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INDONESIA & SE ASIA: 6TH ANNUAL INTERNATIONAL ARBITRATION & REGULATORY SUMMIT

The GC Handbook

(This conference will be conducted in English)

Thursday, 6 December 2018, 9:10am – 4:30pm

Mandarin Oriental Jakarta



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SPEAKERS



M. Husseyn Umar
Chairman,
BANI Arbitration Center
Opening Address



David Bateson
Arbitrator 39 Essex Chambers
Keynote Speaker



Campbell Bridge SC
7 Wentworth Selborne
Moderator – 1st Grand Panel



Arvindran Manoosegaran
Associate Investment Manager,
IMF Bentham



Pardeep Singh Khosa
Director, Dispute Resolution,
Drew & Napier



Nicolas Wiegand
Managing Partner,
CMS Hong Kong



Prawidha (Wida) Murti
Partner,
Oentoeng Suria & Partners



Kua Lay Theng
Partner, Infrastructure,
Construction & Engineering
Practice, WongPartnership LLP



James Noble
Partner, Harney Westwood &
Riegels Singapore LLP



Tan Hsuan Boon
Partner, Wee Swee Teow LLP



Kent Phillips
Partner, Hogan Lovells Lee & Lee



Litsan Chong
Counsel,
Thailand Arbitration Centre



Cameron Ford
Corporation Counsel, Rio Tinto



Daniel Levison
Partner & Head of Singapore
Litigation, Morrison & Foerster

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SCHEDULE

9:10 – 9:25	Opening Address M. Hussey Umar, Chairman, BANI Arbitration Center	12:30 – 13:30	Networking Lunch
9:25 – 9:50	Keynote Session – Global Overview on International Arbitration David Bateson, Arbitrator 39 Essex Chambers	13:30 – 14:10	1st Grand Panel – Exit Procedures and Emergency Arbitration in SE Asia Moderator • Campbell Bridge SC, 7 Wentworth Selborne Panellists: • Kent Phillips, Partner, Hogan Lovells Lee & Lee • Litsan Chong, Counsel, Thailand Arbitration Centre • Cameron Ford, Corporation Counsel, Rio Tinto
9:50 – 10:10	Investment Arbitration in South East Asia	14:10 – 14:40	Managing Internal Investigations Daniel Levison, Partner & Head of Singapore Litigation, Morrison & Foerster
10:10 – 10:40	Enforcement of Awards – What's New at the End of 2018 Prawidha (Wida) Murti, Partner, Oentoeng Suria & Partners	14:40 – 15:00	FCPA Update for Indonesia and SE Asia
10:40 – 11:05	Networking & Morning Refreshment	15:00 – 15:25	Networking & Afternoon Refreshments
11:05 – 11:30	3rd Party Funding – Pros & Cons in International Arbitration • Arvindran Manoosegaran, Associate Investment Manager, IMF Bentham • Pardeep Singh Khosa, Director, Dispute Resolution, Drew & Napier	15:25 – 15:45	Tracing of Proceeds of Fraud in Bank Accounts Tan Hsuan Boon, Partner, Wee Swee Teow LLP
11:30 – 11:50	Advising on Cross Border Disputes – SE Asia and International Focus Nicolas Wiegand, Managing Partner, CMS Hong Kong	15:45 – 16:30	2nd Grand Panel – Dealing with an Expert Witness in Different Jurisdictions Moderator • TBC Panellists: • David Bateson, Arbitrator 39 Essex Chambers • Cameron Ford, Corporation Counsel, Rio Tinto
11:50 – 12:10	Singapore Infrastructure Dispute Protocol Kua Lay Theng, Partner, Infrastructure, Construction & Engineering Practice, WongPartnership LLP	16:30 – 16:35	Closing Remarks & Lucky Draw
12:10 – 12:30	Cross Border Disputes Involving Cayman, BVI and Bermuda Entities – What You Need to Know James Noble, Partner, Harney Westwood & Riegels Singapore LLP	16:35 – 17:30	Networking Cocktail Party

M. Husseyn Umar, Chairman, BANI Arbitration Center

M. Husseyn Umar, SH, FCBarb, FCI Arb, is the Chairman of BANI Arbitration Center and also arbitrator at the institution and the current President of Asia Pacific Regional Arbitration Group (APRAG). He is a Fellow of BANI Arbitration Center and a Fellow of The Chartered Institute of Arbitrators (CI Arb).

Besides acting as arbitrator in ad hoc and BANI arbitrations, he was also acting as arbitrator or counsel or expert in international arbitrations. He has also acted as expert in the court in various countries. He has attended either as attendee or speaker in various seminars / workshops on international arbitration in Indonesia and abroad.

Mr. Umar is listed as arbitrator in the Panel of Arbitrators / Conciliators at the International Center for Investment Disputes (ICSID), Washington D.C. and in the Panel of Arbitrators at the Asia-Pacific Regional Arbitration Group (APRAG) in Sydney. Mr. Umar is also Of Counsel in the Law Office Ali Budiardjo, Nugroho, Reksodiputro (ABNR) in Jakarta.

Before practicing law, he was a government official at the Ministry of Transport and Communication in various positions. He had been appointed as an Attache for Transport Communication and Maritime Affairs at the Indonesian Embassy in the Hague (the Netherlands). He has also been appointed as Sectoral Adviser on Shipping, Ports, Multi-modal Transport and International Maritime Legislation at the Permanent Secretariat of the United Nations Conference on Trade and Development (UNCTAD) in Geneva. He has ever been appointed as President Director of Pelni National Shipping Company and PT PANN Ships Financing & Leasing Corporation.

As an arbiter in national and international arbitration, he handles many disputes relating corporate problems, finance, transportation, communication, infrastructure, trade, mining etc.

He have published a various books and articles on maritime law, arbitration, poetry and on some other topics. The books were written both in Bahasa Indonesia and in English.

David Bateson, Arbitrator 39 Essex Chambers

David Bateson is a leading international arbitrator who has been involved as arbitrator in over 130 arbitrations in Africa, Asia, Europe, the Middle East and South America. He has acted as Chairman, party-appointed arbitrator, or sole arbitrator in arbitrations under the rules of the AAA, AIAC, BANI, CIETAC, HKIAC, DIAC, ICC, LCIA, PCA, SIAC and VIAC, or in ad hoc arbitrations.

He has extensive experience in disputes in a variety of industry sectors including, construction, resources, commodities, insurance, joint ventures, shareholder agreements, shipping and telecommunications.

In construction, energy and resources he has been involved in many of the largest projects in the region, Europe and the Middle East, acting for governments, developers, contractors and subcontractors.

Chambers Asia 2016 described him as “pre-eminent and widely experienced”, “one of the top arbitrators in the region” who is “excellent at pretty much everything he is doing” and “an accomplished arbitrator, who is getting more and more cases in Asia, and worldwide”. Asia Pacific Legal 500 stated that David is “one of the top arbitrators in the region”. Chambers Asia 2017 describe him as “a very good arbitrator” “writing a very good award” “well able to control an arbitration” and “culturally sensitive”. He is listed in Chambers “Most In Demand Arbitrators” - Asia

In recent editions of Global Counsel 3000, Who’s Who of Commercial Arbitration, Chambers Asia, and Asia Pacific Legal 500, David was named as a leading arbitrator and an expert in commercial arbitration, commercial litigation and construction. Asia Pacific Legal 500 and Chambers & Partners Asia have variously referred to him as “a pre-eminent construction practitioner” and “a big name with a strong reputation for construction-related litigation”.

Before joining 39 Essex Chambers in Singapore, David was a partner of Mallesons Stephen Jaques and King & Wood Mallesons, based in Hong Kong. He has over 38 years of legal experience and is a specialist in all forms of dispute resolution including arbitration, litigation and alternative dispute resolution. He has been resident in Asia since 1980 and before that he lived in Africa, Fiji and New Zealand. He is now based in Singapore.

Campbell Bridge SC, 7 Wentworth Selborne

Campbell Bridge SC is a Senior Counsel, Mediator and Arbitrator from 7 Wentworth Selborne Chambers in Sydney. He has been a Senior Counsel for 20 years.

He is recognised in the following publications - Best Lawyers in Australia 2019 in ADR; Doyle’s Guide - Leading Mediators - New South Wales, 2018, and Doyle’s Guide - Leading Arbitration Barristers - Australia, 2018.

His practice involves class actions, major inquests, public and product liability matters, construction and commercial matters, common law disputes, corporate and trust disputes, disciplinary matters and professional negligence actions.

He is an Accredited Mediator and Arbitrator in Australia, Indonesia (PMN and BANI) and Malaysia (FAIADR). He has acted as mediator in many hundreds of Australian disputes in the above areas as well as in international mediations in Indonesia and Singapore in mining and energy disputes, infrastructure disputes, and medical negligence matters.

Arvindran Manoosegaran, Associate Investment Manager, IMF Bentham

Arvindran is an Associate Investment Manager in our Singapore office, responsible for assessing and managing funded cases throughout Asia, including arbitration, litigation and insolvency claims.

Prior to joining IMF Bentham, Arvindran was a senior member of the Arbitration and Dispute Resolution team of leading global law firm, K&L Gates LLP, where he handled and managed complex, cross-border disputes spanning a broad range of sectors including construction, energy, commodities and education services, as well as investigations.

Arvindran began his career at Drew & Napier LLC, the premier disputes resolution firm in Singapore, and rose through the ranks to become an Associate Director in the Dispute Resolution department. He enjoyed a broad and high quality practice in both international arbitration and litigation, advising as well as appearing on behalf of high profile clients in private equity and other investment-related disputes, shareholder, partnership and corporate disputes, and civil fraud. He has also acted on a number of international arbitrations under the SIAC Rules. Notably, he was appointed by the Supreme Court of Singapore as amicus curiae in 2015 where he assisted the Court in addressing novel points of law. He was also the winner of Fountain Court Chambers’ Christopher Bathurst Essay Prize in 2014, culminating in an attachment with Fountain Court Chambers in London for 5 weeks.

Throughout his career, Arvindran has represented an international clientele of multinational organisations from Singapore, India, China, Japan, Korea and the Middle East, spanning industries including media, financial services, education, property development and construction, energy, transport and hospitality.

Arvindran holds a Bachelor of Laws Degree (2nd Upper Class Honours) from the National University of Singapore. He also served as a Council Member of the Law Society of Singapore between 2014 to 2016. Arvindran is fluent in English and Tamil.

Pardeep Singh Khosa, Director, Dispute Resolution, Drew & Napier

Pardeep is a Director in the Dispute Resolution department of Drew & Napier LLC, which is one of Singapore’s largest law firms and Singapore’s premier disputes resolution firm.

Pardeep has a broad and high quality practice that spans a wide range of areas of commercial litigation, international arbitration, and advisory work. He has advised and acted for high profile clients including governments, statutory boards, listed companies and high net worth individuals in high value, complex and multi-jurisdictional disputes relating to construction and engineering, shipping, oil and gas, civil fraud, corporate/shareholder disputes, banking and financial services, as well as disputes involving professional negligence, public and administrative law, defamation, and employment law.

Pardeep has extensive experience in litigation in the Singapore courts and international arbitrations, and has a wide experience of dealing with all types of disputes relating to arbitrations under various institutional arbitration regimes, including the Singapore International Arbitration Centre, the International Chamber of Commerce, and the London Court of International Arbitration

In 2016, Pardeep was identified by the Singapore Business Review as one of Singapore’s influential lawyers aged 40 and under. In 2014, he obtained an LL.M. (Distinction) with a specialism in Litigation and Dispute Resolution from the University College London. He graduated with a Bachelor of Laws Degree (Honours) from the National University of Singapore in 2008. In 2012, Pardeep was a member of the Drew & Napier team which won the inaugural Essex Court Chambers-Singapore Academy of Law Moot Competition for Singapore lawyers and earned him a 4- week attachment with Essex Court Chambers in London.

Pardeep is a member of the Law Society’s Criminal Legal Aid Scheme, Chartered Institute of Arbitrators, and Construction Law Society (Singapore). He also undertakes pro-bono criminal work.

Nicolas Wiegand, Managing Partner, CMS Hong Kong

Nicolas Wiegand acts as arbitrator and counsel throughout Asia Pacific, Europe and the Middle East. He has handled nearly 100 international commercial arbitrations under all major arbitration rules (mainly ICC, HKIAC, UNCITRAL, SIAC and DIS, but also LCIA, KCAB, DIAC, ASA, VIAC, SCC and others) as well as numerous investment treaty claims (ICSID, UNCITRAL). His most recent practice has centred on disputes relating to construction/major projects, joint venture agreements, IP and IT-related disputes, M&A transactions, licensing agreements, sales, distribution and service agreements, and gas/energy supply agreements. He additionally specialises in investor-state disputes. The focus of his work is on Asia; he has advised on numerous high profile cases at the main Asian arbitration hubs for companies from the region, Europe, the US and beyond. At CMS Hong Kong, Nicolas leads a team of lawyers specialized in arbitration disputes between East Asian and overseas companies, with a strong focus on construction arbitration and major projects.

Born and raised in Switzerland, Nicolas is a German national and, besides his longstanding practice in Germany, has previously worked in Australia, Switzerland and the United States. He now heads up the CMS office in Hong Kong, after having spent many years at Arbitration Chambers Hong Kong. Nicolas regularly sits as arbitrator in the region. He is on the panel of arbitrators of the Hong Kong International Arbitration Centre (HKIAC), the Kuala Lumpur Regional Centre for Arbitration (KLRC), the Shenzhen Court of International Arbitration (SCIA) and the Dubai International Arbitration Centre (DIAC), among others. He regularly gives talks on arbitration-related matters at international conferences and conducts training courses for the HKIAC and others. Nicolas is repeatedly recognised by leading legal publications such as Who’s Who Legal - Arbitration and Best Lawyers as one of the leading lawyers in his field.

Prawidha (Wida) Murti, Partner, Oentoeng Suria & Partners

Wida has been practising litigation for more than 15 (fifteen) years. Within those 15 years she had handled many cross borders corporate commercial disputes, bankruptcy, restructuring (“PKPU / Suspension of Payment Obligation”) employment disputes, International and domestic arbitration, and other various International Cross Border Disputes. She has been assisting in many foreign proceedings, courts and arbitrations. While doing these jobs, she gained experience in working with many prominent International Law Firms, Foreign and UK ‘s Queen Counsels.

She had handled many high profile commercial disputes in the Indonesian such as civil and bankruptcy courts, as well as the Indonesian Arbitration Centre (BANI), with many of these involving foreign parties. Her practice has a uniquely international flavour, from her involvement in a variety of international commercial disputes including cross-border and parallel foreign court litigation

proceedings and various international arbitration. Her strong focus on crossborder disputes gives her a depth of experience in coordinating and managing parallel proceedings across multi-jurisdictions and gives her familiarity with common law approach. In recent years, she has been involved in many significant cases before the domestic and International arbitration and also the Indonesian courts, civil and commercial/bankruptcy court. She is also involved in many efforts in enforcing international arbitration awards and she has also assisted in many high profile Foreign Court Proceedings and International Arbitration.

Within 15 years of experience expands beyond commercial litigation to include cross-border family law, cross borders asset settlements and criminal proceedings, as well as a niche practice in anti-monopoly proceedings, including hearings before the Indonesian Competition Supervisory Authority (KPPU), Industrial Relation Courts for employment dispute, her practice is also broaden as strategic advisor in bankruptcy and restructuring, employment contract, dismissal and redundancy, employment dispute in Industrial Court.

Kua Lay Theng, Partner, Infrastructure, Construction & Engineering Practice, WongPartnership LLP

KUA Lay Theng is a Partner in WongPartnership’s Infrastructure, Construction & Engineering Practice. Her main areas of practice encompass contentious work in arbitration and litigation in infrastructure, construction and engineering sectors in Singapore and overseas. She also does project advisory work involving drafting, reviewing, negotiating and advising on construction contracts including standard form contracts such as the FIDIC forms. Prior to joining WongPartnership, Lay Theng was a Partner at Skrine, a leading law firm in Kuala Lumpur, Malaysia where she also handled construction-related disputes. From 2010 to January 2012, she was Counsel and Deputy Registrar of the Singapore International Arbitration Centre (“SIAC”) where she supervised the administration of arbitration cases filed at the SIAC. Lay Theng graduated from the University of Leicester and holds a Master of Laws degree from the National University of Singapore. She is admitted to the Singapore Bar, Malaysian Bar and the English Bar (Middle Temple). She is a Fellow of the Chartered Institute of Arbitrators (FCIArb) and the Singapore Institute of Arbitrators (FSIARB).”

James Noble, Partner, Harney Westwood & Riegels Singapore LLP

James is a partner in our Litigation and Restructuring practice group. He is a leading Cayman Islands and British Virgin Islands litigation lawyer based in Asia where he specialises in complex and high value shareholder litigation, asset recovery, cross-border enforcement and insolvency.

James has nearly 20 years of experience working in a wide variety of commercial disputes including financial services litigation, trust and estate disputes and insolvency and restructuring. He regularly acts in high profile and market leading cases, particularly in connection with companies listed on the Hong Kong stock exchange. James also advises clients on litigation funding in the offshore courts.

The Litigation, Insolvency and Restructuring team at Harneys is globally recognized as the dominant force in offshore litigation and restructuring. The team has been at the forefront of the development of offshore jurisprudence for decades and has been involved in the most significant global disputes, including acting for: senior lenders in the restructuring of Mongolian Mining Corporation (in provisional liquidation); a consortium of institutional investors in a BVI claim emanating from the Bernie Madoff fraud; the liquidators of SIFCO5 in a US\$10 billion multi-jurisdictional fraud claim; and controlling stakeholders in a global shareholder dispute relating to listco giant, WTK Holdings Berhad.

Tan Hsuan Boon, Partner, Wee Swee Teow LLP

Hsuan Boon is a partner in Wee Swee Teow LLP, one of the oldest law firms in Singapore with strong capabilities in international commercial and construction dispute resolution.

He has experience working in a wide variety of commercial disputes including corporate and insolvency-related litigation. He has concurrently grown his practice in contentious trust and estate disputes, involving asset tracing rules and proprietary remedies.

He advises a diverse range of clients, including those from information technology, marine, real estate and commodities industries. He regularly works closely with foreign counsel on both contentious and non-contentious matters, to provide commercially sensitive solutions both in the domestic and international context.

Kent Phillips, Partner, Hogan Lovells Lee & Lee

Kent has over 15 years’ experience as a dispute resolution lawyer, concentrating on international arbitration in both London and Singapore. Kent has conducted arbitrations under leading institutional rules in most major seats, under both civil and common applicable laws. His extensive trial experience includes high value commercial disputes across a number of sectors and jurisdictions. His final years in London were spent leading disputes between high profile Russian oligarchs, with merits hearing of claims involving some US\$3bn. From Singapore he is routinely involved in disputes relating to services and infrastructure in the resources, energy and oil & gas sectors. These include construction and commodities matters and often involve South East Asia or India.

He conducts all stages of proceedings, from interim measures to advocacy at trial. He also holds full registration as a foreign lawyer to appear before the Singapore International Commercial Court. Kent is recognised by Chambers Asia Pacific as a leading individual for Dispute Resolution: Arbitration (Singapore) in 2014 and 2015. He regularly sits as an arbitrator and is on the SIAC panel. He is a director of the Chartered Institute of Arbitrators - Singapore branch.

Litsan Chong, Counsel, Thailand Arbitration Centre

Litsan holds the position of Counsel for the foremost international arbitral institution in Thailand - the Thailand Arbitration Center (THAC). Prior to joining THAC, Litsan worked at Asian International Arbitration Centre. Her current role includes the administration and management of domestic/international arbitration proceedings. She is well-versed in the Thailand Arbitration Act 2002, THAC Arbitration Rules and a variety of arbitration rules in the region. She is also tasked with developing the philosophy and strategy of the Center and policy work of promoting alternative dispute resolution in Thailand.

Litsan read law at the University of Surrey and holds a LL.M. in International and European Law from the University of Jean Moulin Lyon III. Later, she completed the Bar Professional Training Course in London. Litsan is admitted to both the England & Wales Bar and the Malaysian Bar. She speaks English, French, Mandarin, Cantonese and Malay.

Cameron Ford, Corporation Counsel, Rio Tinto

Cameron is Senior Counsel with a multinational mining company in Singapore practising in disputes and commercial law. As well as the usual LLB and LLM, he has a Graduate Certificate in International Arbitration from NUS, a Master of Arts in Contemporary China from Nanyang Technological University, and is a PhD candidate at Monash University on security for costs in international arbitration.

Cameron spent most of his career in private practice in law firms and at the independent Bar in Australia practicing in commercial dispute resolution before going in-house in 2008. He has worked as in-house counsel in Singapore since 2009 with a half-year stint in Mongolia.

Cameron is a Fellow of the major arbitration institutes and is on the panels of the SIAC, SIARB, IACA, HKIAC and the Beijing Arbitration Commission. He is Chair of the SIAC Users Council Committee for Australia and New Zealand, a Member of the SIAC Users Council Executive Committee, Corporate Counsel Liaison for the IBA Pacific Forum, Chair of the Singapore Chapter of the Australian Law Council, on the Executive Committee of the Singapore Corporate Counsel Association, and is mediator and security of payment adjudicator.

Daniel Levison, Partner & Head of Singapore Litigation, Morrison & Foerster

Daniel Levison is a partner in Morrison & Foerster’s Singapore office, where he heads its Litigation, Compliance and Investigations Department. Mr. Levison counsels clients regarding compliance matters and conducts internal investigations and compliance reviews across the Asia-Pacific region, where he has over 18 years of experience.

Clients say that Mr. Levison “is intelligent, thorough and flexible in meeting our company’s needs”, and rely on his experience with highly sensitive matters, which have included fraud and corruption, cartel and other competition matters, antimoney laundering, export control, privacy and data security, and regulatory and product safety investigations. In addition, he assists clients with pre-acquisition and third-party anti-corruption due diligence, and developing, reviewing and implementing anti-corruption policies, procedures and training programs.

Mr. Levison was recently listed by Chambers Asia-Pacific 2018 as a top practitioner in his field for Corporate Investigations/Anti-corruption.

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