

Singapore International Arbitration Academy

26 November – 14 December 2012, Singapore
National University of Singapore
Bukit Timah Campus

FULL PROGRAMME



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AT A GLANCE...

Pg	PART 1: FOUNDATIONS		VENUE	TOPICS / ACTIVITY
5	Monday, 26 Nov	Day 1	NUS BTC	- Welcome Ceremony - General Theory and Introduction - Luncheon Speech
	Speaker(s) of the Day			Mr Steven Chong, S.C. (Attorney-General of Singapore) Mr. Gary Born, Mr. Philip Jeyaretnam, S.C.
6	Tuesday, 27 Nov	Day 2	NUS BTC	- Arbitration agreements (separability, choice of law, validity (substantive/form), non-arbitrability, effects and enforcement, non-signatory issues) - Armchair Session: What Tribunals Look for in Counsel - Drinks Reception
	Speaker(s) of the Day			Mr. Gary Born, Prof. Michael Pryles, Mr. Michael Hwang, S.C., Mr. Christopher Lau, S.C.
7	Wed, 28 Nov	Day 3	NUS BTC	- Drafting Arbitration Agreements - Arbitral procedures (procedural law, selection/removal of arbitrators, evidence-taking, arbitral procedures)
	Speaker(s) of the Day			Mr. Gary Born
8	Thursday, 29 Nov	Day 4	NUS BTC	- Selecting Arbitrators Workshop - What Clients Expect of their Legal Counsel, Part 1 - Arbitral awards (effects/preclusion, annulment, recognition)
	Speaker(s) of the Day			Mr. Gary Born, Prof. Catherine A. Rogers, Ms. Veronica Lai
9	Friday, 30 Nov	Day 5	NUS BTC	- Arbitral awards (effects/preclusion, annulment, recognition) (Cont'd) - 7 Minute Presentations Workshop
	Speaker(s) of the Day			Mr. Gary Born, Justice Quentin Loh, Mr. Chan Leng Sun, S.C.

Pg	PART 2: ETHICS AND CONFLICTS			
10	Monday, 3 Dec	Day 6	NUS BTC	- Ethics & Conflicts in International Arbitration - What Clients Expect of their Legal Counsel, Part 2 - Disruption of Arbitration (Challenges of Arbitrators)
	Speaker(s) of the Day			Prof. Catherine A. Rogers, Mr. Simon Cheong

Pg	PART 3: DISRUPTIONS AND COURT INTERACTIONS			
10	Monday, 3 Dec	Day 6	NUS BTC	- Disruption of Arbitration (Challenges of Arbitrators)
	Speaker(s) of the Day			Mr. John Savage
PART 3: DISRUPTIONS AND COURT INTERACTIONS				
11	Tuesday, 4 Dec	Day 7	NUS BTC	- Judicial Support of Arbitration (anti-suit injunctions, anti-arbitration orders and stays)
	Speaker(s) of the Day			Ms. Hilary Heilbron, Q.C., Mr. Patrick G. Foy, Q.C.
12	Wednesday, 5 Dec	Day 8	NUS BTC	- The Role of Judicial Review in Arbitration - Enforcement (and Resisting Enforcement) of Awards - What Clients Expect of their Legal Counsel, Part 3
	Speaker(s) of the Day			Ms. Hilary Heilbron, Q.C., Mr. Patrick G. Foy, Q.C., Mr. Andrew Lim
13	Thursday, 6 Dec	Day 9	Supreme Court	- The Courts and Arbitration: A Theory of Judicial Review
	Speaker(s) of the Day			Chief Justice Sundaresh Menon Chief Justice of Singapore's Supreme Court The Right Hon The Lord Phillips of Worth Matravers, K.G.

Pg	PART 4: EXPERT EVIDENCE			
12	Wednesday, 5 Dec	Day 8	NUS BTC	- Expert evidence (duties of experts, relations between counsel and experts, ethical issues, etc.)
	Speaker(s) of the Day			Prof. Catherine A. Rogers, Mr. David Saunders, Mr. Philip Fong
13	Thursday, 6 Dec	Day 9	Supreme Court	- Damages: The DCF Method of Valuation & Possible Abuses
	Speaker(s) of the Day			Mr. David Saunders, Dr. Ivan Png

Pg	PART 5: ARBITRATION IN ASIA			
13	Thursday, 6 Dec	Day 9	Supreme Court	Arbitration in Asia: Regional Perspectives
	Speaker(s) of the Day			Mr. Harish Salve, Ms. Ariel Ye

Pg	PART 6: ARBITRATION IN PUBLIC INTERNATIONAL LAW			
14	Friday, 7 Dec	Day 10	NUS BTC	- Arbitration in Public International Law - Relations between Counsel and the Governmental Client - Working with external legal consultants and organising the State's response.
	Speaker(s) of the Day			Sir Franklin Berman K.C.M.G, Q.C., Prof. S Jayakumar Lic. Hugo Perezcano, Mr. Lawrence H. Martin
15	Saturday, 8 Dec	Day 11	NUS BTC	- Workshop on Consultations under a Bilateral Investment Treaty.
	Coordinator(s) of the Day			Mr. Christopher Thomas, Q.C., Lic. Hugo Perezcano, Mr. Lawrence H. Martin
16	Monday, 10 Dec	Day 12	NUS BTC	- Issues in ASEAN Investment Law - Investor-State LawGuide (ISLG) Demonstration - Practice and Procedure before International Investment Tribunals
	Speaker(s) of the Day			Prof. Michael Ewing-Chow, Mr. Christopher Thomas, Q.C.
17	Tuesday, 11 Dec	Day 13	NUS BTC	- Recent Developments in Investment Treaty Law
	Speaker(s) of the Day			Dr. Jürgen Kurtz, Prof. Andrew Newcombe
18	Wednesday, 12 Dec	Day 14	Shangri-La Hotel	THE 3RD ANNUAL SINGAPORE INTERNATIONAL INVESTMENT ARBITRATION CONFERENCE

Pg	PART 7: SKILLS DEVELOPMENT AND ADVOCACY			
19	Thursday, 13 Dec	Day 15	NUS BTC	- Conducting arbitration: the tribunal's view - The "School of Hard Knocks": Lessons from Counsel
	Speaker(s) of the Day			Mr. Bernard Hanotiau, Mr. V.V. Veeder, Q.C., Prof. Gabrielle Kaufmann-Kohler, Mr. Daniel M. Price, Mr. Chelva Rajah, S.C., Mr. Patrick G. Foy, Q.C., Tan Sri Dato' Cecil W.M. Abraham
20	Friday, 14 Dec	Day 16	NUS BTC	- Oral Submissions
20	Friday, 14 Dec	-	Shangri-La Hotel	- GALA DINNER & AWARDS CEREMONY

PROGRAMME

[Day 1] Monday, 26 November 2012	
PART 1: FOUNDATIONS	
VENUE	NUS Bukit Timah Campus
9.15am	Welcome Ceremony KEYNOTE SPEAKER: Mr Steven Chong, S.C. Attorney-General of Singapore
9.45am	Overview of Course and Expectations
10.30am	<i>Morning Coffee Break</i>
10.50am	General Theory and Introduction SPEAKER: Mr. Gary Born
1.00pm – 2.30pm	Luncheon speech SPEAKER: Mr. Philip Jeyaretnam, S.C.
2.30pm - 4.30pm	<i>Continued ...</i> General Theory and Introduction A problem will be distributed to the Practice Track Participants who will make oral submissions during the “7 minute presentation workshop”, which will be held on Friday, 30 November 2012.

[Day 2] Tuesday, 27 November 2012	
PART 1: FOUNDATIONS	
VENUE	NUS Bukit Timah Campus
9.15am – 1.00pm	<p>Arbitration agreements (separability, choice of law, validity (substantive/form), non-arbitrability, effects and enforcement, non-signatory issues)</p> <p>SPEAKER : Mr. Gary Born</p> <p>10.30am: <i>Morning Coffee Break</i></p>
1.00pm – 2.30pm	Lunch
2.30pm – 4.15pm	<p><i>Continued ...</i> Arbitration agreements (separability, choice of law, validity (substantive/form), non-arbitrability, effects and enforcement, non-signatory issues)</p> <p>SPEAKER : Mr. Gary Born</p>
4.15pm – 4.45pm	<i>Afternoon Coffee Break</i>
4.45pm – 6.15pm	<p>Armchair Session: What Tribunals Look for in Counsel</p> <p>SPEAKERS: Prof. Michael Pryles (via Skype) Mr. Michael Hwang, S.C. Mr. Christopher Lau, S.C. (via Skype)</p>
6.15pm – 7.30pm	DRINKS RECEPTION

[Day 3] Wednesday, 28 November 2012	
PART 1: FOUNDATIONS	
VENUE	NUS Bukit Timah Campus
9.15am – 11.15am	<p>Drafting Arbitration Agreements</p> <p>SPEAKER : Mr. Gary Born</p> <p>10.30am: <i>Morning Coffee Break</i></p>
11.15am – 1.00pm	<p>Arbitral procedures (procedural law, selection/removal of arbitrators, evidence taking, arbitral procedures)</p> <p>SPEAKER : Mr. Gary Born</p>
1.00pm – 2.30pm	Lunch
2.30pm - 4.30pm	<p><i>Continued ...</i> Arbitral procedures (procedural law, selection/removal of arbitrators, evidence taking, arbitral procedures)</p> <p>SPEAKER : Mr. Gary Born</p>

[Day 4] Thursday, 29 November 2012	
PART 1: FOUNDATIONS	
VENUE	NUS Bukit Timah Campus
9.15am – 1.00pm	Selecting Arbitrators Workshop SPEAKERS: Mr. Gary Born Prof. Catherine A. Rogers
1.00pm – 2.30pm	Luncheon Speech: What Clients Expect of their Legal Counsel, Part 1 SPEAKER: Ms. Veronica Lai
2.30pm - 4.30pm	Arbitral awards (effects/preclusion, annulment, recognition) SPEAKER: Mr. Gary Born

[Day 5] Friday, 30 November 2012	
PART 1: FOUNDATIONS	
VENUE	NUS Bukit Timah Campus
9.15am – 1.00pm	<p><i>Continued ...</i></p> <p>Arbitral awards (effects/preclusion, annulment, recognition)</p> <p>SPEAKER: Mr. Gary Born</p> <p>10.30am: <i>Morning Coffee Break</i></p>
1.00pm - 2.30pm	Lunch
2.30pm - 5.30pm	<p><u>Practice Track Participants</u></p> <p>7-minute Presentations Workshop</p> <p>ARBITRATORS:</p> <p>Justice Quentin Loh</p> <p>Mr. Chan Leng Sun, S.C.</p>

[Day 6] Monday, 3 December 2012	
PART 2: ETHICS AND CONFLICTS	
VENUE	NUS Bukit Timah Campus
9.15am – 1.00pm	<p>Ethics & Conflicts in International Arbitration</p> <p>SPEAKER: Prof. Catherine A. Rogers</p> <p>10.30am: <i>Morning Coffee Break</i></p>
1.00pm – 2.30pm	<p>Luncheon Speech: What Clients Expect of their Legal Counsel, Part 2</p> <p>SPEAKER: Mr. Simon Cheong</p>
2.30pm - 4.30pm	<p>Disruption of Arbitration (Challenges of Arbitrators)</p> <p>SPEAKER: Mr. John Savage</p>

[Day 7] Tuesday, 4 December 2012	
PART 3: DISRUPTIONS AND COURT INTERACTIONS	
VENUE	NUS Bukit Timah Campus
9.15am – 1.00pm	<p>Judicial Support of Arbitration (anti-suit injunctions, anti-arbitration orders and stays)</p> <p>SPEAKER: Ms. Hilary Heilbron, Q.C.</p> <p>10.30am: <i>Morning Coffee Break</i></p>
1.00pm – 2.30pm	Lunch
2.30pm – 4.30pm	<p>The Role of Judicial Review in Arbitration</p> <p>SPEAKER: Mr. Patrick G. Foy, Q.C.</p>

[Day 8] Wednesday, 5 December 2012	
PART 3: DISRUPTIONS AND COURT INTERACTIONS	
VENUE	NUS Bukit Timah Campus
9.15am – 10.30am	Enforcement (and Resisting Enforcement) of Awards SPEAKERS: Mr. Patrick G. Foy, Q.C. Ms. Hilary Heilbron, Q.C.
10.30am	<i>Morning Coffee Break</i>
10.45am – 12.30pm	<i>Continued ...</i> Enforcement (and Resisting Enforcement) of Awards SPEAKERS: Mr. Patrick G. Foy, Q.C. Ms. Hilary Heilbron, Q.C.
12.30pm - 2.00pm	Luncheon Speech: What Clients Expect of their Legal Counsel, Part 3 SPEAKER: Mr. Andrew Lim
PART 4: EXPERT EVIDENCE	
2.15pm – 5.00pm	Expert evidence (duties of experts, relations between counsel and experts, ethical issues, etc.) SPEAKERS: Prof. Catherine A. Rogers Mr. David Saunders Mr. Philip Fong 3.30pm: <i>Afternoon Coffee Break</i>

[Day 9] Thursday, 6 December 2012	
PART 4: EXPERT EVIDENCE	
VENUE	Supreme Court Singapore
9.30am – 12.00	<p>Damages: The DCF Method of Valuation & Possible Abuses</p> <p>SPEAKERS: Mr. David Saunders Dr. Ivan Png</p> <p>10.45am: <i>Morning Coffee Break</i></p>
12.00 – 1.30pm	Lunch at the Courts
PART 5: ARBITRATION IN ASIA	
1.30pm – 3.00pm	<p>Arbitration in Asia: Regional Perspectives</p> <p>SPEAKERS: Chief Justice Sundaresh Menon <i>Chief Justice of Singapore's Supreme Court</i></p> <p>Mr. Harish Salve Ms. Ariel Ye</p>
3.00pm	<i>Afternoon Coffee Break</i>
PART 3: DISRUPTIONS AND COURT INTERACTIONS	
3.30pm – 5.00pm	<p>The Courts and Arbitration: A Theory of Judicial Review</p> <p>SPEAKERS: Chief Justice Sundaresh Menon <i>Chief Justice of Singapore's Supreme Court</i></p> <p>The Right Hon The Lord Phillips of Worth Matravers, K.G.</p>

[Day 10] Friday, 7 December 2012	
PART 6: ARBITRATION IN PUBLIC INTERNATIONAL LAW	
VENUE	NUS Bukit Timah Campus
9.15am – 1.00pm	<p>Arbitration in Public International Law</p> <p>SPEAKER: Sir Franklin Berman K.C.M.G., Q.C.</p> <p>10.30am: <i>Morning Coffee Break</i></p>
1.00pm – 2.30pm	Lunch
2.30pm - 4.30pm	<p>Working with external legal consultants and organising the State's response</p> <p>SPEAKERS: Prof. S. Jayakumar Lic. Hugo Perezcano Mr. Lawrence H. Martin</p>

[Day 11] Saturday, 8 December 2012	
PART 6: ARBITRATION IN PUBLIC INTERNATIONAL LAW	
VENUE	NUS Bukit Timah Campus
9.15am – 10.30am	<p><u>Workshop</u> Conduct of Consultations under a Bilateral Investment Treaty</p> <p>COORDINATORS: Lic. Hugo Perezcano Mr. Lawrence H. Martin Mr. Christopher Thomas, Q.C.</p>
10.30am	<i>Morning Coffee Break</i>
10.50am – 1.00pm	<p><u>Workshop</u> Conduct of Consultations under a Bilateral Investment Treaty</p> <p>COORDINATORS: Lic. Hugo Perezcano Mr. Lawrence H. Martin Mr. Christopher Thomas, Q.C.</p>
1.00pm	Lunch

[Day 12] Monday, 10 December 2012	
PART 6: ARBITRATION IN PUBLIC INTERNATIONAL LAW	
VENUE	NUS Bukit Timah Campus
9.15am – 1.00pm	<p>Issues in ASEAN Investment Law</p> <p>SPEAKER: Prof. Michael Ewing-Chow</p> <p>10.30am <i>Morning Coffee Break</i></p>
1.00pm – 2.15pm	Lunch
2.15pm – 2.30pm	Investor-State LawGuide (ISLG) Demonstration
2.30pm - 4.30pm	<p>Practice and Procedure before International Investment Tribunals</p> <p>SPEAKER: Mr. Christopher Thomas, Q.C.</p>

[Day 13] Tuesday, 11 December 2012	
PART 6: ARBITRATION IN PUBLIC INTERNATIONAL LAW	
VENUE	NUS Bukit Timah Campus
9.15am – 12.15pm	<p>Recent Developments in Investment Treaty Law (Part I)</p> <p>SPEAKER: Dr. Jürgen Kurtz</p> <p>10.30am <i>Morning Coffee Break</i></p>
12.15pm – 1.45pm	Lunch
1.45pm - 4.45pm	<p>Recent Developments in Investment Treaty Law (Part II)</p> <p>SPEAKER: Prof. Andrew Newcombe</p>

[Day 14] Wednesday, 12 December 2012

The 3rd Annual Singapore International Investment Arbitration Conference

VENUE: SHANGRI-LA Singapore

Arbitration Academy registrants given free admission

Can Investment Treaty Arbitration Be Improved?

9:00-9:15: Welcome ceremony

9:15-10:30: Can investment treaty arbitration be improved and if so, in what ways?

M Sornarajah, Faculty of Law, National University of Singapore, Singapore

Daniel M. Price, Daniel M. Price PLLC, Washington, D.C., USA

Philippe Sands, Q.C., Matrix Chambers, London, UK

10:45-12:00: Should the institution of party-appointed arbitrators be done away with?

Sabine Konrad, K&L Gates LLP, Frankfurt, Germany

John Savage, King & Spalding LLP, Singapore

Peter Turner, Freshfields, Paris, France

12:00-1:15 Luncheon Speaker:

Mustaqeem De Gama

Director of Legal International Trade and Investment, Republic of South Africa

1:15-3:00: Is predictability and consistency of arbitral decision-making important? Is it attainable?

Mark S. McNeill, Shearman & Sterling LLP, Paris, France

Andrew Newcombe, University of Victoria, Canada

Jürgen Kurtz, University of Melbourne Law School, Australia

Michael Ewing-Chow, Centre for International Law, National University of Singapore

3:15-4:30: Are BITs and FTAs drafted with sufficient clarity to give guidance to tribunals?

Mark Feldman, Peking University School of Transnational Law, Shenzhen, China

Makhdoom Ali Khan, Fazle Ghani, Karachi, Pakistan

Bernard Hanotiau, Hanotiau & van den Berg, Brussels, Belgium

4:30-5:00: Wrap up "open floor discussion" and close of day

For the latest updates on the conference, please refer to <http://cil.nus.edu.sg/programmes-and-activities/upcoming-events/3rd-international-investment-arbitration-conference/>



5.5 Public CPD Points

Practice Area: Alternative Dispute Resolution

Training Category: General

[Day 15] Thursday, 13 December 2012	
PART 7: SKILLS DEVELOPMENT AND ADVOCACY	
VENUE	NUS Bukit Timah Campus
9.00am – 10.30am	<p>Conducting an arbitration: the tribunal’s view: Part 1</p> <p>SPEAKERS: Mr. Bernard Hanotiau Mr. V.V. Veeder, Q.C.</p>
10.30am	<i>Morning Coffee Break</i>
10.45am - 1.00pm	<p>Conducting an arbitration: the tribunal’s view: Part 2</p> <p>SPEAKERS: Prof. Gabrielle Kaufmann Kohler Mr. Daniel M. Price</p>
1.00pm - 2.00pm	Lunch
2.00pm – 3.30pm	<p>The School of Hard Knocks: Lessons from Counsel</p> <p>SPEAKERS: Mr. Chelva Rajah, S.C. Mr. Patrick G. Foy, Q.C. Tan Sri Dato’ Cecil W.M. Abraham</p>

[Day 16] Friday, 14 December 2012	
PART 7: SKILLS DEVELOPMENT AND ADVOCACY	
VENUE	NUS Bukit Timah Campus
9.15am – 12.30pm	9.15am Oral Submissions 1 [Claimant & Respondent] 11.15am <i>Morning Coffee Break</i> 11.30am Oral Submissions 2 [Claimant]
12.30pm – 1.30pm	Lunch
1.45pm – 5.00pm	1.45pm Oral Submissions 2 [Respondent] 2.45pm <i>Afternoon Coffee Break</i> 3.00pm Oral Submissions 3 [Claimant & Respondent]
VENUE	Shangri-La Singapore
7:00pm 7.30pm	Pre-Dinner Drinks GALA DINNER & AWARDS CEREMONY

FACULTY SESSIONS (Page Numbers)

Sundaresh **MENON**, S.C. (*Pg 13*)

Chief Justice of Singapore's Supreme Court

Steven **CHONG**, S.C. (*Pg 5*)

Attorney-General of Singapore

Justice Quentin **LOH**, S.C. (*Pg 9*)

Judge of Singapore's Supreme Court

Professor S. **JAYAKUMAR** (*Pg 14*)

Former Deputy Prime Minister and Senior Minister of Singapore

Faculty of Law, National University of Singapore

The Right Hon the Lord **PHILLIPS** of Worth Matravers K.G. (*Pg 13*)

President of the Supreme Court of the U.K.

Tan Sri Dato' Cecil W.M. **ABRAHAM** (*Pg 19*)

Zul Rafique & Partners

Professor Robert C. **BECKMAN**

Director, Centre for International Law, National University of Singapore

Sir Franklin **BERMAN** K.C.M.G., Q.C. (*Pg 14*)

Essex Court Chambers

Gary **BORN** (*Pg 5, 6, 7, 8, 9*)

WilmerHale LLP

CHAN Leng Sun, S.C. (*Pg 9*)

Baker & McKenzie.Wong & Leow

Simon **CHEONG** (*Pg 10*)

Brightoil Petroleum

Muhammad Mustaqeem **DE GAMA** (*Pg 18*)

Ministry of Trade & Industry, South Africa

Professor Michael **EWING-CHOW** (*Pg 16, 18*)

Centre for International Law, National University of Singapore

Professor Mark **FELDMAN** (*Pg 18*)

Peking University School of Transnational Law

Philip **FONG** (*Pg 12*)

Harry Elias Partnership LLP

Patrick G. **FOY**, Q.C. (*Pg 11, 12, 19*)

Borden Ladner Gervais LLP

Bernard **HANOTIAU** (*Pg 18, 19*)

Hanotiau & van den Berg

Hilary **HEILBRON**, Q.C. (*Pg 11, 12*)

Brick Court Chambers

Michael **HWANG**, S.C. (*Pg 6*)

Michael Hwang Chambers

Philip **JEYARETNAM**, S.C. (*Pg 5*)

Chairman, Maxwell Chambers

Professor Gabrielle **KAUFMANN-KOHLER** (*Pg 19*)

Levy Kaufmann Kohler

Makhdoom Ali **KHAN** (*Pg 18*)

Fazle Ghani

Dr. Sabine **KONRAD** (*Pg 18*)

K & L Gates LLP

Professor Jürgen **KURTZ** (*Pg 17, 18*)

University of Melbourne Law School

Veronica **LAI** (*Pg 8*)

Starhub Ltd

Christopher **LAU**, S.C. (*Pg 6*)

Three Verulam Building Chambers

Andrew **LIM** (*Pg 12*)

Shell Eastern Petroleum (Pte) Ltd

Lawrence H. **MARTIN** (*Pg 14, 15*)

Foley Hoag LLP

Mark **McNEILL** (*Pg 18*)

Shearman & Sterling LLP

Professor Andrew **NEWCOMBE** (*Pg 17, 18*)

University of Victoria

Hugo **PEREZCANO** (*Pg 14, 15*)

Former Head of the Unit of International Trade Practices, Ministry of Economy, Mexico

Professor Ivan **PNG** (*Pg 13*)

NUS Business School

Daniel M. **PRICE** (*Pg 18, 19*)

Daniel M. Price PLLC

Professor Michael C. **PRYLES** (*Pg 6*)

Chairman, Singapore International Arbitration Centre

Chelva **RAJAH**, S.C. (*Pg 19*)

Tan Rajah & Cheah

Professor Catherine A. **ROGERS** (*Pg 8, 10, 12*)

Penn State Law

Harish **SALVE** (*Pg 13*)

Harish Salve

Philippe **SANDS**, Q.C. (*Pg 18*)

Matrix Chambers

David **SAUNDERS** (*Pg 12, 13*)

Navigant Consulting LLP

John **SAVAGE** (*Pg 10, 18*)

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Faculty of Law, National University of Singapore

Christopher **THOMAS**, Q.C. (*Pg 15, 16*)

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Peter **TURNER** (*Pg 18*)

Freshfields Bruckhaus Deringer LLP

V.V. **VEEDER**, Q.C. (*Pg 19*)

Essex Court Chambers

Ariel **YE** (*Pg 13*)

King & Wood Mallesons