

REVISITING THE MALAYSIA-SULU LEGAL DUELS AND EXPERT EVIDENCE: AN OPPORTUNE APPRAISAL OF THE GLOBAL ARBITRAL SYSTEM

A session in DAW organised by Asian International Arbitration Centre (AIAC), in collaboration with Legal Plus and L2 i-CON International

Date: 14 Nov 2023 (Tue)
Time: 9.30am - 12.30pm
Venue: Mövenpick Hotel Apartments Downtown Dubai
Al Ohood Street, Burj Khalifa Area, 413779 DUBAI, United Arab Emirates
Google Map: <https://maps.app.goo.gl/6YuNpEJ4G8E7TmEx8>

PROGRAMME

9.30AM

Registration and Networking Session

10:00AM



KEYNOTE ADDRESS

by **PROFESSOR DATO' DR. RAHMAT BIN MOHAMAD**

Chairman of the Asian International Arbitration Centre (AIAC) Advisory Board and Honorary Professor at the Faculty of Law, Universiti Teknologi MARA

SESSION 1: THE USE OF EXPERT EVIDENCE IN ARBITRATION – CHALLENGES AND SAFEGUARDS



MODERATOR:
DR EHSAN MUNAA'IM

| Contracts Director, Systra, Sloan Fellow 23, MIT and Exco, Malaysian Business Council - UAE



SPEAKERS:
MICHAEL TONKIN

| Partner, HKA



ANAND ANTHONY

| Director – Claims & Expert Services, Drees and Sommer



DARSHENDEV SINGH

| Arbitrator, Adjudicator and Partner at Lee Hishammuddin Allen & Gledhill



TRUNG NGUYEN

| Chair, Society of Construction Law - Vietnam (SCLVN), FIDIC Certified Contract Manager & Trainer and Construction Arbitrator at VIAC

SESSION 2: UNVEILING THE TRUTH: THE OMNIPOTENCE OF SOVEREIGN IMMUNITY IN THE SULU CONTROVERSY



MODERATOR:
MICHAEL COVER

| FCIArb, Chartered Arbitrator and Member of ArbDB Chambers



SPEAKERS:
WOLF VON KUMBERG

| International Arbitrator and Mediator, Arbitra



AIS LIDZHANOVA

| Partner, Head of Dubai Office, TA Advisory



MATEI PURICE

| Counsel, Continental Europe Head of Global Projects Disputes, Freshfields Bruckhaus Deringer



CLOSING REMARKS
by **CINDY WONG**

| Director, L2 i-CON International

12.30PM

End



DUBAI
ARBITRATION
WEEK

REVISITING THE MALAYSIA-SULU LEGAL DUELS AND EXPERT EVIDENCE: AN OPPORTUNE APPRAISAL OF THE GLOBAL ARBITRAL SYSTEM | 14 NOVEMBER 2023

ORGANISED BY:



PARTNERING WITH:



SPONSORED BY:

DREES &
SOMMER



KEYNOTE ADDRESS

PROFESSOR DATO' DR. RAHMAT BIN MOHAMAD

Chairman of the Asian International Arbitration Centre (AIAC) Advisory Board and Honorary Professor at the Faculty of Law, Universiti Teknologi MARA



Professor Dato' Dr. Rahmat Mohamad is currently the Chairman of the Asian International Arbitration Centre (AIAC) Advisory Board and Honorary Professor at the Faculty of Law, Universiti Teknologi MARA. He was formerly the Chairman of the Human Rights Commission of Malaysia. He held several academic positions at Universiti Teknologi MARA before serving as Secretary General of the Asian-African Legal Consultative Organization (AALCO) for two terms of eight years from 2008 until 2016 at its headquarters in New Delhi, India. He has written books, book chapters, articles and news column articles in newspaper on diverse area of international law.

ORGANISED BY:



PARTNERING WITH:



SPONSORED BY:



CLOSING REMARKS

CINDY WONG XIEN YEE

Director, L2 i-CON International



Cindy Wong is an arbitrator, adjudicator and ADR practitioner. Her practice area is primarily focusing on construction contract management, contract advisory and construction dispute resolutions including adjudication, arbitration, fast track arbitration, mediation, dispute adjudication board (DAB). Cindy is a fellow of Chartered Institute of Arbitrators (FCIArb). She is a member of the Expert Advisory Committee of the Asian International Arbitration Centre (AIAC) Standard Form of Building Contract. Cindy co-authored the 'Law, Practice and Procedure of Adjudication' published by Lexis Nexis in February 2023. She is one of the contributors in 'Law and Practice of Construction Law in Malaysia' published by Thomson Reuters in November 2021.

DUBAI
ARBITRATION
WEEK

REVISITING THE MALAYSIA-SULU LEGAL DUELS AND EXPERT EVIDENCE: AN OPPORTUNE APPRAISAL OF THE GLOBAL ARBITRAL SYSTEM | 14 NOVEMBER 2023

ORGANISED BY:



PARTNERING WITH:



SPONSORED BY:



SESSION 1

MODERATOR



DR EHSAN MUNAAIM

Contracts Director, Systra, Sloan Fellow '23, MIT and Exco, Malaysian Business Council - UAE

Dr. Ehsan Munaaim is a legally qualified Chartered Quantity Surveyor, Chartered Construction Manager, and Consultant Quantity Surveyor with an academic and professional background acquired in the UK, USA, and Malaysia. He holds a PhD in Law from King's College London (KCL) and an MBA from Massachusetts Institute of Technology (MIT), and professional memberships, including FRICS, FCI Arb, and FCI OB. Ehsan has held various roles (ranging from Consultant to Director) with leading consultancy firms, such as Hill International, HKA, Parsons, and Systra, specialising in commercial management, claims, contracts, and dispute avoidance and resolution. He has provided consulting support in his areas of expertise to both employers and contractors across the globe, from Afghanistan and India to Iraq, Saudi Arabia, Malaysia, Qatar, Tanzania, and the UAE, managing projects valued at up to US\$15 billion across sectors such as airports, buildings, oil and gas, power generation, and rail. Ehsan has taught at some of the world's top universities, including University College London, and is a Sloan Fellow '23 at MIT. His PhD research at KCL was supervised by Professors Phillip Capper and Nicholas Gould and examined by Professors John Uff and Doug Jones. He serves on the advisory panel of the Adjudication Research + Reporting Unit at the University of New South Wales, Australia.

SESSION 2

MODERATOR



MICHAEL COVER

FCI Arb, Chartered Arbitrator and Member of ArbDB Chambers

Michael is a full time third party neutral and a Member of ArbDB Chambers www.arbdb.com. He has over 35 years' experience in dispute resolution. He is a Fellow of the Chartered Institute of Arbitrators and a Chartered Arbitrator and an Accredited Mediator with CEDR and a Certified Mediator with the International Institute of Mediators. He accepts appointments as arbitrator, mediator, adjudicator and dispute board member. He has handed down over 100 arbitral awards and acted as mediator in over 260 cases. He is on the panels of neutrals of many of the leading institutions around the world, including the ADGM, the AIAC, CEDR, the CI Arb, the CPR Panel of Distinguished Neutrals, DIAC, SCCA, SCMA, WIPO and the World Forum of Offshore Wind. Michael can be contacted for appointments through the Clerk to ArbDB Chambers, Martin Poulter, martin.poulter@arbdb.com.

ORGANISED BY:



PARTNERING WITH:



SPONSORED BY:



SESSION 1

SPEAKERS



MICHAEL TONKIN

Partner, HKA

Michael Tonkin BSc DipArb DipICIArb FRICS FCIArb FCIQB FDBF MAE CARB is a Chartered Quantity Surveyor, Chartered Arbitrator, CEDR Accredited Mediator, RICS Accredited Expert Witness and testifying Expert Witness in quantum with 30+ years of experience in the construction industry. He acts as an expert witness in quantum and has been instructed around fifty times as a party appointed Expert Witness, a single joint Expert Witness and a Third Party Expert Evaluator on disputes up to US\$4bn in value. He has given oral testimony in traditional cross-examination as well as concurrent evidence/hot-tubbing. Michael often acts as "Coordinating Expert" across several disciplines of expert. He is named in Who's Who Legal (WWL) as a Global Elite Thought Leader 2023. Michael has been appointed as Arbitrator on more than 60 occasions (as sole Arbitrator, Chairman of a tribunal of three, and Co-Arbitrator) under the auspices of ICC, LCIA, DIAC, ADCCAC and the TAI. Michael is an "Arbitrator" Member of the Society of Construction Arbitrators and the current Honorary Treasurer. He has previously been a Trustee and Honorary Treasurer of the CIARB, as well as a past Chairman and past Vice Chairman of the UAE Branch.



ANAND ANTHONY

Director - Claims & Expert Services, Drees and Sommer

Mr Anand Anthony is based in Drees and Sommer's Singapore office, he has over 33 years of experience in the construction and engineering industries, and for the last 25 years, has advised numerous client companies in connection with project and contract management issues. During the course of his career, Anand has undertaken a range of roles, including Project Director, Project Manager, Construction Manager, Project Controls Manager, Contracts Manager, Commercial Manager, Cost Engineer, Contracts Engineer, and Planning Engineer - this broad experiential platform enabling him to consider matters from a wholistic perspective and to advise clients accordingly. He regularly testifies as a Delay Expert (Forensic Planner), Quantum Expert (Cost Engineer), and Expert Building Surveyor/Engineer, including acting as an Expert on matters involving Value Engineering at the Singapore High Court, regional adjudications, and regional arbitrations.

ORGANISED BY:



PARTNERING WITH:



SPONSORED BY:



SESSION 1

SPEAKERS



DARSHENDEV SINGH

**Arbitrator, Adjudicator and
Partner at Lee Hishammuddin Allen & Gledhill**

Darshendev Singh is a Partner with Lee Hishammuddin Allen & Gledhill. His primary area of practice is commercial dispute resolution with a focus on complex disputes relating to construction, engineering, oil & gas, and infrastructure projects. Besides regularly sitting as an arbitrator and an adjudicator, Darshendev also represents clients in international and domestic arbitration, litigation, mediation and adjudication. The sole Malaysian recipient of the 2019 Asia Pacific Top 10 Arbitrators Award (under the age of 40 category). Darshendev has also been ranked as a Next Generation Partner for both Dispute Resolution and Real Estate and Construction in Malaysia by The Legal 500 in its Asia Pacific Rankings. He was listed in the Private Practice Arbitration Powerlist (Southeast Asian Region) by The Legal 500. He has also been recognised as Future Star (Construction) by Benchmark Litigation Asia-Pacific 2023 and 2021 Rising Star in the Malaysian Legal Industry (under the age of 40 category) by the Asian Legal Business. Darshendev received the Lexology Client Choice Award 2021 for Construction in Malaysia. Over the years, Darshendev has amongst others been described as a lawyer who "provides critical yet practical insight with his sharp intellect and surgical precision of the facts. He is reliable, efficient, and experienced", "is exceptional and stands out from competitors because of his knowledge in the field, his meticulous nature in disputes and his dedication to do his best for his clients", and "is very solution-oriented and always provides practical solutions to clients. He is intelligent, aggressive, sharp, meticulous and has great advocacy skills, which are something clients look for in a litigator." Darshendev, who was the former chairperson of the Chartered Institute of Arbitrators (Malaysia) Young Members Group, is a frequent speaker on the international circuit and contributes to global publications on arbitration and construction law landscape.



TRUNG NGUYEN

**Chair, Society of Construction Law - Vietnam (SCLVN),
FIDIC Certified Contract Manager &
Trainer and Construction Arbitrator at VIAC**

Trung is FIDIC Certified Contract Manager and FIDIC Certified Trainer, and listed on the Panel of Arbitrators at VIAC, AIAC, THAC, BDAC. Trung has experiences as arbitrator, sole arbitrator, chair of tribunal of construction arbitration cases in English and Vietnamese. He is currently served as the Chair of Society of Construction Law - Viet Nam (SCLVN).

ORGANISED BY:



PARTNERING WITH:



SPONSORED BY:



SESSION 2

SPEAKERS



WOLF VON KUMBERG

International Arbitrator and Mediator, Arbitra

Wolf is a leading internationally recognised independent arbitrator and mediator practising out of Abu Dhabi, London and Washington DC across a spectrum of disputes. Wolf has extensive commercial experience working throughout the GCC Region while Assistant General Counsel to Northrop Grumman and was involved in the structuring, contracting, and delivery of major projects. He has good knowledge of the culture, legal systems, and commercial practices in the Region. Much of his work was with Government agencies and state-owned entities, this included Saudi Arabia, Oman, Qatar, Bahrain, and the UAE. Over the past five years, Wolf has been active in developing Investor-State Mediation with an emphasis on energy-related disputes. In this respect, he has worked closely with ICSID and the Energy Charter Treaty Secretariat. This has culminated in the formation of an Investor-State Mediation Panel at the ADGM in Abu Dhabi which is focused on energy transition disputes emerging in the GCC. Wolf has participated in a range of disputes within the GCC as counsel, arbitrator, and mediator. He sits on the arbitration and mediation panels of the SCCA, the mediation panel of the ADGM as well as on its Investor/State mediation panel. He is well versed in local legal practice and laws.



AIS LIDZHANOVA

Partner, Head of Dubai Office, TA Advisory

Ais Lidzhanova is a Partner and Head of Dubai office at TA Advisory. Ais is a solicitor of England & Wales and an advocate in Russia. Prior to joining TA Advisory and relocating to Dubai, Ais worked in London and Moscow, where she practised at leading English and Russian law firms. Ais has 10+ years of experience acting as counsel in international arbitration proceedings conducted under the rules of major arbitration institutions. She has also represented clients in complex multi-jurisdictional litigation and coordinated large asset recovery projects globally. Ais is a Ph.D. candidate with an educational background in the U.S. As an active member of the arbitration community, she regularly speaks at global conferences and conducts trainings within her areas of expertise.



MATEI PURICE

Counsel, Continental Europe Head of Global Projects Disputes, Freshfields Bruckhaus Deringer

Matei Purice is counsel in Freshfields Bruckhaus Deringer's international arbitration group and heads Freshfields Bruckhaus Deringer's Global Projects Disputes Practice in Continental Europe. Recognised by GAR's, Who's Who Legal since 2018 as an arbitration "Future Leader", Matei focuses on commercial and investment treaty arbitrations arising out of global projects, including infrastructure, energy, industrial and urban development projects. Matei has particular expertise in Europe and the Middle East. He has acted as counsel in matters under a variety of arbitration rules including ICSID, ICC, SCC, UNCITRAL, Dubai International Arbitration Centre (DIAC) and the Court of International Commercial Arbitration of Bucharest (CICA) with seats in Paris, London, Geneva, Dubai, Abu Dhabi, Doha and Bucharest. He also regularly sits as arbitrator predominantly in projects related disputes. Since 2014, Matei has lectured at the International Arbitration LLM at the Faculty of Law of the Bucharest University (Romania) where he is responsible for the construction arbitration module. Matei holds law degrees from both the University of Paris I Pantheon - Sorbonne and the University of Bucharest - Faculty of Law. He is a member of the Paris Bar and Bucharest Bar. He is fluent in English, French and Romanian.