



KUALA LUMPUR REGIONAL CENTRE FOR ARBITRATION (KLRCA)

KLRCA 30TH ANNIVERSARY CONFERENCE 2008

7 - 8 April 2008

K u a l a L u m p u r C o n v e n t i o n C e n t r e



THE ASIAN HORIZON
INTERNATIONAL ARBITRATIONS IN DEVELOPING
AND NEWLY DEVELOPED COUNTRIES

- SPECIAL CHALLENGES AND OPPORTUNITIES -

program

KUALA LUMPUR REGIONAL CENTRE
FOR ARBITRATION (KLRCA)

KLRCA 30TH ANNIVERSARY CONFERENCE 2008

MONDAY, 7TH APRIL 2008 (DAY 1)

08:00 – 09:00 am Registration

09:00 – 09:30 am Welcome Address
Dato' Noorashikin Tan Sri Abdul Rahim
Director
Keynote Address
Secretary-General, AALCO
Kuala Lumpur Regional Centre for Arbitration (KLRCA)
Opening Address
YAB Datuk Sri Abdullah Ahmad Badawi
Prime Minister

09:30 – 10:00 am **COFFEE / TEA BREAK**

Session 1: Chairperson : * tbc

10:00 – 10:25 am Increasing Acceptance of Arbitrations in Developing Countries
Permanent Court of Arbitration * tbc

10:25 – 11:05 am Panel Discussion: Survey of Court Attitudes in Developing Countries to
Arbitrations – Friend or Foe?
YAA Tan Sri Dato' Richard Malanjum
Chief Justice of Sabah and Sarawak (Malaysia) * tbc
Justice Ahmed Sarwana
Messrs. Abraham & Sarwana, Pakistan
Mr. Sumeet Kachwaha
Messrs. Kachwaha & Partners, New Delhi

11:05 – 11:15 am Q & A Session

Session 2: Chairperson: **Mr. Wilfred Abraham**
Messrs. Zul Rafique & Partners

11:15 – 11:40 am Making Arbitrations More Affordable
Professor Lawrence Boo
Singapore International Arbitration Centre, Singapore

11:40 – 12:05 am Increasing the Pool of Skilled Arbitrators
Mr. Christopher Wing To
Hong Kong International Arbitration Centre, Hong Kong

12:05 – 12:30 am Confidentiality in Arbitration – How far does it extend?
Mr. Quentin Loh
Messrs. Rajah & Tann

12:30 – 12:40 am Q & A Session

12:40 – 02:15 pm **LUNCH BREAK**
Luncheon Talk
Justice Mahadev Shankar * tbc

program

KUALA LUMPUR REGIONAL CENTRE
FOR ARBITRATION (KLRC)

KLRC 30TH ANNIVERSARY CONFERENCE 2008

Session 3: Chairperson: **Mr. Chang Wei Mun**
Messrs. Raja, Darryl & Loh

02:15 – 02:55 pm Panel Discussion: The Role of Reliable Arbitral Institutions in Developing Countries, and their Role in Combating Corruption
Panelists:-
Dato' Noorashikin Tan Sri Abdul Rahim
Director
Kuala Lumpur Regional Centre for Arbitration (KLRC)

Professor Lawrence Boo
Singapore International Arbitration Centre, Singapore

Mr. Christopher Wing To
Hong Kong International Arbitration Centre, Hong Kong

02:55 – 03:05 pm Q & A Session

03:05 – 03:35 pm **COFFEE / TEA BREAK**

Session 4: Chairperson: **Dato' Kevin Woo, JP**
President
Malaysian Institute of Arbitrators (MIArb)

03:35 – 04:15 pm Panel Discussion: Negotiating Contracts with Equitable Provisions for Choice of Law, Venue and Dispute Resolution Mechanisms
Panelists:-
*** Tbc**

04:15 – 04:25 pm Q & A Session

07.30 – 10.00 pm Dinner at Mandarin Oriental Hotel
Hosted by the Prime Minister of Malaysia

TUESDAY, 8TH APRIL 2008 (DAY 2)

Session 5: Chairperson: **Mr. Nahendran Navaratnam**
Messrs. Kadir, Andri & Partners

09:00 – 09:25 am Cultural and Legal Diversity in International Arbitration: the ICC Experience
Mr. Jason Fry
Secretary General, ICC International Court of Arbitration

09:25 – 09:50 am Growing ICSID Arbitrations and ASEAN Perspective
Dato' Cecil Abraham
Messrs. Zul Rafique & Partners

09:50 – 10:00 am Q & A Session

program

KUALA LUMPUR REGIONAL CENTRE
FOR ARBITRATION (KLRC)

KLRC 30TH ANNIVERSARY CONFERENCE 2008

Session 6:	Chairperson:	Mr. Rodney Gomez Messrs. Shearn Delamore & Co
10:00 – 11:00 am	Panel Discussion: Special Challenges Facing Malaysian Companies Operating in Developing Countries, And Malaysia As a Neutral Venue for Low Cost Arbitrations Panelists:- Mr. Nitin Nadkarani Lee Hishammuddin Allen & Gledhill Mr. Rajendran Navaratnam Messrs. Azman Davidson & Co Mr. Ivan Loo Messrs. Skrine	
11:00 – 11:10 am	Q & A Session	

11:10 – 11:40 am **COFFEE / TEA BREAK**

Session 7: Chairperson: **Tn. Hj. Abdul Rahman Azubir**
Institut Kelautan Malaysia (IKMAL)

11:40 – 12:05 am Maritime Arbitrations
Mr. Philip Yang
Hong Kong International Arbitration Centre (HKIAC)

12:05 – 12:15 am Q & A Session

12:15 – 02:00 am **LUNCH BREAK**
Luncheon Talk
Dato' V.C. George *tbc
Messrs. Skrine

Session 8: Chairperson: **Mr. Chong Thaw Sing**
President
Chartered Institute of Arbitration (CIArb)

02:00 – 02:40 pm Panel Discussion – Arbitrating in Indian Sub-Continent
Panelists:-
Justice Ahmed Sarwana
Messrs. Abraham & Sarwana, Pakistan
Mr. G. K. Kwatra
Indian Council of Arbitration
Mr. Shishir Dholakia
Supreme Court of India

02:40 – 03:05 pm Country Focus – Arbitration in China
CIETAC *tbc

03:05 – 03:30 pm Country Focus – Arbitrating in Dubai
Mr. Bashir Ahmed
Messrs Afridi & Angell

03:30 – 03:55 pm Country Focus – Arbitrating in Indonesia
Dr H. Priyatna Abdurrasyid
Chairman, Badan Arbitrasi Nasional Indonesia (BANI)

03:55 – 04:20 pm Q & A Session

program

KUALA LUMPUR REGIONAL CENTRE
FOR ARBITRATION (KLRC)

KLRC 30TH ANNIVERSARY CONFERENCE 2008

Session 9:	Chairperson:	Tn. Haji Mohd Rasheed Khan Mohd Idris Messrs. Azmi & Associates	
05:00 – 05:25 pm	Has Mediation a Role to Play in Developing Countries?	Datuk Hj. Kuthubul Zaman Bukhari Messrs. Zaman and Associate	
05:25 – 05:50 pm	Panel Discussion: Islamic Banking Arbitrations – Increasing Relevance in The Current Investment Patterns Panelists:	Mr. Amirali Nasir Messrs. Nasir	
		Mr. Jal Othman Messrs. Shook Lin & Bok	*tbc
05:50 – 06:00 pm	Q & A Session		

Close of Proceedings

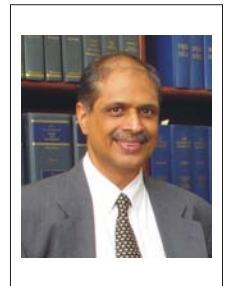
SPEAKERS' PROFILES ●●●●●●●●

Dato' Noorashikin Bte Tan Sri Abdul Rahim is the Director of the Kuala Lumpur Regional Centre for Arbitration (KLRCA). She holds a BSc (Hons) degree from the Northern Illinois University, an LLB (Hons) degree from the London University and CLP from the University of Malaya. Dato' Noorashikin was admitted as an Advocate & Solicitor of the High Court of Malaya, whereupon she joined the Judicial and Legal Service of the Malaysian Government. In 2002 she left the Malaysian Government Service and joined the KLRCA. She began her career at KLRCA as the Legal Counsel in charge of the administration of Arbitration and Mediation at KLRCA. She frequently represents KLRCA at international conferences.



Justice S. Ahmed Sarwana - BA, LLB (Karachi) LLM (U Penn, USA), FMIarb and Member, ICC Commission on Arbitration is a Fulbright Scholar, Salzburg Fellow and a Senior Advocate (QC) of the Supreme Court of Pakistan. He practiced law primarily as a litigator for 34 years, both trial and appellate, involving agency and distributorship, aviation, banking, contracts, insurance, intellectual property, international trade, shipping, labour and employment law. In October 1997 he was appointed a Judge of the High Court of Sindh, (Court of Appeals) where he decided over 600 cases. After completing his tenure as a Judge, he has returned to his old Firm as Counsel and deals with domestic and international commercial arbitrations, general consultation and Supreme Court advocacy. He is a member of the WIPO Panel of Arbitrators and Mediators, AAA-ICDR, ACICA, DIAC, HKIAC, KLRCA, SCMA and SIAC.

Mr Sumeet Kachwaha has extensive experience in litigation and international commercial arbitrations. Amongst the high profile cases he has been involved with is the Union Carbide Bhopal Gas leak case – the largest damages case in the world. Mr. Kachwaha is recommended by the Chambers Global Guide (U.K) for his command of the law. He has consistently been nominated as a "Highly Recommended Dispute Resolution Practitioner in India" by Global Counsel 3000 and as a "Leading Individual" by Asia Pacific Legal 500 for Dispute Resolution. He is a Vice Chair in the dispute resolution section of the IPBA. He is also a member of Supreme Court Bar Association; International Bar Association; Inter Pacific Bar Association – Vice Chair Dispute Resolution Committee; LCIA; International Arbitration Club (U.K); Swiss Arbitration Association.



Professor Lawrence Boo is the Deputy Chairman of SIAC and is the head of The Arbitration Chambers, Singapore. He has sat in more than 160 arbitrations. He leads the teaching of 'International Commercial Arbitration' at the National University of Singapore Faculty of Law and is an adjunct professor of Bond University, Australia and a Visiting Professor of Wuhan University School of Law, China. He is a frequent speaker at international conferences and seminars and has published many articles on arbitration, mediation and ADR. He is the author of "Halsbury's Laws of Singapore Volume 2 - Arbitration" (Butterworths 1998 and 2003 Re-issue) and the chapter on Singapore in the book "International Handbook on Commercial Arbitration" (Kluwer 1996 and 2002 Supplement). He is also the statutory appointing authority for arbitrators and a specialist District Judge in Singapore.

SPEAKERS' PROFILES ●●●●●●●●

In January 2007, **Mr Christopher Wing To** was awarded the Young Global Leader 2007 status by the World Economic Forum to recognize the most distinguished 250 young leaders below the age of 40 from around the world. In 2001-2002 he was awarded Director of the Year by the Hong Kong Institute of Directors and is currently the President of the Institute of Compliance Officers and a Council member of the Hong Kong Institute of Directors. He is on the panel of arbitrators of various leading arbitration centres around the world. He is currently the Chairman of the Inter-Pacific Bar Association Dispute Resolution and Arbitration Committee and Secretary-General of Hong Kong International Arbitration Centre and Asian Domain Name Dispute Resolution Centre. Christopher actively lectures at various local and overseas universities and holds Adjunct Professorships in Engineering and Law at City University of Hong Kong and Hong Kong Polytechnic University. He was appointed as a member of the Advisory Group on Company Formation, Registration, Re-registration, and Company Meeting and Administration Provisions by the Financial Services and Treasury Bureau of the Hong Kong Government in 2007.



He is a Fellow of various learned societies including the Institution of Engineering and Technology, Chartered Institute of Arbitrators, Hong Kong Institute of Arbitrators, Singapore Institute of Arbitrators and the Hong Kong Institute of Directors. He is also a Member of the Law Asia Law Association for Asia and the Pacific, Hong Kong Computer Society, British Computer Society, Hong Kong Institution of Engineers, Hong Kong Corporate Counsel Association, International Bar Association, Inter-Pacific Bar Association, Society of Construction Law, Intelligent Transport Systems, Hong Kong Mediation Council and an Associate member of the Royal Aeronautical Society. Christopher has also written articles and books in areas such as Corporate Governance, Negotiation, Mediation, Arbitration, Intellectual Property, Domain Names Disputes, Ecommerce and Training.



Mr Quentin Loh, SC, heads the Insurance and Reinsurance and the Project and Infrastructure Practice Groups and is a key member of the international arbitration group of Rajah & Tann. He was appointed Senior Counsel in January 1999. Quentin's expertise is acknowledged in a number of leading international journals, including Law Business Research's An International Who's Who of Commercial Arbitrators, Asia Pacific Legal 500, Asialaw Profiles (2007), International Financial Law Review 1000 (2007), and Euromoney's Guide to the World's Leading Lawyers in Insurance and Reinsurance. He is co-author of "Confidentiality in Arbitration - How Far Does it Extend" (Academy Publishing, 2007).

Mr Jason A. Fry is the Secretary General of the ICC International Court of Arbitration. He was previously a Partner in the International Arbitration Group of Clifford Chance. He is a Solicitor of the Supreme Court of England and Wales and a Barrister and Solicitor of the High Court of New Zealand. He holds an LLB from the University of Canterbury and a BCL from the University of Oxford. He is a Fellow of the Chartered Institute of Arbitrators. Prior to his appointment as Secretary General of the ICC Court, Mr. Fry had appeared as counsel, advocate and arbitrator (co-arbitrator, chairman and sole arbitrator) in over fifty international arbitration proceedings. Mr Fry was the Member for New Zealand of the International Court of Arbitration of the International Chamber of Commerce for the last seven years, a member of the ICC Commission on Arbitration and represented the ICC as an Observer at the UNCITRAL Working Group on arbitration law (interim measures). He was also a member of the IBA task force on conflicts of interest in international arbitration. Mr. Fry is also the author of several articles on international dispute resolution.



SPEAKERS' PROFILES ●●●●●●●●



Dato' Cecil Abraham is a Consultant with Zul Rafique and Partners (Advocates & Solicitors). He obtained his LL.B. Hons. from Queen Mary College, University of London in 1968 and is also a Barrister-At-Law of the Middle Temple. He was admitted as an Advocate & Solicitor of the High Court of Malaya in 1970. He is a Chartered Arbitrator and a Fellow of the Chartered Institute of Arbitrators, UK, Malaysian Institute of Arbitrators, Singapore Institute of Arbitrators and the Australian Centre for International Commercial Arbitration Limited. He is also a Fellow of Queen Mary & Westfield College, University of London. He has an extensive arbitration practice and appears as Counsel both in domestic and international arbitrations. He has arbitrated under the UNCITRAL, ICC, SIAC, KLRCA and LCIA Rules since the 1990s and has sat as Chairman, Sole Arbitrator and Co-Arbitrator in international commercial arbitrations in Asia and Europe. He is the current Deputy President of the Malaysian Institute of Arbitrators and Vice President of the Asia Pacific Regional Arbitration Group. He is a Member of the Singapore Chamber of Maritime Arbitration and also a Founding Member of the International Maritime Conciliation and Mediation Panel.

Mr Rajendra Navaratnam obtained his first degree in Electrical Engineering before he retrained in law and started his legal career with Azman Davidson & Co in 1988. He became a Partner of Azman Davidson & Co in 1993, where he practises at present. Rajendra's practice areas are primarily in the areas of construction law, tort and insurance in both litigation and arbitration. He has appeared as counsel in the Court of Appeal and the Federal Court, and has conducted several major appeals in the realm of arbitration, construction and tort law. He acts for and advises employers, contractors and sub-contractors on construction issues and Insurers on insurance claims with engineering and other technical content. He also sits as Arbitrator in construction and other trade disputes, in both international and domestic contexts. Rajendra is member of Malaysian Bar; member of the Institution of Engineers Malaysia, a Registered Professional Engineer with the Board of Engineers, a Fellow of the Chartered Institute of Arbitrators, and is the immediate past Chairman of the Chartered Institute of Arbitrators(Malaysia Branch).



Mr Ivan Loo was admitted as an Advocate & Solicitor of the High Court of Malaya in 1992 and has since been engaged in a variety of civil and commercial cases. A significant portion of his past and present work involves the construction industry in general and disputes involving employers, main contractors and sub-contractors in particular. He primarily appears as lead counsel in arbitration and litigation proceedings representing various companies and individuals in areas of building and engineering contracts, and disputes concerning architects, engineers and other consultants in the construction industry. He is also an accredited mediator with the Malaysian Mediation Centre.

Mr Philip Yang Liang-Yee – Self-employed, full-time maritime and international trade arbitrator; handled maritime and international trade disputes since 1980; published/issued over 300 arbitration awards in the past 12 years as a sole or co-arbitrator. Arbitrate mainly in Hong Kong, but also in London, Melbourne, Singapore and Beijing. Mr. Philip is also a Chartered Arbitrator and Past Chairman (HK Branch, 1990-1992) of the Chartered Institute of Arbitrators; Fellow, Institute of Chartered Shipbrokers; Fellow, the Chartered Institute of Logistic and Transport; Associate, Chartered Insurance Institute; Master Mariner; Member of the Documentary Committee, Baltic and International Maritime Council (BIMCO), Denmark; Immediate Past Chairman and Council Member of The Hong Kong International Arbitration Centre (HKIAC); Chairman of The Asia-Pacific Regional Arbitration Group (APRAG); Member, ICC International Court of Arbitration; Writer of many books and papers in international trade, shipping and arbitration related topics/matters.



SPEAKERS' PROFILES ●●●●●●●●



Mr G. K. Kwatra is the Executive Director of the Indian Council of Arbitration, an apex arbitral institution in India, which has gained recognition amongst the renowned arbitral institutions of the world. He has made numerous presentations at various international forums such as International Trade Centre of UNCTAD and WTO, Harvard Law School and Asian Development Bank. He has authored several books and articles on Domestic and International Commercial Arbitration. He is the co-author of "Arbitration and Alternative Dispute Resolution" published by International Trade Centre of UNCTAD and WTO. Recently, his two works have been published which are "Arbitration Conciliation Law of India" and "Arbitration and Contract Law in SAARC countries". These were released by a Judge of the Supreme Court of India and The Law Minister of India, respectively.

Mr Shishir Dholakia is a Senior Advocate of the Supreme Court of India, based in New Delhi office.

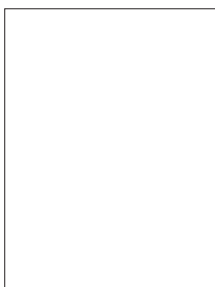
- (Formerly 2003-2005) Member, ICC International Court of Arbitration, Paris
- Vice-President, Asia-Pacific Regional Arbitration Group, Hong Kong
- Member, Executive Committee, International Law Association (India Region), New Delhi
- Member, International Committee on Arbitration, International Law Association, London
- Fellow, Singapore Institute of Arbitrators, Singapore
- Member, Governing Board, CIDC, New Delhi
- Member, Executive Committee, ICC India., New Delhi
- (Formerly) Senior Member, Supreme Court Bar Association, New Delhi
- Member, Institute of Chartered Arbitrators, London
- Vice-President, United Lawyers' Association, New Delhi



Mr Bashir Ahmed is a partner of Afridi & Angell in Dubai, the United Arab Emirates and has practised there since 1988. His experience includes dispute resolutions (primarily in maritime matters) as well as a general corporate and commercial practice. Mr. Ahmed received his B.A. Jurisprudence from Oxford University in 1983, and received an LLM in 1986 from Punjab University Law College in Lahore, Pakistan. He is a member of the New York Bar and the Lahore High Court Bar.

Dr H. Priyatna Abdurasyid, Chartered Arbitrator, London-UK is a Chairman of BANI Arbitration Center, based in Jakarta office, Indonesia. He had successfully settled arbitration/ADR more than 75 disputes in Europe, USA, Asia, Indonesia (institutional-ad hoc) under the rules of INTEL SAT-ICAO-UNCITRAL-ICSID-ICC, Indonesia (see: Point 6). Member of Legal Experts: various Indonesia Government Agencies (Minister of Law/Human Rights, Coordinating Minister of Politics-Security; Minister of Mining-Energy; Minister of Communications; Minister of Defense; Advisor: Chief of Staff of the Air Force; Anti Corruption Commission; Professor of: Military Law; Air and Space Law (Aviation, Air Transport, Insurance, Liabilities of the Air Carrier, Telecommunications, Remote Sensing, Direct Broadcasting, Cyber, Satellite Operation, Geo Stationary Orbit), Arbitration/ADR Law, etc. of Law Schools-Indonesia; Director/Honorary Director, International Institute of Space Law (IISL-Paris); Member, International Astronautical Federation (IAF-Paris); Member, International Academy of Astronautics (IAA-Paris); Fellow, British Interplanetary Society-UK, Planetary Society-USA; Member, American Institute of Aeronautics and Astronautics (AIAA-New York); Panel of Legal Experts/Arbitrators: INTEL SAT-USA, ICAO-Montreal, ICSID-World Bank-USA, American Society of International Law-USA; Fellow, Chartered Institute of Arbitrators, London-Hong Kong, Arbitrator: Indonesia, Singapore, Korea, Japan, Hong Kong, Philippines, Australia, the Netherlands, etc. Member, Asia-Pacific Regional Arbitration Group (APRAG), Sidney-Australia. Member, Commission on Settlement in International Arbitration (CEDR), London-UK. National Commission to the President of the Republic of Indonesia on the Evaluation of Transportation Safety and Security (TIMNAS EKKT). He has also written more than 30 books and 200 papers, published in Germany, France, USA, Japan, Italy, Indonesia etc.





Mr Wilfred Abraham is head of the Arbitration and Alternative Dispute Resolution Practice Group. He was called to the Bar on 20th June 1975, after finishing his Bar final exams and being called to the Honourable Society of Middle Temple. He started practice with Messrs Shearn Delamore & Co until his exit from the firm, and came on board Zul Rafique & Partners as of 1st January 2001. Wilfred Abraham's particular area of practice is alternative dispute resolution, with particular emphasis on arbitration. In the long years of practice that he has registered, he has appeared as Counsel and Arbitrator in many arbitrations, including arbitrations conducted under the auspices of various bodies such as the International Chamber of Commerce, the FIDIC form, as well as the Architects Form of Contract and the KLRCA rules as well as the UNCITRAL rules. He has written various articles on aspects of arbitration in Malaysia and has co-authored the FIDIC Chapter and how it could be used in Malaysia. Wilfred Abraham, in addition to his contentious work, provides advice and drafts building contracts for specialised projects such as cement mills, power generation plants, and other infrastructure projects.

Mr Chang Wei Mun was called to the Malaysian Bar on 18th November 1986. He is a partner of Messrs Raja, Darryl & Loh. He specializes in the area of construction dispute resolution. Wei Mun has been involved in the dispute resolution process with regard to projects involving, amongst others, international airports, hotels, commercial complexes, a water treatment plant, oil rigs, a paper mill, a waste disposal facility, a major dam, a power station, undersea fibre optic cabling, and land reclamation works. He has arbitrated on most of the local standard forms of building contract as well as some international and non standard contracts. To date, Wei Mun has been involved in more than 20 arbitrations many of which are international in nature. Apart from being an advocate and solicitor, Wei Mun is also a:

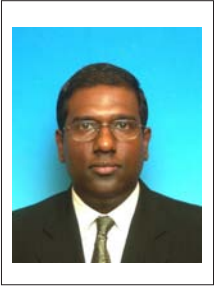


- Member of Panel of Arbitrators, International Chamber of Commerce, Malaysia
- Member of First Panel of Arbitrators, Kuala Lumpur Regional Centre for Arbitration
- Fellow of the Chartered Institute of Arbitrators, Malaysian Institute of Arbitrators and Singapore Institute of Arbitrators
- Registered Mediator with the Malaysian Mediation Centre



Dato' Kevin Woo, JP is a chartered arbitrator who specialises in construction law and arbitration. He obtained his Bachelor of Architecture (Hons) degree from The University of New South Wales, Australia in 1986. His exposure in the various facets of the construction industry led him to desire to see a more orderly growth in the field of Dispute Resolution. He then pursued his Diploma in Arbitration from The College of Estate Management in Reading, United Kingdom in 2000. He is currently the President of The Malaysian Institute of Arbitrators for the Year term 2006 – 2008 and an accredited arbitrator of Kuala Lumpur Regional Centre for Arbitration, Singapore International Arbitration Centre and Asia Pacific Regional Arbitration Group (APRAG). Dato' is an approved tutor of the Chartered Institute of Arbitrators of the United Kingdom, an examiner for the Award Writing Examination and Pupil Master and Assessor for charteredship accreditation of the Institute. He is also a fervent speaker of many arbitral institutions and has written articles on building contracts, dispute and arbitration.

CHAIRPERSONS' PROFILES ●●●●●●●●



Mr Nahendran Navaratnam is Head of Litigation & Dispute Resolution at Kadir Andri & Partners. He is a graduate of Monash University Australia and holds a Bachelor of Science in addition to a degree in Law. Nahendran was called to the Malaysian Bar in 1988 and has over 18 years experience handling trial and appellate work in major corporate, commercial and administrative law disputes for private and public listed companies, major international and Malaysian financial institutions, multinational corporations and professional practices. He also acts in professional discipline inquiries, construction and insurance disputes. He also handles libel work, having acted in several high profile libel suits and for leading local and international publications. His current appointments and memberships include Fellow of the Chartered Institute of Arbitrators. He is also a trained mediator.

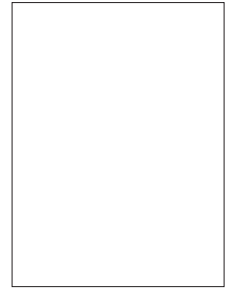
Mr Rodney Colin Gomez graduated with an LL.B (Hons) (2nd Class Upper) from England in 1988. He was called to the English Bar at Middle Temple in September, 1989. He returned to Malaysia and commenced pupillage with Shearn Delamore & Co., Kuala Lumpur, in October, 1989 and was admitted as an Advocate & Solicitor of the High Court of Malaya in August, 1990. He started practice as a Legal Assistant with Shearn Delamore in August 1990 and was made a Partner of Shearn Delamore in January, 2001. His main area of practice is building and construction law. In this respect he undertakes both contentious and non-contentious aspects of building and construction law. He frequently appears in arbitration proceedings whilst undertaking the contentious aspects of building and construction law. Several of these disputes have continued up to the High Court as well as to the Appellate Courts.



Tn. Hj. Abdul Rahman Azubir is the Hon. Secretary of Institut Kelautan Malaysia (IKMAL), a national maritime professional body. Abdul Rahman chaired the IKMAL's Arbitration Committee to design and to beef-up the fast track mechanism for the Small Claim RULES, developing maritime arbitration capabilities and the training of qualified Maritime Arbitrators. With the strong interest amongst IKMAL's members and with the continuous support from the Director, KLRCA and the Consultative representation from the Attorney-General Chambers, the Malaysian Bar Council, MIMA, MISC and the Lloyd's Representatives, the First Draft of the SMALL CLAIMS RULES 2007 was finalized and further refined to meet the industry requirements for any maritime disputes below RM500,000.00. Abdul Rahman is also a Member of the Malaysian Bar Council's Shipping and Admiralty Committee. He also involved in the specific training and consultancy works in related maritime legal discipline and is committed to develop a Maritime Tertiary Education Centre together with UNISEL, the Selangor State University. He also involved in the Editorial of reference work on Malaysian Maritime legal issues and as a series Writer for the Legal Column for "Maritime Malaysia" Journal. He pioneered for the in-house modus operandi for the Sungai Udang Pilotage Board, acted as the Legal Counsel cum Company Secretary for Petronas Maritime Services Sdn Bhd., Sungai Udang Port Sdn Bhd, Kertih Port Sdn Bhd and Kuantan Terminals Sdn Bhd. He is currently the Managing Partner of a legal Firm based in Kuala Lumpur, which offer specialized maritime legal services including ship arrest, ship building and financing and taxation matters.

CHAIRPERSONS' PROFILES ●●●●●●●●

Mr Chong Thaw Sing is the Chairman of the Chartered Institute of Arbitrators Malaysia Branch. He is a Chartered Arbitrator and was a practicing engineer until recently. He now works full-time in alternative dispute resolution as arbitrator and a consultant to the construction industry in dispute avoidance. He has retrained himself in laws and in particular those relating to arbitration and construction and together with his many years experience as an engineer in the construction industry to provide a specialist consultancy on construction disputes. He is also very passionate on training more arbitrators and counsels familiar with arbitration. In this respect during his tenure as Chairman of CI Arb he has initiated many training courses include the latest initiative of the Diploma in International Commercial Arbitration.



Tn. Haji Mohd Rasheed Khan Mohd Idris is currently a Panelist for Malaysian Domain Name Dispute Resolution with the Kuala Lumpur Regional Centre for Arbitration and a member with the Swiss Arbitration Association. He graduated from the Inns School of Law, London. He became a member of the Honourable Society of Lincoln's Inn and was admitted as a barrister-in-law in July 1978, and joined the Judicial and Legal Service and served as Magistrate, Deputy Public Prosecutor and Senior Assistant Registrar of the High Court. In May 1983, he joined Shell Malaysia as its Legal Adviser and worked under various portfolios in its Legal Department. Haji Rasheed also worked in the offices of Shell International, London and The Hague where he gained valuable international exposure. Haji Rasheed served 2½ years as Legal Adviser of Sarawak Shell Berhad and Sabah Shell Petroleum Company Limited that are both Shell's upstream companies engaged in exploration and production of oil and gas. He acted as counsel for RM1 Billion financing for a Shell Malaysia company involving the creation of the first Islamic bonds for RM125 million under Al-Bai' Bithamin Ajil, being the first for Malaysia, and the World; He was part of a Panel at the Malaysian Islamic Finance Forum 2006 together with Dato Azman Mokhtar (MD Khazanah Nasional Berhad) and Puan Mashitah Hj Othman (First Senior VP RHB Sakura) sharing experience of successful Malaysian Islamic Issuers. He was also a speaker at the Malaysian Islamic Finance Forum 2007. He had acted as Malaysian counsel for an international arbitration held in London involving a Malaysian conglomerate and its European distributor. He also led a team of lawyers from A&A to review the aviation laws of Malaysia in particular areas relating to privatisation and made recommendations to the client with proposals for changes to relevant legislations. He is currently enforcing an international arbitration award obtained in favour of a Malaysian company in 4 jurisdictions. He is also a regular speaker on annual corporate counsel conferences held since 2001 and provided key insights on managing external counsel, both local & foreign lawyers, effectively.



International Chamber of Commerce
The world business organization



ICC - KLRC Seminar

9 APRIL 2008 (9 AM - 6 PM)

KUALA LUMPUR CONVENTION CENTRE

KLCC, MALAYSIA



Morning Program

Chaired by Ms Khong Cheng-Yee
Director, ICC Arbitration & ADR Asia

WEDNESDAY, 9TH APRIL 2008 (DAY 3)

08.30 – 09.00 am Registration

09.00 – 09.15 am **The Kuala Lumpur Regional Centre for Arbitration**
Dato' Noorashikin Tan Sri Abdul Rahim

09.15 – 09.30 am **The ICC International Court of Arbitration and its Secretariat**
Mr Jason Fry

09.30 – 10.30 am Initiating the Proceedings:

9.30 am **The Arbitration Clause**
Mr Sumeet Kachwaha and Mr Khoo Guan Huat

10.00 am **Jurisdiction of the Arbitral Tribunal**
Mr John Savage

10.30 – 10.40 am Q&A

10.40 – 11.00 am **Coffee / tea break**

11.00 – 12.00 am **The Arbitral Tribunal:**

11.00 am **Nomination of Arbitrators**
Mr Wong Chong Wah

11.30 am **Duties and Responsibilities of Arbitrators**
Mr Philip Yang

12.00 – 12.10 am Q&A

12.10 – 01.10 am **Lunch**

Afternoon Program

Chaired by Mr Mohd Hazly Bin Md Rais
Legal Counsel, Kuala Lumpur Regional Centre for Arbitration

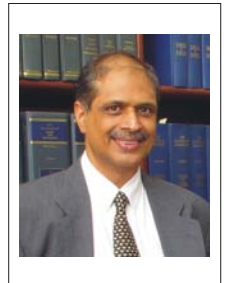
01.10 – 02.10 pm	Arbitral Procedure:
	01.10 pm Organization of the Procedure Dato' Cecil Abraham
	01.40 pm Evidence and Hearings Dr Colin Ong
02.10 – 02.20 pm	Q&A
02.20 – 03.20 pm	Costs of Arbitration and Interest:
	02.20 pm Managing the Costs of Arbitration Dr Frans Hendra Winarta
	02.50 pm Awarding Interest Mr Shishir Dholakia
03.20 – 03.30 pm	Q&A
03.30 – 03.50 pm	Coffee / tea break
.....	
03.50 – 04.50 pm	The Award and its Enforcement:
.....	
	03.50 pm Scrutiny of the Award Mr Jason Fry
	04.20 pm Enforcement of Awards under the New York Convention, particularly in Asia Ms Sally Harpole
04.50 – 05.00 pm	Q&A
.....	
05.00 pm	End of Seminar
.....	

Dato' Noorashikin Bte Tan Sri Abdul Rahim is the Director of the Kuala Lumpur Regional Centre for Arbitration (KLRCAs). She holds a BSc (Hons) degree from the Northern Illinois University, an LLB (Hons) degree from the London University and CLP from the University of Malaya. Dato' Noorashikin was admitted as an Advocate & Solicitor of the High Court of Malaya, whereupon she joined the Judicial and Legal Service of the Malaysian Government. In 2002 she left the Malaysian Government Service and joined the KLRCAs. She began her career at KLRCAs as the Legal Counsel in charge of the administration of Arbitration and Mediation at KLRCAs. She frequently represents KLRCAs at international conferences.



Mr Jason A. Fry is the Secretary General of the ICC International Court of Arbitration. He was previously a Partner in the International Arbitration Group of Clifford Chance. He is a Solicitor of the Supreme Court of England and Wales and a Barrister and Solicitor of the High Court of New Zealand. He holds an LLB from the University of Canterbury and a BCL from the University of Oxford. He is a Fellow of the Chartered Institute of Arbitrators. Prior to his appointment as Secretary General of the ICC Court, Mr. Fry had appeared as counsel, advocate and arbitrator (co-arbitrator, chairman and sole arbitrator) in over fifty international arbitration proceedings. Mr Fry was the Member for New Zealand of the International Court of Arbitration of the International Chamber of Commerce for the last seven years, a member of the ICC Commission on Arbitration and represented the ICC as an Observer at the UNCTRAL Working Group on arbitration law (interim measures). He was also a member of the IBA task force on conflicts of interest in international arbitration. Mr. Fry is also the author of several articles on international dispute resolution.

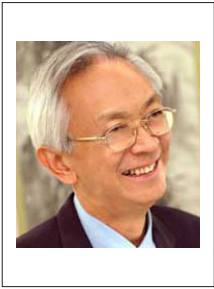
Mr Sumeet Kachwaha has extensive experience in litigation and international commercial arbitrations. Amongst the high profile cases he has been involved with is the Union Carbide Bhopal Gas leak case – the largest damages case in the world. Mr. Kachwaha is recommended by the Chambers Global Guide (U.K) for his command of the law. He has consistently been nominated as a "Highly Recommended Dispute Resolution Practitioner in India" by Global Counsel 3000 and as a "Leading Individual" by Asia Pacific Legal 500 for Dispute Resolution. He is a Vice Chair in the dispute resolution section of the IPBA. He is also a member of Supreme Court Bar Association; International Bar Association; Inter Pacific Bar Association – Vice Chair Dispute Resolution Committee; LCIA; International Arbitration Club (U.K); Swiss Arbitration Association.



Mr Khoo Guan Huat is a Partner of Skrine. He chairs the Intellectual Property Dispute Resolution Practice Group in Skrine. His practice encompasses all aspects of dispute resolution, including arbitration.

Mr John Savage is a partner of Shearman & Sterling, based in the firm's Singapore office. He leads the firm's international arbitration practice in Asia. He is also the co-managing partner of the firm's Singapore office. Mr. Savage has represented governments, corporations and high net worth individuals in over 80 international arbitrations, both institutional and ad hoc, including many corporate, construction and investment treaty disputes. These arbitrations have had a variety of applicable laws, venues and subject-matters. His practice focuses on the representation of Asian clients in arbitrations worldwide, and clients from outside Asia in arbitrations taking place in Asia. In addition to his work as counsel, Mr. Savage has been appointed as chairman, sole arbitrator and co-arbitrator in ICC, ICSID, KLRCAs, SIAC and ad hoc arbitrations. Mr Savage has been with Shearman & Sterling since 1993 and was elected a partner of the firm in 2000.





Mr Wong Chong Wah graduated from the University of Singapore with LLB (Hons) Degree. He was admitted as an Advocate and Solicitor of the High Court of Malaya in 1969 and commenced practice in Skrine then. He was made a partner in Skrine on 1st January, 1976. He was admitted to the Singapore Bar in 1991 and to the Brunei Bar in 1996.

Chong Wah has conducted numerous cases of which at least 60 cases have been reported in the Malaysian Law Journal and other law reports. He acted as one of the counsel in a Constitutional Tribunal specifically set up to inquire into alleged judicial misconduct. He has also acted in several arbitration proceedings involving construction contracts and for various financial institutions in relation to a wide range of litigation matters including local incorporation, mergers and takeovers.

Mr Philip Yang Liang-Yee – Self-employed, full-time maritime and international trade arbitrator; handled maritime and international trade disputes since 1980; published/issued over 300 arbitration awards in the past 12 years as a sole or co-arbitrator. Arbitrate mainly in Hong Kong, but also in London, Melbourne, Singapore and Beijing. Mr. Philip is also a Chartered Arbitrator and Past Chairman (HK Branch, 1990-1992) of the Chartered Institute of Arbitrators; Fellow, Institute of Chartered Shipbrokers; Fellow, the Chartered Institute of Logistic and Transport; Associate, Chartered Insurance Institute; Master Mariner; Member of the Documentary Committee, Baltic and International Maritime Council (BIMCO), Denmark; Immediate Past Chairman and Council Member of The Hong Kong International Arbitration Centre (HKIAC); Chairman of The Asia-Pacific Regional Arbitration Group (APRAG); Member, ICC International Court of Arbitration; Writer of many books and papers in international trade, shipping and arbitration related topics/matters.



Dato' Cecil Abraham is a Consultant with Zul Rafique and Partners (Advocates & Solicitors). He obtained his LL.B. Hons. from Queen Mary College, University of London in 1968 and is also a Barrister-At-Law of the Middle Temple. He was admitted as an Advocate & Solicitor of the High Court of Malaya in 1970. He is a Chartered Arbitrator and a Fellow of the Chartered Institute of Arbitrators, UK, Malaysian Institute of Arbitrators, Singapore Institute of Arbitrators and the Australian Centre for International Commercial Arbitration Limited. He is also a Fellow of Queen Mary & Westfield College, University of London. He has an extensive arbitration practice and appears as Counsel both in domestic and international arbitrations. He has arbitrated under the UNCITRAL, ICC, SIAC, KLRCA and LCIA Rules since the 1990s and has sat as Chairman, Sole Arbitrator and Co-Arbitrator in international commercial arbitrations in Asia and Europe. He is the current Deputy President of the Malaysian Institute of Arbitrators and Vice President of the Asia Pacific Regional Arbitration Group. He is a Member of the Singapore Chamber of Maritime Arbitration and also a Founding Member of the International Maritime Conciliation and Mediation Panel.

Dr Colin Ong is a panel member on many major international arbitral institutions and recommended annually in Asia-Law Leading Lawyers; Asia-Pacific Legal500; International Who's Who Legal (Banking; Arbitration; Construction; Litigation); author of several law books and editorial board member of several international arbitration/legal journals. Panel Member, ASEAN Protocol on Enhanced Dispute-Settlement Mechanism; President of Arbitration Association Brunei Darussalam; LCIA(Asia-Pacific Users' Committee) Council Member; Barrister of Essex Court Chambers and 3 Verulam Buildings; Managing Partner, Dr Colin Ong Legal Services, Brunei Darussalam; Chartered Arbitrator; FAMINZ(Arb); FCI Arb; FMI Arb; FSI Arb; DiplC Arb; LL.B(Hons)(Sheffield); LL.M and Ph.D(London). Adjunct Professor/Fellow of Universiti Kebangsaan Malaysia; National University of Singapore; University of London. Contact: onglegal@gmail.com





Dr Frans Hendra Winarta is practicing as attorney and founder of Frans Winarta & Partners law firm. In 1970 – 1980, he was a manager in various foreign companies, among others, American Home Products, Singer Company and Procter and Gamble. American Bar Association (ABA); American Chamber of Commerce (AMCHAM); council member of the International Bar Association (IBA); the IBA's Human Rights Institute (HRI); member of the user's committee of the Erasmus Law Library; member of IKADIN (Indonesian Bar Association); member of the Governing Board of the National Law Commission (Komisi Hukum Nasional of KHN); appointed as an arbitrator of the Indonesian National Board of Arbitration (BANI); International Chamber of Commerce (ICC), member of the Board of Trustees of the Indonesian Legal Aid Foundation (YLBHI).

Mr Shishir Dholakia is a Senior Advocate of the Supreme Court of India, based in New Delhi office.

- (Formerly 2003-2005) Member, ICC International Court of Arbitration, Paris
- Vice-President, Asia-Pacific Regional Arbitration Group, Hong Kong
- Member, Executive Committee, International Law Association (India Region), New Delhi
- Member, International Committee on Arbitration, International Law Association, London
- Fellow, Singapore Institute of Arbitrators, Singapore
- Member, Governing Board, CIDC, New Delhi
- Member, Executive Committee, ICC India., New Delhi
- (Formerly) Senior Member, Supreme Court Bar Association, New Delhi
- Member, Institute of Chartered Arbitrators, London
- Vice-President, United Lawyers' Association, New Delhi



Ms Sally A. Harpole is a Chartered Arbitrator, accredited mediator, Hong Kong solicitor and California attorney. Based in Beijing and Hong Kong for over 25 years and fluent in Mandarin, she has advised on investment, infrastructure, trade and dispute matters in China since 1977. She co-chairs the IBA Arbitration Committee, and serves on the Executive Committee of the AAA Board of Directors and the Council of the Hong Kong International Arbitration Centre. Ms. Harpole frequently serves as arbitrator in international cases under the UNCITRAL Arbitration Rules, as well as the Rules of CIETAC, ICC, ICDR, SIAC, SCC and other arbitral institutions in Asia and Europe.

Ms Khong Cheng-Yee is the ICC International Court of Arbitration's Director for Asia. She is based in Kuala Lumpur. Ms Khong trained in England, where she graduated in law with honours and then obtained a Master's degree in International Business and Management. She is admitted as a Solicitor of the Supreme Court of England and Wales and as an Advocate and Solicitor in Malaysia. A former member of the ICC International Court of Arbitration Secretariat, Ms Khong practised with a leading international law firm in London and Paris, as well as in Kuala Lumpur, where she specialised in international arbitration.



Mr Mohd Hazly Md Rais graduated with an LL.B (Hons) from the National University of Malaysia. He was previously in practice and was a Legal Advisor for a private company. Mr Mohd Hazly Md Rais is currently a Legal Counsel with the Kuala Lumpur Regional Center for Arbitration (KLRCA) specializing in Arbitration, Mediation and Domain Name Dispute Resolution.

