

SIDRA Webinar

Conflict of Laws in BRI disputes: A Comparative Approach

The Belt and Road Initiative (BRI), comprising the Silk Road Economic Belt and 21st Century Maritime Silk Road, is a significant development strategy involving infrastructure development and investments in nearly 70 countries. The Chinese government has described the Silk Road Spirit as embodying the qualities of “peace and cooperation, openness and inclusiveness, mutual learning and mutual benefit”.

At the same time, with increased cross-border transactions comes the higher risk of disputes occurring. Given the multitude of jurisdictions involved in the BRI, parties to a BRI project are likely to hail from different countries, which in turn raises difficulties regarding the applicability of foreign laws and regulations, along with other customs of the land.

There has been a general lack of understanding, at least in common law jurisdictions, concerning the civil law approach to private international law. The objective of this webinar is to provide a substantive yet practice-oriented review of the approach civil law takes in relation to three specific issues arising in the context of arbitrations along the BRI:

- (a) What are the choice of law rules to be applied to ascertain the governing law of the contract?
- (b) What are the choice of law rules to be applied to ascertain the governing law of the arbitration agreement?
- (c) What are the competing laws to be applied in relation to interim measures?

Seasoned practitioners Patrick Zheng and Christopher Boog will provide insights from the Chinese and Swiss perspective respectively, with Prof. Darius Chan providing comparative remarks from a common law perspective. Instead of using a traditional lecture style, the webinar will be held in a Q&A format by the moderator, Allison Goh (formerly counsel with SIAC handling China-related disputes). Participants will have an opportunity to submit questions in advance and during the webinar in order to maximise learning outcomes.

Details

Date	14 July 2020, Tuesday
Time	4:00 pm - 5:30 pm Singapore/Hong Kong
Venue	Webinar
To register	https://zoom.us/webinar/register/WN_j9epPZ8NSj6LITBaJyNJFA Registration is complimentary, but space is limited

About the Speakers



Speaker

Patrick Zheng is the Head of the Dispute Resolution Practice at LLinks Law Offices, a leading PRC law firm ranked by Chambers and Legal 500. Patrick has more than 20 years of experience in cross-border dispute resolution, including international arbitration and litigation. As counsel, Patrick has handled hundreds of international disputes in venues such as Hong Kong, London and the United States. Patrick is highly regarded in the international litigation and arbitration community and is also a panel arbitrator at leading arbitration institutions such as CIETAC, HKIAC, KCAB, KLRCA and SIAC.



Speaker

Christopher Boog is a Vice-Chair of the International Arbitration Practice Group and co-heads the Sports Practice. He represents clients in complex international commercial, investment and sports arbitration matters as well as in setting-aside proceedings before the Swiss Supreme Court. Chris Boog is described as "one of the best in the business", "one of the superstars in Switzerland", and "definitely a leader in the field" (Who's Who Legal). According to clients and peers, he is "outstanding", "just brilliant" and "one of the best advocates I have ever seen" (Who's Who Legal). The same directory remarks that "Chris belongs among the best arbitration counsel of his generation." Other sources report that he is "brilliant and to-the-point" (Chambers Global) and "has superb analytical and advocacy skills. He is admired for his ability to explain (orally and in writing) complex technical or factual issues in simple terms" (Legal 500). Chris is ranked as one of a small number of Global Elite Thought Leaders by Who's Who Legal Arbitration recognizing lawyers "at the peak of the profession". He is the 2020 recipient of the ASA Prize for Advocacy in International Commercial Arbitration, awarded every two years to international arbitration counsel to recognize exceptional advocacy in international arbitration.



Speaker

Prof. Darius Chan is an international arbitrator, advocate and academic. He serves concurrently as the Deputy Director of the Singapore International Dispute Resolution Academy, as well as the Director of the Singapore Management University Law Academy. His practice and teaching interests focus on international investment and commercial arbitration, private and public international law. Darius is consistently recommended by legal directories, which includes being ranked by Who's Who Legal: Arbitration Future Leaders as a "Most Highly Regarded Individual" in Asia-Pacific.



Moderator

Allison Goh is a Research Associate at the Singapore International Dispute Resolution Academy, and holds a LL.B. (Hons) from the National University of Singapore, and a LL.M. from Peking University as a Chinese government scholar. Allison is qualified in Singapore, and has corporate and dispute resolution experience at a leading law firm and arbitration institution in Singapore.