



Nathan Baikie
Principal Associate

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Areas of Practice

- Litigation
- Arbitration

Education

- LLB, University of the Witwatersrand (WITS) Johannesburg South Africa

Languages

- English
- Afrikaans

Affiliations

- Admitted Attorney of the High Court of South Africa
- Registered Arbitrator with the Dubai International Arbitration Centre

Summary Profile

Nathan is a Principal Associate in the disputes team at M&CO Legal. He has more than a decade of experience in South Africa and the UAE. He has represented clients in ICC, DIAC, DIFC-LCIA, LCIA, ADCCAC, and ADIAC institutional arbitrations across various sectors such as oil and gas, insurance, construction, infrastructure, hospitality, real estate, and banking. He is also registered with the Dubai International Arbitration Centre (DIAC) as an arbitrator.

In addition, Nathan frequently represents clients before the DIFC Courts and appeared in the landmark *A8 v B8* case before Justice William Stone SBS KC in the ADGM Courts. He is also a Pro Bono Practitioner with the DIFC Courts, where he regularly provides legal advice to indigent clients.

Focus Areas

Nathan's focus lies in institutional arbitration and litigation before the DIFC and ADGM Courts.

Publications

International Lawyers Network Guidance Paper: 'Does the current corona crisis constitute a (global) force majeure from a legal point of view?' by Ziad Salloum and Nathan Baikie, 18 April 2020 (at pg.28)

'Pre-Conditions to Arbitration: Is Strict Compliance Necessary' by Nathan Baikie, 1 June 2021 (The Legal 500)

'The Seat of Arbitration & its Significance' by Nathan Baikie, 5 May 2022 (The Legal 500)

‘ADGM Courts affirm the ADGM as a pro-arbitration jurisdiction’ by Nathan Baikie, 4 July 2023 (E-journal, Lexis Nexis Middle East)

‘Analysis of the recent DIFC Court of Appeal’s Judgment in Panther Real Estate Development LLC v Modern Executive Systems Contracting LLC [2022] DIFC CA 016’ by Nathan Baikie and Tony Joseph, 31 October 2023

‘Advancing Arbitration in Abu Dhabi: The Significance of the New Arbitration Rules 2024’ by Nathan Baikie and Yousef Seihavi, 14 February 2024

‘Dubai Courts find that the DIAC Rules give tribunals the power to award legal costs’ by Nathan Baikie, 21 February 2024

Notable Arbitration & Litigation Disputes

Arbitration

2014: representing an international software solutions company in an ad hoc arbitration conducted in accordance with the Uniform Rules of Court (seat Johannesburg, South African law) concerning the sale and purchase of a software system specific to the insurance industry.

2019: representing an Abu Dhabi based oil company in an arbitration conducted in accordance with the ICC Rules (seat Abu Dhabi, UAE law) concerning an AED 220m claim in relation to the repudiation of an insurance policy issued by the respondent, a well-known Dubai based insurer.

2019: representing the subcontractor in an arbitration conducted under the auspices of the ICC Rules (seat Abu Dhabi, UAE law) in which the developer had claimed, amongst other things, liquidated damages and declaratory relief. The amount in dispute totaled circa AED 10m and related to the construction of a residential apartment complex in Abu Dhabi.

2020: representing a well-established Abu Dhabi based hotel group in an arbitration conducted in accordance with the DIAC Rules (seat Abu Dhabi, UAE law) concerning the sale and purchase of a hotel property in Dubai. The amount in dispute totaled AED 150m.

2020: representing a Dubai based contractor in an arbitration conducted in accordance with the DIAC Rules (seat Dubai, UAE law) concerning an AED 40m claim brought against a Chinese based developer for the payment of certified amounts, variation claims and prolongation costs.

2020: representing the claimant, a Bangkok headquartered architectural/design firm, in an ad hoc arbitration conducted in accordance with the UNCITRAL Rules (seat Abu Dhabi, UAE law) concerning a project designed by the claimant on the instruction of the respondent. The amount in dispute totaled roughly AED 4.4m and related to claims for amounts associated with unpaid design fees and variations.

2020: sitting as tribunal secretary in an arbitration conducted in accordance with the DIAC Rules (seat Dubai, UAE law) concerning a claim brought by an elevator/lifting company against a Dubai based developer for various unpaid amounts related to works carried out during the project.

2021: representing a US-headquartered elevator and lifting company in an arbitration conducted in accordance with the DIAC Rules (seat Dubai, UAE law) concerning the supply and installation of elevator/lifting equipment in Dubai. The amount in dispute totaled AED 5.5m.

2021: representing a telecommunications company based in Singapore in an arbitration conducted in accordance with the ICC Rules (seat Abu Dhabi, UAE law) concerning a USD 3m claim brought in respect of a telecommunications system supplied and installed at an oil and gas project of the coast of Abu Dhabi.

2021: representing a Hong Kong headquartered hospitality company in an arbitration conducted in accordance with the DIFC-LCIA Rules (seat DIFC, English law) concerning a civil fraud claim brought by the claimant, the owner of two hotel properties KSA, to the tune of circa USD 47.4m.

2021: representing the respondent, an Abu Dhabi based parking operator, in an arbitration conducted in accordance with the DIAC Rules (seat Dubai, UAE law) concerning a AED 750,000 claim brought by the claimant in relation to alleged unpaid sums.

2021: sitting as administrative secretary in an arbitration conducted in accordance with the ICC Rules (seat Abu Dhabi, UAE law) concerning a claim brought by the subcontractor against a Abu Dhabi based contractor for unpaid amounts related to scaffolding equipment supplied by the subcontractor.

2022: representing the respondent, an Arab financial institution based in Khartoum, in an arbitration conducted in accordance with the DIAC Rules (seat Dubai, UAE law) concerning a claim brought by the claimant, an electrical contractor based in Abu Dhabi, to the tune of circa AED 2 million for unpaid amounts. The respondent had also brought a counterclaim, in the amount of AED 2.2 million for delay damages and defective performance.

2023: representing the respondent, an Ajman developer, in an arbitration conducted in accordance with the DIAC Rules (seat DIFC, UAE law) concerning a claim brought by the claimant, a major Chinese contractor, in the amount of circa AED 97.5 million for various unpaid amounts associated with a project in Ajman.

2024: representing the respondent, a UHNWI, in an arbitration conducted in accordance with the DIAC Rules (seat DIFC, UAE law) concerning a claim brought by the claimant, a UAE main contractor, for an amount of AED 1.3 million for alleged unpaid amounts associated with the construction of the

respondent's villa in Dubai. The respondent has presented counterclaims in excess of AED 5 million as a result of delays and defective works on the part of the claimant.

2024: representing the intended third claimant (and joinder applicant), a large UAE contractor, in an arbitration conducted in accordance with the ADCCAC Rules (seat Abu Dhabi, UAE law) concerning various claims brought by the second and third claimants, two international contractors, for amounts in excess of AED 2.5 billion. The respondent, an Abu Dhabi public joint stock company, also advanced counterclaims in excess of AED 5 billion.

2024: representing the respondent, a UAE main contractor, in an arbitration conducted in accordance with the DIAC Rules (seat Dubai, UAE law) concerning claims brought by the claimant, a large UAE developer, for an amount of AED 8.9 million together with other declaratory relief in respect of liquidated damages and other damages associated with delays in completion of the works.

2024: representing the respondent, a third-party military aircraft MRO service provider, in an arbitration conducted in accordance with the ADIAC Rules (seat Abu Dhabi, UAE law) concerning a claim brought by the claimant, a UAE contractor, for an amount of AED 48.9 million for works allegedly completed but not paid for.

2024: representing the claimant, a UHNWI, in an arbitration conducted in accordance with the DIAC Rules (seat Dubai, UAE law) in respect of an AED 10.1 million claim brought against a large UAE property developer for damages arising out of breach of contract.

Litigation

2020: representing the claimant, an Australian headquartered construction company, before the DIFC Courts seeking an anti-suit injunction order against the defendant who wrongfully instituted proceedings before the Dubai Courts.

2021: representing two high net worth individuals before the Arbitration Division of the DIFC Courts, in filing an application for the recognition and enforcement of an arbitral award issued under the auspices of the DIFC-LCIA for an amount of AED 7.6m.

2021: representing the appellant, a DIFC registered entity, in appeal proceedings before the DIFC Courts' CFI. The matter related to an employment claim initially brought by the respondent in the SCT, which was subsequently appealed by the appellant.

2021: representing the claimant, a DIFC registered entity, in a claim brought before the DIFC Courts against the defendant, a former employee, as a result

of the misappropriation and theft of company funds to the tune of circa AED 4m.

2021: representing the defendant in an employment related claim, filed by the claimant before the ADGM Courts in relation to alleged unpaid employment benefits and gratuities. The amount claimed by the claimant exceeded AED 300,000.

2022: representing the defendant, a hotel owner in Dubai, before the DIFC Courts in respect of a Part 7 claim brought by the claimant, a valet/parking services provider, in relation to alleged unpaid amounts.

2023: representing the claimant, a major property developer based in Abu Dhabi, before the ADGM Courts in respect of a claim for recognition and enforcement of an ICC arbitration award in favour of the claimant against the defendant, an Abu Dhabi based MEP contractor.

2023: advising a Russian bank based in Moscow, in respect of a claim for recognition and enforcement (before the DIFC Courts) of a foreign judgment issued in favour of the claimant against the defendants, two Russian citizens domiciled in Dubai.

2023: advising the defendant, a DIFC registered establishment, in relation to an employment claim brought by the claimant, a former employee, concerning damages for unlawful termination. 2023: advising a Russian bank based in Moscow in respect of an application for a worldwide freezing injunction over assets owned by the defendants valued at RUB 3.2 billion.

2023: representing the claimant, a Namibian contractor based in Windhoek, before the DIFC Courts in respect of a claim for recognition and enforcement of a foreign judgment issued in favour of the claimant against the defendant, a large London headquartered company with an office in Dubai.

2023: representing the claimant, a UAE contractor, before the DIFC Courts in respect of a claim for the recognition and enforcement of a DIFC-LCIA arbitral award in the amount of AED 86 million.

2023: representing the defendant, an ADGM incorporated entity, before the ADGM Courts in respect of an employment claim filed by the claimant, a former employee of the defendant.

2023: representing the claimants before the DIFC Courts in respect of an urgent application for injunctive relief filed against the defendant, a large Indian based company, that had carried out various actions in breach of certain restrictive covenants.

2024: representing the claimant, a major UAE contractor, before the DIFC Courts in respect of detailed assessment proceedings commenced by the



claimant in order to recover legal costs awarded to the claimant against the defendant, a Dubai-based developer.

2024: representing the defendant, a DIFC registered entity, before the DIFC Courts in respect of an appeal (from the SCT to the CFI) relating to a claim brought by the claimant, a former senior employee, for alleged unpaid employment entitlements.

2024: representing the defendant, a Scottish UHNWI, before the DIFC Courts in respect of a Part 7 claim brought by the claimant, who provided services to the defendant, in respect of alleged unpaid success fees in the amount of circa AED 20 million plus interest.

2024: representing the claimant, a Japanese company, before the DIFC Courts in respect of a claim for recognition and enforcement of a \$4.8 million ICC arbitral award issued in Paris against three UAE registered entities.