating to disputes with main contractor arising out of a significant real estate development.
- Co-Arbitrator under DIAC Rules seated in Dubai under UAE law relating to alleged failure of significant mechanical works forming part of a marine construction project. Claim value USD 19.6m.
- Co-Arbitrator under ADCCAC Rules seated in Abu Dhabi under UAE law relating to a dispute concerning a hotel management agreement for the development of a significant hotel. Claim value USD 29.6m.
- Co-Arbitrator under DIFC-LCIA Rules seated in Dubai under UAE law relating to disputes arising out of the delayed construction of a significant real estate project. Claim value USD 17.4m.
- Co-Arbitrator under ICC Rules seated in Dubai under UAE law relating to a dispute concerning claims for unforeseen ground conditions and variations and defective construction of piled foundations for three high rise towers. Claim value 19.6m.
- Co-Arbitrator under DIAC Rules seated in Dubai under UAE law relating to a real estate dispute arising from the sale and purchase agreement of a development plot for a high rise building and the failure of the seller to provide infrastructure. Complex jurisdictional challenge. Claim value USD 8.7m.
- Co-Arbitrator under DIFC-LCIA Rules seated in Dubai under UAE law relating to disputes arising out of the delayed construction of luxury villas, hotel and club in Dubai.
- Co-Arbitrator under DIAC Rules seated in Dubai in dispute concerning final account for the construction of a “supertall” building in Dubai Marina, related delay, defects relating to cladding and performance bond issues with associated court proceedings. Claim value USD 50.4m.
- Co-Arbitrator under DIAC Rules seated in Dubai under UAE law in a significant and high value dispute relating to construction works at the Dubai International Airport Expansion Project. Multiple awards. Claim value USD 462m.
- Co-Arbitrator under ICC Rules seated in the DIFC under UAE law relating to substantial claims by a contractor for additional payment for unforeseen ground conditions encountered whilst dredging for an extension to a deep-water port. Claim value USD 19.2.
- Co-Arbitrator under ICC Rules seated in the DIFC under UAE law relating to claims by owners of a power plant in Oman for defective generators.
- Sole Arbitrator under ICC Rules seated in Qatar under Qatar law relating to contractor’s claims for extensions of time and variations and wrongful termination concerning the construction of high tec process plant. Claim value USD 45m.
- Presiding Arbitrator under ICC Rules seated in Dubai under English law relating to claims arising out of the construction of a large desalination independent water plant in Oman.k

- Co-Arbitrator under LCIA Rules seated in London relating to offshore resort development project in Asia and resulting shareholder/investor dispute.
- Co-Arbitrator under DIFC-LCIA Rules seated in DIFC relating to the termination of the international contractor constructing iconic residential development in the UAE.
- Co-Arbitrator under DIAC Rules seated in the UAE relating to disputes arising out of the cladding of a luxury high rise development in the UAE.
- Sole Arbitrator under BCDR-AAA Rules relating to claims under a public works framework contract and the expansion of Bahrain International Airport.
- Chairman Arbitrator under DIAC Rules seated in Dubai under UAE law relating to disputes arising out of the construction of a significant hotel in the UAE.
- Co-Arbitrator under DIFC Rules seated in the DIFC in a shareholder's dispute arising out of a joint venture agreement to commercialise IT technology.
- Sole Arbitrator under UNCITRAL Rules, appointed by Permanent Court of Arbitration, in a dispute relating to significant liquefied petroleum gas (LPG) project in Oman under Oman law.
- Co-arbitrator in ICC arbitration seated in Oman under Oman law relating to disputes arising out of the construction of Salalah International Airport, Oman.
- Co-arbitrator in UNCITRAL arbitration administered by the Cyprus Arbitration and Mediation Centre under Cyprus law relating to large marina development in Cyprus.
- Co-arbitrator in ICC arbitration under Saudi law, seated in Riyadh, in a significant dispute relating to the construction of the Riyadh Metro Project in KSA.
- Chairman in DIAC arbitration under UAE law, seated in Dubai relating to a dispute concerning failure to take over a real estate project in Dubai.
- Co-arbitrator in ICC arbitration, seated in Dubai, under English law, relating to disputes arising from a joint venture business arrangement to develop a heavy engineering manufacturing and service business in KSA. Related arbitration and court proceedings.
- Sole arbitrator in LCIA arbitration, under English law, seated in England between a Korean manufacturing company and an international energy construction company relating to the construction of a wind farm in Scotland.
- Chairman of ICC arbitration seated in Dubai under UAE law relating to the construction of offshore works for a large desalination independent water plant in the UAE.
- Co-arbitrator in ADCCAC arbitration seated in Dubai, under UAE law, relating to the construction of a terminal at an International Airport in the UAE.
- Co-arbitrator in ad-hoc arbitration seated in Qatar under Qatar law relating to disputes arising out of the termination of a manufacturing and supply agreement.
- Sole and co-arbitrator in numerous arbitrations under ADCCAC or DIAC Rules between property developers and purchasers concerning sale and purchase agreements of real estate properties.

Mediation

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- Mediator of dispute between 4 French and German companies against large Japanese conglomerate relating to potential defects in equipment supplied to nuclear power plants, LNG plants and refineries and the resulting liability. Complex legal and jurisdictional issues. Multi-day mediation; settled.
- Mediator of dispute between employer and contractor concerning alleged defects in electrical installations for dockside heavy lifting equipment; settled.
- Mediator of dispute between real estate developer and disgruntled purchasers as to the terms of purchase and subsequent agreement to remedy defects; settled.
- Mediator of dispute between professional services provider and customer concerning performance issues; settled.
- Mediator of dispute between public authority procurer and engineering consultant relating to substantial infrastructure development; case subsequently settled.
- Mediator of dispute concerning a substantial professional negligence claim brought against an International Engineering Consultancy relating to defective design of a new port in the Middle East; settled.
- Mediator of dispute between developer and contractor concerning final account issues including claims for variations and delay damages; settled.
- Mediator of dispute between signature architect and architect of record relating to prestigious high-rise hotel and mixed-use development in Dubai including claims for delayed and defective designs and disputed entitlements to payment; settled.
- In addition, Adrian has counselled and represented parties in many mediations, often with successful outcomes.

Adjudication & Dispute Adjudication Boards (DAB's)

- Chairman of an ad-hoc DAB concerning the construction of a 4,764 MW power station in Africa (8th largest in the world) and disputes relating to taking over of the Works.
- Sole ad-hoc DAB in a dispute concerning the construction of a high-rise mixed use commercial building in Dubai.
- Ad-hoc Board member in a series of referrals relating to the construction of a significant tunnelling project in the Middle East. The referrals concerned:
 - Disputes concerning the alignment of the tunnel and access arrangements.
 - Determination of claims relating to increased costs due to change in laws.
- Ad-hoc Board member in a referral concerning the construction of EXPO 2020 in Dubai.
- Chairman of an ad-hoc DAB concerning the construction of a 4,800 MW power station in Africa (5th largest in the world). The DAB has received numerous appointments to resolve referrals relating to the following:
 - Determination of Cost arising from an extension of time (4 appointments)
 - Deciding the meaning of legal provisions set out in a settlement agreement
 - Deciding claims for variations arising from changes in labour law
 - Deciding claims relating to laydown areas not being in accordance with the contract
 - Deciding claims for extension of time arising from change in law
 - Determination of cost relating to the provision of off-site storage due to delayed access to the Works.
 - Deciding claims for extension of time and cost arising from strike action.

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- Deciding claims for extension of time and cost arising from delays by other contractors to commissioning.
- Trainer in Dispute Boards (DABs, DRBs etc) for ICC.

Other Tribunal Experience

- Advising Dubai International Arbitration Centre (DIAC) arbitral tribunal on matters of law and procedure in connection with Conservatory Measures in connection with a USD 50m engineering dispute.
- Expert Determination of ad-hoc commercial dispute between the US and Middle East consortium in dispute with the significant developer in Bahrain over the terms of their engagement relating to an off-shore construction project.
- Appointed pursuant to ICC Expertise Rules to conduct Expert Determination relating to claims arising out of an energy project in Egypt.
- Expert witness on UAE law in proceedings before the Irish High Court, Dublin, Ireland.

Professional & Academic Qualifications

Bar Admissions

- Admitted as a solicitor in England and Wales (1993); Higher Rights of Audience (non-practicing)
- Admitted as a solicitor in the Republic of Ireland (1997) (non-practicing)
- Admitted as an advocate in the Courts of the Dubai International Financial Centre

Professional Associations & Recognitions

- ICC Task Force on ADR and Arbitration (Co-Leader)
- IBA – International Construction Projects group - officer
- UAE National Representative on ICC Commission on Arbitration and ADR
- ICC-UAE Arbitration Commission - Steering Committee
- Fellow of Chartered Institute of Arbitrators; UAE Committee Member
- Member of Chartered Institute of Building
- Society of Construction Law

Publications, Articles & Thought Leadership

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Adrian is a frequent guest speaker and presents at international conferences and events on international arbitration and dispute resolution in the energy and infrastructure sectors.

Presentations:

- UK Ministry of Justice, International Legal Services Symposium, ADGM May 2022
- Bahrain Centre for Dispute Resolution – presenting on the BCDR’s Rules at the conference May 2022
- Oman International Arbitration Centre – Guest speaker at inaugural arbitration event, November 2021
- SCL India Conference, Moderator of distinguished international panel discussing liquidated damages, December 2021
- CIArb Nigeria Conference, speaker, November 2021
- Seoul ADR Festival 2021, speaker on construction arbitration organised by KCAB, October 2021
- Asian International Arbitration Centre, joint presentation with ADGM on Renewable and Non-renewable Energy Dispute Resolution Asia, October 2021
- Oman construction disputes, webinar, Chambers Legal, April 2021
- SIAC Middle East Academy on Emergency Arbitrator, SIAC, April 2021
- Abu Dhabi Global Market Webinar: Arbitration Community Check In – 10 November 2020; ADGM
- “Getting Paid Under FIDIC Contracts”; Co-presentation with Nicholas Dennys QC from Atkin Chambers; Webinar hosted by Barton Legal, 24 September 2020
- “Unforeseen Subsurface Conditions”; IBA International Construction Projects Committee Webinar – 2 September 2020
- “Arbitration: Navigating the Pandemic Through Technology” – CIArb Africa Webinar; 12 June 2020
- “Prague Rules?”; World Litigation Forum, 10th World Litigation Forum, Hilton Jumeirah, Dubai, UAE; 27-28 January 2020 - <https://www.worldlitigationforum.org/10th-world-litigation-forum-2020-dubai-2/>
- “Managing Risk in Energy and Infrastructure Projects in the Middle East”; Korean International Trade Association (KITA), Seoul, Korea ; 16 December 2019
- “Construction update”; IBA International Construction Projects conference, Athens, Greece; May 2019
- “Real estate disputes – whose court is it anyway?”; 11th Annual Real Estate Investments Conference, Fairmont, Dubai, UAE; 27-29 March 2019
<https://www.intbar.org/Conferences/Conf921/SpeakerList/Detail.cfm?SpeakerGuid=C1BFBFA1-56ED-44F4-95E1-CEA0DB76E9F0&Search=ProgrammeDetails>
- “An insight from experienced practitioners”; Panel of leading arbitrators at GAR Live Abu Dhabi, UAE; 5 February 2019 <https://gar.live/abudhabi2019>
- “Quantum Claims in Construction Disputes”; Inaugural Conference of the Saudi Center for Commercial Arbitration (SCCA) in Riyadh, KSA; 16 October 2018
- “Civil and common law approaches to arbitration”; The Civil Law Focus Group of the Arab Arbitration Forum; 4th Arab Lawyers Forum; Rome, Italy; 6 October 2018
<https://www.arabl原因lawyersforum.com/previous-forums/>
- “Does the Dispute Resolution Culture Enable Inclusion And Diversity”; Moderator at the Alliance for Equality in Dispute Resolution event; Dubai, UAE; 18 September 2018

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- “Effective Case Management in the Middle East”; An Introduction to the Procedural Aspects of GCC Construction Arbitration, International UK Society of Construction Law Event; Dubai, UAE; 22 April 2018 <https://www.scl.org.uk/participate/events/astra-dubai-conference-2018>
- “Bonds and Guarantees - The enforceability of performance bonds and the use of arbitration to restrain wrongful calls on them”; The 3rd Annual Global Arbitration Review Live event Abu Dhabi; 7 February 2018 https://globalarbitrationreview.com/article/1159072/call-me-maybe-gar-live-abu-dhabi-puts-spotlight-on-bonds-and-guarantees?utm_source=Law%20Business%20Research&utm_medium=email&utm_campaign=9181838_GAR%20Headlines%2016%2F02%2F2018&dm_i=1KSF,5GSR2,AINAZ9,L6IQ4,1#.Wol-VJ0JXs0.mailto
- “Quantum claims in international arbitration”; Irish Arbitration Association’s Dublin International Arbitration Conference, Dublin, Ireland; 10 November 2017
- “Managing Complex and Multi-party Arbitration: How Best to Herd Cats”; Inter Pacific Bar Association (IPBA), Regional Conference, Dubai, UAE; 26 October 2015

Publications:

- “Unforeseen Adverse Ground Conditions – a bad workman blames his tools?” – co-authored with G Hess, in Corporate Disputes Magazine December 2020
- “Expert Firm Services: Where does the duty lie?” – co-authored with G Hess, in Corporate Disputes Magazine July 2020
- “The Midnight Disaster of Defective Arbitration Agreements” co-authored with G Hess, in Corporate Disputes Magazine April 2020
- “Suitability of Arbitration Rules for Construction Disputes”, co-authored with David Kiefer, in The Guide to Construction Arbitration, published by the Global Arbitration Review (GAR) October 2019
- “Winning Construction Disputes in the Gulf: Some Strategic Considerations” in BCDR-AAA International Arbitration Review 2017
- “Dispute Resolution in the Middle East” in Corporate Disputes Magazine October 2017
- “Comparing Regional Arbitration Processes” in Corporate Disputes Magazine January 2014
- “Defects Liability under the FIDIC Red Book”: Society of Construction Law
- "The Interpretation and Application of Delay Clauses In International Construction Contracts Governed by UAE Law" in Delay Clauses in International Construction Contracts, Jacob Jorgensen Ed, Kluwer Law International, 2010
- "Alternative Dispute Resolution in the United Arab Emirates" in ADR Client Strategies in the Middle East and Africa", Thompson Reuters 2009
- "Construction and Projects Law in the UAE" in PLC Cross-border Construction & Projects Handbook, Practical Law Company, 2009

Thought Leadership

- Engaged by the European Union to provide training in International Arbitration and Dispute Resolution to the Ministry of Justice of the Government of the Democratic Republic of Georgia.

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- Engaged by Ministry of Justice to train UAE judges on best international practice in construction law and dispute resolution including arbitration.
- Training members of the Chartered Institute of Arbitrators on theory and practice of international arbitration.
- Frequent guest speaker at many international conferences and events with particular focus on international arbitration and dispute resolution in the energy and infrastructure sector.

Directories & Client Quotes

Adrian has been recognised globally as a leader in this field.

“Top 25 Global Construction Lawyer” by Who’s Who Construction

Chambers Global (Tier One)

“I wouldn’t even blink before recommending him”

“highly recommended”

“is noted for his arbitration skills”

“He’s the kind of guy you want with you rather than against you”

“Stands out as a strong expert in construction-related dispute resolution”

“strongly rates as an excellent professional by his peers”

“he’s a very good lawyer, he’s got technical skills that help enormously with construction work.”

“Straightforward and to the point”

“a very bright man and a good team player with strong local knowledge”

“responsive and thorough – he’s the kind of guy you want on your side.”

“he is a well-respected lawyer who has extensive experience in the region”

“he is a well-respected lawyer who has extensive experience in the region”

“he is very proactive and answers questions you hadn’t even thought about”

“one of the leading individuals and long-term player on the construction side”

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Legal 500 (Tier One Individual)

“excellent in arbitration”

“a deep understanding of the construction industry”

“rated for expertise on construction aspects of major projects”

“recommended”

Who’s Who Legal – Thought Leader in Construction and Arbitration

“Adrian is the go-to arbitrator in the Middle East”

“Grade A lawyer with fantastic clients” and “praised for his contentious and non-contentious work on behalf of public and private companies”