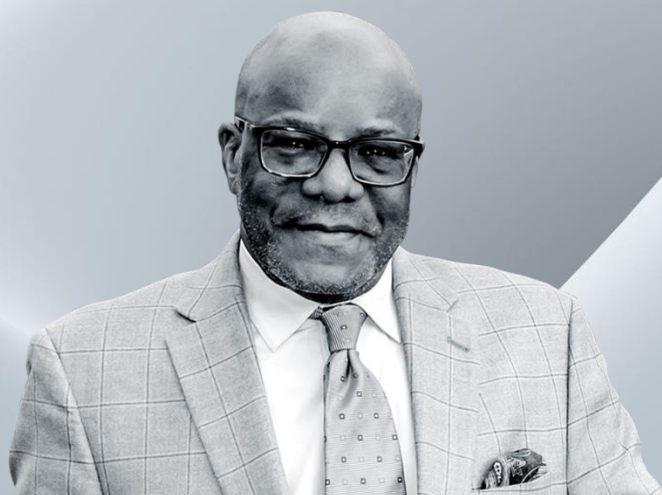


CALVIN HAMILTON

Nationality: Spanish and Guyanese

Languages: English, Spanish (Fluent) Portuguese,
French (Working Knowledge)



Calvin is a Chartered Arbitrator with more than 30 years' experience. He has sat as arbitrator under ICC, ICDR, LCIA, Madrid Court of Arbitration, Zurich Chamber of Commerce, Hungarian Chambers of Commerce and Industry and UNCITRAL Rules in a variety of seats located in the Caribbean, Latin America, USA, Africa and Europe. Calvin is a highly regarded Member of the ICC International Court of Arbitration.

His expertise and knowledge lie in Investor State and Commercial disputes arising from administrative and public law, retail and consumer, energy and natural resources, mergers & acquisitions, cross-border transactions including distribution, sale of goods, agency, franchise and transfer agreements, and acquisition of assets and/or shares.

His primary focus is on the Caribbean, Latin America, London, Continental Europe and US. Calvin's experience includes common law and civil law which he developed in his practice in Spain, the Commonwealth Caribbean, including Guyana and Barbados, and the US.

Calvin is an executive member of the Caribbean Branch of CIArb. He is also the Chair of the Barbados Chapter of the CIArb. He was a member of a task force commissioned by CARICOM to produce a Draft Arbitration Bill. The Draft Bill has recently been officially adopted by the CARICOM Legal Affairs Committee, the significance being that Member States are now encouraged to adopt the Bill in their respective legislations. Calvin is the co-chair of the recently established ITA Americas Initiative Caribbean Task Force which goals include raising arbitration awareness among litigation lawyers and the business community, implementation of arbitration legal framework, leveraging arbitration activity in Latin America for the mutual benefit of the Caribbean and Latin America.

Calvin is a former Senior Lecturer, Faculty of Law, Cave Hill Campus, Barbados. He travels throughout the Caribbean promoting ADR and has successfully worked with Member States to enact arbitration legislation and to create arbitration centres. The BVI, Barbados and Jamaica are now considered "Model Law Jurisdictions" with operating arbitration centres. He is a prolific speaker on ADR throughout the region. Additionally, he works with judiciaries to implement court-annexed ADR programs and to sensitize judges and other stakeholders in ADR processes. Calvin is also a tutor of the globally renowned CIArb course modules.

Calvin's experience and career in Spain spanned over three decades, as an equity partner in two of Spain's most prestigious law firms, representing clients in cross-border transactions before specialising in ADR, to then be considered among the top arbitration practitioners in Spain. Calvin then went on to open hamilton abogados, Spain's first arbitration boutique, which was considered as a global player since 2009, earning recognition from Who's Who, GAR and Best Lawyer.

He is also a founding member of the Spanish Arbitration Club (CEA) and served on its Executive Committee. CEA promotes the use of arbitration among Spanish and Portuguese-speaking commercial entities and among entities with interests in Ibero-America. Calvin is fluent in Spanish and conducts arbitrations in both English and Spanish. He is proficient in French and has a working knowledge of Portuguese. He is a dual national of Guyana and Spain and is admitted in New York and Madrid.

Sector Expertise

- Banking, Finance & Fintech
- Construction, Engineering & Infrastructure
- Energy, Oil & Gas
- Environment, Renewables & Climate Change
- Commercial Dispute Resolution
- Investment Treaty Disputes
- Mergers, Acquisitions & Shareholder Disputes
- Technology & Telecommunications
- Trade & Commodities

Banking, Finance & Fintech

Calvin's banking experience consists of resolution of disputes concerning complex financial products, such as commercial banking arrangements; reinsurance contracts; Government export insurance indemnity agreements; investment mutual funds agreements; national pension fund investments; financial swap instruments; secondary market loan facilities; option and trading strategies of an investment bank; European investment funds' efforts to register the fund in Spain, trading on the financial markets and sale of fund products; fintech shareholders' agreements.

Construction, Engineering & Infrastructure

Calvin's construction experience lies in termination, modification and suspension; scope of works delays; misrepresentations; overpayments and abatements; breach; damages; change orders; fluctuations; force majeure; frustration; statute of limitations; extension of time claims; defect notifications; remobilization; site inspection vs supporting documents; delay under extension of time claims; estoppel; FIDIC contracts; defective product lines; acceptance & commissioning attempts; final acceptance; limitation of liability claims; timely delivery of production plant; delay penalties; deterioration of plant and equipment; depreciation; engineering

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costs due to lack of work; engineering charges to complete project; recovery of materials; performance guarantees; recovery of temporary advances; statute of frauds; exemplary or punitive damages.

Energy, Oil & Gas

Calvin's oil and gas experience covers long term gas supply contracts; pricing mechanisms and revisions; price re-opener; pricing and contracts; oil indexed contracts and risks; gas procurement; foreign direct investment; cross border joint-ventures; infrastructure projects; investment protection; boundary disputes; unjust enrichment; entitlement natural resources; state immunity from jurisdiction and enforcement; joint operating agreements; exploration, production sharing agreements and concession agreements; gas and LNG sales agreements; construction and operation of oil and gas production facilities, equipment, pipelines, onshore and offshore engineering power stations; general purchasing conditions; technical and nozzle check requirements; damages; non-associated gas; store transfer and sell agreements; operating expenses; extension of time for relinquishment; misrepresentations; expropriation.

Environment, Renewables & Climate Change

Calvin is experienced in renewable energy disputes particularly involving wind and solar power; turnkey contracts; distribution of wind speed values and wind availability; responsibility for testing wind availability; technical specifications; feasibility study of terrain; environmental concerns; access to electrical grid; polycrystalline silicon production; take or pay arrangements; estoppel; bulk and surface impurity specifications; solar grade chunks; size specifications; certifications and packaging; size reduction process; limitation of liability; non-refundable advances; delivery terms; force majeure; photovoltaic plant construction; renewal subsidy regimes; feed-in tariff regimes; claw-back provisions.

Commercial Dispute Resolution

As Arbitrator Calvin has seen disputes involving commercial agreements; breach of distribution, share purchase, shareholders, participation, alliance, franchise investment mutual funds and other agreements. He has experience in matters involving disputes arising from contracts for the international sales of goods; rules of private international law; validity and formation of the contracts; obligations of the parties to the contract, rules regarding remedies for breach of the contract, including performance, claim damages or avoid the contract in case of fundamental breach, apportionment of risk, anticipatory breach of contract, damages, and exemption from

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performance of the contract. In addition, his experience lies in; defective production lines; finder's fee and commission payments; cross-border transactions and joint-venture agreements; share and/or asset purchase; voice messaging system equipment purchase.

Investment Treaty Disputes

Calvin's investor state experience covers a wide range of institutional and ad hoc arbitrations. He has sat in disputes concerning BITs and MITs; international investment agreements; ICSID jurisdictional requirements; treaty violations, including state's ability to invoke the prerogatives of its own law to avoid obligations from the arbitration agreement; treaty-based v contract-based rights; acts and/or omissions of a municipal government as treaty violation claim; investment protection; environmental protection; human rights and state immunity.

Technology & Telecommunications

Calvin has extensive dispute resolution experience in aspects of Technology and Telecommunications: dispute issues related to data security; complex accounting, jurisdictional, tax, insolvency and software issues; ownership of IP rights in software; outsourcing contracts; wrongful termination of technology contracts; injunctive relief; delays for the implementation of IT or telecommunications services; defects in functionality or performance of antivirus and other software; breach of confidentiality agreements.

Trade & Commodities

Calvin's expertise include complex, integrated operations, joint venture for construction of LPG pipeline; strategic alliances and collaborations as well as mergers and acquisitions; supply chain disruption; charterparty, purchase and sale contracts; force majeure and non-delivery of products, long term offtake breach of contract.

Experience

As Arbitrator

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- International arbitration between foreign investor and a Caribbean government, concerning the breach of a citizenship by investment agreement. Seated in St. Kitts. ICC Rules. Applicable law is Kittitian law.
- International ad hoc arbitration between a Caribbean government, government agency and foreign investor, concerning housing construction. Seated in Barbados. UNCITRAL Rules. Applicable law is Barbadian law.
- International arbitration between an Italian investor and a Spanish manufacturer of wind terminals concerning defective technology. Seated in Madrid. Madrid Court of Arbitration Rules. Applicable law is Spanish law.
- International arbitration between a Spanish international bank and an investor concerning the breach of commercial banking agreements. Seated in London. ICC Rules. Applicable law is English law.
- 4 concurrent arbitrations involving a major Spanish construction company and a contractor concerning construction defects, delays, cost overruns and changed specifications. Seated in Madrid. Madrid Court of Arbitration Rules. Applicable law is Spanish law.
- International arbitration between an international home improvement company and a construction company concerning wrongful termination and breach of contract. Seated in Madrid. Madrid Court of Arbitration Rules. Applicable law is Spanish law.
- International ad hoc arbitration between a US manufacturer of electronic units and its Spanish distributor concerning the breach of a distribution agreement. Seated in Minneapolis, Minnesota. UNCITRAL Rules. Applicable law is Minnesota law.
- International arbitration between a Moroccan bank and Spanish state-owned insurer of Spanish foreign investments concerning the interpretation of contract provisions and duties and obligations of the insurer. Seated in New York. ICDR Rules. Applicable law is New York law.
- International ad hoc arbitration between a US buyer and a Spanish manufacturing company regarding indemnity claims under an insurance policy. Seated in New York. UNCITRAL Rules. Applicable law is New York law.
- International arbitration between Spanish commission fee earner and Swiss services company for anticipatory breach of fintech contract. Seated in Madrid. UNCITRAL Rules. Applicable law Spanish law.
- Sole Panellist on scores of Domain Name disputes.
- International ad hoc arbitration between British Virgin Islands company and a Caribbean state agency for breach of contract. Seated in St. Lucia. UNCITRAL Rules. Applicable law is St. Lucian law.
- International Request for Independent Review between Turkish investor and ICANN concerning the interpretation of the ICANN bylaws and articles of incorporation. ICDR Rules. Seated in California.
- International ad hoc arbitration between US manufacturer of curtainwalls and Bermudan building contractor for breach of payment obligations. Seated in Bermuda. ICDR Rules. Applicable law Bermudan law.
- Chair in several Domain Name disputes.
- Multiparty international arbitration between a German contractor, its subsidiary and a Nigerian drilling company concerning rental and operating equipment for drilling, work-over and remedial operations in Nigeria. LCIA Rules. Seated in Dubai. Applicable law is Nigerian Law.
- International arbitration between a Spanish international bank and an investor concerning swap instruments. Seated in Madrid. Madrid Court of Arbitration Rules. Applicable law is Spanish law.
- International arbitration between US multinational and Caribbean privately owned television consortium with seat in New York. ICDR Rules. Applicable law is New York law.

- International arbitration between a UK construction company and a Caribbean state-owned housing development corporation concerning cost overruns, delays, contract variations, etc. with seat in Port of Spain, Trinidad and Tobago. ICC Rules. Applicable law is Trinidad & Tobago law.
- International arbitration between Caribbean state-owned entity and a foreign investor concerning a reinsurance contract. Seat in London. ICC Rules. Applicable law is English law.
- International arbitration between Uruguayan and British Virgin Islands parties concerning the breach of contract of an investment in mutual funds. Seated in Madrid. ICC Rules. Applicable law BVI law.
- Multiparty international arbitration between US companies on the one hand, and French and Swiss companies on the other, concerning the breach of a share purchase agreement. Seated in Madrid. ICC Rules. Applicable law is French law.
- International arbitration between a Spanish manufacturer and Russian buyer concerning the delivery of a defective production line. Seated in Zurich. Zurich Chamber of Commerce Rules. Applicable law is Swiss law.
- International arbitration between Spanish and Hungarian parties concerning the defective construction of an automotive production line. Seated in Budapest. Hungarian Chambers of Commerce and Industry Rules. Applicable law is Hungarian law.
- Co-Arbitrator in several Domain Name disputes.

As Counsel

- Act for Barbadian investor in ICC arbitration against a government and its instrumentality concerning claims for damages for wrongful termination of a major development construction contract.
- Act for German consortium in an ad hoc arbitration against an oil exporting country concerning wrongful termination of an oil exploration agreement.
- Act for US manufacturer in an ad hoc arbitration against a Spanish contractor for breach of contract to construct curtain walls.
- Act for German car parts manufacturer in ICC arbitration against Spanish company for breach of shareholders agreement.
- Act for Spanish franchisee in arbitration against US franchisor for breach of franchise agreement.
- Act for a Spanish multinational manufacturer of industrial equipment against an English group of companies in ICC arbitration for breach of contract.
- Act for Italian claimant in arbitration against Spanish contractor before the Madrid Court of Arbitration concerning the design and manufacturing of valves for a gas pipeline located in North Africa.
- Act for charterer in arbitration concerning a charter party.
- Act for multinational computer company against its exclusive distributor in ICC arbitration for breach of contract provisions.
- Act for large Spanish commercial airline broker in ICC arbitration case for commission payments.
- Act for Finnish voicemail systems manufacturer against Spanish mobile phone carrier in ICC arbitration for breach of payment terms and wrongful termination.
- Act for Spanish manufacturer and marketer of solar panels in LCIA arbitration brought by a Maltese company for breach of contract with seat in London.
- Act for Finnish Technology company against Caribbean mobile carrier in ad hoc arbitration for breach of IP contract conditions.

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- Act for Spanish distributor of pharmaceutical products against its sub-distributor for breach of contract.
- Counsel Venezuelan investors in BIT claim against Spanish government.
- Counsel US Construction company in dispute against Government of Antigua.
- Counsel Belizean government in a matter before the CCJ concerning the constitutionality of an agreement between government and investor which resulted in an LCIA award.
- Counsel on legal implications of the application of Spanish arbitration law to BIT claims against government of Venezuela.

Transactions – Representative cases and clients

- Acquisition of a hotel and surrounding infrastructures in Mallorca.
- Producer of electronic heating devices, in analysing its inter-company transactions and management charges and creating transfer pricing support documentation.
- US investment bank on its option and trading strategies in certain exchange rate transactions.
- Energy-management leader in management buy-out of Spanish company.
- Spanish theme-park and hotel consortium. Drafting document on gaming laws for approval and promulgation. Negotiating and drafting hotel management consultancy and construction contracts. Negotiating and structuring bank project financing. Counsel client and regional government on their negotiations with central government.
- Finnish company on acquisition of Spanish competitor.
- Joint venture between consultancy firm in a new technology system and leisure firms offering online services.
- Mexican Holiday Resort in the sale of debt to foreign Investors to raise financing for the resort.
- European investment funds (Irish and Luxembourgish) in their effort to register the funds in Spain for trading on the financial markets and sale of fund products. Advice on disclosure and listing requirements.
- Finnish Telecommunications Company in sales activities in Spain, the Caribbean and Latin America. Negotiating and licensing maintenance and service agreements with music companies, telephone carriers and collecting agencies.

Academic & Professional Qualifications

- The Fletcher School of Law and Diplomacy: MALD Degree (Awarded 1985). Developmental Economics, Private International Law, Securities Studies, International Trade.
- Brooklyn Law School: JD Degree (Awarded 1983). International Law; International Trade Law.
- Long island University, C.W. Post College: BSc. (Awarded 1977) Finance and Accounting.

Professional Associations & Recognitions

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- Chartered Arbitrator (FCIArb)
- Member, ICC Court of International Arbitration
- Member, Awards Review Committee, Centre of International Arbitration of Madrid (CIAM)
- Co-chair ITA Caribbean Task Force
- Co-chair ITA Americas Initiative Caribbean Task Force
- ICC Caribbean Working Group Member
- Madrid Bar Association (ICAM)
- New York State Bar Association (NYSBA)
- CIArb, Caribbean Branch, Executive Committee Member
- CIArb, Chair, Barbados Chapter
- Spanish Arbitration Club (CEA)
- Swiss Arbitration Association (ASA)
- Arbitration and Litigation Committees, (IBA)
- Association for International Arbitration (AIA)
- Member of the European Advisory Committee of the Fletcher School, Tufts University
- Former, Senior Lecturer, Faculty of Law, University of the West Indies, Cave Hill Campus
- Former Lecturer, IE Law School, Madrid, Spain
- Founder Member, Board of Directories of the Spanish Arbitration Club
- Past Co-Chair, Madrid Chapter, International Law Section, NYSBA
- Past Vice Chair, Executive Committee, International Law Section, NYSBA
- Past Vice Chair, Section of International Law, International Commercial, Transactions, Franchising and Distribution Committee, ABA

Arbitration Panels

- He receives appointments in cases administered by institutions which do not maintain formal arbitrator panels, including the ICC and LCIA.
- Presidential Panel of Arbitrators, CIArb
- CPR Panel of Distinguished Neutrals
- Emirates Maritime Arbitration Centre (EMAC) Panel of Arbitrators
- International Centre for Dispute Resolution (ICDR) Panel of Neutrals
- BVI International Arbitration Centre (BVIAC) Panel of Neutrals
- Jamaica International Arbitration Centre (JAIAC) Panel of Neutrals
- KCAB International's Panel of International Arbitrators Seoul (KCAB)
- Hong Kong International Arbitration Centre (HKIAC)
- Arbitration and Mediation Court of the Caribbean (AMCC)

Publications, Articles & Thought Leadership

Calvin is a prolific speaker. Travels the region and abroad speaking and conducting seminars and workshops on aspects of arbitration and significantly, the relevance of adoption of modern arbitration legislation in the

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Commonwealth Caribbean.

Examples of his most recent speaking engagements include:

- August 2021, CIArb eSolver, Monthly Newsletter Member Interview
- 27th & 28th MAY 2021, CIArb CARIBBEAN BRANCH - FOURTH TRIENNIAL CONFERENCE
- March 11, 2021, The Truth About Evidence Before DB's and International ADR Tribunals
- February 19, 2021, CIArb 3rd Annual Student Day
- January 26, 2021, AMCC-IAC, Light, camera International Arbitration-Caribbean
- December 2-4, 2nd Annual ITA-ALARB Americas Workshop-Immunity of Arbitrators
- October 27, 2020, BVIIAC Virtual Mock Arbitration Webinar
- October 13, 2020, Using Mediation in International Commercial Disputes
- August 14, 2020, Young ICCA Webinar Series - Emerging Jurisdictions
- August 5, 2020, CADRIIn Connect Webinar: Drafting an Effective Arbitration Agreement
- May 29, 2020, COVID-19: Changing the Paradigm in Dispute Resolution, AMCC/ CIArb Online Panel Discussion
- December 4, 2019, Commonwealth International Commercial Arbitration Study British Institute of International and Commercial Law: Caribbean Perspective London, UK
- November 20, 2019, Strategies for Engaging Caribbean Commercial Bar in Arbitration, 3rd BVI International Arbitration Conference, Road Town, BVI
- November 21, 2019, Spotlight on the Americas: Developments Affecting the Hemisphere, 3rd BVI International Arbitration Conference, Road Town, BVI
- September 9, 2019, Year in Review, A guide through the essentials, 2nd Annual GAR, Atlanta, Georgia;
- March 6, 2019, Does Barbados need 2 Arbitration Acts? Bridgetown, Barbados
- April 26, 2018, Guyana Law Week: UNCITRAL Model Law and the Arbitration-friendly State, Georgetown, Guyana
- August 28, 2017, ICC Conference in Jamaica: Boosting the use of Arbitration in the Caribbean, Kingston, Jamaica
- May 31, 2017, BVI International Arbitration Conference: Complete Mock Arbitration Assimilation, Road Town, BVI
- March 2-3, 2017, International Institute for Conflict Prevention and Resolution: Role of Caribbean Courts in International Arbitration, Miami, Florida

Directory & Client Quotes

Calvin A. Hamilton is also regarded in Who's Who Legal as Arbitration Global Leader 2021.

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