



International Chamber of Commerce
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ICC - KLRCA 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
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03.50 – 04.50 pm	The Award and its Enforcement:
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	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
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05.00 pm	End of Seminar
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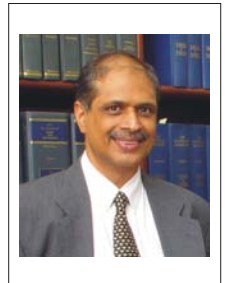
SPEAKERS' PROFILES ●●●●●●●●

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.

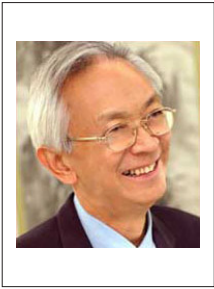
Mr Sumeet Kachwaha has extensive experience in litigation and international commercial arbitrations. Amongst the high profile cases he has been involved with is the Union Carbide Bhopal Gas leak case – the largest damages case in the world. Mr. Kachwaha is recommended by the Chambers Global Guide (U.K) 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.

