

THE TRANSPARENCY DEBATE:

ASIAN PERSPECTIVES ON INVESTOR-STATE DISPUTE SETTLEMENT

The Investor-State Dispute Settlement (ISDS) regime stands at a crossroads. In recent years, international arbitration stakeholders have expressed growing concerns over the legitimacy of the system. ISDS is often criticised for the opacity of its processes and decisions on matters related to public interests and the right to regulate.

Even though various measures have sought to enhance transparency of ISDS for the past decade, calls for greater systemic transparency are still abound and are reflected in the ongoing amendment process of the ICSID Rules & Regulations. However, is transparency an agenda that resonates with Asia? With Asian countries now increasing their capital exports and participation in multilateral investment agreements, how will the transparency agenda materialize in this part of the world?

This session aims to explore evolving Asian perspectives on transparency in ISDS and how these can inform existing discussions on ISDS reforms.

DATE

11th September 2019

TIME

6:00 p.m. – 8:00 p.m.

LOCATION

Seminar Room 1, Pavilion AIAC

To Register, please call us at
+603 2271 1000 or email us at:
events@aiac.world

SPEAKERS



Tan Sri Dato' Cecil Abraham

Senior Partner
Cecil Abraham & Partners

Tan Sri Dato' Cecil Abraham, Senior Partner of Cecil Abraham & Partners, is a Barrister-At-Law of the Middle Temple and a Bencher of the Inn. He is a Fellow of Queen Mary & Westfield College, University of London, Chartered Institute of Arbitrators U.K., Malaysian Institute of Arbitrators, Singapore Institute of Arbitrators and the Australian Centre for International Commercial Arbitration Limited and also a Chartered Arbitrator. He is an Advisory Member of the International Court of Commercial Arbitration. He is the current Chairman of ICC Malaysia's Arbitration Committee, a former Member of the LCIA Court and the ICC International Court of Arbitration.

Cecil has extensive arbitration experience in domestic and international arbitrations and has appeared as counsel for the Government of Malaysia and a Malaysian company in a Bilateral Investment Treaty arbitration. He has sat as Sole Arbitrator and Co-Arbitrator in 12 BITs conducted under the ICSID Rules. He is also on the panel of arbitrators of ICSID.



Dato' Nitin Nadkarni

Partner
Lee Hishammuddin Allen & Gledhill

Dato' Nitin Nadkarni heads the Energy, Projects & Infrastructure, and International Arbitration Practice Group in Lee Hishammuddin Allen & Gledhill. His practice covers a wide range of dispute resolution, including acting and advising on international commercial and investor-state disputes. Nitin has extensive experience in all aspects of the project lifecycle in the construction, engineering, energy and electricity sector.

For over 3 decades, Nitin has acted in wide-ranging, complex and multi-jurisdictional arbitrations under a variety of governing laws and rules. Having represented clients in both common and civil law jurisdictions, Nitin's arbitral experience spans across Europe, Asia and the MENA region. Being registered on the panel of leading arbitral institutions and a fellow of CIArb, he also regularly sits as arbitrator.

Legal 500 describes him as a "prolific arbitrator" while Chambers Asia recognises him as "renowned name in the construction disputes arena, with strong expertise as a litigator and arbitrator".



Jonathan Lim

Senior Associate
Wilmer Cutler Pickering Hale and Dorr LLP

Jonathan Lim represents states, companies and individuals in complex international disputes, particularly in the energy, financial services, technology, and telecommunications sectors. He has acted in arbitrations under all major arbitration rules sited across Asia, Africa, Europe and the Americas, and in state-to-state WTO dispute settlement matters. He has also advised governments on public international law issues, assisted with the drafting of arbitration and investment legislation in Fiji, Papua New Guinea, Somalia and Tonga.

In addition to his practice as counsel, Jonathan has a developing practice as arbitrator and has received appointments as sole and party-appointed arbitrator in proceedings seated in Europe and Asia. He also teaches an international arbitration course at the National University of Singapore each January. Jonathan is listed by Who's Who Legal as a Future Leader in International Arbitration. He is described as a "very smart all-round lawyer" and a "sure bet as a future global leader".

MODERATOR



Lim Tse Wei

Associate
Herbert Smith Freehills

Tse Wei is a Disputes Associate at Herbert Smith Freehills, Kuala Lumpur, and a Malaysian-qualified advocate and solicitor. He read law at the London School of Economics at both undergraduate and postgraduate levels.

Tse Wei's practice covers international dispute resolution with a focus on the energy and construction industries. His experience includes acting and advising on commercial and investment disputes across Asia, Middle East, and North Africa. Tse Wei has advised on arbitrations held under a variety of rules (ICC, AIAC, UNCITRAL, and SIAC) seated in Abu Dhabi, France, Singapore, and Malaysia. Additionally, he has working experience with commercial disputes governed by the laws of the UAE, Indonesia, France, Algeria, and Malaysia.