

*ICC International Court of Arbitration &  
Singapore International Arbitration Centre*

# Institutional Arbitration in Asia

**18 – 19 February 2005**

**Grand Ballroom, Grand Plaza Parkroyal Hotel  
Singapore**

The popularity of institutional arbitration in Asia is on the rise. This is due in large part to the advantages institutional arbitration offers in resolving transnational disputes in the region. Indeed, in some Asian countries, institutional arbitration is the only form of arbitration that is known and recognized.

This symposium brings together a group of distinguished arbitrators from around Asia to discuss and share their views on current issues in institutional arbitration.

Proudly presented by:



# PROGRAMME

## FRIDAY, 18 FEBRUARY 2005

08:45am – 09:30am	Registration	
09:30am – 09:40am	Welcome	Mr Goh Joon Seng (Chairman, SIAC)
09:40am – 10:00am	ICC in Asia	Dr Robert Briner (Chairman, ICC)
10:00am – 10:10am	SBF and ICC Singapore	Mr Ed Cheong (Director, Services and Macro Policies, SBF)
10:10am – 10:20am	SIAC and the Region	Assoc Prof Lawrence Boo (Deputy Chairman, SIAC)
10:20am – 10:45am	Coffee Break	
10:45am – 12:30pm	Who is a Party – Case of the Non-Signatory	Mr Alvin Yeo SC (Singapore), Mr Christopher To (Hong Kong), Mr Mohit Saraf (India), Mr Hiroyuki Tezuka (Japan)
12:30pm – 1:30pm	Lunch	Guest Speaker: The Honourable Justice V K Rajah (Singapore)
1:30pm – 3:15pm	Appointing the Tribunal – Institutional Practices	Assoc Prof Lawrence Boo (SIAC), Dr Robert Briner (ICC), Dato' Noorashikin Bte Tan Sri Abdul Rahim (KLRCA), Mr Philip Yang (HKIAC), Mr Wang Chengjie (CIETAC)
3:15pm – 3:30pm	Coffee Break	
3:30pm – 5:00pm	Confidentiality Issues in Institutional Arbitration	Mr Michael Hwang SC (Singapore), Prof Michael Pryles (Australia), Mr Vinayak Pradhan (Malaysia)
7:30pm – 9:30pm	Welcome Dinner	

## SATURDAY, 19 FEBRUARY 2005

09:00am – 10:20am	Terms of Reference and Pleadings in Arbitration	Ms Indraneel Rajah SC (Singapore), Dato' Cecil Abraham (Malaysia), Ms Ariel Ye (China), Ms Karen Mills (Indonesia)
10:20am – 10:40am	Coffee Break	
10:40am – 12:20pm	Interim Measures and the Arbitral Institution	Mr Sundaresh Menon (Singapore), Mr Eduardo Ceniza (Philippines), Mr John Darter (Australia)
12:20pm – 1:20pm	Lunch	
1:20pm – 2:45pm	Making of Decisions, Directions, Orders and Awards in an Institutional Arbitration	Mr Chelva Rajah SC (Singapore), Prof Priyatna Abdurrasyid (Indonesia), Mr David Howell (United Kingdom)
2:45pm – 3:00pm	Coffee Break	
3:00pm – 4:00pm	Rapporteurs' Reports Closing Address	Mr Michael Polkinghorne (ICC), Ms Rena Rico (SIAC) Dr Robert Briner (ICC), Assoc Prof Lawrence Boo (SIAC)

# THE SPEAKERS

**Priyatna Abdurrasyid** is the Chairman of Badan Arbitrase Nasional Indonesia (BANI). He is also lecturer at a number of Universities in Indonesia, on topics such as Air Law, Space Law, Arbitration Law and Alternative Dispute Resolution. He is a Fellow of the Chartered Institute of Arbitrators and is an Honorary Director of the International Institute of Space Law in Paris. He has previously held the positions of Deputy Head, Indonesian Delegation, UNCOPUOUS, and Legal Adviser, Indonesian Delegation, ITU.

**Cecil Abraham** is the Managing Partner of Shearn Delamore & Co (Kuala Lumpur, Malaysia). He is a leading litigator and had appeared in many high profile cases in Malaysia. He also frequently sits as arbitrator in ICC, SIAC and many ad hoc arbitrations. Cecil is a Chartered Arbitrator. He is also a Fellow of the Chartered Institute of Arbitrators and a Fellow of the Malaysian Institute of Arbitrators.

**Robert Briner** is the Chairman of the ICC Court of Arbitration. He also serves as a Chairman of the UN Compensation Commission. He had previously served as a member of the Claims Resolution Tribunal for Dormant Accounts in Switzerland and as President at the Iran-United States Claims Tribunal, The Hague. He is a member of the International Council of Arbitration and Sport and is an Executive Board member of the Swiss Arbitration Association. Dr Briner has written extensively on arbitration.

**Lawrence Boo** is SIAC's Deputy Chairman. He was the founding CEO and Registrar of SIAC from 1991–1996. Boo has heard over 150 arbitration disputes. He leads the teaching of international commercial arbitration at the Law Faculty, National University of Singapore and has written extensively on dispute resolution.

**Eduardo R Ceniza** is the President of the Philippine Dispute Resolution Center. He is also the General Counsel of the Lucio Tan Group and is Senior Vice-President, General Counsel and Corporate Secretary of Philippine Airlines Inc. Eduardo was the senior partner of Philippine's largest law practice, SyCip Salazar Hernandez & Gatmaitan and headed the firm's litigation department. He retired from private practice in 1998.

**John Dorter** is a Partner at Allens Arthur Robinson (Sydney, Australia). He is a Past President of The Institute of Arbitrators and Mediators Australia. He is a former lecturer in Building Contracts and Evidence at the University of Sydney and in Arbitration at the University of NSW. He is currently a Senior Fellow of the University of Melbourne, lecturing in the Master of Laws in Construction Law. John appears frequently in ICC arbitration and UNCITRAL arbitrations in Bangkok, Hong Kong and Kuala Lumpur.

**Goh Joon Seng** is the Chairman of SIAC. He is a distinguished and respected figure in the Singapore legal community, having served as a Judge of the Singapore High Court from 1990 – 2000. Mr Goh holds several current positions including President, Council for Religious Harmony; President, Tribunal for the Maintenance of Parents; Member, Appeal Advisory Panel under the Securities and Futures Act, the Financial Advisers Act; Chairman, Consumer Mediation Unit of the Association of Banks in Singapore; Chairman, Insurance Disputes Resolution Organisation Limited. Goh is also a Member of the Permanent Court of Arbitration at The Hague.

**David Howell** is Head of the Arbitration Group of Fulbright & Jaworski LLP (London). He has more than 20 years of experience in international commercial, investment, construction and engineering arbitrations. He practised in Singapore from 1987–2003 and headed Baker & McKenzie's Asia Dispute Group from 1998–2002. He regularly appears as principal counsel in arbitrations held under ICC and UNCITRAL arbitration rules as well as arbitrations conducted under AAA, SIAC, HKIAC and KLRCA rules. He is on the panel of arbitrators of SIAC and ACICA, a Fellow of the Chartered Institute of Arbitrators, the Singapore Institute of Arbitrators

and the Hong Kong Institute of Arbitrators. He was a member of the Sub-Committee of the Law Reform Committee that prepared the 1994 International Arbitration Act of Singapore.

**Michael Hwang SC** practices as Senior Counsel and Arbitrator in Singapore. He was a former Judicial Commissioner of the Singapore High Court, the former Commissioner of the UN Compensation Commission and a former Visiting Professor at the National University of Singapore. He currently serves on the ICC Court of Arbitration and is a Vice-President of the International Council for Commercial Arbitration. He has been accredited to 11 arbitration centres and is Singapore's non-resident Ambassador to Switzerland.

**Sundaresh Menon** is a Partner at Jones Day (Singapore) and he heads the firm's dispute resolution practice in Asia. During his 18 years of practice in commercial and construction law, he has advised and represented clients as lead counsel in complex and technical disputes throughout Asia, including Singapore, Malaysia, India, Thailand, Hong Kong, Brunei, Taiwan, Laos, Vietnam and Sri Lanka. Sundaresh's experience in arbitration extends to numerous cases governed by various rules of arbitration, including ICC, UNCITRAL, SIAC, HKIAC, and LCIA.

**Karen Mills** is the founder and international legal advisor to the firm of KarimSyah Law Firm (Jakarta, Indonesia). Admitted in New York, Karen has been actively engaged in Asia since 1973, spending most part of her last 20 years in Indonesia specializing in arbitration, mediation, debt and corporate restructuring, energy and information technology matters. She is on the panel of arbitrators of BANI, SIAC and HKIAC. She writes, speaks and teaches frequently at numerous seminars, workshops and conferences on arbitration and international dispute resolution.

**Vinayak Pradhan** is a Senior Partner of Skrine (Kuala Lumpur, Malaysia) where he heads the construction and arbitration division. Vinayak had served as a member of the Permanent Court of Arbitration at The Hague and was Commissioner with the UN Compensation Commission for the Iraq-Kuwait compensation claims. He currently serves on the Court of Arbitration for Sport, Lausanne, as well as on the Register of Arbitrators of the Olympic Council of Malaysia. A Fellow of the Malaysian Institute of Arbitrators, the Chartered Institute of Arbitrators, Vinayak has appeared as counsel and sat as arbitrator in many international arbitrations.

**Michael Pryles** is the President of the Australian Centre for International Commercial Arbitration. He is one of Australia's best known international arbitrators. He is currently a member of the London Court of International Arbitration, a Commissioner of the UN Compensation Commission and a consultant to the law firm of Clayton Utz.

**Dato' Noorashikin Bte Tan Sri Abdul Rahim** is the Legal Counsel of the Regional Centre for Arbitration in Kuala Lumpur. Noorashikin holds a BSc (Hons) degree from the Northern Illinois University, an LLB from the London University and CLP from the University of Malaya. She was admitted as an Advocate & Solicitor of the High Court of Malaya, whereupon she joined the Judicial and Legal Service of the Malaysian Government. Among the posts she held during her tenure with the Government Service was as Assistant Parliamentary Draftsman, Senior Federal Counsel, Magistrate, Sessions Court Judge and Deputy Chairman of the Consumer Claims Tribunal.

**Chelva Rajah SC** is the Managing Partner of Tan Rajah & Cheah (Singapore) and leads the firm in arbitration and litigation over mainly banking, building construction, corporate and insolvency disputes. A former Judicial Commissioner of the Singapore High Court (1995–1997), Chelva has sat as arbitrator in many SIAC and ICC arbitrations.

**Indraneel Rajah SC** is a Director at Draw & Napier LLC (Singapore). She is an active litigator with special expertise

in cross-border dispute resolution and arbitration. She has led her team in many cases relating to energy and utilities agreements and multi-jurisdictional frauds. Indraneel is the International Legal Practice Advisor at the John Marshall Law School (Chicago) and the Center for International Legal Studies (Austria).

**Mohit Saraf** is a Senior Partner at Luthra & Luthra Law Offices, one of India's largest law firms and heads the Project Finance, Infrastructure, Energy, Construction Contracts and Regulatory practice. He has been identified as "Recommended Lawyer" and named as "Recommended Projects Practitioner" in India by the 2003/04 edition of Global Counsel 3000. He has extensive experience in advising various infrastructure projects across China, Sri Lanka, Bangladesh and India. He has actively been involved in advising on arbitration and other contentious issues in this context. He is a visiting faculty at various management schools in India and is also a regular speaker at conferences.

**Hiroyuki Tezuka** is a Partner in the law firm of Nishimura & Partners (Tokyo, Japan). Educated at the University of Tokyo and Harvard Law School, Hiroyuki is admitted to both the Japan and New York Bar. He specializes in international litigation and arbitration as well as corporate mergers and acquisitions. He is the Coordinator of the Legislative Council of the Ministry of Justice (Modernisation of Private International Law).

**Wang Chengjie** is the Director of Development Department of the China International Economic Trade Arbitration Commission (CIETAC). He is also Deputy Secretary-General of Grain Sectors Arbitration Center of CIETAC. His professional specialty is in the subjects of international economic law, contract law and international property law. He is a CIETAC arbitrator as well as a panelist of CIETAC's Domain Name Dispute Resolution Centre.

**Christopher Wing To** is the Secretary-General of the Hong Kong International Arbitration Centre. He is on the Council of both the Hong Kong International Arbitration Centre and the Hong Kong Mediation Council. He is a panel arbitrator of the China International Economic and Trade Arbitration Commission and of the Korean Commercial Arbitration Board. He is a Fellow and a Council Member of the Hong Kong Institute of Directors, a Fellow of The Hong Kong Institute of Arbitrators and Chartered Institute of Arbitrators and the Chairman of Hong Kong Internet Registration Corporation Limited.

**Philip Yang** is the Chairman of the Hong Kong International Arbitration Centre. Trained as a master mariner and shipbroker, Philip became a full-time maritime and international trade arbitrator in 1980. He has since published over 200 awards. Philip is member of the Professional Committee of the Chartered Institute of Arbitrators. He is also a Fractional Professor with the Hong Kong City University teaching international commercial arbitration and has written many books and articles on international trade shipping and arbitration.

**Ariel Ye** is a Partner in the Chinese law firm of King & Wood (Shenzhen, PRC China). She obtained her LLB from Beijing University and has an LLM from the Chinese Academy of Social Science, the Law Institute, Beijing and Harvard Law School. She is admitted to the PRC and New York Bar. Ariel is a leading expert in PRC-related dispute resolution with special practice interest in cross-border insolvency. She has handled numerous complex CIETAC arbitrations and PRC court litigation.

**Alvin Yeo SC** is the Managing Partner of Wong Partnership (Singapore). He heads the firm's Litigation & Dispute Resolution Practice Group. Alvin is a member of the Law Reform Committee of the Singapore Academy of Law, the Council of the Law Society of Singapore and Appeal Advisory Panel of the Monetary Authority of Singapore. He is also on the SIAC's Panel of Arbitrators.

## ABOUT SINGAPORE BUSINESS FEDERATION/ICC SINGAPORE:

As the APEX business chamber, the Singapore Business Federation (SBF) champions the interests of the business community in Singapore in trade, investment and industrial relations. Nationally, SBF acts as the bridge between the government and businesses in Singapore to create a conducive business environment. Internationally, SBF represents the business community in bilateral, regional and multilateral fora for the purpose of trade expansion and business networking. SBF also runs ICC (International Chamber of Commerce) Singapore. ICC is the voice of world business championing the global economy.

# REGISTRATION FORM



## FEE

**PACKAGE A** (inclusive of Symposium material, refreshments, lunches & welcome dinner): **S\$900** (inclusive of 5% GST)

**PACKAGE B** (inclusive of Symposium material, refreshments, lunches, welcome dinner and hotel accommodation\*)

**B1** Overseas Corporate Nominees: **S\$1,240** (5% GST not applicable)

**B2** Overseas individuals: **S\$1,302** (inclusive of 5% GST)

Check-in Date: \_\_\_\_\_ Check-out Date: \_\_\_\_\_ Room Type:  Single Superior  Twin Superior

\* Accommodation with breakfast is for 3D/ 2N from 17 February to 19 February 2005 only. Any extension of hotel room will be at your own cost at a specially negotiated rate of S\$170 nett for Single Superior room, S\$185 nett for Twin Superior room (both inclusive of breakfast). We will be pleased to make these bookings for you, subject to room availability. You will be responsible for settling all additional expenses directly with the hotel.

## YES, PLEASE SIGN ME UP

Please complete this registration form, indicating payment method and fax to +65-6883 0823.

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Dietary Requirements

## PAYMENT METHODS

**Cheque/Bank Draft**

Crossed cheque or bank draft made payable to **Singapore International Arbitration Centre**. Please mail your payment together with this registration form to Singapore International Arbitration Centre, City Hall, 3 St Andrew's Road, Singapore 178958  
Attn: Ms Ayres Lau.

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**Telegraphic Transfer\***

Payment by telegraphic transfer should be made to **Singapore International Arbitration Centre**, A/C No. 650-740111-001, Swift Code: OCBCSGSG, OCBC Bank (Coleman Branch), 1 Coleman Street #01-09, The Adelphi, Singapore 179803.

\* Delegates are to bear all bank charges incurred.

## NOTICE

**Confirmation of Registration:** Registration will be confirmed by email upon receipt of full payment accompanied by completed registration form. Seats are limited and will be available on the first come first serve basis.

**Cancellation Policy:** A written notice of cancellation must be made before 1 February 2005 and must be confirmed by the SIAC. Otherwise, all fees will remain fully payable. For cancellation received before 1 February 2005, a full refund will be made. For cancellation received on and after 1 February 2005, a refund of 50% of full payment will be made. Regrettably no refunds can be made for cancellations received on or after 11 February 2005. Registrations are transferable within the same organization and same fee category. This is subject to SIAC being notified of the details of the substitute delegate. SIAC reserves the right to cancel the Symposium or change the venue, speakers, dates or revise the programme or the fees should circumstances so warrant.

**Enquires:** Please contact Ms Sabiha Shiraz at +65-6334 1277 or events@siac.org.sg.