

## ORGANISERS



United Nations  
UNCITRAL



Department of Justice  
The Government of the Hong Kong  
Special Administrative Region



ASIAN  
ACADEMY OF  
INTERNATIONAL  
LAW

**28 & 29**  
**OCTOBER 2021**

**GMT+8 TIME ZONE**

# UNCITRAL

## WORKING GROUP III ON ISDS REFORM

## Inter-Sessional Meeting The Use of Mediation in ISDS

Enquiries  
[events@aail.org](mailto:events@aail.org)

**CPD POINTS**  
being applied for

Following the first-ever Virtual Pre-Inter-sessional Meeting in November 2020, this Inter-sessional Meeting will gather together delegations of Working Group III of the United Nations Commission on International Trade Law (UNCITRAL), world-renowned practitioners and academics to discuss ways to strengthen the use of mediation in ISDS disputes. The Inter-sessional Meeting will, through panel sessions, practical workshop and roundtable discussion, explore the draft notes prepared by the UNCITRAL Secretariat on model treaty provisions and guidelines for the use of mediation, as well as the experience and perspectives on mediation of international organisations and different jurisdictions. Hybrid mode of virtual and in-person participation is adopted for this Inter-sessional Meeting.

## REGISTRATION:

DATE	TIME (GMT+8)	REGISTRATION LINKS
28 OCT	1830 - 2130	<a href="https://zoom.us/webinar/register/WN_I8j6QGa4SReTPF2wv_xDLg">https://zoom.us/webinar/register/WN_I8j6QGa4SReTPF2wv_xDLg</a>
29 OCT	1000 - 1200	<a href="https://zoom.us/webinar/register/WN_JdKUWeWjTj2pmRP0SPUCDQ">https://zoom.us/webinar/register/WN_JdKUWeWjTj2pmRP0SPUCDQ</a>
29 OCT *	1830 - 2120	<a href="https://zoom.us/webinar/register/WN_a6MOYiRHQYOb6y4KVC_fPg">https://zoom.us/webinar/register/WN_a6MOYiRHQYOb6y4KVC_fPg</a> <small>* (this evening session opens to Working Group III Delegations only)</small>

TIME (GMT+8)	PROGRAMME
28 OCTOBER	
18:30–18:40	OPENING REMARKS
	<p><b>Li Yongjie</b> <i>Director-General, Department of Treaty and Law, Ministry of Commerce, People's Republic of China</i></p> <p><b>Anna Joubin-Bret</b> <i>The Secretary, United Nations Commission on International Trade Law</i></p>
18:40–19:20	PRESENTATION BY THE UNCITRAL SECRETARIAT OF THE INITIAL DRAFTS ON MEDIATION AND OTHER FORMS OF ALTERNATIVE DISPUTE RESOLUTION (ADR) AS POSSIBLE REFORM OPTION
	<p><b>Corinne Montineri</b> <i>Senior Legal Officer, United Nations Commission on International Trade Law</i></p> <p><b>Judith Knieper</b> <i>Legal Officer, United Nations Commission on International Trade Law</i></p> <p><b>Jae Sung Lee</b> <i>Legal Officer, United Nations Commission on International Trade Law</i></p>
19:20–20:25	SHARING OF VIEWS AND EXPERIENCES OF INTERNATIONAL ORGANISATIONS
	<p><b>Moderator</b> <b>Anthony NEOH QC SC JP</b> <i>Chairman, Asian Academy of International Law</i></p> <p><b>Speakers</b></p> <p><b>Frauke Nitschke</b> <i>Senior Counsel and Team Leader, International Centre for Settlement of Investment Disputes</i> <b>ICSID's Latest Work on Mediation</b></p> <p><b>James Zhan</b> <i>Senior Director, Investment and Enterprise, United Nations Conference on Trade and Development</i> <b>Best Practices on the Use of Mediation in Resolving International Investment Disputes</b></p> <p><b>Alejandro Carballo-Leyda</b> <i>General Counsel and Head of Conflict Resolution Centre, International Energy Charter</i> <b>How to Design Guidelines for Governments' Use of Mediation in Resolving ISDS Disputes</b></p> <p><b>Priyanka Kher</b> <i>Private Sector Specialist, Investment Climate Unit, World Bank Group</i> <b>Building Government Capacity to Prevent Investor-State Disputes</b></p> <p><b>Q&amp;A</b></p>

28 OCTOBER

ROUNDTABLE DISCUSSION FOCUSING ON THE MODEL TREATY PROVISIONS ON MEDIATION

20:25–21:20

**Moderator**

**Shane Spelliscy**

*Chair, UNCITRAL Working Group III*

*Director General and Senior General Counsel, Trade Law Bureau for Canada*

**Kick-Off Discussants**

**Sun Huawei**

*Partner, Zhong Lun Law Firm*

**Some Thoughts on Designing the Model Clauses on Mediation for International Investment Agreements**

**Vanessa Rivas Plata**

*President, Special Commission that Represents the Republic of Peru in International Investment Disputes*

**Peru's Experience on ISDS Dispute Prevention and Management (Including the Use of Mediation)**

21:20–21:30

WRAP-UP

**The Hon Ms Teresa Cheng GBM GBS SC JP**

*Secretary for Justice, Hong Kong Special Administrative Region, People's Republic of China*

29 OCTOBER

PRACTICAL WORKSHOP:  
THE USE OF MEDIATION IN ISDS – OVERCOMING BARRIERS AND CAPACITY BUILDING

10:00–12:00

**Moderator**

**James Ding**

*Commissioner of Inclusive Avoidance and Resolution Office,*

*Department of Justice, Hong Kong Special Administrative Region, People's Republic of China*

**Speakers**

**Martin Rogers**

*Partner & Chair (Asia), Davis Polk*

**Psychological Barriers of Investors and Governments on the Use of Mediation in ISDS**

**Ronald Sum**

*Head of Dispute Resolution (Asia), Addleshaw Goddard LLP*

**Experience and Practice of Mediation in Resolving International Investment Disputes**

**Wolf von Kumberg**

*International Mediator and Arbitrator*

**Unlocking the Potential of Mediation through Capacity Building**

**May Tai**

*Managing Partner (Asia), Herbert Smith Freehills*

**Role of Practitioners in Promoting the Greater Use of Mediation in ISDS**

**Hi-Taek Shin**

*Professor of Law (Emeritus), School of Law, Seoul National University*

**Explore the Synergy of Dispute Prevention Tools and Mediation**

**Thomas So JP**

*Chairman, eBRAM International Online Dispute Resolution Centre*

**Explore the Application of Online Dispute Resolution to Mediation of International Investment Disputes**

**Q&A**

18:30–18:40	<div data-bbox="331 188 561 219" data-label="Section-Header"><b>OPENING REMARKS</b></div> <div data-bbox="331 302 1246 360" data-label="Text"><p><b>The Hon Ms Teresa Cheng GBM GBS SC JP</b> <i>Secretary for Justice, Hong Kong Special Administrative Region, People's Republic of China</i></p></div>
18:40–20:00	<div data-bbox="331 434 646 465" data-label="Section-Header"><b>ROUNDTABLE DISCUSSION</b></div> <div data-bbox="331 551 885 618" data-label="Text"><p><b>Moderator</b> <b>Representative from the UNCITRAL Secretariat</b></p></div> <div data-bbox="331 663 1297 938" data-label="List-Group"><p><b>Discussion Items</b></p><ul style="list-style-type: none"><li>• Draft Note by the UNCITRAL Secretariat on Mediation (Treaty Provisions on Mediation)<sup>1</sup></li><li>• Draft Note by the UNCITRAL Secretariat on Mediation (Guidelines for Participants in Investor-State Mediation)<sup>2</sup></li><li>• The Relevance of and Coherence with UNCITRAL Texts on International Mediation</li><li>• Linkage with Other Reform Options</li></ul></div>
20:00–21:10	<div data-bbox="331 1034 791 1066" data-label="Section-Header"><b>ROUNDTABLE DISCUSSION (continued)</b></div> <div data-bbox="331 1151 1024 1281" data-label="Text"><p><b>Moderator</b> <b>Natalie Morris-Sharma</b> <i>Rapporteur, UNCITRAL Working Group III</i> <i>Government Legal Counsel, Attorney-General's Chambers, Singapore</i></p></div>
21:10–21:20	<div data-bbox="331 1370 450 1402" data-label="Section-Header"><b>WRAP-UP</b></div> <div data-bbox="331 1487 1090 1572" data-label="Text"><p><b>Shane Spelliscy</b> <i>Chair, UNCITRAL Working Group III</i> <i>Director General and Senior General Counsel, Trade Law Bureau for Canada</i></p></div>

<sup>1</sup> [https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/en/draft\\_clauses\\_on\\_mediation.pdf](https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/en/draft_clauses_on_mediation.pdf)

<sup>2</sup> [https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/en/draft\\_guidelines\\_on\\_mediation.pdf](https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/en/draft_guidelines_on_mediation.pdf)

## OPENING REMARKS - SPEAKERS

(Listed in order of appearance)



**LI YONGJIE**

**Director-General**

Department of Treaty and Law, Ministry of Commerce, People's Republic of China

Ms Li Yongjie is currently the Director-General of the Department of Treaty and Law of the Ministry of Commerce of China. In this capacity, she is responsible for World Trade Organization (WTO) dispute settlement, investment agreement negotiations, investor-State dispute settlement, and legislations relating to investment, trade, and international economic cooperation. By representing China, Ms Li has been engaged in bilateral investment agreement negotiations with major trading partners. She also has extensive experience in WTO dispute settlement and has handled a number of investment disputes. Ms Li studied at Beijing Foreign Studies University, University of International Business and Economics, and American University.



**ANNA JOUBIN-BRET**

**The Secretary**

United Nations Commission on International Trade Law

Ms Anna Joubin-Bret is the Secretary of the United Nations Commission on International Trade Law (UNCITRAL) and the Director of the International Trade Law Division in the Office of Legal Affairs of the United Nations, which functions as the substantive secretariat for UNCITRAL. She is the 9<sup>th</sup> Secretary of the Commission since it was established by the General Assembly in 1966. Prior to her appointment on 24 November 2017, Ms Joubin-Bret practiced law in Paris, specialising in International Investment Law and Investment Dispute Resolution. She focused on serving as counsel, arbitrator, mediator and conciliator in international investment disputes. She served as arbitrator in several ICSID (International Centre for Settlement of Investment Disputes), UNCITRAL and ICC (International Chamber of Commerce) disputes. Prior to 2011 and for 15 years, Ms Joubin-Bret was the Senior Legal Adviser for the United Nations Conference on Trade and Development (UNCTAD). She edited and authored seminal research and publications on international investment law, notably the Sequels to UNCTAD IIA Series, and co-edited with Jean Kalicki a book titled *Reshaping the Investor-State Dispute Settlement System* in 2015. Ms Joubin-Bret holds a postgraduate degree (DEA) in Private International Law from the University of Paris I Panthéon-Sorbonne, a Master's Degree in International Economic Law from the University of Paris I and in Political Science from Institut d'Etudes Politiques. She was Legal Counsel in the legal department of the Schneider Group, General Counsel of the KIS Group and Director-Export of Pomagalski S.A. She was appointed judge at the Commercial Court in Grenoble (France) and was elected Regional Counsellor of the Rhône-Alpes Region in 1998.



**TERESA CHENG GBM GBS SC JP**

**Secretary for Justice**

Hong Kong Special Administrative Region, People's Republic of China

Ms Teresa Cheng, SC, was appointed Secretary for Justice on January 6, 2018. She was a Senior Counsel in private practice before joining the Government. She is also a chartered engineer and chartered arbitrator. She was frequently engaged as arbitrator or counsel in complex international commercial or investment disputes. Ms Cheng was one of the founders and Chairman of the Asian Academy of International Law. She is a Past Vice President of the International Council of Commercial Arbitration, Past Vice President of the ICC International Court of Arbitration and Past Chairperson of Hong Kong International Arbitration Centre. In 2008, she became the first Asian woman elected through a global election as President of the Chartered Institute of Arbitrators. She served as Deputy Judge/Recorder in the Court of First Instance of the High Court of Hong Kong from 2011 to 2017. She is a member of the International Centre for Settlement of Investment Disputes Panel of Arbitrators, and was a member of the World Bank's Sanctions Board. Ms Cheng is a Fellow of King's College in London, and was the Course Director of the International Arbitration and Dispute Settlement Course at the Law School of Tsinghua University in Beijing.

## SPEAKERS

(Listed in alphabetical order)



**ALEJANDRO CARBALLO-LEYDA**

**General Counsel and Head of Conflict Resolution Centre**

International Energy Charter

Alejandro Carballo-Leyda (LL.B. with Economics, Certificate on international conflicts, LL.M., European Ph.D. in international law, Harvard Program on Negotiation, accredited mediator of the Centre for Effective Dispute Resolution) is the General Counsel of the International Energy Charter and Head of its Conflict Resolution Centre, which provides good offices and mediation support to investors and governments. From December 2020 to mid-September 2021, he was also Acting Deputy Secretary-General of the International Energy Charter. He coordinated the Guide on Investment Mediation (2016), the amendment to the energy transit conciliation rules (with a commentary), the Model Instrument on Management of Investment Disputes (2018) and the first training for investment mediators. Currently, he supports several countries in developing their internal instrument on managing investment disputes and is working on a joint research paper with the World Bank on investment dispute prevention in the energy sector. Alejandro also teaches foreign investment law at Paris I Panthéon-Sorbonne. Previously, he advised States and private clients on a wide range of public and private international law issues. He also edited the book *Asian Conflict of Laws* (Wolters Kluwer, 2015) and participated in the working groups of *UNIDROIT Principles of International Commercial Contracts* (2010 ed.) and the Hague Principles on Choice of Law for International Contracts.





## JAMES DING

### Commissioner

Inclusive Dispute Avoidance and Resolution Office, Department of Justice, Hong Kong Special Administrative Region, People's Republic of China

Dr James Ding is the Commissioner of Inclusive Dispute Avoidance and Resolution Office, Department of Justice of the Hong Kong Special Administrative Region of the People's Republic of China. He has been awarded the Chief Executive's Commendation for Government/Public Service in 2021. He coordinates and promotes various policy initiatives for dispute avoidance and resolution as well as on advancing the rule of law. He has published on different subjects of international law and international cooperation, and has given presentations at different international and regional conferences, including more recently a workshop during 2020 Hong Kong Arbitration Week, events at the Hong Kong Legal Week 2020, 'Mediate First' Pledge Event 2021 as well as various APEC (Asia-Pacific Economic Cooperation) workshops on online dispute resolution. He is also currently the Chair of the APEC Economic Committee. He obtained LL.B. (Hons) and a Postgraduate Certificate in Laws (Distinction) from The University of Hong Kong, LL.M. from Kyushu University, Japan (under the Monbusho scholarship) and Ph.D. from the University of Queensland, Australia. He became a barrister in Hong Kong in 1997 and joined the Department of Justice in 1999. He also taught on a part-time basis at the Faculty of Law of The University of Hong Kong and The Open University of Hong Kong during the academic years of 1998 and 1999.



## PRIYANKA KHER

### Private Sector Specialist

Investment Climate Unit, World Bank Group

Priyanka is a Private Sector Specialist in the Investment Climate Unit of the World Bank Group's Finance, Competitiveness and Innovation Global Practice. She leads analytical and operational projects on policy, legal and regulatory reforms to enable countries to attract, retain and benefit from investment. Prior to joining the World Bank Group, she practiced law at law firms in India and Singapore, advising companies on domestic and cross-border corporate and commercial transactions. She has published several papers on investment climate reform, mega-regional trade and investment agreements, regional integration and investor-State disputes. She has also served as a consultant to the United Nations Conference on Trade and Development and Commonwealth Secretariat. She holds a postgraduate law degree from Harvard Law School (Cambridge, US) and a law degree from the National Law Institute University (Bhopal, India). She is a dual qualified attorney admitted to practice in New York and India.



## JUDITH KNIEPER

### Legal Officer

United Nations Commission on International Trade Law

Ms Judith Knieper is a legal officer at the Secretariat of the United Nations Commission on International Trade Law (UNCITRAL) in Vienna. Until her appointment to the Secretariat, she had been working in South East Europe from 1998 to 2013 for numerous donors/organisations, e.g. OSCE (Organization for Security and Co-operation in Europe), CoE (Council of Europe), World Bank and GIZ (Deutsche Gesellschaft für Internationale Zusammenarbeit), the German international cooperation. She obtained both Legal State Exams in Frankfurt, Germany, as well as her Ph.D. and is also qualified and certified as a mediator.



## JAE SUNG LEE

### Legal Officer

United Nations Commission on International Trade Law

Mr Jae Sung Lee is a legal officer at the International Trade Law Division of the United Nations Office of Legal Affairs, which functions as the substantive secretariat for the United Nations Commission on International Trade Law. He functions as the secretary of Working Group II on Dispute Settlement and further services the Working Group III on Investor-State Dispute Settlement Reform. Before joining the United Nations in 2007, Jae Sung served in the Korean Ministry of Foreign Affairs. A Korean national, Jae Sung is a graduate of Seoul National University School of Law, and holds LL.M. degrees from Seoul National University Graduate School of International Studies and New York University School of Law as well as a Ph.D. in Law from Seoul National University.



## CORINNE MONTINERI

### Senior Legal Officer

United Nations Commission on International Trade Law

Ms Corinne Montineri is the Senior Legal Officer at the International Trade Law Division of the United Nations Office of Legal Affairs, which functions as the substantive secretariat for the United Nations Commission on International Trade Law. She is currently the Secretary of Working Group III on Investor-State Dispute Settlement Reform and also services the sessions of Working Group II on Dispute Settlement. Before joining the United Nations in 2003, she was Legal Counsel in the legal department of French companies. Ms Montineri holds a postgraduate degree (DEA) in Private International Law and International Trade Law from the University of Paris I Panthéon-Sorbonne, a Master's Degree in International Law from the University of Paris I and a degree in Economy and Finance from Institut d'Etudes Politiques, Paris.



## NATALIE MORRIS-SHARMA

### Rapporteur

UNCITRAL Working Group III

### Government Legal Counsel

Attorney-General's Chambers, Singapore

Ms Morris-Sharma is Deputy Senior State Counsel in the international law department of Singapore's Attorney-General's Chambers. Prior to this, she served in various capacities, including Director of the International Legal Division of Singapore's Ministry of Law and Legal Advisor to Singapore's Permanent Mission to the United Nations. Ms Morris-Sharma has participated in and led several bilateral and multilateral negotiations. Amongst her roles at the United Nations Commission on International Trade Law (UNCITRAL) were Chairperson of the Working Group that developed the United Nations Convention on International Settlement Agreements Resulting from Mediation (the Convention), Vice-Chairperson of the 50<sup>th</sup> UNCITRAL Commission session, as well as rapporteur to the UNCITRAL Working Group on Investor-State Dispute Settlement Reform. Ms Morris-Sharma has published on topics such as the Convention, investor-State dispute settlement, law of the sea, and the work of the International Law Commission.



## ANTHONY NEOH QC SC JP

### Chairman

Asian Academy of International Law

Dr Anthony Neoh is a senior member of the Hong Kong Bar specialising in international litigation, arbitration and financial regulatory matters. In 1979, he commenced practice at the Hong Kong Bar after serving for 13 years in the Hong Kong Civil Service. From 1991 to 1994, he was a member of the Hong Kong Stock Exchange Council and its Listing Committee, and chaired its Disciplinary Committee and Debt Securities Group, and was Co-Chairman of the Legal Committee of the Hong Kong and China Listing Working Group. He was the chief architect of the legal structure for the listing of Chinese enterprises in Hong Kong. He is former Chairman of the Hong Kong Securities and Futures Commission from 1995 to 1998; during this time, he was the first Asian to be elected Chairman of the Technical Committee of the International Organization of Securities Commissions. From 1999 to 2004, he was Chief Advisor of the China Securities Regulatory Commission, at the personal invitation of former Premier Zhu Rongji. Dr Neoh was appointed as Chairman of the Hong Kong Independent Police Complaints Council from June 2018 to May 2021. He was the Convenor of the Hong Kong Monetary Authority (HKMA) Expert Group on the Finance Academy and now serves as Member of the HKMA Preparatory Committee for the Finance Academy. He is also the Co-Chairman of 2018 B20 Financing Growth and Infrastructure Task Force, and Co-Chairman of The China Securitization Forum.



## FRAUKE NITSCHKE

### Senior Counsel and Team Leader

International Centre for Settlement of Investment Disputes

Frauke Nitschke is a senior counsel at the International Centre for Settlement of Investment Disputes (ICSID). Frauke serves as the team lead for ICSID staff handling proceedings in English. Frauke also serves as secretary of tribunals, conciliation commissions and ad hoc committees in investor-State proceedings conducted pursuant to the ICSID Convention and the ICSID Additional Facility Rules involving a variety of economic sectors and legal instruments. Frauke further leads ICSID's investor-State mediation activities, including the drafting of the proposed Mediation Rules and amendments to ICSID's conciliation frameworks. Frauke has conducted investment mediation skills trainings for mediators and government officials. Prior to joining ICSID, Frauke served in the World Bank's Legal Vice Presidency and the Inspection Panel. Frauke is an accredited mediator and admitted to the D.C. and New York State Bar. She holds a law degree from the Freie Universität Berlin, an LL.M. from Georgetown University Law Center, and a Master's Degree in Psychology from the FernUniversität in Hagen.



## VANESSA RIVAS PLATA

### President

Special Commission that Represents the Republic of Peru in International Investment Disputes

Ms Rivas Plata serves as President of the Special Commission representing the Republic of Peru in international investment disputes, leading the SICRECI (Peru's Coordination and Response System for International Investment Disputes). Prior to her current role, she acted as Director for North America and Europe and as Investment Affairs Coordinator at the Vice Ministry of Foreign Trade, having participated as Peru's lead investment negotiator of multiple international investment agreements, including the investment chapters of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), Peru-Australia Free Trade Agreement, Pacific Alliance (trade bloc composed of Chile, Colombia, Mexico and Peru) Additional Protocol, Turkey-Peru Free Trade Agreement, India-Peru Trade Agreement, and the modernisation of investment provisions under the China-Peru Free Trade Agreement. Ms Rivas Plata has also represented Peru as investment expert in international forums such as the WTO (World Trade Organization), World Bank, Asia-Pacific Economic Cooperation (APEC), United Nations Conference on Trade and Development (UNCTAD), and the Organisation for Economic Co-operation and Development (OECD). Ms Rivas Plata holds a LL.M. in International Business and Economic Law from Georgetown University and received her Bachelor of Laws degree from the Catholic University of Peru.



## MARTIN ROGERS

### Partner and Chair (Asia)

Davis Polk

Mr Rogers is the Chair for Asia of Davis Polk and a partner in its Litigation Department, based in Hong Kong. He is regarded as one of Asia's leading litigation, financial services regulatory and corporate governance lawyers, with over 30 years' experience. His practice includes corporate governance, Listing Rules and Takeovers Code work, complex litigation and arbitration, particularly disputes arising out of investments and mergers and acquisitions transactions, regulatory, white-collar crime and FinTech. He has extensive experience advising both global and regional corporates, institutional investors and financial institutions. He also advises government and public bodies. He regularly advises corporates and financial institutions at main board level. Mr Rogers has a strong relationship with Hong Kong's regulators and substantial experience with regulators in China, India, Japan, Korea, and Singapore. Mr Rogers is consistently recognised as a leading lawyer by the foremost legal directories, including Chambers Asia-Pacific, IFLR1000 and The Legal 500 Asia Pacific. Mr Rogers is in the 'Hall of Fame' in Dispute Resolution: Litigation category of The Legal 500's. He is also named Asia's top 15 litigators by ALB's first-ever ranking for his out-of-the-box strategising to deliver the ideal outcome for his clients. For 20 years, he has been the General Editor of Sweet & Maxwell's *Hong Kong Civil Procedure*, more commonly known as the *White Book*.



## HI-TAEK SHIN

### Professor of Law (Emeritus)

School of Law, Seoul National University, Korea

With solid expertise in international business transactions and resolution of commercial and investment disputes arising from cross-border transactions, Professor Shin currently serves as Chairman of the Korean Commercial Arbitration Board's international division (KCAB INTERNATIONAL). Prior to that, he was a partner at Kim & Chang. Professor Shin is an arbitrator at Twenty Essex Chambers and is on the panel of arbitrators for major international institutions such as the Hong Kong International Arbitration Centre (HKIAC), the International Centre for Dispute Resolution (ICDR), and the International Centre for Settlement of Investment Disputes (ICSID); and he regularly sits in international commercial arbitrations and investment treaty arbitrations. Moreover, Professor Shin has chaired special commissions organised by the Ministry of Justice of Korea for the enactment of the Arbitration Promotion Act. He also participated in the task force commissioned by the Ministry of Justice for the amendment of the Arbitration Act of Korea.



## THOMAS SO JP

### Chairman

eBRAM International Online Dispute Resolution Centre

Dr Thomas So is a partner of Mayer Brown. He advises on shareholders- and equity-related disputes, property-related litigation, libel litigation and media-related litigation work, and litigation and arbitration in the PRC. He represents banks and financial institutions, property developers and corporations as well as Mainland China enterprises on securities- and equity-related disputes. Dr So was one of the founder members of eBRAM International Online Dispute Resolution Centre (eBRAM) and was appointed Chairman of eBRAM in 2020. Dr So is the immediate past president of The Law Society of Hong Kong, who has been committed to promoting and improving the standard of legal and dispute resolution services in Hong Kong. He is also a member of multiple arbitration committees in Asia. In January 2018, Dr So was appointed as a member of the National People's Congress. He was also commissioned as a mediator of Guangdong Court for Cross-border Commercial Dispute Resolution in the Guangdong-Hong Kong-Macao Greater Bay Area by the High People's Court of Guangdong Province for three years. Dr So has received his J.S.D. from Tsinghua University School of Law, and has been frequently invited to be the lecturer by various universities in the Mainland. Dr So also acted as Deputy Judge at the District Court and Temporary Deputy Registrar at the High Court from 2002 to 2004.



## SHANE SPELLISCY

### Chair

UNCITRAL Working Group III

### Director General and Senior General Counsel

Trade Law Bureau for Canada

Shane Spelliscy is currently the Director General of the Trade Law Bureau of the Government of Canada and the Deputy Legal Adviser at Global Affairs Canada. As the Director General, he is the Government of Canada's most senior international trade lawyer, responsible for all trade related legal advice, including trade remedies, market access, trade barriers, trade in goods and services and international investment law. He joined the Trade Law Bureau in 2008, and since then he has provided advice on Canada's obligations under its trade and investment treaties and served as counsel in trade and investment treaty negotiations and in disputes under its investment treaties. He has acted as Canada's delegate at the United Nations Commission on International Trade Law (UNCITRAL) since 2008, including with respect to the revision of the UNCITRAL Arbitration Rules, the development of the UNCITRAL Rules on Transparency, and the negotiation of the Mauritius Convention on Transparency in Treaty-Based Investor-State Dispute Settlement. In November 2017, he was elected by the Member States of UNCITRAL as the Chair of Working Group III, which has been tasked with considering possible reforms in the field of investor-State dispute settlement.



## RONALD SUM

### Head of Dispute Resolution (Asia)

Addleshaw Goddard LLP

Mr Sum concentrates his practice in all areas of dispute resolution, specialising in China related matters, cross-border disputes, complex commercial disputes, international trade, insurance and reinsurance, product liability and product recall, with specific focuses on arbitration, litigation, mediation and investigations. Mr Sum is qualified as a solicitor in Hong Kong, England and Wales, and Australia and sits on the panel of arbitrators of various institutions, acting as both counsel and arbitrator in many proceedings. Mr Sum has recently been appointed as the only sports arbitrator in Hong Kong under the panel of arbitrators for Tribunal Arbitral du Sport/Court of Arbitration for Sport. Apart from being an experienced international arbitrator, he is also an accredited mediator of the Hong Kong Mediation Accreditation Association Limited (HKMAAL), China International Economic and Trade Arbitration Commission (CIETAC) and The Law Society of Hong Kong. Mr Sum is the immediate past chairman of the International Chamber of Commerce: Arbitration and ADR Sub-Committee and a director of the eBRAM International Online Dispute Resolution Centre and Vis East Moot Foundation. In addition to serving on the Hong Kong Mediation Council, the Hong Kong Government Advisory Committee on the Promotion of Arbitration and the Hong Kong Steering Committee on Mediation, Mr Sum has been appointed as an investor-State mediator under the Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA).





## SUN HUAWEI

Partner

Zhong Lun Law Firm

Ms Sun specialises in international commercial and investment treaty arbitration and has represented Chinese and foreign clients in cases conducted under the arbitration rules of ICC (*International Chamber of Commerce*), UNCITRAL (United Nations Commission on International Trade Law), LCIA (*London Court of International Arbitration*), SIAC (Singapore International Arbitration Centre), HKIAC (*Hong Kong International Arbitration Centre*), CIETAC (China International Economic and Trade Arbitration Commission) and ICSID (*International Centre for Settlement of Investment Disputes*). She has significant experience working as counsel and arbitrator on disputes involving cross-border joint ventures, energy and resources projects, financial products, intellectual property, and construction projects, with governing laws spanning a great variety of jurisdictions. Huawei is well-versed in the evidentiary rules of common law and civil law jurisdictions and has significant experience in conducting advocacy before international tribunals. She has particular experience in investment treaty arbitration. She advised on and defended the Chinese government in several investment treaty cases



## MAY TAI

Managing Partner (Asia)

Herbert Smith Freehills

May is the Managing Partner of Herbert Smith Freehills Asia where the firm has nine offices including three across China and a Joint Operation with Shanghai Kewei Law Firm. In her practice, she 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 US, including acting as counsel and advocate in arbitrations under various rules and court proceedings. She has acted as an arbitrator in SIAC (Singapore International Arbitration Centre) and HKIAC (Hong Kong International Arbitration Centre) proceedings, and has also sat as an Emergency Arbitrator under the ICC (International Chamber of Commerce) Rules. She is a CEDR (Centre for Effective Dispute Resolution) accredited mediator and an arbitrator in the HKIAC List of Arbitrators, and is also qualified as a solicitor in England and Wales as well as in Hong Kong.



## WOLF VON KUMBERG

International Mediator and Arbitrator

Wolf von Kumberg spent nearly over 25 years in Zurich, Switzerland and then London, England, as European Legal Director and Assistant General Counsel to Northrop Grumman Corporation, a global aerospace/security company. In that position he was responsible for its international legal affairs. Prior to that, he served 5 years as the Vice President – Legal Affairs for Litton Canada, after having spent several years in legal practice with a major Toronto law firm. He retired from Northrop Grumman in 2015 to develop his global practice as an arbitrator and mediator. He is now a member of specialist International ADR Chambers in London, Arbitra International – based at the International Dispute Resolution Centre. Wolf is also the Managing Director of Global Resolution Services, a provider of dispute resolution services. He is a qualified lawyer in both Canada and England, a certified CEDR (Centre for Effective Dispute Resolution) mediator, an American Arbitration Association Master Mediator and a Fellow of the Chartered Institute of Arbitrators. He has experience of disputes across Aviation & Aerospace, Defence, Compliance, IP, Cyber Security and High Tech Industries – this throughout, Asia, US, Europe and Middle-East which includes commercial, government and State entities. Wolf is also active in international commercial and ISDS arbitration and mediation. He has been a thought leader working with ICSID (International Centre for Settlement of Investment Disputes), ECT (The Energy Charter Treaty), IMI (International Mediation Institute) and CEDR to help develop the use of mediation in investor/State disputes and has taught courses and written articles on the subject. He was the first Chair of the IMI, which has advocated international standards for mediators and in particular IS mediators. Wolf is also the former Chair of the CIArb Board of Management. He serves as a Director of the American Arbitration Association and of CEDR in the UK.



## JAMES ZHAN

Senior Director, Investment and Enterprise

United Nations Conference on Trade and Development

James X. Zhan is senior director of investment and enterprise at the United Nations Conference on Trade and Development. He is editor-in-chief of the *World Investment Report* and the *Transnational Corporations* journal. He chairs the Governing Board of the UN Sustainable Stock Exchanges Initiative (with all major stock exchanges worldwide as members). He also co-chairs the Executive Board of UN Family Business for Sustainable Development Initiative (in partnership with FBNI). He has provided policy advice to numerous governments (including heads of States and cabinets) and parliaments, and global summits (including G20). He led the formulation of global guidelines for a new generation of investment policies used in over 100 countries, and the establishment of the World Investment Forum. He is chief strategist for the World Association of Investment Promotion Agencies and was Global Agenda Council member of the World Economic Forum. He has held several advisory positions in academic institutions (including at University of Cambridge, Columbia University and Cornell University) and was research fellow at University of Oxford. He has extensive publications on investment, trade and technology-related economic and legal issues.