

Disputes in the South Pacific

Keynote Address by Gary Born

Government, Private Sector, Lawyers and Judges

Bula Vinaka

Promotion of FDI through International Arbitration Reform

Mock Arbitration

New York Convention and the South Pacific



REGIONAL INTERNATIONAL ARBITRATION CONFERENCE

THE DAWN OF INTERNATIONAL ARBITRATION IN THE SOUTH PACIFIC

12-13 February 2018

Westin Denarau Island, Nadi, Fiji



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agenda

DAY 1
12 FEBRUARY 2018

9 a.m.–1 p.m.

REGISTRATION 9 a.m.–10 a.m.

SESSION 1: OPENING CEREMONY 10 a.m.–11:45 a.m.

WELCOME AND INTRODUCTION

- ▶ **OPENING ADDRESS** by *Hon. Aiyaz Sayed-Khaiyum*
Hon. Attorney-General and Minister for Economy, Public Enterprises, Civil Service, Communications, Education, Heritage and the Arts (15 minutes)
- ▶ **SPEECH BY ADB REPRESENTATIVE** by *Mr. Christopher Stephens*
General Counsel, Asian Development Bank (ADB) (15 minutes)
- ▶ **SPEECH BY UNCITRAL REPRESENTATIVE** by *Mr. João Ribeiro-Bidaoui*
Head, Regional Center for Asia and the Pacific, UNCITRAL (15 minutes)

PHOTO SESSION AND BREAK 10:45 a.m.–11:15 a.m.

KEYNOTE ADDRESS by *Mr. Gary Born*
Partner, Wilmer Cutler Pickering Hale and Dorr; President, SIAC Court; and Consultant, ADB International Arbitration (30 minutes)

BREAK 11:45 a.m.–12 noon

LUNCH/NETWORKING 12 noon–1 p.m.

SESSION 2: PROMOTION OF FDI AND TRADE THROUGH INTERNATIONAL ARBITRATION REFORM

1 p.m.–1:45 p.m.

Moderator: *Mr. Christopher Stephens*, General Counsel, ADB

▶ WHY INTERNATIONAL ARBITRATION REFORM IN THE SOUTH PACIFIC?

Speakers:

Mr. Rob Jauncey, Regional Director, Pacific Subregional Office, ADB

Mr. Wolfram Fischer, Assistant General Counsel (Asia), International Finance Corporation

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

Prof. Michael Ewing-Chow, Professor, National University of Singapore

SESSION 3: INTRODUCTION TO INTERNATIONAL ARBITRATION 1:45 p.m.–2:45 p.m.

Moderator: *Mr. João Ribeiro-Bidaoui*, Head, Regional Centre for Asia and the Pacific, UNCITRAL

▶ HOW DO YOU RESOLVE A DISPUTE BETWEEN PARTIES FROM TWO DIFFERENT COUNTRIES?

▶ DIFFERENCES BETWEEN ARBITRATION AND OTHER FORMS OF DISPUTE RESOLUTION

▶ AN OVERVIEW OF UNCITRAL TEXTS ON ARBITRATION (MODEL LAW, RULES, TRANSPARENCY RULES)

▶ AD HOC AND INSTITUTIONAL ARBITRATION

▶ ANATOMY OF AN INTERNATIONAL ARBITRATION

Speakers:

Ms. Sarah Grimmer, Secretary-General, Hong Kong International Arbitration Centre

Mr. Daniel Meltz, Barrister, 12 Wentworth Selborne Chambers; and Consultant, ADB International Arbitration

Mr. Eun-Young Park, Partner, Kim & Chang

SESSION 4: THE NEW YORK CONVENTION AND THE PACIFIC SMALL ISLAND DEVELOPING STATES

2:45 p.m.–3:45 p.m.

Moderator: *Mr. Gary Born*, Partner, Wilmer Cutler Pickering Hale and Dorr; President, SIAC Court; and Consultant, ADB International Arbitration

- ▶ **INTRODUCTION TO THE NEW YORK CONVENTION**
- ▶ **THE NEW YORK CONVENTION AND THE SOUTH PACIFIC COUNTRIES**
- ▶ **UPDATE ON INTERNATIONAL ARBITRATION REFORM IN THE SOUTH PACIFIC**

Speakers:

Ms. Susana Faletau, CEO, Ministry of Justice, Kingdom of Tonga

Dr. Petra Butler, Co-Director, Centre for Small States; and Professor, School of Law, Victoria University Wellington

Ms. Gitanjali Bajaj, Partner, DLA Piper

COFFEE/NETWORKING 3:45 p.m.–4 p.m.

- ▶ **CISG: ENABLING ACCESS TO CROSS-BORDER TRADE FOR THE PACIFIC ISLANDS' BUSINESSES** 4 p.m.–4:30 p.m.
by *Dr. Petra Butler*, Co-Director, Centre for Small States; and Professor, School of Law, Victoria University of Wellington
- ▶ **INTRODUCTION TO THE UNCITRAL SECRETARIAT GUIDE ON THE CONVENTION ON THE RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS** 4:30 p.m.–4:45 p.m.
by *Ms. Brenda Horrigan*, Head, International Arbitration – Australia, Herbert Smith Freehills

COFFEE/NETWORKING 4:45 p.m.–5 p.m.

5 p.m.–9 p.m.

SESSION 5: FIJI INTERNATIONAL ARBITRATION ACT 2017 – OVERVIEW OF KEY PROVISIONS AND INNOVATIONS 5 p.m.–6 p.m.

Moderator: Representative from the Office of the Attorney General

- ▶ **REGIONAL IMPLEMENTATION OF THE UNCITRAL MODEL LAW; RECENT ARBITRATION REFORMS IN THE ASIA-PACIFIC REGION**
- ▶ **OVERVIEW OF KEY PROVISIONS AND INNOVATIONS OF THE FIJI INTERNATIONAL ARBITRATION ACT 2017**
- ▶ **IMPACT ON LEGAL PRACTICE AND BUSINESS IN FIJI**

Speakers:

Mr. João Ribeiro-Bidaoui, Head, Regional Centre for Asia and the Pacific, UNCITRAL

Mr. Avendra Singh, Partner, Squire Patton Boggs

Mr. Michael Hwang SC, Barrister and Arbitrator, Michael Hwang Chambers and Essex Court Chambers; and
Chief Justice, DIFC Courts

CONFERENCE DINNER/FIJI CULTURAL SHOW (Attire: Bula) 6:30 p.m.–9 p.m.

DAY 2

13 FEBRUARY 2018

8:30 a.m.–10:45 a.m.

SESSION 6: SPECIAL BREAKFAST SESSION: WOMEN IN ARBITRATION 8:30 a.m.–10 a.m.

- ▶ **OPENING REMARKS** by *Mr. Christopher Stephens*, General Counsel, ADB
- ▶ **BUILDING A CAREER IN INTERNATIONAL ARBITRATION WITH A PARTICULAR FOCUS ON HOW WOMEN CAN AVOID COMMON PITFALLS**
Facilitators: *Dr. Petra Butler, Ms. Christina Pak, Ms. Judith Levine, Ms. Sarah Grimmer, Ms. Jo Delaney, Ms. Gitanjali Bajaj, Ms. Brenda Horrigan and Ms. Sae Youn Kim*

COFFEE BREAK/NETWORKING 10 a.m.–10:15 a.m.

SESSION 7: DISPUTES IN THE SOUTH PACIFIC 10:15 a.m.–11:45 a.m.

Moderator: *Mr. Daniel Meltz*, Barrister, 12 Wentworth Selborne Chambers; and Consultant, ADB International Arbitration

- ▶ **ENERGY DISPUTES** 10:15 a.m.–10:45 a.m.
 - Energy developments relevant to the South Pacific
 - Types of energy disputes
 - Focus on renewable energy and future directions

Speakers:

Mr. Kevin O’Gorman, Partner, Norton Rose Fulbright, Houston

Ms. Huawei Sun, Partner, Zhong Lun Law Firm

10:45 a.m.–12 noon

▶ **CONSTRUCTION DISPUTES** 10:45 a.m.–11:15 a.m.

Moderator: *Ms. Jo Delaney*, Partner, Baker & McKenzie, Sydney

- Construction developments in the South Pacific
- Types of construction disputes
- Features of construction dispute resolution

Speakers:

Mr. Tejas Karia, Partner, Shardul Amarchand Mangaldas & Co

Ms. Sae Youn Kim, Partner, Yulchon

Ms. Gitanjali Bajaj, Partner, DLA Piper

▶ **CLIMATE FINANCE DISPUTES** 11:15 a.m.–11:45 a.m.

Moderator: *Ms. Christina Pak*, Senior Counsel, ADB

- Overview of climate finance in the South Pacific
- Types of emerging climate finance disputes

Speakers:

Ms. Judith Levine, Senior Legal Counsel, Permanent Court of Arbitration

Ms. Jo Delaney, Partner, Baker & McKenzie, Sydney

COFFEE BREAK/NETWORKING 11:45 a.m.–12 noon

SESSION 8: CONCURRENT BREAKOUT SESSIONS (LAWYERS, PRIVATE SECTOR AND JUDICIARY) 12 noon–1:15 p.m.

▶ **FOR LAWYERS: DRAFTING ARBITRATION AGREEMENTS**

Moderator: *Mr. Daniel Meltz*, Barrister, 12 Wentworth Selborne Chambers; and Consultant, ADB International Arbitration

Speakers:

Ms. Jo Delaney, Partner, Baker & McKenzie, Sydney

Ms. Brenda Horrigan, Head, International Arbitration – Australia, Herbert Smith Freehills

Mr. Timothy Lindsay, Partner, Lindsay

▶ **FOR PRIVATE SECTOR: CONTRACTING WITH FOREIGN PARTIES AND CROSS-BORDER DISPUTE RESOLUTION**

Moderator: *Mr. Erik Aelbers*, Unit Head, Economics and Programming, Pacific Department, ADB

Speakers:

Ms. Koh Swee Yen, Partner, WongPartnership LLP

Mr. Terry Reid, ADB Private Sector Development Initiative

Mr. Kevin O’Gorman, Partner, Norton Rose Fulbright, Houston

▶ **IMPLEMENTATION OF THE NEW YORK CONVENTION - JUDICIAL PERSPECTIVE**

Moderator: *Mr. Gary Born*, Partner, Wilmer Cutler Pickering Hale and Dorr; President, SIAC Court; and Consultant, ADB International Arbitration

Speakers:

Mr. Justice A.H.C.T. Gates, Honorable Chief Justice, Supreme Court of Fiji

Honorable Sir David Williams, President, Court of Appeals, Cook Islands

Mr. Michael Hwang SC, Barrister and Arbitrator, Michael Hwang Chambers and Essex Court Chambers; and Chief Justice, DIFC Courts

Honorable Judge Yang Honglei, Judge, Fourth Chamber, Supreme People’s Court of the People’s Republic of China

LUNCH/NETWORKING 1:15 p.m.–2:15 p.m.

▶ **UNCITRAL E-COMMERCE LAW 2.0 FOR THE IMPLEMENTATION OF FTAS AND TRADE FACILITATION MEASURES**

2:15 p.m.–2:30 p.m.

by *Mr. João Ribeiro-Bidaoui*, Head, Regional Centre for Asia and the Pacific, UNCITRAL

SESSION 9: MOCK ARBITRATION 2:30 p.m.–3:30 p.m.

Facilitator: *Mr. Jonathan Lim*, Senior Associate, Wilmer Cutler Pickering Hale and Dorr

▶ **ROLE PLAY: CONSTRUCTION DISPUTE WITH ENERGY/ENVIRONMENTAL/CISG/ ELECTRONIC COMMUNICATIONS ELEMENTS**

• **3-MEMBER TRIBUNAL:**

Mr. Gary Born, Ms. Sae Youn Kim, and Mr. Christopher Stephens

• **CLAIMANT’S COUNSEL:**

Ms. Ana Tuiketeki, Barrister and Solicitor, High Court of Fiji

• **RESPONDENT’S COUNSEL:**

Ms. Ofa Solimailagi, Senior Legal Officer, Office of the Attorney General of Fiji

• **JUDGE – ENFORCEMENT OF AWARD:**

Justice Suresh Chandra, Judge, Fiji Supreme Court; and Resident Justice of Appeal, Fiji Court of Appeal

SESSION 10: CONCLUDING REMARKS AND RECOMMENDATIONS 3:30 p.m.–4 p.m.

▶ **ADB TECHNICAL ASSISTANCE: PROMOTION OF INTERNATIONAL ARBITRATION REFORM FOR BETTER INVESTMENT CLIMATE IN THE SOUTH PACIFIC**

Speakers:

Mr. Christopher Stephens, General Counsel, ADB

Ms. Christina Pak, Senior Counsel, ADB

Mr. Gary Born, Partner, Wilmer Cutler Pickering Hale and Dorr; President, SIAC Court; and Consultant, ADB International Arbitration

Mr. Daniel Meltz, Barrister, 12 Wentworth Selborne Chambers; and Consultant, ADB International Arbitration

Mr. João Ribeiro-Bidaoui, Head, Regional Centre for Asia and the Pacific, UNCITRAL

background paper

The South Pacific region is one of the last few regions in the world without an effective 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 increases the risks and cost of doing business and stifles 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 157 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 157 countries pursuant to the New York Convention.

Legal Framework for International Arbitration and Current Status in the South Pacific Countries

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.

Currently, a majority of the South Pacific countries are not party to the New York Convention – out of 15 countries, only Cook Islands, Fiji and Marshall Islands have acceded to the New York Convention. The following South Pacific countries have not signed onto the New York Convention: Kiribati, Federated States of Micronesia, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Timor-Leste, Tonga, Tuvalu and Vanuatu. Moreover, many South Pacific countries do not have the domestic legal frameworks to support the recognition and enforcement of international arbitration agreements and foreign arbitration awards.

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

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)¹ 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.

¹ ADB’s 14 Pacific DMCs include: Cook Islands, Fiji, Kiribati, Marshall Islands, Federated States of Micronesia, Nauru, Palau, Papua New Guinea, Samoa, Solomon Islands, Timor-Leste, Tonga, Tuvalu, and Vanuatu.

The Dawn of International Arbitration in the South Pacific

To raise awareness and discuss the positive development impact of international arbitration reform in the South Pacific, the Government of Fiji, in conjunction with the Asian Development Bank (ADB) and United Nations Commission on International Trade Law (UNCITRAL) Regional Centre for Asia and the Pacific, will be hosting the first-of-its kind inaugural 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 type of disputes in the region and globally. There will also be specialized interactive sessions tailored for different stakeholders such as private sector, law practitioners and judges.

Conference topics will include:

- the promotion of cross-border trade and foreign direct investment through international arbitration reform;
- the importance of an effective dispute resolution system to a country’s investment climate and economic development;
- disputes in the South Pacific region, particularly on energy (including renewable energy), construction and climate finance; and
- an overview of international arbitration legal framework, including the New York Convention and the UNCITRAL Model Law, and their implementation in the South Pacific region.

Additionally, the Conference will cover:

- contract drafting in supply-chain contracts for micro-, small-, and medium-sized enterprises (MSMEs) in accordance with the United Nations Convention on Contracts for the International Sale of Goods (CISG); and
- the role of UNCITRAL texts on e-commerce for the implementation of free-trade agreements and trade facilitation measures.

The Conference will culminate in a mock international arbitration designed to walk participants through the process of a typical international arbitration.

opening speakers



HON. AIYAZ SAYED-KHAIYUM is the Fijian Attorney-General and the Minister for Economy, Public Enterprises, Civil Service, Communications, Education, Heritage and the Arts and the minister responsible for climate change.

Since joining the Fijian Government in 2007, Mr. Sayed-Khaiyum has initiated a comprehensive program to modernise Fiji's laws in areas such as domestic violence, corporate governance and criminal code.

The Attorney-General oversaw the work to finalise a new Fijian Constitution that provides the legal foundation for a common and equal citizenry while protecting indigenous land ownership and rights. The Constitution breaks new ground in a number of areas, including the establishment of an independent Accountability and Transparency Commission – to which all public office holders are accountable – and an electoral system that gives all Fijians an equal vote.

Education in Fiji is free for the first time in Fijian history, and the Fijian Government also provides free textbooks and subsidises transportation to school for Fijian students. Funding towards merit-based scholarships has also vastly increased, along with access to Government's affordable Tertiary Educations Loans Scheme (TELS) for students interested in higher education. As the Minister for Education, Mr. Sayed-Khaiyum is also currently leading the Fijian Government's campaign to rebuild Fijian schools to a higher, cyclone-resilient standard following the devastation from Category 5 Cyclone Winston.

As the Minister for Communications, Mr. Sayed-Khaiyum has overseen a massive expansion in access to mobile services, extending coverage to 95 per cent of the country. Fiji has also experienced a boom in access to high speed internet services and Free-to-Air digital television, which is now available everywhere in the country.

The Attorney-General is also spearheading a reform of the Fijian civil service, to raise wages and salaries for civil servants and to engrain merit-based recruitment and advancement to generally raise the quality of Government services delivered to the Fijian people.

HON. AIYAZ SAYED-KHAIYUM *(continued)*

Mr. Sayed-Khaiyum attended Marist Brothers High School.

He completed his Masters of Law at the University of Hong Kong. As part of his Masters program, he completed a thesis titled, “Cultural Autonomy–It’s Implications for the Nation–State.”

He also holds a Graduate Diploma in Legal Practice from the University of Wollongong in Australia.

He obtained his Bachelor of Laws (LLB) degree at the University of New South Wales (Sydney), Australia. As part of his LLB degree, he completed a thesis on “Constitution Making in ‘Divided Societies’ – Fiji a case study.”

He attained his Bachelor of Arts (BA) degree from the Australian National University in Canberra, Australia, majoring in political science and development studies.



MR. CHRISTOPHER H. STEPHENS has been the general counsel of the Asian Development Bank (ADB) since the end of 2012. ADB’s legal team comprises 85 staff from 16 countries, and advises ADB’s board of governors, resident board of directors, management, and operations and administrative departments.

The legal department also runs ADB’s Law and Policy Reform (LPR) Program, through which ADB provides technical assistance to ADB’s client countries in areas relating to the role of law in their development, including support for law and regulatory reforms, governance, judicial training, capacity building and legal literacy.

ADB’s legal team and Mr. Stephens have won more than 20 awards in the last 4 years from Financial Times, Thompson-Reuters and other international publications, including “Best In-House” legal team, “Best Banking and Financial Services” legal team, “Most Innovative” team and several project awards.

Mr. Stephens has practiced law in the private and public sectors in Asia and the United States for more than 30 years.

MR. JOÃO RIBEIRO-BIDAOU is currently Head of the UNCITRAL Regional Centre for Asia and the Pacific, managing technical assistance and capacity building programming available to over 50 States in Asia and the Pacific, namely least developed, landlocked developing and small islands developing States. In that capacity, he coordinates with Governments and international and regional organizations with respect to trade law reform activities. He also manages programmes to promote the rule of law in commerce in the context of UN Partnership Framework Agreements with Lao PDR and Papua New Guinea, aimed at achieving the Sustainable Development Goals. He presents regularly at major conferences in the region on key topics of international trade law, including investment and commercial arbitration. He has been involved in reviewing, commenting or drafting commercial legislation from China, Fiji, India, Kazakhstan, Lao PDR, Macau SAR, Myanmar, Mongolia, Papua New Guinea, Qatar, Republic of Korea, Sri Lanka, Saudi Arabia and United Arab Emirates.



keynote speaker



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 650 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 200 institutional and ad hoc arbitrations.

He is the author of *International Commercial Arbitration* (Kluwer, 2nd ed. 2014), 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.

moderators and panel speakers



MR. ERIK AELBERS, head of the Asian Development Bank (ADB) Economics and Programming Unit, leads and coordinates ADB's country strategy and programming, policy dialogue and relationship management, policy-based financing operations, and economic analysis in countries covered by ADB's Pacific Subregional Office (Cook Islands, Fiji, Kiribati, Samoa, Tonga, and Tuvalu). Prior to this position, he served as an advisor with ADB's Private Sector Development Initiative (PSDI) from 2009 to 2017, first posted in Port Moresby, Papua New Guinea, then in Sydney, Australia, and finally in Suva, Fiji. PSDI works with ADB's 14 Pacific developing member countries to improve the enabling environment for business and support inclusive, private sector-led economic growth.

Mr. Aelbers began his career with the European Investment Bank (2004–2006). He then served as a principal economist at the Papua New Guinea Department of Treasury (2007–2009). He holds a bachelor's degree in economics (2003) and a master's degree in development economics and economic policy analysis (2004) from the University of Southampton.

MS. GITANJALI BAJAJ, partner at DLA Piper's Litigation and Regulatory team, focuses on major international and domestic construction and infrastructure disputes across a wide range of sectors, including building and construction, oil and gas, transport, power and clean energy. She is an experienced litigator and has represented clients in various forums of dispute resolution ranging from court proceedings to international arbitrations to domestic court proceedings, mediations, expert determinations and other forms of alternative dispute resolution in Australia, Asia Pacific and the Middle East. She currently co-leads the DLA Piper team representing the Government of Timor-Leste against Australia in the first of its kind compulsory conciliation proceedings under Annex V of the 1982 United National Convention on the Law of the Sea (UNCLOS) concerning the establishment of permanent maritime boundaries between the two states.

Ms. Bajaj is qualified as a solicitor of the Supreme Court of New South Wales. She holds a bachelor's degree with a major in international relations and affairs and an LLB with a certificate of specialization in international law from the University of Queensland.





DR. PETRA BUTLER, co-director of the Centre for Small States and professor at Victoria University of Wellington, has been involved in projects related to Pacific Island countries for over 10 years. These projects include the anthropology of law in the Pacific Islands and the book *Human Rights in the Pacific*. She is the co-editor of *The World of Small States*, a series published by Springer dedicated to exploring current issues small states face. She is New Zealand's leading human rights academic and widely regarded as an expert in the law relating to the international sale of goods.

Dr. Butler is a fully qualified German lawyer and New Zealand qualified barrister. She regularly advises private clients and governments on law reform and international obligations in the areas of her expertise. She is New Zealand's CLOUT correspondent for the United Nations Convention on Contracts for the International Sale of Goods (CISG) and the United Nations Convention on the Use of Electronic Communications in International Contracts.

JUSTICE SURESH CHANDRA is a judge of the Fiji Supreme Court and a resident justice of appeal of the Fiji Court of Appeal, after retiring from his position as judge of the Supreme Court of Sri Lanka in 2012. He obtained his LLB and LL.M. from the University of Colombo and did private practice from 1972 to 2008. He served as a consultant to several leading banks and institutions, including the United States Agency for International Development (USAID) and the World Bank. He was also the deputy permanent representative of Sri Lanka to the United Nations in New York in 2009 and a member of the panel of arbitrators of the Sri Lanka National Arbitration Centre. He has been a resource person for the International Labour Organization, the International Organization for Migration, the Sri Lanka Bar Association, and the Sri Lanka Judges' Institute. He also taught at the Faculty of Graduate Studies of Colombo University, the Open University of Sri Lanka, the Sri Lanka Law College, and the University of Moratuwa.





MS. JO DELANEY is a partner at Baker & McKenzie in Sydney with 20 years experience in commercial, construction and investment arbitrations under the American Arbitration Association (AAA), the International Centre for Settlement of Investment Disputes (ICSID), the International Chamber of Commerce (ICC), the London Court of International Arbitration (LCIA), the Singapore International Arbitration Centre (SIAC), and the United Nations Commission on International Trade Law (UNCITRAL) arbitration rules. Her experience covers a diverse range of industries, including energy, resources and infrastructure, general construction and telecommunications and information technology across many different regions, having worked in London and Sydney.

Ms. Delaney has been involved in a number of investment arbitrations in Eastern Europe, the Middle East and Asia and regularly advises on investment protection planning. Jo has also worked on climate change related disputes, including disputes referred to arbitration under the PCA Environmental Rules. Jo regularly speaks, lectures and publishes on various aspects of international arbitration. She is involved in a number of organisations including the Chartered Institute of Arbitrators (Australian branch and Practice and Procedures Committee), Arbitral Women and the International Law Association.

PROF. MICHAEL EWING-CHOW is an associate professor and World Trade Organization (WTO) chair at the National University of Singapore (NUS) Faculty of Law. He has a first class honours degree in law from NUS and a masters from Harvard Law School.

Prof. Ewing-Chow worked in Allen & Gledhill before joining NUS, where he started the first World Trade Law course in Singapore and helped negotiate some of Singapore's early free trade agreements. He has been a consultant to the Singapore Government, the Asian Development Bank (ADB), the Association of Southeast Asian Nations (ASEAN), the United Nations Conference on Trade and Development (UNCTAD), the World Bank and the WTO. He has advised government officials from all over the world on trade and investment law and governance, and helped review the country's corporate law.

Prof. Ewing-Chow has taught in a number of universities in Asia, Europe and Latin America, and has published papers on governance, trade law and investment law. He also cofounded Aidha, a non-governmental organization which provides financial education and microfinance opportunities to domestic migrant workers.





MS. SUSANA FALETAU is a lawyer and is currently the chief executive officer of the Ministry of Justice, Kingdom of Tonga—a post she has held since 2012. She is a part of a team that examines and reviews court and mediation systems that enable more effective access to justice for all.

Ms. Faletau worked in the public affairs division of the Commonwealth Trust in London, United Kingdom. In 1993, she joined the Tonga public service. As a senior official at the Prime Minister’s Office and the Ministry of Foreign Affairs, she rendered policy advice to the Cabinet and the Privy Council on Treaty Ratification.

MR. WOLFRAM FISCHER is the Assistant General Counsel (Asia) at the International Finance Corporation (IFC). Based in Singapore, he manages IFC’s Regional Legal Department covering IFC’s investment activities in the East Asia and Pacific and South Asia regions. Since joining IFC in 1998, he has been responsible for coordinating and delivering internal legal services across all regions and covering a broad range of industry sectors. Prior to joining IFC, he served as in-house counsel at the World Bank and at Alcatel-Lucent, and as an associate at Cleary Gottlieb and at Shearman & Sterling. A native of Berlin, Germany, he holds an LL.B. from the Free University of Berlin and an LL.M. and a J.D. from the University of Illinois College of Law.



CHIEF JUSTICE ANTHONY HAROLD CUMBERLAND THOMAS (A. H. C. T.) GATES is the chief justice of Fiji. He is best known for his decision in *Chandrika Prasad v. Att-Gen of Fiji* [2000] 2 FLR 89; *Prasad v. Republic of Fiji & Another* [2001] 1 LRC 665; [2001] NZAR 21, where he held that the 2000 military intervention did not abrogate the Fiji Constitution, which remained the law of the land. He is also known for writing decisions enforcing the civil rights of prison inmates.

Chief Justice Gates is a graduate of Cambridge University. He qualified as a barrister at Inner Temple London and practiced law in London before joining government service in 1977.





MR. KEVIN O'GORMAN is a partner at Norton Rose Fulbright US LLP based in Houston, USA. He represents clients in international arbitration and litigation cases involving energy, commercial, construction, and investor-state disputes around the world. In addition to his client work, he regularly serves as arbitrator in international cases.

Mr. O'Gorman is vice chair of the Energy Arbitrators List Review Committee and serves on the Conflict Prevention and Resolution's (CPR) arbitration and energy committees. He chaired the Disputes Division and International Arbitration Committee of the American Bar Association's Section of International Law. He also served as senior legal secretary and team leader of the Claims Resolution Tribunal for Dormant Accounts in Zurich, Switzerland, which resolved claims relating to Holocaust-era dormant accounts in Swiss banks. He is a member of the Texas and New York bars and is admitted to the roll of solicitors in England and Wales.

MS. SARAH GRIMMER is secretary-general of the Hong Kong International Arbitration Centre. She was formerly senior legal counsel at the Permanent Court of Arbitration (PCA), where she acted as registrar in inter-state arbitrations and tribunal secretary in investor-state arbitrations. Prior to working at the PCA, Sarah practiced at the International Chamber of Commerce (ICC) International Court of Arbitration and at Shearman & Sterling LLP in Paris. She has an LL.M. from Cambridge University and an LLB/BA (Criminology) from Victoria University of Wellington. She is admitted to practice law in New Zealand.

In 2017, Sarah was appointed chairperson of the MCCI Arbitration and Mediation Center (MARC) Advisory Board. She is also a member of the International Council for Commercial Arbitration-The American Society of International Law (ICCA-ASIL) Task Force on Damages, the Global Arbitration Review (GAR) Board of Advisors, the ICCA Publications Committee, and the New Zealand International Chamber of Commerce (ICC) Arbitration Committee.

From 2015 to 2017, she was a member of the Disciplinary Board for defence counsel at the Special Tribunal for Lebanon. Prior memberships include the International Bar Association (IBA) Investment Arbitration Subcommittee and the IBA Arb40 Steering Committee.





JUDGE YANG HONGLEI, a judge of the Fourth Chamber of the Supreme People's Court of the People's Republic of China, is an expert on the New York Convention. He is experienced in commercial arbitration, particularly in cases involving a foreign party. In a 2009 publication, he stated that an award made in China by a foreign arbitration institution should be considered foreign or non-domestic.

MS. BRENDA HERRIGAN is head of International Arbitration – Australia at Herbert Smith Freehills, based in HSF's Sydney office. She brings to this role over 20 years' experience in the field, with a particular focus on disputes involving emerging markets. She works with clients on complex international commercial and investment treaty arbitration matters at both the arbitration and enforcement stages, acts as counsel in matters conducted under a wide variety of arbitration rules, and also sits as an arbitrator.

Her background as a transactional lawyer provides valuable insight for clients into the underlying commercial and contractual aspects of the disputes on which she advises.

In addition to her work as counsel, Brenda has spoken at many conferences and seminars on both arbitration and the challenges of investments in emerging markets. She is the past cochair of the China Committee of the American Bar Association (ABA) Section of International Law, and served for several years as Global Adjunct Professor of Law at New York University Law School (Shanghai campus).





DR. MICHAEL HWANG, SC is the chief justice of the Dubai International Financial Centre (DIFC) Courts. He is a graduate of Oxford University and a former law teacher in the University of Sydney and the University of Singapore. In 1997, he was appointed as one of the first 12 senior counsel (SC) of the Supreme Court of Singapore. His former appointments include being the president of the Law Society of Singapore, a judicial commissioner (a contract judge) of the Supreme Court, a vice chairman of the International Chamber of Commerce (ICC) International Court of Arbitration, a vice president of the International Council for Commercial Arbitration (ICCA), and a court member of the London Court of International Arbitration (LCIA).

He is currently Singapore's non-resident ambassador to Argentina, having previously been ambassador to Switzerland. He was appointed as the chief justice of the DIFC Courts in June 2010, having previously served as deputy chief justice since April 2005.

MR. ROBERT JAUNCEY has been the Asian Development Bank Regional Director for the South Pacific, based in Suva, Fiji, since February 2014. He leads ADB efforts to scale up engagement with the Cook Islands, Fiji, Kiribati, Samoa, Tonga, and Tuvalu. He has overseen ADB's re-engagement with Fiji, and mobilized approximately \$600 million in ADB resources and cofinancing for new investments across the six countries, including the first grant for the Pacific from the Green Climate Fund.

Prior to joining ADB, Mr. Jauncey coordinated World Bank engagement with eight Pacific island countries, Fiji, Kiribati, Marshall Islands, Micronesia, Samoa, Tonga, Tuvalu, and Vanuatu, and with the Western Balkans. He also served as advisor to the World Bank managing director. He began his development career, working for the Australian Government overseas aid program from 1990 to 2000, discharging corporate policy roles in Lao PDR and Papua New Guinea. He has a bachelor degree from the Australian National University and a master's degree in financial economics from the University of London.





MR. TEJAS KARIA is a partner and the head of the arbitration practice of Shardul Amarchand Mangaldas & Co. (New Delhi). He is also the vice-chairman of the Society of Construction Law – India. He specialises in international and domestic commercial arbitration and information technology law. He has extensive experience in representing public and private corporations in complex matters involving shareholders’ disputes, constructions, joint ventures, oil and gas, real estate, and private equity among others in international commercial arbitrations before virtually all major arbitration institutions with seats in India, London, Paris, and Singapore.

Mr. Karia obtained his LLB from ILS Law College, University of Pune (2000), his LL.M. major in corporate and commercial law at Sir L A Shah Law College, University of Gujarat (2002) and his second LL.M. major in international commercial arbitration and information technology law from the London School of Economics and Political Science (2003). He is affiliated with the Bar Council of Gujarat, the Law Society of England and Wales, and the Chartered Institute of Arbitrators.

MS. SAE YOUN KIM chairs the international dispute resolution practice at Yulchon. She practices primarily in the areas of litigation and arbitration with an emphasis on commercial and international law. She is also an arbitrator at the Korean Commercial Arbitration Board (KCAB) and the Singapore International Arbitration Centre (SIAC). She is licensed to practice in Korea and New York. She is often selected as a leading lawyer by publications such as Chambers Global and Asialaw and she regularly speaks at international conferences.

Before joining Yulchon, Ms. Kim served as a judge in various Korean district courts and was a partner at another major Korean law firm.





MS. JUDITH LEVINE is senior legal counsel at the Permanent Court of Arbitration (PCA), an intergovernmental organisation (IGO) currently administering 130 disputes among states, IGOs and/or private parties. She assists tribunals in some of the world’s largest investor–state and contract cases. Recently, she served as registrar in the South China Sea arbitration. In 2011 to 2012, she served as the PCA representative and legal officer in Mauritius. She also represented PCA in United Nations (UN) climate conferences, such as the UN Framework Convention on Climate Change Conference of the Parties (COP) 21 in Paris in 2015 and COP23 in Bonn in 2017. She is also a visiting fellow at Sydney University.

Before joining PCA in 2008, Ms. Levine practised law in New York as an attorney in the White & Case LLP arbitration group for 5 years. She also served as a judge’s associate at the High Court of Australia (2001–2002), assistant adviser to Australian Attorney General Daryl Williams (2002), and judicial clerk at the International Court of Justice (2002–2003).

MR. JONATHAN LIM is a senior associate with WilmerHale in London. He has represented governments and private corporations in commercial and investment arbitrations under all major arbitration rules sited across Africa, Asia, Europe and South America. 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, Mr. Lim has a developing practice as an arbitrator, with appointments as sole and party-appointed arbitrator in proceedings seated in Europe and Asia.

Mr. Lim is cochair of the Asia-Pacific Forum for International Arbitration (AFIA) and serves on the various committees in Singapore and the UK. He is one of the youngest lawyers listed as a Future Leader in International Arbitration in Who’s Who Legal 2018 (a list of leading under-45 practitioners from around the world), and has been described as “a very smart all-round lawyer with a strong work ethic,” “able to digest and master a large amount of material very quickly,” and “always available to provide creative and practical solutions.” He co-teaches a course on international arbitration at the National University of Singapore (NUS) every January. He was educated at NUS and the Harvard Law School.





MR. TIMOTHY LINDSAY leads the practice at specialist litigation and arbitration firm Lindsay, based in Auckland, after nearly a decade in London, most recently as an international arbitration partner in leading US law firm Dechert LLP. He is recognized for his “outstanding reputation” in the arbitration field, and as an “outstanding advocate” in complex disputes with “total commitment” to his clients.

Mr. Lindsay has expertise in corporate/shareholder, complex contract, banking and finance, foreign investment, energy/resources and regulatory disputes, and clients draw on his experience from litigating complex disputes in all major developed and emerging economies.

In addition to his experience in significant litigations in the New Zealand courts, Mr. Lindsay has appeared as counsel in some of the most significant international disputes in recent times before the world’s leading arbitration institutions. He has also acted in disputes concerning Africa, Asia, Australasia, Europe, Eurasia, India, Latin America, the Middle East, Russia and the Commonwealth of Independent States, and the United States, across a broad range of industries.

MR. DANIEL MELTZ is a barrister practising in international arbitration and commercial litigation as a member of 12 Wentworth Selborne Chambers, Sydney, Australia. Mr Meltz is retained as international arbitration expert co-consultant, together with Gary Born, to the Asian Development Bank (ADB), on the ADB’s Technical Assistance program for International Arbitration Reform in the South Pacific. Mr Meltz has extensive experience as counsel in arbitrations and before courts on enforcement and recognition of arbitral awards and is listed in *Who’s Who Legal* and *Best Lawyers in Australia*. Mr Meltz was an Adjunct Professor at the University of Technology Sydney and a founding member and board member of the Asia-Pacific Forum for International Arbitration. He is a fellow of the Australian Centre for International Commercial Arbitration. Prior to being called to the bar, Mr. Meltz practised international arbitration in Zurich and London.





MS. CHRISTINA PAK is a senior counsel of the Asian Development Bank, specializing in international finance and has been working on multi-sector projects across the Southeast and East Asia regions and currently serves as Myanmar country counsel. She is also responsible for developing and implementing environmental law, climate finance and international arbitration law reform technical assistance projects under the ADB Office of the General Counsel's Law and Policy Reform Program. She is also a member of the ADB Climate Change thematic group.

Prior to joining ADB, Ms. Pak worked as legal counsel and vice president for markets and international banking at The Royal Bank of Scotland in Singapore, and as a capital markets and structured finance associate at two large New York City law firms. She is admitted to the bar in the States of New York and New Jersey and is a member of the Chartered Institute of Arbitrators, International Union for Conservation of Nature World Commission on Environmental Law and International Bar Association.

PROF. DR. JORDI PANIAGUA is Professor of Economics at the Department of Applied Economics II of the University of Valencia (Spain). He has an academic and applied specialization in Foreign Direct Investment (FDI) and online networking. In his academic career he has published papers in leading academic journals in the field of international economics and business. He has worked as telecommunications engineer in multinational enterprises and served in the public administration in the area of FDI promotion. He has consulted to multinational companies and to public bodies, like NATO and the World Bank. His research interests include gravity models of trade and FDI, and its interplay with migration, trade law, energy and social media networks.





DR. EUN YOUNG PARK is the co-head of the International Arbitration & Cross-Border Litigation Group at Kim & Chang. His practice focuses on court and international arbitration proceedings in multiple jurisdictions, including international arbitrations under the rules of the renowned arbitral institutions and also sits as an arbitrator in international arbitration cases.

Dr. Park has been serving as a court member and vice president of the London Court of International Arbitration, a member of board and court of arbitration of the Singapore International Arbitration Centre, and an executive member of the Seoul International Dispute Resolution Center. He was the vice chair of the IBA Arbitration Committee, inaugural cochair of the IBA Asia Pacific Arbitration Group, and a member of the IBA's Subcommittee on Conflicts of Interest. He has served as a judge of the Seoul District Court and taught in law schools in Korea. He received his J.S.D. and LL.M from the NYU School of Law, after graduating from the Seoul National University Faculty of Law. He is admitted to the New York bar and Korean bar and is registered with the Singapore International Commercial Court.

MR. TERRY REID has over 25 years experience as a barrister and solicitor. He graduated in arts and law with first class honours from the University of Auckland and subsequently completed his postgraduate qualification at the University of Melbourne. After a period advising banks and financial institutions on financing transactions, he entered legal practice, focusing on business, contracts and corporations law and taught in universities. His clients ranged from small single proprietorships to large publicly listed companies.

Since 1996, he has worked in developing economies and for the past 10 years, has served as a long-term legal advisor to the Asian Development Bank (ADB) in the Pacific. He has led many of the programs under the ADB Pacific Private Sector Development Initiative (PSDI), including the reform of companies, secured transactions, foreign investment, and trustee laws, the design and installation of new online business registries, and the implementation programs supporting legal reform. He currently leads PSDI's business law and competition law and policy areas.





MR. AVENDRA SINGH, partner at Squire Patton Boggs, practices in the area of projects and construction and advises his clients on claims management and dispute resolution. He has extensive experience in giving strategic advice on the structuring and delivery of projects and the negotiation, drafting and administration of contracts. His skills have been applied in projects as diverse as airports, roads, defence, water and sewage treatment plants, high rise residential and commercial structures, industrial complexes and telephony.

He has conducted litigation that has resulted in major decisions affecting the operation of the Security of Payments Act. He also conducts ADR procedures. He is named in Doyle's Guide as one of the Leading Construction Lawyers in New South Wales and described as someone who "knows his stuff."

MS. OFA SOLIMAILAGI is a senior legal officer at the Office of the Attorney General of Fiji. She served as a solicitor at Parshotam Lawyers. She has a bachelor's degree in political science and governance and in law as well as a professional diploma in legal practice all from the University of the South Pacific.





MS. HUawei SUN is a partner at Zhong Lun Law Firm and practices litigation, arbitration and compliance/regulatory law. She specializes in international commercial and investment treaty arbitration. She has more than 10 years' experience working as counsel and arbitrator on disputes involving cross-border mergers and acquisitions, energy and resources projects, financial products, intellectual property, and construction projects, with governing laws including Chinese, Dutch, English, French, Hong Kong, Malaysian, Singaporean, and Swiss law. She also has extensive experience arguing China-related cases before international tribunals. Before working at Zhong Lun, she worked at the China International Economic and Trade Arbitration Commission Secretariat (1996–2001) and served as counsel at the Allen & Overy Beijing and Hong Kong offices (2006–2013).

She obtained her bachelor's degree and master's degree from the University of International Business and Economics and her J.D. from Vanderbilt University Law School. She is qualified to practice law in New York.

MS. ANA TUIKETEI is a barrister and solicitor in the High Court of Fiji. She has extensive litigation experience having served as a principal prosecutor in the Office of the Director of Public Prosecutions from 2006 to 2010. She practices in the areas of litigation, good corporate governance, human rights, commercial law and regulatory and compliance matters. She has provided services to a number of regional countries. She is also a part time sessional academic and currently teaches law at the University of the South Pacific.

Ms. Tuiketeei is an executive board member of the Employment Relations Advisory Board, the Miss Pacific Islands Pageant Association, the Fiji Women Lawyers Association, the Fiji Chamber of Commerce & Industry, the Fiji Women in Business, the Fiji Fashion Council, and the Fiji National Health Research and Ethics Review Committee. She is the legal adviser for Hibiscus Events Group and Miss World Fiji. She is also heavily engaged as a judge in the fashion and music industry.





SIR DAVID A R WILLIAMS, KNZM, QC is a graduate of the University of Auckland (LLB, 1965) and of Harvard University (LL.M., 1966). He was a litigation partner in leading Auckland law firm Russell McVeagh from 1969 to 1986. He later moved to the independent bar, attaining the rank of Queen’s Counsel in 1987. He served as a judge of the High Court of New Zealand from 1992 to 1994 before returning to legal practice as a barrister and arbitrator. He serves part time as the President of the Court of Appeal of the Cook Islands and as an honorary professor at the University of Auckland.

Sir David Williams has developed a global international arbitration practice, serving in over 150 international arbitration disputes. He has written extensively on international arbitration and the Second Edition (2017) of his text *Williams and Kawharu on Arbitration* has been described as one of “the great New Zealand texts” by the President of the Court of Appeal of New Zealand. He drafted the Cook Islands Arbitration Act of 2013 which covers both domestic and international arbitration and is based on the UNCITRAL Model Law and the 1996 New Zealand Arbitration Act.

He was made a Knight Companion of the New Zealand Order of Merit in 2017, an award which acknowledged his contribution to the development of arbitration in New Zealand and internationally.

MS. KOH SWEE YEN is a partner in the Commercial & Corporate Disputes and International Arbitration Practices of WongPartnership LLP.

Her practice focuses on complex, high-value and cross-border commercial and investment disputes spanning various business sectors, including energy, natural resources and trade, under the major institutional rules.

Ms. Koh is recommended in various legal publications, including *The Legal 500: Asia Pacific for Dispute Resolution and Chambers Asia-Pacific Guide for Arbitration*, with one source declaring “*She’s in a league of her own, she’s very impressive*”, and another source praising her for a “*keen sense of strategy*” and “*great ability to quickly grasp her clients’ perspective and understand their commercial issues*”. She is known to “*fight tooth and nail for her clients*”, and regarded as one of the “*outstanding members of the next generation*” under the age of 45 in *Who’s Who Legal: Arbitration – Future Leaders 2017*.



list of delegates

SOUTH PACIFIC DELEGATES

COUNTRY	NAME	TITLE	ORGANIZATION
Cook Islands	Sandrina Thondoo	Director of Labour	Ministry of Internal Affairs
Cook Islands	Jim Armistead	Director, Pacific Division	Ministry of Foreign Affairs and Immigration
Cook Islands	Catherine Evans	Deputy Solicitor-General	Crown Law Office
Cook Islands	Erica Anderson		Cook Islands Chamber of Commerce
Cook Islands	Fletcher Melvin	Member, Executive Committee	Cook Islands Chamber of Commerce
Cook Islands	Julia Evans	Representative	Cook Islands Business Professional Woman Association
Fiji	Adrienne Ali	Mediator and Solicitor	High Courts of New Zealand and Fiji
Fiji	Supreena Naidu	Partner	AP Legal
Fiji	Armish Pal	Principal	AP Legal
Fiji	Frederic Reynaud	Chief Executive Officer and Chairman	BRED Bank (Fiji) Limited / Association of Banks in Fiji
Fiji	Mahendra Chand	Manager Legal	BSP Life
Fiji	Peter Rigamoto	Senior Legal Counsel	Digicel Group
Fiji	Peter Seares	General Counsel	Fiji Airways

SOUTH PACIFIC DELEGATES

COUNTRY	NAME	TITLE	ORGANIZATION
Fiji	Yvonne Fatiaki	Manager Legal	Fiji Electricity Authority
Fiji	Laurel Vaurasi	President	Fiji Law Society
Fiji	Litiana Seibouma	Legal Officer	Fiji National Provident Fund
Fiji	Siteri Saro Kamikamica	Manager Legal	Fiji National Provident Fund
Fiji	Faranisese Gavid	Principal Legal Officer	Fiji Revenue and Customs Service
Fiji	Joel Abraham	Chief Executive Officer	Fijian Competition and Consumer Commission
Fiji	Raj Sharma	Chief Executive Officer	HFC Bank
Fiji	Usenia Losalini	Manager Legal Services	HFC Bank
Fiji	Bhumika Khatri	Solicitor	Munro Leys Lawyers & Notaries Public
Fiji	Nicholas Barnes	Partner	Munro Leys Lawyers & Notaries Public
Fiji	Tracey Wong	Deputy Solicitor-General	Office of the Attorney General
Fiji	Lyanne S. Vaurasi	Deputy Chief Law Draftsperson	Office of the Attorney General
Fiji	Tupoutua'h Latianatoba Baravilala	Principal Legal Officer	Office of the Attorney General
Fiji	Mary Lee	Principal Legal Officer	Office of the Attorney General
Fiji	Ofa Solimailagi	Senior Legal Officer	Office of the Attorney General
Fiji	Raumanu Pranjivan	Senior Legal Officer	Office of the Attorney General

SOUTH PACIFIC DELEGATES

COUNTRY	NAME	TITLE	ORGANIZATION
Fiji	Preetika Prasad	State Solicitor	Office of the Attorney General
Fiji	James Baledrokadroka	Manager Compliance	Reserve Bank of Fiji
Fiji	Wati Seeto	Manager Legal	Reserve Bank of Fiji
Fiji	Murgessan Pillay	Chief Financial Officer	Williams & Gossling
Fiji	Shiu Singh	Senior Public Management Officer	Asian Development Bank, Pacific Subregional Office
Kiribati	Honorable Atarake Nataara	Minister	Ministry of Commerce, Industry and Cooperatives
Kiribati	Toani B. Takirua	Secretary	Ministry of Commerce, Industry and Cooperatives
Kiribati	Donna Tekanene Simon/ Reiher	Senior Trade Officer	Ministry of Commerce, Industry and Cooperatives
Kiribati	Monoo Mweretaka	Senior State Attorney	Office of the Attorney General
Kiribati	Tamaroa Teebaki	President	Kiribati Chamber of Commerce and Industries
Nauru	Jay Udit	Solicitor General	Department of Justice and Border Control
Palau	Ernestine Rengiil	Attorney General	Office of the Attorney General
Palau	Kaleb Udui	Policy Advisor	Office of the President, Palau National Government
Palau	Lauren Henry	Chief Legal Counsel	Republic of Palau House of Delegates
Papua New Guinea	Abmeng Kandakasi	Justice	National Court of Justice
Papua New Guinea	Jeffery Shepherd	Justice	National Court of Justice
Papua New Guinea	Iova Geita	Justice	National Court of Justice

SOUTH PACIFIC DELEGATES

COUNTRY	NAME	TITLE	ORGANIZATION
Papua New Guinea	Daniel Rolpagarea	State Solicitor	Department of Justice and Attorney General
Papua New Guinea	John Leahy	President	PNG Chamber of Commerce and Industry
Papua New Guinea	Robert Nilkare	President	Business Council of Papua New Guinea
Papua New Guinea	Rio Fiocco	President	Port Moresby Chamber of Commerce and Industry Inc.
Papua New Guinea	Maryann Tusais	Lawyer	Dentons, PNG
Papua New Guinea	Goiye Gileng	Lawyer	Posman Kua Aisi Lawyers
Papua New Guinea	Rosandra Kora	Country Coordinator	ADB Private Sector Development Initiative
Samoa	Hobart Va'ai	Chief Executive Officer	Samoa Chamber of Commerce and Industry
Samoa	Ioane Okesene	Assistant Chief Executive Officer	Legal Unit, Ministry of Commerce, Industry and Labour
Samoa	Ulupale Fuimaono (Wisteria Junior Ulupale Sauaga)	Assistant Executive Director	Samoa Law Reform Commission
Solomon Islands	James Apaniai	Attorney General	Attorney General's Chambers
Solomon Islands	Savenaca Banuve	Solicitor-General	Attorney General's Chambers
Solomon Islands	John Keniapisia	Justice	High Court of Solomon Islands
Solomon Islands	Rex Faujona	Justice	High Court of Solomon Islands
Solomon Islands	Riley Mesepitu	Permanent Secretary	Ministry of Commerce, Industry, Labour and Immigration

SOUTH PACIFIC DELEGATES

COUNTRY	NAME	TITLE	ORGANIZATION
Solomon Islands	Maito'o Haurae	Legal Officer	Ministry of Foreign Affairs and External Trade
Solomon Islands	Frank Paulsen	Chairman	Solomon Islands Law Reform Commission
Solomon Islands	Katalaini Ziru	President	Solomon Islands Bar Association
Solomon Islands	Charles Persson	Advisor to CEO	Solomon Islands Chamber of Commerce & Industry
Timor-Leste	Jorge Manuel F. Da Graca	Senior PFM Legal Advisor	Ministry of Planning and Finance, Office of the Minister of Planning and Finance
Timor-Leste	Nelinho Vital	Director, National Department on Legislation	Ministry of Justice
Timor-Leste	Jose Guterres	Partner	SJG Advogados
Timor-Leste	Nuno Marrazes	Associate	Da Silva Teixeira & Associates
Timor-Leste	Sahe da Silva	Partner	Da Silva Teixeira & Associates
Timor-Leste	Joana Custóias	Country Coordinator and Law Reform Expert	ADB Private Sector Development Initiative
Tonga	Hon. Sione Vuna Fa'otusia	Minister	Ministry of Justice
Tonga	Sione Sisifa	Solicitor General	Attorney General's Office
Tonga	Akanesi Katoa	Assistant Crown Counsel	Attorney General's Office
Tonga	Anthony Cocker	Principal Assistant Registrar, Head of Division, Enforcement and Compliance Division	Ministry of Commerce, Consumer, Trade, Innovation and Labour

SOUTH PACIFIC DELEGATES

COUNTRY	NAME	TITLE	ORGANIZATION
Tonga	Distaquaine Tu'ihalamaka	Deputy CEO and Head of Intellectual Property	Ministry of Commerce Consumers Trade Innovation and Labour
Tonga	Michael Cokanasiga	Senior Assistant Deputy CEO, Enforcement, Customs and Trade Division	Ministry of Revenue and Customs
Tonga	Lakai Fonua	Chief Executive Officer	Tonga Chamber of Commerce and Industry Inc.
Tonga	John Paul Chapman	Managing Director	Pacific Retail Ltd
Tonga	Paul Taumoepeau	Tonga Country Manager	Nautilus Minerals
Tonga	Ralph Stephenson	Solicitor	Stephenson Associates
Tonga	Dana Stephenson	Solicitor	Stephenson Associates
Tuvalu	Corinna Ituaso-Lafai	Crown Counsel	Office of the Attorney General
Vanuatu	Letlet August	Director General	Ministry of Finance and Economic Management

OBSERVERS

COUNTRY	NAME	TITLE	ORGANIZATION
Bangladesh	A.H.M. Shafiquzzaman (TBC)	Deputy Secretary	Ministry of Commerce
Fiji	Watesoni Nata	Mediator	Ministry of Employment, Productivity and Industrial Relations
Fiji	Jenny Seeto	Chair	Fiji Mediation Centre
New Zealand	Catherine Green	Executive Director	New Zealand International Arbitration Centre
New Zealand	Deborah Hart	Executive Director	Arbitrators' and Mediators' Institute of New Zealand Inc.
New Zealand	John Walton	Senior Arbitrator	Arbitrators' and Mediators' Institute of New Zealand Inc.
Papua New Guinea	Kenneth Imako	Attorney	Corrs Chambers Westgarth
Singapore	Steffen Pedersen	Partner	Thomas Cooper Singapore LLP
Thailand	Pornpat Tantikulananta	Executive Director	Thai Arbitration Institute

conference secretariat



MS. CHRISTINA PAK
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MR. GARY BORN
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MR. DANIEL MELTZ
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MR. JONATHAN LIM
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MS. MA. CELESTE GRACE A. SANIEL-GOIS

Is a Senior Legal Operations Officer at the Office of the General Counsel (OGC) of the Asian Development Bank (ADB). She provides technical, analytical, and coordination support for OGC's Law and Policy Reform Program.

Ms. Saniel-Gois has been with ADB for 20 years. Before joining OGC, she was part of the urban sector team, administering regional TAs on urban infrastructure projects. Prior to this, she was part of the gender and development (GAD) team of ADB, serving as coordinator for the multidonor Gender and Development Cooperation Fund, which provided resources for regional TA projects aimed at building gender capacity and conducting research on emerging and critical gender issues.

Ms. Saniel-Gois holds a masters degree in Social Services and Development from the Asian Social Institute, Manila; academic credits for masters in Women and Development at the University of the Philippines, and a Bachelor's degree in Communication Arts at St. Scholastica's College, Manila.



ATTY. FRANCESSE JOY "HAPPY" J. CORDON-NAVARRO

Happy is a consultant legal specialist at the ADB Office of the General Counsel's Law and Policy Reform (LPR) Program. Since 2013, she has worked for the LPR Program, preparing all proceedings of the annual ASEAN Chief Justices' Roundtable on Environment and the Symposium on Combating Wildlife Crime: Securing Enforcement, Ensuring Justice and Upholding the Rule of Law, serving on needs assessment and liaison missions, and providing general legal research and writing support. Outside ADB, she worked as an associate at Siguion Reyna, Montecillo & Ongsiako Law Offices, consultant for the University of the Philippines Law Center and lecturer on law, children and the environment at the Oxbridge Academic Programs in Cambridge.

Atty. Navarro graduated magna cum laude in BS Business Economics in 2007 and with a dean's medal for academic excellence in Juris Doctor (Law) in 2011 from the University of the Philippines. She finished her masters in Environmental Policy at the University of Cambridge, where she was a Peter Wilson Estates Gazette scholar. She is an associate fellow and international law on sustainable development project coordinator at the Centre for International Sustainable Development Law.



MS. IMELDA “EMIE” T. ALCALA

Emie has a Bachelor of Science in Business Administration major in Management. She has been with the Asian Development Bank as a Consultant for various projects since 1996, and has been the Project Coordinator of the Promotion of International Arbitration Reform for Better Investment Climate in the South Pacific technical assistance project and the Strengthening Capacity for Environmental Law in the Asia-Pacific: Developing Environmental Law Champions technical assistance project since 2015. Her twenty-two 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.

As Project Coordinator, Emie is responsible for overseeing, managing, and the roll-over of project logistics, coordination and administration. She describes herself as the person who helps the puzzle pieces fit together.

About the Asian Development Bank

ADB's vision is an Asia and Pacific region free of poverty. Its mission is to help its developing member countries reduce poverty and improve the quality of life of their people. Despite the region's many successes, it remains home to a large share of the world's poor. ADB is committed to reducing poverty through inclusive economic growth, environmentally sustainable growth, and regional integration.

Based in Manila, ADB is owned by 67 members, including 48 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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