

3RD South Pacific International Arbitration Conference

De-Risking Investment in the South Pacific Through a
World Class International Arbitration Disputes Regime

17 March 2021, 09:30–16:00 Sydney Time
Yallamundi Rooms, Sydney Opera House and Virtual via Zoom







● An aerial shot of Tuvalu, a microstate consisting of nine low-lying atolls with a total area of 26 square kilometers and a population of 11,646 people (photo by Eric Sales/ADB).

CONTENTS

1	Conference Agenda	3
2	Background Paper	11
3	Inaugural Session Speakers	17
4	Keynote Speaker	20
5	Moderators	22
6	Confirmed Speakers	31
7	Facilitators	57
8	Conference Secretariat	61



[The] concept of arbitration is a simple one. Parties who are in dispute agree to submit their disagreement to a person whose expertise or judgment they trust. They each put their respective cases to this person—this private individual, this arbitrator—who listens, considers the facts and the arguments, and then makes a decision. That decision is final and binding on the parties; and it is binding because the parties have agreed that it should be, rather than because of the coercive power of any State.

Source: N. Blackaby et al. 2009. *Redfern and Hunter on International Arbitration*. 5th ed. New York: Oxford University Press, Inc.



● Phosphate and oil cantilevers in Nauru
(photo by Eric Sales/ADB).

1

CONFERENCE AGENDA

Welcome to the Country —A Traditional Opening Ceremony

Session time by location:

9:20 a.m.–9:30 a.m. (Sydney)

10:20 a.m.–10:30 a.m. (Fiji)

8:20 a.m.–8:30 a.m. (PNG)

6:20 a.m.–6:30 a.m. (SG/HKG)

3:50 a.m.–4:00 a.m. (India)

6:20 p.m.–6:30 p.m. (US Eastern, -1 day)

● A major road in Tarawa, Kiribati
(photo by Eric Sales/ADB).

Inaugural Session

Session time by location:

9:30 a.m.–10:15 a.m. (Sydney)

8:30 a.m.–9:15 a.m. (PNG)

4:00 a.m.–4:45 a.m. (India)

10:30 a.m.–11:15 a.m. (Fiji)

6:30 a.m.–7:15 a.m. (SG/HKG)

6:30 p.m.–7:15 p.m. (US Eastern, -1 day)

■ OPENING REMARKS

9:30 a.m.–9:40 a.m. (Sydney time)

▶ THOMAS M. CLARK

General Counsel, Asian Development Bank (ADB)

▶ ATHITA KOMINDR

Head, Regional Centre for Asia and the Pacific, United Nations Commission on International Trade Law (UNCITRAL)

■ KEYNOTE ADDRESS

9:40 a.m.–10:00 a.m. (Sydney time)

▶ JOHN W.H. DENTON AO

Secretary General, International Chamber of Commerce

Break 10:00 a.m.–10:15 a.m. (Sydney time)

Plenary Sessions

Session time by location:

10:15 a.m.–12:00 p.m. (Sydney)

9:15 a.m.–11:00 a.m. (PNG)

4:45 a.m.–6:30 a.m. (India)

11:15 a.m.–1:00 p.m. (Fiji)

7:15 a.m.–9:00 a.m. (SG/HKG)

7:15 p.m.–9:00 p.m. (US Eastern, -1 day)

SESSION 1

INVESTING IN THE PACIFIC: PROMOTING CONFIDENCE IN INTERNATIONAL BUSINESS THROUGH A STABLE DISPUTES REGIME - A ROUNDTABLE WITH THE INTERNATIONAL BUSINESS AND DEVELOPMENT COMMUNITY

10:15 a.m.–11:00 a.m. (Sydney time)

- GLOBAL AND REGIONAL FOREIGN DIRECT INVESTMENT IN THE PACIFIC
- MITIGATING INVESTMENT DISPUTES RISK

▶ **MODERATOR:** *Damien J. Eastman, Deputy General Counsel, ADB*

▶ **SPEAKERS:**

Lotte Schou-Zibell, *Regional Director, Pacific Liaison and Coordination Office, ADB*

Prof. Dr. Jordi Paniagua, *Professor of Economics, University of Valencia*

Mark Russell, *Senior Commercial Officer for Australia and New Zealand, U.S. Department of Commerce*

Craig Strong, *Chief Executive Officer, Investment Fiji*

Ram Bajekal, *Managing Director, FMF Foods Limited*

Michael Henao, *Vice President, Port Moresby Chamber of Commerce and Industry*

Changwan Han, *Director, International Dispute Settlement Division, Ministry of Justice, Republic of Korea*

Break 11:00 a.m.–11:15 a.m. (Sydney time)

■ SESSION 2

THE PACIFIC COUNTRIES AND INTERNATIONAL ARBITRATION REFORM

11:15 a.m.–12:00 p.m. (Sydney time)

- THE NEW YORK CONVENTION AND THE PACIFIC COUNTRIES
- UPDATE ON INTERNATIONAL ARBITRATION REFORM IN THE PACIFIC
- ▶ **MODERATOR:** **Gary Born**, *International Arbitration Practice Group, Wilmer Cutler Pickering Hale and Dorr LLP/President, SIAC Court of Arbitration/ADB International Arbitration Expert*
- ▶ **SPEAKERS:**
 - Hon. Tatafu Toma Moeaki**, *Minister of Trade and Economic Development, Tonga*
 - Hon. Kaleb Udui, Jr.**, *Minister of Finance, Palau*
 - Dr. Eric Kwa**, *Attorney General, Department of Justice and Attorney General, Papua New Guinea (to be confirmed)*
 - H.E. Dr. Manuel Cãrceres da Costa**, *Minister of Justice, Timor-Leste*
 - Christina Pak**, *Principal Counsel/Team Leader Law and Policy Reform, ADB*
 - Daniel Meltz**, *Barrister, 12 Wentworth Selborne Chambers/ADB International Arbitration Expert*

Lunch Break 12:00 p.m.–1:30 p.m. (Sydney time)

Concurrent Breakout Sessions

Session time by location:

1:30 p.m.–3:00 p.m. (Sydney)

12:30 p.m.–2:00 p.m. (PNG)

08:00 a.m.–9:30 a.m. (India)

2:30 p.m.–4:00 p.m. (Fiji)

10:30 a.m.–12:00 p.m. (SG/HKG)

10:30 p.m.–12:00 a.m. (US Eastern, -1 day)

SESSION 3A

FOR LAWYERS:

DRAFTING INTERNATIONAL ARBITRATION AGREEMENTS

- HOW TO DRAFT A BINDING ARBITRATION AGREEMENT
- SURVEY OF INSTITUTIONAL AND AD HOC ARBITRATION

▶ **MODERATOR:** *Jo Delaney, Partner, Baker McKenzie, Sydney*

▶ **SPEAKERS:**

Koh Swee Yen, *Partner, WongPartnership LLP*

May Tai, *Partner, Herbert Smith Freehills*

Daniel Kalderimis, *Barrister, Twenty Essex*

Abhinav Bhushan, *Director-South Asia, International Chamber of Commerce Arbitration and Alternative Dispute Resolution International Court of Arbitration*

* *Participants: Open to lawyers/legal practitioners from the Asia Pacific region*

■ SESSION 3B

FOR THE PRIVATE SECTOR: CONTRACTING WITH FOREIGN PARTIES & CROSS-BORDER DISPUTE RESOLUTION

- ARBITRATION V. LITIGATION
- ADVANTAGES OF ARBITRATION: SPEED, EXPERTISE, NEUTRALITY AND ENFORCEMENT
- ARBITRATION COSTS AND DURATION
- USING INTERNATIONAL ARBITRATION CLAUSES FOR DISPUTE RESOLUTION IN A CONTRACT

▶ **MODERATOR:** **Jon Apted**, *Partner, Munro Leys*

▶ **SPEAKERS:**

Kevin Nash, *Deputy Registrar and Centre Director, Singapore International Arbitration Centre*

Fedelma Smith, *Senior Legal Counsel, Permanent Court of Arbitration*

Jonathan Lim, *Counsel, Wilmer Cutler Pickering Hale and Dorr LLP*

Brenda Horrigan, *President ACICA and Partner/Head of International Arbitration in Australia, Herbert Smith Freehills*

* *Participants: Open to the private sector/business community from the Asia Pacific region*

■ SESSION 3C

FOR JUDGES: IMPLEMENTATION OF THE NEW YORK CONVENTION – JUDICIAL PERSPECTIVE

▶ MODERATOR:

Hon. Deputy Chief Justice Ambeng Kandakasi, *Supreme and National Courts of Justice of Papua New Guinea*

▶ SPEAKERS:

Hon. Chief Justice James Leslie Bain Allsop, *Federal Court of Australia*

Hon. Justice Anselmo Reyes, *Singapore International Commercial Court*

Hon. Acting Chief Justice Kamal Kumar, *Supreme Court of Fiji*

Lord Chief Justice Michael Whitten QC, *Supreme Court of Tonga*

Hon. Justice Jeffery Shepherd, *Supreme and National Courts of Justice of Papua New Guinea*

Hon. Justice Duarte Tilman Soares, *Court of Appeal, Timor-Leste*

▶ FACILITATORS:

Christina Pak, *Principal Counsel/Team Leader Law and Policy Reform*

Daniel Meltz, *Barrister, 12 Wentworth Selborne Chambers/ADB International Arbitration Expert*

José Augusto Fernandes Teixeira, *Partner, Da Silva Teixeira & Associados*

Julian Cohen, *Barrister and Arbitrator, Gilt Chambers*

* *Participants: Open to judges from the Asia Pacific region and beyond*

Break 3:00 p.m.–3:15 p.m. (Sydney time)

Concluding Session

Session time by location:

3:15 p.m.–3:45 p.m. (Sydney)

2:15 p.m.–2:45 p.m. (PNG)

09:45 a.m.–10:15 a.m. (India)

4:15 p.m.–4:45 p.m. (Fiji)

12:15 p.m.–12:45 p.m. (SG/HKG)

12:15 a.m.–12:45 a.m. (US Eastern)

■ SESSION 4

CONCLUDING REMARKS AND RECOMMENDATIONS

- ADB'S TECHNICAL ASSISTANCE ON PROMOTION OF INTERNATIONAL ARBITRATION REFORM FOR BETTER INVESTMENT CLIMATE IN THE SOUTH PACIFIC
- ADB'S PACIFIC PRIVATE SECTOR DEVELOPMENT INITIATIVE (PSDI)

▶ MODERATORS:

Christina Pak, *Principal Counsel/Team Leader Law and Policy Reform, ADB*

Mary Kim, *PSDI Team Leader/Senior Programs Officer, ADB*

Terry Reid, *International Business Law Expert/Team Leader Business Law Reform, PSDI*

Q&A from Audience

■ CONCLUSION OF CONFERENCE

2

BACKGROUND PAPER

● Fiji's Suva and Lautoka ports are the principal gateways to the country's international trade (photo by Eric Sales/ADB).

The South Pacific region is one of the last global regional blocks without a cohesive legal framework to resolve cross-border commercial disputes through international arbitration. This form of cross-border dispute resolution and enforcement regime is fundamental to foreign investment and trade. The absence of an international arbitration framework may increase the risks and cost of doing business and can stifle the economic growth potential of the region. International arbitration can also play a critical role in attracting more international climate finance and climate investments into the South Pacific region.

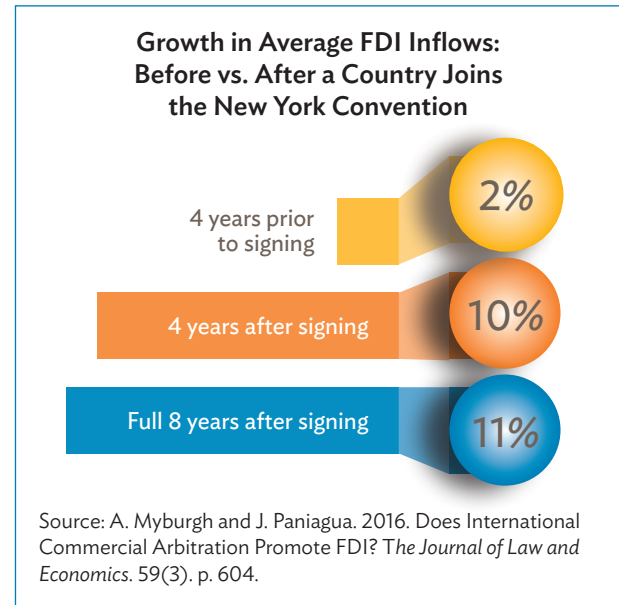
What is International Arbitration?

International arbitration is a private dispute resolution mechanism that involves parties from different countries submitting their dispute to a neutral arbitrator or a panel of neutral arbitrators, who then render a decision in the form of an arbitral award that is capable of enforcement in 166 countries under the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958) (the “New York Convention”).

Advantages of International Arbitration

In recent decades, international arbitration has become the preferred means of resolving international commercial disputes all over the world. International arbitration is preferred over litigation in the national courts because it offers certainty for commercial parties and allows parties greater autonomy to manage the risks involved in cross-border transactions. In particular, international arbitration provides parties with major advantages such as: (i) flexibility and ability to choose neutral forum, impartial arbitrators with subject matter expertise, procedure, and governing law; (ii) confidentiality and privacy; (iii) cost-effectiveness; and (iv) finality and ability to enforce a foreign arbitral award in 166 countries pursuant to the New York Convention.

Further, studies have shown that ratification of or accession to the New York Convention is associated with positive economic impacts, such as increased trade flows,¹ and net foreign direct investment (FDI) inflows.²



¹ D. Berkowitz, J. Moenius and K. Pistor. 2004. Legal Institutions and International Trade Flows. *Michigan Journal of International Law*. 26(1). pp. 163–198.

² A. Myburgh and J. Paniagua. 2016. Does International Commercial Arbitration Promote FDI? *The Journal of Law and Economics*. 59(3). pp. 597–627.

Legal Framework for International Arbitration

There is already a well-established legal infrastructure in place for international arbitration, namely (i) the New York Convention, and (ii) the United Nations Commission on International Trade Law Model Law on International Commercial Arbitration (“UNCITRAL Model Law”). Both these instruments are relatively easy to adopt and have potentially outsized benefits for South Pacific countries. By adopting these two instruments, such countries can quickly establish a framework for resolving international commercial disputes by arbitration (or reform any existing frameworks in accordance with accepted international practices) and reap the corresponding benefits.

Current Status in the South Pacific Countries and Timor-Leste

Currently, more than half of the South Pacific countries are not party to the New York Convention—out of 14 countries, only Cook Islands, Fiji, Marshall Islands, Palau, Papua New Guinea, and Tonga have acceded to the New York Convention. The following eight South Pacific countries have not signed onto the New York Convention: Kiribati, Federated States of Micronesia, Nauru, Niue, Samoa, Solomon Islands, Tuvalu, and Vanuatu. Many South Pacific countries also do not have the domestic legal frameworks to support the recognition and enforcement of international arbitration agreements and foreign arbitral awards.

Moreover, the Parliament of Timor-Leste, a small island developing state in Southeast Asia, approved accession to the New York Convention in February 2021. However, it has not yet deposited the instrument of accession with the United Nations Treaty Section.

The table on the next page summarizes the current status of arbitration law reform in the South Pacific countries and Timor-Leste, i.e., (i) whether the country has acceded to the New York Convention; (ii) if so, whether an implementing law has been passed; (iii) whether or not the country has arbitration legislation; and (iv) the basis of such legislation.

Arbitration Law Reform in Timor-Leste and the South Pacific

ADB Developing Member Country	Accession to the NY Convention	NY Convention Implementing Law	Arbitration Legislation	Basis of Legislation
Cook Islands	Yes (2009)	Yes	2009 Arbitration Act	1985 UNCITRAL Model Law, with amendments as adopted in 2006
Fiji	Yes (2010)	Yes	2017 International Arbitration Act	1985 UNCITRAL Model Law, with amendments as adopted in 2006
Kiribati	No	n/a	1990 Kiribati Arbitration Act	1950 English Arbitration Act
Marshall Islands	Yes (2006)	No	1980 Arbitration Act	Unclear
Micronesia, Federated States of	No	n/a	n/a	n/a
Nauru	No	n/a	n/a	n/a
Niue	No	n/a	1908 Arbitration Act	1908 New Zealand Arbitration Act
Palau	Yes (2020)	Draft bill in process	n/a	n/a
Papua New Guinea	Yes (2019)	Draft bill in process (Arbitration Bill 2020)	1951 Arbitration Act	1889 English Arbitration Act
Samoa	No	n/a	1976 Arbitration Act	1889 English Arbitration Act
Solomon Islands	No	n/a	1987 Arbitration Act	1889 English Arbitration Act

ADB Developing Member Country	Accession to the NY Convention	NY Convention Implementing Law	Arbitration Legislation	Basis of Legislation
Timor-Leste	Accession pending (instrument of accession not yet deposited with the UN Treaty Section as of 28 February 2021)	Draft bill in process (Voluntary Arbitration Bill under consideration in Parliament)	n/a	n/a
Tonga	Yes (2020)	Yes	International Arbitration Act 2020	1985 UNCITRAL Model Law, with amendments as adopted in 2006
Tuvalu	No	n/a	1992 Arbitration Act	1950 English Arbitration Act
Vanuatu	No	n/a	No general arbitration legislation, but the 1983 Trade Disputes Act permits arbitration	n/a

NY = New York, UN = United Nations, UNCITRAL = United Nations Commission on International Trade Law.

Source: G. Born, J. Lim, D. Meltz, and C. Pak.

ADB's Technical Assistance on International Arbitration Reform in the South Pacific

Asian Development Bank (ADB), through the Office of the General Counsel's Law and Policy Reform Program, implements a regional technical assistance entitled "*Promotion of International Arbitration Reform for Better Investment Climate in the South Pacific*" (the "TA"). The TA aims to establish an effective commercial dispute resolution regime in ADB's Pacific developing member countries (DMCs) through international arbitration reform to boost regional and international investor confidence to

lead to greater foreign direct investment and cross-border trade in the region. The TA has been assisting ADB's Pacific DMCs to: (i) accede to the New York Convention; (ii) modernize existing arbitration law or draft new international arbitration law based on the UNCITRAL Model Law to implement the New York Convention and reflect international best practices; and/or (iii) provide related capacity building to the users and implementing parties. Under the TA, ADB has been supporting the governments of its Pacific DMCs to implement international arbitration reform, assisted by a dedicated team of international arbitration experts and in collaboration with UNCITRAL's Regional Centre for Asia and the Pacific.

Third South Pacific International Arbitration Conference

17 March 2021

Yallamundi Rooms, Sydney Opera House and Virtual via Zoom

To raise awareness and discuss the positive development impact of international arbitration reform in the South Pacific, ADB, in conjunction with UNCITRAL, the Australian Department of Foreign Affairs and Trade, the Australian Centre for International Commercial Arbitration, and other renowned arbitration institutions and development partners, will be hosting the Third South Pacific International Arbitration Conference (the "Conference"). The Conference will be attended by key government officials, policy makers, development partners, judges, law practitioners, and private sector participants from the South Pacific region, as well as international speakers. The Conference will also provide in-depth knowledge on the practical aspects of different types of disputes in the region and globally. There will also be specialized interactive concurrent breakout sessions tailored for different stakeholders such as private sector, law practitioners and judges.

The Conference will include:

- a roundtable with the international business and development community on (i) global and regional foreign direct investment in the Pacific, and (ii) mitigating investment disputes risk;
- a discussion on Pacific countries, the New York Convention, and international arbitration reform; and
- tailored breakout sessions for lawyers, judges, and private sector/businesses.



● An aerial view of Central Apia, the capital city and economic center of Samoa (photo by Eric Sales/ADB).

3

INAUGURAL SESSION SPEAKERS





THOMAS MICHAEL CLARK

General Counsel, Asian Development Bank (ADB)

Mr. Thomas M. Clark holds a Doctor of Laws degree from Columbia University, where he was Notes Editor of the Columbia Law Review, and a Bachelor of Arts degree in Government from Harvard University. He has over 30 years of experience in legal and government affairs practice, spanning the financial services, energy and infrastructure sectors.

After a judicial clerkship on the U.S. Court of Appeals for the D.C. Circuit, and legal practice at the law firms of Sullivan & Cromwell in New York and WilmerHale in Washington, D.C., Mr. Clark joined the General Electric Company, one of the world's largest infrastructure and technology companies. His 22-year career at GE included 16 years based in Japan and covering the Asia-Pacific region, as General Counsel for GE's largest Asian financial services arm, and as Executive Counsel for Government Affairs and Policy, working with regulators and governments throughout the region on key legal and policy initiatives, and holding leadership roles in industry associations and private sector advisory bodies for APEC and ASEAN.

Most recently, Mr. Clark was Managing Director and Co-Head of Americas for the Global Public Policy Group of BlackRock Inc., the world's largest asset management firm, where he drove regulatory policy engagement and thought leadership on infrastructure finance, ESG and sustainability, disclosures related to climate risk and energy transition issues, data privacy and fintech. As General Counsel at ADB, he is responsible for driving legal strategy and engagement on public policy reforms to support ADB's mission of achieving a sustainable, prosperous, inclusive and resilient Asia-Pacific region.



ATHITA KOMINDR

Head, Regional Centre for Asia and the Pacific, United Nations Commission on International Trade Law (UNCITRAL)

Ms. Athita Komindr is head of the UNCITRAL Regional Centre for Asia and the Pacific. She manages UNCITRAL's technical assistance and capacity building programming available to over 50 states in Asia and the Pacific, namely least developed, landlocked developing and small island developing states. In that capacity, she coordinates with governments and international and regional organizations with respect to trade law reform activities. She also manages programmes to promote the rule of law in commerce in the context of UN Partnership Framework Agreements with the Lao PDR and Papua New Guinea, aimed at achieving the Sustainable Development Goals.

Ms. Komindr has over a decade of experience in the fields of international trade and economic law, arbitration, multilateral dispute resolution, negotiations and diplomacy, and the rule of law and development. Prior to joining the United Nations, Athita mainly advised and worked with numerous Thai agencies, including the Thailand Institute of Justice, the Thai Ministry of Science and Technology, and the Thailand Arbitration Center, where she managed the Arbitration and Legal Affairs Divisions. She also worked for the Thai Ministry of Commerce in Bangkok (2002–2005) and Geneva (2005–2010), representing Thailand in bilateral, regional, and multilateral trade negotiations, WTO dispute settlement, and treaty drafting.

Admitted to the New York Bar since 2002, Ms. Komindr has experience in both common and civil law traditions in the public and private sectors, and holds degrees from Harvard College, Georgetown University Law Center, and Harvard Law School.

4

KEYNOTE SPEAKER

A staff member cleans the solar panels at the Cook Islands' Rarotonga airport (photo by Eric Sales/ADB).



JOHN W.H. DENTON AO

Secretary General, International Chamber of Commerce

Mr. John W.H. Denton AO is the Secretary General of the International Chamber of Commerce (ICC). He is a global business leader and international advisor on policy and a legal expert on international trade and investment.

He is also a Board member of the United Nations Global Compact and Co-Chair of the Financing Growth and Infrastructure Task Force for Argentina B20 2019, as well as a founding member of the Business 20 (B20), the Australia–China CEO Roundtable and UNHCR in Australia.

Mr. Denton serves on the Board of leading global infrastructure group IFM Investors. Mr. Denton is also the Chair of the Asia Pacific advisory Board of Veracity, a global advisory group based in NYC and Chair of the Moeller Institute advisory board at Cambridge University.

He co-led the Australian Government’s 2012 White Paper on “Australia in the Asian Century” and previously chaired the APEC Finance and Economics Working Group.

A former diplomat, Mr. Denton served for two decades as Partner and Chief Executive Officer of Corrs Chambers Westgarth, Australia’s leading independent law firm.

In 2015, he was appointed an Officer of the Order of Australia for his services to the business community, the arts and the rights of refugees, including as a founder of Human Rights Watch (Australia) and Teach for Australia.

Mr. Denton is an alumnus of Harvard Business School and the University of Melbourne.

5

MODERATORS

in alphabetical order

● A pedestrian walks around downtown Dili, the capital and commercial center of Timor-Leste (photo by Luis Enrique Ascui/ADB).



JON APTED

Partner, Munro Leys

Mr. Jon Apted is a litigation partner at Munro Leys, Fiji's biggest law firm. He previously held office as Fiji's Permanent (Industrial) Arbitrator and as the Sugar Industry Tribunal arbitrating disputes in Fiji's sugar industry.

At Munro Leys, Jon advises and litigates in the areas of general commercial, intellectual property and employment law. He has been an arbitrator in large commercial disputes.

Jon graduated from the University of Auckland with an LLB in 1986 and from Harvard Law School with an LLM in 1994.

He is a well-known commentator on legal issues in Fiji.



A boat docked at Port Denarau Marina in Fiji (photo by Eric Sales/ADB).

Moderators



GARY BORN

Partner, International Arbitration Practice Group, Wilmer Cutler Pickering Hale and Dorr; President, Singapore International Arbitration Centre (SIAC) Court of Arbitration; and International Arbitration Expert (Consultant), ADB

Mr. Gary Born is chair of the International Arbitration Practice Group at Wilmer Cutler Pickering Hale and Dorr LLP. He also serves as president of the Singapore International Arbitration Centre (SIAC) Court of Arbitration. He is widely recognized as the world's leading authority on international arbitration and litigation. He has served as counsel in over 675 arbitrations, including several of the largest arbitrations in International Chamber of Commerce (ICC) and ad hoc history, and has sat as arbitrator in more than 250 institutional and ad hoc arbitrations.

He is the author of *International Commercial Arbitration* (Kluwer, 3rd ed. 2020), the preeminent treatise in the field, as well as *International Arbitration: Law and Practice* (2nd ed. 2015), and a number of other notable works on international dispute resolution. He is an honorary professor of law at the University of St. Gallen in Switzerland and the Tsinghua University in Beijing. He also teaches regularly in law schools in Europe, Asia, and North and South America.

A beach in Chuuk, the Federated States of Micronesia (FSM) (photo by Eric Sales/ADB).

Moderators



JO DELANEY

Partner, Baker McKenzie (Sydney)

Ms. Jo Delaney is a partner at Baker McKenzie, focusing on international arbitration. She has extensive experience in commercial, construction, and investment arbitrations under the ICC, LCIA, SIAC, HKIAC, AAA, UNCITRAL, and ICSID arbitration rules relating to different industries.

Ms. Delaney has been involved in a number of investment arbitrations, acting for private parties and states. She regularly advises on all aspects of international arbitration and investment protection planning.

Ms. Delaney regularly publishes and speaks at conferences. She is one of Australia's members on the ICC Court of Arbitration. She is also a member of the ACICA Practice and Procedures Board, the CIArb Procedures and Standards Committee and The Pledge Steering Committee. She is also a fellow of CIArb and ACICA.



Port of Nuku'alofa, the leading port of Tongatapu, is the gateway to Tonga's international trade (photo by Eric Sales/ADB).



DAMIEN J. EASTMAN

Deputy General Counsel, ADB

Mr. Damien J. Eastman is the Deputy General Counsel in the Office of the General Counsel at the Asian Development Bank (ADB). Mr. Eastman joined ADB in 2014 as Assistant General Counsel for Institutional and Administrative Affairs, providing legal advice and support on a wide variety of institutional, operational and administrative matters, including advice on ADB's institutional governance and its legal framework; ADB's privileges and immunities, external litigation and arbitration; government relations; institutional procurement; and ADB staff grievances and disciplinary procedures, HR policies, ADB's internal staff rules and regulations, staff benefits, and pension matters.

Prior to joining ADB, Mr. Eastman spent more than 10 years in the Legal Department at the International Monetary Fund (IMF) in Washington, DC, where he advised on the Fund's legal relations with its member countries and other international organizations and was responsible for the oversight of the Legal Department's internal governance advisory group. He was the Fund's lawyer for a number of European crisis programs, various debt relief operations for IMF member countries in the African and Asian regions, and was involved in developing the Fund's policies in the area of sovereign debt restructuring.

Before the IMF, Mr. Eastman practiced law in Sydney with Allens-Linklaters (1997–2000), and in London with Freshfields Bruckhaus Deringer (2001–2003) where he specialized in corporate and commercial litigation, international law and international arbitration. An Australian national, Mr. Eastman holds a Master of Laws (LL.M) from Harvard Law School, and degrees in Arts (BA) and Law (LL.B, 1st Class Honors) from the University of Sydney and the University of Technology, Sydney. He is admitted to practice law in Australia and the United Kingdom.



HON. DEPUTY CHIEF JUSTICE AMBENG KANDAKASI

Supreme and National Courts of Justice of Papua New Guinea

Deputy Chief Justice Ambeng Kandakasi, CBE, of the Supreme and National Courts of Justice of Papua New Guinea was appointed justice in 2000 and deputy chief justice in 2018. An accredited mediator in Australia, New Zealand, and Papua New Guinea, he chairs the PNG Judiciary's Alternative Dispute Resolution (ADR) Committee, a team of judges, magistrates, and lawyers, in designing and implementing the country's ADR systems and structures, including arbitration and court annexed mediation. He is also the vice president of the Asia Pacific Mediation Forum.

He has a passion for continuing legal and judicial education and is actively involved in mediation skills training. Most of his trainees have been judges, magistrates, lawyers and other professionals in Australia, Fiji, Malaysia, PNG, and the Solomon Islands. He has attended and facilitated at a number of local and international workshops and trainings in a number of areas of law, especially mediation. He has promulgated several judgments on ADR and mediation. Further, he has presented and published several papers at local and international conferences and journals in the areas of ADR, mediation, and human rights.

He holds a Bachelor of Laws degree from the University of Papua New Guinea and a Master of Laws degree from the University of San Diego, USA.



Moderators



MARY KIM

Senior Programs Officer,
Pacific Liaison Coordination Office, ADB

Ms. Mary Kim is a Senior Programs Officer in ADB's Pacific Liaison Coordination Office in Sydney. She manages two major technical assistance programs: the Pacific Private Sector Development Initiative and the Pacific Region Infrastructure Facility. Mary has extensive experience in development policy, the Pacific region, and climate change issues, with over 10 years' experience in the Australian public service. She has a Master of International Law from the University of Sydney and a Master of Environmental Management and Development from the Australian National University.

Solomon Islands citizens take part in a sewing course, a project of ADB's Pacific Private Sector Development Initiative (photo by Luis Ascui/ADB).

**CHRISTINA PAK**

Principal Counsel and Team Leader, Law and Policy Reform Program, ADB

Ms. Christina Pak specializes in international development finance and law and policy reform. She is currently a Principal Counsel of the Asian Development Bank and is responsible for managing the Office of General Counsel's Law and Policy Reform Program which designs, processes, and implements technical assistance projects directly to developing member countries relating to legal and judicial reforms. She oversees a diverse portfolio in the areas of environment protection and climate change, gender equality, private sector development, public-private partnerships and digital economy. Christina also serves as ADB's Accountability Mechanism Policy Counsel and the Office of the General Counsel's technical assistance, partnerships and knowledge focal point and is a member of ADB's Climate Change and Disaster Risk Management, Environment, Gender and Governance Thematic Groups. In her previous role as a project counsel at ADB, she worked on complex multi-sector projects across the Central West, Southeast and East Asia regions.

Christina specializes in international arbitration reform and has been assisting various countries in the South Pacific region accede to the New York Convention and put in place implementing arbitration law, including Fiji, Palau, Papua New Guinea and Tonga and assisted Uzbekistan with its new Law on International Commercial Arbitration.

Prior to joining ADB, she was a legal counsel and vice president for markets and international banking at a major UK bank in Singapore and a finance associate at a large law firm in New York City.

Christina is a Steering Committee Member of the IUCN World Commission on Environmental Law and a Member of the Chartered Institute of Arbitrators. She is a US-qualified lawyer, admitted in the States of New York and New Jersey.



TERRY REID

Team Leader Business Law Reform, Pacific Private Sector Development Initiative (PSDI); and International Business Law Expert

Mr. Terry Reid has practiced law for the past 25 years and specialized in advising private sector clients on financing and transactional matters. He maintains a select group of large multinational clients and provides specialist services in contract design and implementation. He has substantial international consulting experience with the ADB, multilateral and bilateral donors. He holds an LLM from the University of Melbourne Law School, where his research focused on the regulation of the financial sector in developing economies.

He has led the Business Law reform area of the ADB's Pacific Private Sector Development Initiative which has focused on law reform in the Pacific. The program has helped introduce many laws to support the private sector and create certainty for investors. The work has focused on consultative policy design leading to tailored laws accessible to user communities. He is acknowledged as having international expertise in developing legal frameworks to support technology solutions which ensure laws are implemented effectively. He regularly consults to Governments who wish to introduce technology solutions supporting Government interactions with the private sector.

6

CONFIRMED SPEAKERS

(as of 7 March 2021)
in alphabetical order

● The Aiwo boat harbor in Nauru is set to be transformed into the country's first fully functioning international port (photo by Eric Sales/ADB)



HON. CHIEF JUSTICE JAMES ALLSOP AO

Federal Court of Australia

From 1981 to 2001, Chief Justice James Allsop AO practised at the Bar in New South Wales and elsewhere in Australia. He was appointed Senior Counsel in New South Wales in 1994 and Queen's Counsel in Western Australia in 1998.

From 7 May 2001 to 1 June 2008, he served as a Judge of the Federal Court of Australia, undertaking the roles of trial and appellate judge on a full range of Federal Court work. From 2 June 2008 to 28 February 2013, Chief Justice Allsop was President of the New South Wales Court of Appeal. He was appointed Chief Justice of the Federal Court of Australia as of 1 March 2013.

From 1981 to 2014, Chief Justice Allsop taught part-time at the University of Sydney as a tutor and lecturer in property, equity, bankruptcy, insolvency, corporate finance and maritime law. From 2015 to 2018, he taught maritime law part-time at the University of Queensland. From 2005-2009, he was a member of the board of World Maritime University in Malmö, Sweden. From 2008 to 2011, he was a member of the Board of the Australian Maritime College. On January 2010, he was elected as an Honorary Bencher of the Middle Temple. On 19 March 2013, he was elected a member of the American Law Institute. He is a Fellow of the Australian Academy of Law. He is President of the Francis Forbes Society for Australian Legal History. From 2018 he was appointed Inaugural Patron of the Australian Insurance Law Association. From 2019, his Honour is Chair of the ACICA Judicial Liaison Committee, a member on Asian Business Law Institute (ABLI) Board of Governors representing the Australian Judiciary and a member of the Commonwealth Magistrates' and Judges' Association.



ABHINAV BHUSHAN

Regional Director for South Asia, ICC Arbitration & ADR, ICC International Court of Arbitration

As Director, Mr. Abhinav Bhushan focuses on helping companies, investors, and attorneys in the region understand how they can efficiently resolve international commercial disputes by raising their awareness on the ICC's Dispute Resolution Services and its commitment to international arbitration, the procedure, and thought leadership.

Prior to serving as Regional Director as the Court's first Indian Director, he was also the first Indian Deputy Counsel of the Court, where he gained first-hand experience working on arbitrations arising out of common law jurisdictions, in particular working with parties from the United Kingdom, India, Singapore and other regions of Asia. Mr. Bhushan is a regular contributor to various publications on developments in international arbitration and Indian arbitration law.

He is also an avid promoter of arbitration-related training opportunities for lawyers, corporate counsels, judges and other important stakeholders. Additionally, Mr. Bhushan is the co-chair of ICC Young Arbitrators Forum (YAF), Asia Chapter. Further, as part of the ICC's initiative to develop arbitration in India and South Asia, he advises and engages with the law firms, practitioners and users on the procedures and practices of international arbitration, especially ICC arbitration.

Before joining the ICC, Mr. Bhushan completed his LLM at the Columbia Law School and earned a certificate in foreign and comparative law in 2011. He was also a member of the Columbia International Arbitration Association and a research assistant. He earned his first law degree from the Government Law College, Mumbai, India in 2008. Upon graduation, he worked as an associate with Mulla & Mulla & Craigie Blunt & Caroe, in Mumbai, India.



RAM BAJEKAL

Managing Director, FMF Foods Group of Companies

Mr. Ram Bajekal is Managing Director of the FMF Foods Group of Companies. He is a Chartered Accountant from India and a Fulbright Fellow in Management Studies from Carnegie Mellon University, USA. He was only the third Indian to receive this prestigious fellowship for management studies. He has over 35 years of work experience in the private sector with diverse organizations such as PricewaterhouseCoopers, Hindustan Photo Films, Unilever Group, Murugappa Group in India, and the Carpenters Group and FMF Foods in Fiji.

In between, Ram took a three-year sabbatical to work with an NGO in rural India, imparting business skills to low-income communities engaged in micro-enterprise. In this role, he had opportunity to work with farmer groups, organizing them into collectives to strengthen their bargaining power in the value chain. In Fiji, he participates frequently in industry consultations on matters relating to trade.



An aerial shot of Suva, the capital and commercial center of Fiji (photo by Eric Sales/ADB).

Confirmed Speakers



HON. DR. MANUEL CÃR CERES DA COSTA

Minister of Justice (Timor-Leste)

His Excellency Mr. Manuel Cárceres da Costa is currently the Minister of Justice of the Democratic Republic of Timor-Leste. Prior to this appointment, he was involved in various capacities in the public sector, the private sector, and in the international development space. From 2009 to June 2018, he was the Director of the Legal Division of Timor Telcom. In 2001, he was a Protection Assistant in the UNCHR Representation in Timor-Leste. From 1982 to 2000, he served as the local government representative, the sub-district secretary, and as a member of the district consultative council of Manatuto.

His Excellency Mr. Cárceres da Costa graduated from the Universidade da Paz Dili Timor-Leste with a degree in criminal law. He also holds a Bachelor of Political and Social Science degree from the Open University, Dili Timor Faculty of Public Administration. He speaks Portuguese, English, and Bahasa Indonesia.



A textile worker weaving in a souvenir shop in Dili, Timor-Leste (photo by Luis Enrique Ascui/ADB).



Confirmed Speakers

CHANGWAN HAN

Director, International Dispute Settlement Division,
Ministry of Justice
(Republic of Korea)

Mr. Changwan Han is the director of the International Dispute Settlement Division of the Ministry of Justice, Republic of Korea. Before his appointment to the current position, he was the director of the International Legal Affairs Division. Prior to joining the Ministry, he served as a judge advocate for the South Korean Army and then became an associate and later a partner at a large Korean law firm, Bae, Kim & Lee.



Confirmed Speakers



MICHAEL HENAO

Vice President of the Port Moresby Chamber of Commerce & Industry; and
Head of Legal and Regulatory, Digicel PNG

A lawyer by profession, Mr. Michael Henao is the Vice President of the Port Moresby Chamber of Commerce & Industry (“POMCCI”). The POMCCI is the largest and oldest chamber in Papua New Guinea, and has a diverse membership from local trading stores to multinational conglomerates. Michael has a keen interest in dispute resolution. Prior to his current role as Head of Legal & Regulatory at Digicel PNG, he was Senior Legal Officer at Bank South Pacific heading up the litigation and dispute resolution team. He is admitted to practice in the Supreme Court of the Australian Capital Territory and the National Court of Justice of Papua New Guinea.

An airplane at the runway of the Hoskins Airport, Papua New Guinea (photo by Gerhard Jörén/ADB).



BRENDA HORRIGAN

Partner/Head of International Arbitration (Australia), Herbert Smith Freehills; and President, Australian Centre for International Commercial Arbitration

Ms. Brenda Horrigan is Head of International Arbitration – Australia at Herbert Smith Freehills, based in HSF’s Sydney office. She is an Australian registered foreign lawyer admitted in Washington DC.

Brenda has some 20 years’ experience in international arbitration. Her practice is multifaceted; she works as counsel on complex international commercial and investment treaty arbitration matters at both the arbitration and enforcement stages, and also sits as an arbitrator. She began her career as a transactional lawyer, and that background provides valuable insight for clients into the underlying commercial and contractual aspects of their disputes.

Brenda serves as the President of ACICA, is a Fellow of the Chartered Institute of Arbitrators (Australia), and is listed on the panels of several arbitral institutions. Brenda has practiced in the US, Paris, Moscow, Shanghai and now Sydney, and is consistently ranked in Chambers and in Global Arbitration Review’s Who’s Who: Legal as a leading arbitration practitioner.



Bauerfield International Airport, located in Port Vila, serves as a hub for Air Vanuatu, the country’s flag carrier (photo by Eric Sales/ADB).

Confirmed Speakers



DANIEL KALDERIMIS

Barrister, Twenty Essex

Mr. Daniel Kalderimis is a leading international lawyer with over 20 years' experience as a proven and effective advocate in complex and cross-border disputes.

In addition to New Zealand, Daniel is admitted to practice in England, Wales and New York. He has particular expertise in international arbitrations across the Asia-Pacific region having acted in UNCITRAL, ICC, SIAC, LCIA, ICSID and SCC proceedings and as an arbitrator. Daniel is New Zealand's national correspondent to UNCITRAL for the New York Convention and the Model Law.

Daniel is also active in commercial and public law disputes, including in the emerging area of legal duties and climate change. Formerly head of the international law team at Chapman Tripp, Daniel is renowned as a leading individual in dispute resolution and recognised in major legal directories such as Chambers Global, *Chambers Asia Pacific* and *The Legal 500*.



A staff member works at a water supply facility in Ebeye, Marshall Islands (photo by Eric Sales/ADB).



KOH SWEE YEN

Partner, WongPartnership LLP

Ms. KOH Swee Yen is a Partner in the Commercial & Corporate Disputes and International Arbitration Practices of WongPartnership LLP. She is admitted to the Singapore Bar and the Roll of Solicitors of England and Wales.

She has an active practice as counsel, with a particular focus on complex, high-value and cross-border disputes across a wide spectrum of matters from commercial, energy, international sales, trade, transport, technology to investment. She regularly appears before the High Court and Court of Appeal and in international arbitrations under the major institutional rules, including ICSID, ICC, ICDR, LCIA, SIAC and UNCITRAL.

Swee Yen was the former Vice-Chair of the IBA Arbitration Committee. She is currently the Vice-Chair of the IPBA Dispute Resolution and Arbitration Committee, and a member of the Editorial Board of the ICC Dispute Resolution Bulletin and the ICCA-ASIL Task Force on Damages. Swee Yen has also been appointed to the Executive Committee of the Foundation for International Arbitration Advocacy.

Swee Yen is highly recommended for her expertise in resolving complex international disputes by various legal publications including The Legal 500, Chambers Asia-Pacific, Chambers Global, Benchmark Litigation Asia-Pacific and Who's Who Legal: Arbitration. Described as being *“in a league of her own”*, with a *“very deep understanding of the law”* and *“razor-sharp”* in her advocacy, she is regarded as the *“go-to disputes lawyer in Singapore”*, who *“always brings her A-game to everything she does and someone you want in your corner in a life or death situation.”*



HON. ACTING CHIEF JUSTICE KAMAL KUMAR

Supreme Court of Fiji

Justice Kamal Kumar acquired his Bachelor of Law from Queensland University of Technology, Australia back in 1999. Upon completion of Bar Practice Course in the year 2000, he was admitted as a Barrister to the High Court of Australia and the Supreme Court of Queensland. From 2000 to May 2013, he practiced as Barrister and Solicitor at Young & Associates, Solicitors, Lautoka, Fiji.

He was appointed as a Judge in the High Court of Fiji from May 2013 to 7 April 2019.

He became Acting Chief Justice on 8 April 2019.

In September 2018, he was appointed Chairperson of the Fiji Human Rights and Anti Discrimination Commission (FHRADC). His appointment as Chairperson of FHRADC was extended on 12 January 2021, for a further term of three years.

In terms of community service, from 2001 to 2006 and again from 2009 to 2012, he served as President of the Lautoka Branch of the Dakshina India Andhra Sangam of Fiji, a society that manages two colleges and five primary schools. He eventually became National President of the said organization in the year 2012 and continues in that position as at to date. He also held various positions in the Rotary Club of Lautoka, served as Assistant District Governor for District 9920 Rotary International, and in the Board of Visitors, Lautoka Hospital, Fiji.

Confirmed Speakers



JONATHAN LIM

Counsel, Wilmer Cutler Pickering Hale
and Dorr LLP

Mr. Jonathan Lim is a counsel at WilmerHale in London, focusing on complex international disputes. He has represented governments and corporations in commercial and investment arbitrations under all major arbitration rules sited across Africa, Asia, Europe and South America, as well as WTO disputes. He has also advised governments in Africa and Asia on a range of public international law issues and the drafting of arbitration legislation. In addition to his practice as counsel, Jonathan has a developing practice as an arbitrator, with appointments as sole and party-appointed arbitrator in proceedings seated in Europe and Asia. Jonathan also co-teaches a course on international arbitration at the National University of Singapore each January. He is listed in Who's Who Legal 2018-2021 as a Future Leader in International Arbitration, and has been described by clients and peers as *"a very smart all-round lawyer with a strong work ethic"* and *"a sure bet as a future global leader."*



A man navigates his small boat in Niue's waters (photo by Eric Sales/ADB).



DANIEL MELTZ

Barrister, 12 Wentworth Selborne Chambers; and
International Arbitration Consultant, ADB

Mr. Daniel Meltz is a Sydney-based barrister with over 20 years' experience in international commercial arbitration and has practiced in Australia, England and Switzerland. He is recognized internationally as a leader in the field of international arbitration and is listed in Who's Who Legal (Global Edition) and Best Lawyers. He is admitted in Australia, England, and Wales.

Mr. Meltz is an experienced arbitrator and arbitration counsel. He has conducted arbitrations across all major arbitral institutions including ICC, LCIA, SCC, ACICA, HKIAC, and SIAC.

He has advised several governments in the South Pacific on international arbitration reform in his capacity as arbitration consultant with the Asian Development Bank, including the Governments of Papua New Guinea, Fiji, Timor-Leste, Tonga, Palau and Samoa. This includes rendering technical assistance to governments on the drafting of arbitration legislation, advising on accession to the New York Convention and conducting capacity building amongst judiciary, government and private sectors.

Mr. Meltz has particular expertise both in the South Pacific and in the wider Asia Pacific region in the following sectors: oil and gas, mining, construction, commodities, commercial contracts, and shareholder disputes.

Mr. Meltz is currently a fellow of ACICA and was previously Adjunct Professor at the University of Technology, Sydney.

Confirmed Speakers



HON. TATAFU TOMA MOEAKI

Minister of Trade and Economic Development (Tonga)

Mr. Tatafu Toma Moeaki is responsible for the trade and economic development portfolio for the Government of the Kingdom of Tonga, and was appointed on 27 January 2021.

Mr. Moeaki was formerly the Senior Country Officer for Tonga at the Asian Development Bank's South Pacific Sub-regional Office (SPSO). He previously worked in the Government of Tonga as CEO for the Ministry of Finance and, before that, the CEO for the Ministry of Trade and Economic Development, his current portfolio. He has executive management experience working in the Government, including the Ministry of Foreign Affairs, the Ministry of Education and the Central Planning Department under the Prime Minister's Office. Particular areas of experience include strategic planning, national budget preparation and reporting, national and local community development, and regional and international development on a broad range of economic and financial issues.

Mr. Moeaki holds a BA from Victoria University of Wellington New Zealand and a Masters of Economics from the University of New England, New South Wales, Australia.

Tapa, an ornamental cloth made of bark tree used during celebrations in Tonga (photo by Eric Sales/ADB).



KEVIN NASH

Deputy Registrar and Centre Director, Singapore International Arbitration Centre

As Deputy Registrar & Centre Director of the Singapore International Arbitration Centre (SIAC), Mr. Kevin Nash assists with the administration of all cases filed with SIAC and the supervision of SIAC's multinational Secretariat.

Since joining SIAC in 2012, Kevin has overseen the administration of thousands of international cases under all versions of the SIAC Rules and the UNCITRAL Arbitration Rules, among others, and has significant experience in SIAC cases involving Expedited Procedure, Emergency Arbitration and the Early Dismissal of Claims and Defences. He worked closely on the revisions to the SIAC Rules 2013, the SIAC Rules 2016, the SIAC Investment Arbitration Rules 2017, and leads the SIAC Secretariat Sub-Committee on the drafting of the seventh edition of the SIAC Rules with an expected release in the third quarter of 2021.

Kevin is a frequent speaker on contemporary issues in arbitration and conducts training sessions for arbitration stakeholders around the world. He is a Member of the Singapore delegation at UNCITRAL Working Group II (Dispute Settlement) and represents SIAC as an observer at UNCITRAL Working Group III (ISDS).

Kevin holds a B.A. from Mount Allison University and a J.D. from Osgoode Hall Law School. Kevin worked at one of Canada's prominent 'Seven Sister' law firms and then went on to study an LL.M. in International Commercial Arbitration at Stockholm University. He is qualified as a Barrister and Solicitor with the Law Society of Upper Canada.

Confirmed Speakers



CHRISTINA PAK

Principal Counsel and
Team Leader, Law and Policy
Reform Program, ADB

● Please see page 29.



PROF. DR. JORDI PANIAGUA

Assistant Professor, Department of Applied
Economics II, University of Valencia

● Prof. Dr. Jordi Paniagua is Assistant Professor at the Department of Applied Economics II at the University of Valencia (Spain). Jordi holds a master's degree in telecommunications and a Ph.D. in Economics. His academic and applied specialization in Foreign Direct Investment (FDI) stems from his prior professional experience in multinational corporations as an engineer and in Valencia's public Investment Promotion Agency as chief economist. His policy-focused academic research, published in leading economics and business journals, and consulting efforts have been proven relevant for several development institutions that promote economic development and institutional reform like NATO, the World Bank, Asian Development Bank, and UNCITRAL.



HON. JUSTICE ANSELMO REYES

Singapore International Commercial Court

Justice Anselmo Reyes practises as an arbitrator. He was Professor of Legal Practice at Hong Kong University from October 2012 to September 2018. Before that, he was a judge of the Hong Kong High Court from September 2003 to September 2012, when he was in charge of the Construction and Arbitration List (2004-2008) and the Commercial and Admiralty Lists (2008-2012). He was Representative of the Hague Conference on Private International Law's Regional Office Asia Pacific from April 2013 to July 2017. He became an International Judge of the Singapore International Commercial Court in January 2015.



Port Vila is Vanuatu's main economic and commercial hub, its port connecting the capital to other countries and more than 80 other domestic islands (photo by Eric Sales/ADB).



Streetlights in Majuro, Marshall Islands
(photo by Eric Sales/ADB).

Confirmed Speakers



MARK RUSSELL

Senior Commercial Officer for
Australia and New Zealand,
U.S. Department of Commerce

Mr. Mark Russell is the Senior Commercial Officer for Australia and New Zealand. He arrived at post in October 2019. Mark's previous international assignments include Karachi, Rio de Janeiro, Lisbon, Cairo, Chennai, and Prague.

Mark joined the U.S. and Foreign Commercial Service after ten years of military and private-sector business experience. He has a B.S. in Management from the University of Maryland and an M.A. in International Affairs from George Washington University.



LOTTE SCHOU-ZIBELL

Regional Director, Pacific Liaison and Coordination Office, ADB

Ms. Lotte Schou-Zibell's expertise is in leveraging emerging technology to deliver agile solutions for expanding access to finance at the intersection of technology and policy frameworks. She has worked extensively on the practical application of digital financial services.

In her current role, Lotte is focusing on expanding and further developing the private and finance sectors in the Pacific sub-region as well as improving the quality, reliability, and availability of critical infrastructure in both rural and urban areas to boost economic growth, create jobs, and provide access to public and financial services.

Lotte, a national of Sweden, has more than 30 years of professional experience in operational and regulatory policy aspects of developed and developing countries, including 14 years working in ADB.

In her recent role as the Chief of ADB's Finance Sector Group, she led ADB's efforts to innovate in digital financial technology. Projects include integrating cloud technology into core banking and developing a cutting-edge digital ID solution to expand access to finance. Initiatives also helped establish regulatory sandboxes for testing new digital technologies. Essential features of this work have been in integrating cybersecurity into digital financial solutions.

She is currently a member of the Women's World Banking's South East Asia Advisory Council, is Vice-Chair for the Global Impact Fintech (GIFT) Forum, and council member of the Global Fintech Institute.

Lotte previously worked as Director for International Economic Policy at the Swedish Ministry of Finance, financial supervision and regulation expert at the Swedish Financial Supervisory Authority and the Swedish Central Bank, and as a consultant to the International Monetary Fund.

Lotte holds a Master's Degree in Economics from Lund University, Sweden. She also spent a year as a research student in economics at the London School of Economics, London, UK.



HON. JUSTICE JEFFERY SHEPHERD

Supreme and National Courts of Justice of
Papua New Guinea

His Honour Justice Jeffery Shepherd holds degrees in law and anthropology from the University of Auckland, New Zealand. He is admitted to practice in the High Court of New Zealand, the Supreme Court of New South Wales, and the Superior Courts of Papua New Guinea. Formerly a senior partner with the litigation and intellectual property teams at the Port Moresby office of Ashurst Lawyers, Justice Shepherd was appointed a judge of the Supreme and National Courts of Justice of Papua New Guinea on 31 October 2016. He commenced judicial duties on 27 January 2017.

His Honour is a founding member with Justice Ambeng Kandakasi of the PNG judiciary's ADR Committee established in 2001. His Honour is a fully accredited mediator under the ADR Rules 2010 of the National Court and is assigned to the ADR Track of the National Court. Apart from his role as a civil judge, His Honour conducts Court-annexed mediations and assists with workshops and training programs for PNG mediators. He is a member of the Rules Committee of the Supreme and National Courts and is adviser to the ADR Committee on matters relating to the implementation of new legislation dealing with international and domestic arbitration in Papua New Guinea.



An aerial view of the business district in Port Moresby, Papua New Guinea (photo by Gerhard Jörén/ADB).



Confirmed Speakers

FEDELMA CLAIRE SMITH

Senior Legal Counsel,
Permanent Court of Arbitration

Ms. Fedelma Claire Smith is senior legal counsel at the Permanent Court of Arbitration (PCA). She joined the PCA as a legal counsel in 2011 and served as the PCA Representative in Mauritius from 2012 to 2014. In January 2018, she set up the PCA Office in Singapore, where she served as PCA Representative from 2018 to 2020. She has previously worked at the International Court of Justice (2008-2010), where she was law clerk to H.E. Judge Awn Al-Khasawneh and H.E. Judge Sir Kenneth Keith.

She is a member of the Bar of England and Wales and completed the pupillage at Field Court Chambers, London, in 2011. She holds a BA in English Law with German Law from Oxford University and an Advanced LLM in Public International Law from Leiden University.

The Peace Palace in *Den Haag*, The Netherlands houses the Permanent Court of Arbitration, as well as the International Court of Justice and the Hague Academy of International Law (photo by Rafael Ishkhanyan/Unsplash).

HON. JUSTICE DUARTE TILMAN SOARES

Court of Appeal (Timor-Leste)

To follow in the post-conference booklet



Banco Nacional de Comércio de Timor-Leste (BNCTL) bank tellers attend to clients at their main bank branch in Dili, the capital of Timor-Leste (photo by Luis Ascui/ADB).



CRAIG W STRONG

Chief Executive Officer, Investment Fiji

Mr. Craig Strong, born and raised in Suva, was educated at Kings College in Auckland and Massey University in Palmerston North in New Zealand. Mr. Strong boasts comprehensive Pacific-based senior management and board governance experience in the private, public, and not for profit sectors.

He has a background in commercial roles in New Zealand where he worked for James Hardie Pipelines, Humes Pipeline Systems, and Mico Plumbing & Pipelines. Mr. Strong has held general management positions in significant Fijian trading companies such as the hardware company Vinod Patel & Company, and the supermarket chain RB Patel Group. Mr. Strong also served as the General Manager of the shipping company Pacific Agencies Fiji Limited, and Chief Executive Officer of the Pacific Cooperation Foundation. Mr. Strong has also served the Fijian Government as the Permanent Secretary for the Ministry of Fisheries and the Acting Permanent Secretary for the Ministry of Lands and Mineral Resources.

Mr. Strong is the former President of the Fiji NZ Business Council, former Chair of the Fiji Export Council, former Chair of the Fiji Ship Owners and Agents Association, and the former Chair of the Friends of Fiji Heart Foundation. Mr. Strong has also been involved in Pacific-based business councils, having been a board member of the Fiji Australia Business Council and the Fiji PNG Business Council. Mr. Strong previously held board directorships in the Fiji Commerce and Employers Federation, Pacific Agencies Fiji Limited, Container Services Fiji Limited, Civil Aviation Authority of Fiji, the Housing Authority of Fiji, the Public Rental Board of Fiji, Fijian Holdings Fund Management Limited, and the NZ Institute of Pacific Research.

Mr. Strong holds professional membership in the Australian Institute of Company Directors. In October 2020, the College of Honour bestowed upon Mr. Strong the Order of Fiji 50th Anniversary Medal, in recognition of his contribution to the economic and social development of Fiji in its first fifty years of independence.



MAY TAI

Managing Partner, Asia, Herbert Smith Freehills

Ms. May Tai specialises in cross-border China-related and Asian disputes, as well as contentious regulatory matters. She regularly advises governments, government-owned entities and commercial clients (including financial institutions and energy companies) in Asia, Europe and the United States, including acting as counsel and advocate in arbitrations under various rules and court proceedings. She has acted as arbitrator in SIAC and HKIAC proceedings, and has also sat as an Emergency Arbitrator under the ICC Rules.

May has published several articles on arbitration and dispute resolution, and is regularly invited to speak at conferences on such topics. She has also taught arbitration at Tsinghua Law School.

May speaks five languages fluently, including Bahasa (Malaysian and Indonesian), Chinese (Mandarin and Cantonese) and English. She is a CEDR accredited mediator and an arbitrator in the HKIAC List of Arbitrators. She also sits as a board member at The London Court of International Arbitration and a member of User Council at Singapore International Arbitration Centre. May is qualified as a solicitor in England and Wales, and Hong Kong.

May is based in Hong Kong but also spends time in Herbert Smith Freehills' Shanghai and Beijing offices and has also practised in London, Singapore and Tokyo. She understands the legal and business scenes well in these cities.



HON. KALEB S. UDUI, JR.

Minister of Finance (Palau)

Mr. Kaleb Udui is the new Minister of Finance for the Republic of Palau, having been sworn into office on 8 February 2021. His public service began as the Chief of the Division of Budget and Management in the early 1990s. In the late 1990s, he served as the Financial Advisor to the Ministry and Manager for a UNDP project that covered personnel, tax, and planning reforms. In the 2000s, Mr. Udui worked in banking and also served as the President of the National Development Bank of Palau. His private business activities have been in banking, energy consulting, and real estate. He has also served on various public and private boards including Palau's Banking Supervisory Board and the Palau Chamber of Commerce.

Mr. Udui has a Bachelor's Degree in Finance and Economics from the University of Guam and a Masters of Business Administration from the University of Hawaii.



An aerial shot of the Japan-Palau Friendship Bridge (photo by Eric Sales/ADB).



LORD CHIEF JUSTICE MICHAEL WHITTEN QC

Supreme Court of Tonga

Michael Whitten QC is the current Lord Chief Justice of the Kingdom of Tonga. Prior to his Honour's appointment in mid-2019, he was a member of the Victorian Bar and Chancery Chambers in Melbourne, Victoria. There, he practised for more than 20 years in commercial litigation, specialising in building, construction, infrastructure and energy disputes. Prior to that, his Honour's legal career started in Brisbane in the Public Defender's Office, then associate to the late Judge J.P. Kimmins, then as a law clerk at Blake Dawson Waldron, before being called to the Bar there in 1990. He has appeared in all jurisdictions throughout most of Australia and in domestic and international arbitrations.

He is a Fellow of the Chartered Institute of Arbitrators, and was an accredited NMAS mediator. He was one of the founding members of MTECC, a virtual chambers dedicated to promoting its members in the construction law field, particularly, for international arbitration in the Asia-Pacific region, and was its Chair between 2016 and 2019. He was a member of the Australian Bar Association's Arbitration committee until his current appointment in mid-2019. He is a co-author of the 4th, 5th and 6th editions of 'Brooking on Building Contracts' and presented numerous CLE papers throughout his career at the Bar. His Honour's work in Tonga has included consulting on the International Arbitration Bill following Tonga's accession to the New York Convention, the 164th country to do so, on 12 June 2020.



7

FACILITATORS

in alphabetical order

● An aerial shot of Palau
(photo by Eric Sales/ADB).



JULIAN COHEN

Barrister and Arbitrator, Gilt Chambers

Mr. Julian Cohen has more than 30 years of specialist experience of heavyweight international commercial arbitrations in Hong Kong, and across Asia, the Pacific, the Middle East and Europe. Sums in dispute in his cases vary from small to in excess of USD 2 billion. He is particularly well known for large scale construction disputes, and is recognised by directories both as one of the leading constructions lawyers in the world and also as a leading construction counsel in Hong Kong.

In addition to acting as counsel, he also regularly sits internationally as an arbitrator in the Asia-Pacific region, and in the Middle East. He has sat both as a sole arbitrator and member of three member tribunals under ICC, UNCITRAL, LCIA, HKIAC and DIAC rules.

He has conducted arbitrations under a variety of common law and civil code legal systems.

In addition to a substantial Hong Kong practice, Mr. Cohen has been involved in disputes in Macau, PRC, Singapore, Indonesia, Vietnam, Thailand, Guam, Fiji, India, Pakistan, Dubai, Abu Dhabi, Qatar, Saudi Arabia, Oman, Yemen, Egypt, Kuwait, Sierra Leone, Mali, Turkey, Albania, Czech Republic, France, Belgium, and the United Kingdom.

Mr. Cohen was called to the Bar in England in 1990 and joined the Construction and Engineering Department of Pinsent Masons in 1993. He moved to Hong Kong in 1998 with the firm, eventually leaving as a Partner in 2009. He started his practice at the Hong Kong Bar in 2010.

He writes and teaches regularly on construction law issues, arbitration, and advocacy.

Facilitators



DANIEL MELTZ

Barrister, 12 Wentworth Selborne Chambers; and International Arbitration Consultant, ADB

Please see page 43.



CHRISTINA PAK

Principal Counsel and Team Leader, Law and Policy Reform Program, ADB

Please see page 29.



Residents of Tuvalu enjoying the sea (photo by Eric Sales/ADB).



JOSÉ AUGUSTO FERNANDES TEIXEIRA

Partner, Da Silva Teixeira & Associados

Mr. José Augusto Fernandes Teixeira joined Da Silva Teixeira & Associados in 2012 after having served as a Member of National Parliament (2007 to 2012) and also a Member of Government (2002 to 2007). His practice focuses on environmental law, renewable energy, domestic and foreign investment, tourism, mining, oil and gas, international commercial arbitration and infrastructure. As a former Minister, Deputy Minister and Secretary of State for Natural Resources, Minerals and Energy Policy and Secretary of State for Tourism, Investment and Environment, Mr. Teixeira was one of the principal architects of Timor-Leste's petroleum laws and regulations, the sovereign wealth fund, the law on commercial companies, and domestic and external investment laws. He also oversaw the completion of the first Timorese Government studies on renewable energy such as solar, hydropower, wind power and biogas and initiated the process for Timor-Leste to become a member of the Extractive Industries Transparency Initiative (EITI). In 2004 to 2006, he led the Timorese Government team in negotiations with the Australian Government over maritime resource sharing arrangements in the Timor Sea which resulted in the signing of the Treaty Concerning Certain Maritime Arrangements in the Timor Sea (CMATS). He also served as a Commissioner representing Timor-Leste in the Timor Sea Joint Petroleum Development Area (JPDA) Joint Commission and later as a member representing Timor-Leste on the Ministerial Council for the JPDA.

Mr. Teixeira holds a Bachelor of Arts (Politics and Economic History) from the University of New England and a Bachelor of Laws from the University of Queensland. Prior to returning to Timor-Leste, he was a lawyer in Queensland, Australia practicing mainly in commercial and property litigation, planning and development law, administrative and constitutional law, tax law, native title and resource law.

Mr. Teixeira is an Associate of the Chartered Institute of Arbitrators (Singapore Branch), holding a Certificate on International Commercial Arbitration from the American University, Washington College of Law. He was admitted to practice in the Queensland Supreme Court and High Court of Australia, is currently admitted as a lawyer in Timor-Leste and is a member of the New South Wales Law Society. He also served on the Timor-Leste Petroleum Fund Consultative Council 2013–2018 and is currently a member of the Supreme Council of the Attorney General.



● People arrive from an interisland boat trip at the Port of Honiara, Solomon Islands (photo by Luis Ascui/ADB).

8

CONFERENCE SECRETARIAT



Conference Secretariat



CHRISTINA PAK

Principal Counsel and Team Leader,
Law and Policy Reform Program, ADB

● Please see page 29.



DANIEL MELTZ

Barrister, 12 Wentworth Selborne
Chambers; and
International Arbitration Consultant, ADB

● Please see page 43.



RYAH ZENDRA M. SANVICENTE

Legal Operations Administrator, ADB

● Ms. Ryah Sanvicente has been a staff member of the Asian Development Bank since 2005. She worked with the Office of the General Counsel (OGC) as a Legal Operations Assistant from 2005–2009, and moved to the South Asia Department from 2009–2015 as a Senior Operations Assistant. In 2015, she returned to OGC as the Executive Assistant to the General Counsel. In 2019, she joined the Law and Policy Reform Team of OGC as the Legal Operations Administrator.

She graduated from the University of Sto. Tomas with a Bachelor's Degree in Communications Arts in 2000.

**GLADYS CABANILLA-SANGALANG**

Senior Legal Operations Assistant, ADB

Ms. Gladys Cabanilla-Sangalang has over 20 years of operations and administrative support experience. Before joining ADB, she worked as a paralegal in a full-service law firm that advises clients in the Banking & Finance, Corporate & Commercial, Dispute Resolution, Employment, Immigration, Intellectual Property, and Tax practice areas. Subsequently she became the Executive Administrator to the Global Chief Operating Officer of a multinational law firm and later as a Global Talent Management Specialist, overseeing the performance management tool of the Firm and managing the election of local partnership to international partnership.

She also worked as an Office Administrator and Purchasing Associate in a subsidiary of the largest media conglomerate in the Philippines that brought the first indoor family educational entertainment center to the Bonifacio Global City, Taguig.

She is currently a senior legal operations assistant in the Office of the General Counsel in ADB, supporting the Law and Policy Reform Program and several loans, grants and technical assistance sovereign projects.

She graduated from the University of the Philippines with a Bachelor of Arts degree in Political Science (with minor in Economics and Psychology) and earned her Certificate as a Paralegal from the University of the Philippines Law Center. She also holds a diploma on Events Specialist that she earned from the School of Professional and Continuing Education of the De La Salle-College of Saint Benilde.



MARIA CECILIA T. SICANGCO

Senior Legal Officer, Law and Policy Reform Program, ADB

Ms. Maria Cecilia T. Sicangco is currently a Senior Legal Officer under the Law and Policy Reform (LPR) Program of ADB. She is involved in the design, processing, and implementation of the LPR portfolio, which covers key areas such as environment and climate change law, international arbitration, gender-based violence and access to justice, commercial law and private sector development, digital economy, renewable energy, and data privacy.

Cecille has worked on legal and policy reform with development partners across Asia and the Pacific. She has in-country experience in Afghanistan, Bhutan, Cambodia, Fiji, India, Myanmar, Pakistan, Philippines, and Samoa.

Her work has been published in the Yearbook of International Environmental Law (Oxford University Press) and the Human Rights Education in Asia-Pacific Journal. She authored the *International Climate Change Legal Frameworks* volume of the Climate Change, Coming Soon to a Court Near You report series. She also co-authored the *National Climate Change Legal Frameworks* volume, which synthesized the climate legal and policy frameworks of 32 countries in the region and analyzed key legislative trends and climate-relevant constitutional rights.


Cecille holds a Bachelor of Applied Economics and Accountancy double degree (cum laude) from De La Salle University and a Bachelor of Laws degree (cum laude, salutatorian) from the University of the Philippines. Thereafter, she pursued a Master of Laws in International Legal Studies degree at New York University, where she was the Starr Foundation Global Scholar, Hauser Scholar, and Thomas M. Franck Scholar in International Law.

Cecille is a Philippine- and US-qualified lawyer (admitted to the bar in the State of New York), and a Certified Public Accountant. She is a member of the World Commission on Environmental Law.

**IMELDA T. ALCALA**

Senior Project Coordinator (Consultant), ADB

Ms. Imelda T. Alcala has a Bachelor of Science in Business Administration (major in Management) degree. She has been with the Asian Development Bank as a consultant for various projects since 1996. Her 25 years in the bank have seen her handle projects in environmental law, energy and water regulation, climate change, food fortification and health policy, regional cooperation in law, justice and development, finance and risk mitigation, and commercial law reform. At present, Ms. Alcala is the Senior Project Coordinator for two technical assistant projects under the Office of the General Counsel's Law and Policy Reform Program: (i) on international arbitration law reform in the South Pacific, and (ii) on capacity building in environmental and climate change law. She is responsible for overseeing and managing the roll-over of project logistics, coordination and administration. She describes herself as the person who helps fit the puzzle pieces together.

A photograph showing a close-up of a hand holding a traditional head garland (chuuk) made of white flowers and green leaves. The background is a blurred outdoor setting with green foliage. The entire image is overlaid with a semi-transparent blue filter.

A head garland is made in Chuuk, the Federated States of Micronesia (photo by Eric Sales/ADB).



ANGELO JACINTO

IT and Multimedia Specialist (Consultant), ADB

Mr. Angelo Jacinto is a multimedia specialist and web developer who previously worked with the Asian Development Bank's (ADB) Office of the General Counsel (OGC) in producing the Developing Environmental Law Champions (<https://www.teachenvirolaw.asia>) and the Asian Judges Network on Environment (AJNE) (<https://www.ajne.org>) websites. He also documented events as a photo/videographer and produced video presentations for the Developing Environmental Law Champions Project.

He has been a multimedia and web development consultant with ADB since 2013, having worked mostly with the ADB's Department of Communications (DOC) on the redesign and maintenance of ADB.org (<https://www.adb.org>) and the creation of the ADB Data Library (<https://data.adb.org>). He also developed the Asia-Pacific Road Safety Observatory Website (<https://www.aprso.org>) with the ADB's Sustainable Development and Climate Change Department (SDCC), and the web version of the Office of Anticorruption and Integrity's (OAI) 2019 Annual Report (<https://www.adb.org/multimedia/oai-2019/index.html>). He also produced multimedia feature stories such as Green Cities (<https://www.adb.org/green-cities/index.html>) and Environmental Law Champions for Asia and the Pacific (<https://www.teachenvirolaw.asia/story/index.html>).

Prior to consulting with the ADB, he worked with multilateral organizations such as UNAIDS, UNICEF, the ASEAN Centre for Biodiversity, the ASEAN Wildlife Enforcement Network, the Green Climate Fund (GCF) and the International Organization for Migration (IOM).



About the Asian Development Bank

ADB is committed to achieving a prosperous, inclusive, resilient, and sustainable Asia and the Pacific, while sustaining its efforts to eradicate extreme poverty. Established in 1966, it is owned by 68 members —49 from the region. Its main instruments for helping its developing member countries are policy dialogue, loans, equity investments, guarantees, grants, and technical assistance.



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