



Conference Programme

14th November 2012 | Wednesday
Seoul Royal Hotel
2nd Floor Royal Ballroom

*The Case for Asian Seats in International Arbitration
Past, Present and Future*

Sponsors:



Organised by:



Chartered
Institute of
Arbitrators

CIArb



 KOREA SHIPOWNERS' ASSOCIATION

Supporting Organisations:





SCMA was originally established in November 2004 within the umbrella of the Singapore International Arbitration Centre (SIAC). As from May 2009, SCMA has been reconstituted as a company limited by guarantee and separate from the SIAC.

The aim of SCMA is to provide a framework for maritime arbitration which is responsive to the needs of the maritime community. SCMA has members from all sectors of the maritime community and from all countries. There is no distinction in the class of members or their entitlement based on the sector of the maritime community - all sectors are treated equally as all sectors are users of SCMA. For further information about membership, please log in to website: www.scma.org.sg

A General Committee of the membership leads the direction and development of SCMA. The members of the General Committee comes from various sectors of the international maritime community, including ship owners, ship charterers, cargo owners, shipyards, lawyers and arbitrators. The first General Committee is appointed, after which the General Committee will be elected by the membership. To begin with there are three subcommittees: The Executive Committee, The Process Committee, The Promotion Committee. The Process Committee deals with the SCMA Rules, membership and panel of arbitrators. The Promotion Committee deals with professional education, publications, social events and promoting SCMA.

The initial funding to establish SCMA comes from the Singapore Maritime Foundation, which is one of two founding members of SCMA. Other members are subscribing members. The intention is that in time SCMA will be self funding from membership subscription, education, publications and events.

The Chairman of SCMA is Mr Goh Joon Seng. The Executive Director /Registrar of SCMA is Mr Lee Wai Pong.

CONTACT US

Our Address : 32 Maxwell Road
#02-13 Maxwell Chambers
Singapore 069115

Our Tel No. : (65) 6324 0552

Our Fax No. : (65) 6324 1565

Website : www.scma.org.sg

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An Arbitration Framework that Reflects the Needs of Users

- The development of SCMA is determined by the international maritime community. Membership of SCMA is open to all companies and individuals involved in maritime business or academia: ship owners and charterers, cargo interests, insurers, ship brokers, ship agents, ship managers, banks, academics, lawyers and arbitrators. No one sector of the maritime community takes priority as the aim is for SCMA to reflect the wishes of all its users.
- The strategy of the SCMA is overseen by a General Committee of representatives of the maritime community, with functional committees appointed to perform certain tasks.

Rules Familiar to the Maritime Community

- The SCMA Rules are similar in approach to that of LMAA rather than the ICC. The SCMA is not involved in the management of the arbitration, but is available to facilitate the process when called upon to do so.

Choice of Arbitrators

- The SCMA has a panel of available arbitrators all of whom meet requisite criteria and have comprehensive CVs. However the parties are not required to choose an arbitrator from the panel and may choose anyone that they wish.
- Foreign arbitrators may arbitrate in Singapore without a work permit and without withholding tax.

Arbitrators Fees

- No mandatory scale of arbitrators' fees – it is for the parties to agree rates with the arbitrator.
- Arbitrators are required to follow a code of ethics and to be transparent about their fees by giving details of hourly rates, hours worked and for what purpose.

No Management Costs

- There are no management costs charged by SCMA.
- A claimant commences arbitration action by serving a notice of arbitration upon the respondent.



SCMA is pleased to host our Conference in Seoul on 14th November 2012. I was very encouraged by the positive response to our inaugural conference held in Singapore on 20th March 2012. The feedback from sponsors and delegates alike was that SCMA had set a high standard for conference quality and that we should uphold these standards going forward.

The conference focuses on the prospects and challenges faced by the emerging Asian Seats in International Arbitration. We are pleased to advise that well known speakers from the industry have agreed to share their experience and views through papers & panel discussion. It will also explore areas of collaboration between Asian seats to strengthen Asia voice in International Arbitration too.



Lee Wai-Pong
SCMA, Executive Director

SCMA is constantly working to be responsive to the needs of the maritime and legal community with regards to providing a cost effective and up to date forum for the resolution of contractual disputes. This conference represents a substantial step forward in terms of providing thought leadership for our work and to provide a good opportunity to network. Our work is far from done. Rather, in view of our relatively brief history it has only just begun.

I thank all of you for supporting our conference in one way or another and look forward to welcoming all of you at the conference.



Conference Programme

12:30

Registration

13:35

Conference Opening

Welcome Speech by **Prof. In Hyeon Kim**, Director, Maritime Law Center of Korea University School of Law

Keynote Address

Dr Beh Swan Gin, Permanent Secretary, Ministry of Law Singapore

14:00

Session One

Paper 1:

An Overview of Maritime Arbitration development in Singapore /Introduction to SCMA
Lee Wai Pong, SCMA Executive Director

14:40

Paper 2:

Commercial Arbitration in Korea and Asia: The Importance of the Seat of Arbitration
Benjamin Hughes, Shin & Kim Co-Chair, International Dispute Resolution,

15:00

Paper 3:

Maritime Arbitration in Korea and how to develop it
Prof. In Hyeon Kim, Director, Maritime Law Center of Korea University School of Law

15:20

Tea Break / Networking

Coffee, Tea and Pastries

15:50

Paper 4:

Best Practices in International Commercial Arbitration: An In-House Counsel Perspective
Jun Hee Kim, International General Counsel, Hyundai Heavy Industries based in Ulsan

16:10

Paper 5:

Charterparties and Arbitration

Shim Shang Doe, Claims Director, Charles Taylor Mutual Management (Asia) Pte. Limited



16:30**Paper 6:**

Limitation of Liability issues under SAJ Shipbuilding contract and Others
Byung-Chol (BC) Yoon, Attorney, Kim & Chang

16:50**Panel Discussion***Chairpersons:*

Prof. Moon Chul Chang, Korea National Police University

Lee Wai Pong, Executive Director, SCMA

Prof. In Hyeon Kim, Director, Maritime Law Center of Korea University School of Law

Panelists consists of:

- Benjamin Hughes, Co-Chair International Dispute Resolution, Shim & Kim
- Keith Ghwee, Director Business Development, V.Ships Asia Group
- Tae Hoon Kim, Team Leader of KCAB
- Je Hoon Ryu, Legal Affairs Team 2 Leader, STX Pan Ocean
- Young Seok, Lee, Attorney, Yulchon LLC, Law Firm in Korea
- Chris Edwards, Partner, Clyde & Co LLP

Outlook for Development of Dispute Resolution Methods including Tiered Resolution Methods / Areas of Joint Development between S.Korea and Singapore

17:30

Closing Remarks by SCMA Executive Director, Lee Wai Pong

Presentation of token of Appreciation to Prof. In Hyeon Kim by SCMA ED Lee Wai Pong

17:45

End of Conference

18:00

Cocktail Reception

3rd Floor, Grand Ballroom





Lee Wai Pong

Executive Director, SCMA
FSI Arb, FCI Arb, FICS, Master Mariner

Lee Wai Pong is the Executive Director of the Singapore Chamber of Maritime Arbitration (SCMA). Apart from his professional qualifications, he was a Commanding Officer (Reservist) from the Republic of Singapore Navy.

Wai Pong started his career at sea and sailed on a wide variety of ships before obtaining his qualification as a Master Mariner in 1983. Prior to joining SCMA, he was heading up the commercial management of Pacific Carriers Ltd (PCL) handy sized fleet of dry bulk carriers. His involvement and experience in shipping spans over 38 years covering joint venture management, shipping related investments, chartering, ship broking and shipping IT.

He served for many years as past chairman / vice chairman of the Institute of Chartered Shipbrokers (Singapore Branch), has taught shipbroking and chartering to thousands of students from Singapore Shipping Association and is adjunct lecturer for Singapore Maritime Academy's BBA (Maritime Transport Management) degree course.



Benjamin Hughes

Co-Chair, International Dispute Resolution, Shin & Kim

Benjamin Hughes is an arbitrator, mediator and attorney-at-law based in Seoul, South Korea. He is co-chair of the international dispute resolution practice group at Shin & Kim, one of Korea's oldest and largest full service law firms.

Benjamin has extensive experience in international arbitrations around the globe and under all major arbitration rules. He has been appointed as the sole, chair or co-arbitrator in arbitrations under rules of the International Chamber of Commerce (ICC), the Singapore International Arbitration Centre (SIAC), the Hong Kong International Arbitration Centre (HKIAC), and the Korean Commercial Arbitration Board (KCAB).

Benjamin is listed as an arbitrator on the panels of the China International Economic and Trade Arbitration Center (CIETAC), the World Intellectual Property Organization (WIPO), the China Arbitration Association (CAA, Taiwan), the KCAB, the HKIAC, and the Kuala Lumpur Regional Centre of Arbitration (KLRCA). He also accepts appointments as a neutral mediator to assist parties with the amicable resolution of their disputes.

Benjamin is an adjunct professor at Korea University School of Law, and has written several articles and book chapters relating to ADR and arbitration in Korea and Asia. He is a Fellow of the Chartered Institute of Arbitrators, the Singapore Institute of Arbitrators, the Hong Kong Institute of Arbitrators and the Australian Centre for International Commercial Arbitration. He also serves as Chair of the International Advisory Committee of the KCAB, Co-Chair of the Korea Chapter of the Chartered Institute of Arbitrators, and Special Advisor to the Korean Bar Association.

Benjamin read law at Seoul National University School of Law and at NYU School of Law, and studied East Asian history at Harvard University. He is fluent in Korean, English and Spanish, and conversational in Mandarin Chinese. He lives in Seoul with his wife and two children.



Prof. In Hyeon Kim

Director, Maritime Law Center of Korea University School of Law

Kim In Hyeon is a full time professor at the Korea University School of Law. He specializes in maritime law and marine insurance. He is a former master (Captain) of Sanko Steamship Co Ltd and is a holder of a valid Master's license. He has worked for Kim & Chang, a law firm in Korea, as a maritime consultant

He studied nautical science at Korea Maritime University and law at Korea University. He obtained his Master of Law and his PhD in Law at Korea University, and an LLM from the University of Texas at Austin. He was a visiting scholar of National University of Singapore Faculty of Law.

Professor Kim is a Vice Chairman of Korea Maritime Law Association and an arbitrator of Korea Commercial Arbitration Board. He has acted as a legal advisor to the Korean government on the Rotterdam Rules and as a legal advisor for the Korean government at the Legal Committee of the International Maritime Organisation (IMO), IOPC FUND. He has acted as a member of revision committee (transport law) of Korean Commercial Code established by Korean Ministry of Justice since 2009.

He has published an English textbook, Transport Law in South Korea (Wolter Kluwer, 2011) and several articles on Korean Supreme Court maritime cases in the Journal of Maritime Law and Commerce.



Jun Hee Kim

International General Counsel, Hyundai Heavy Industries

Jun Hee Kim is the International General Counsel for Hyundai Heavy Industries. He is responsible for overseeing all international legal matters for Hyundai Heavy, including the company's international dispute resolution and overseas legal risk managements. Mr. Kim also has extensive prior experience serving as counsel in a wide range of international arbitration proceedings.

Prior to joining Hyundai Heavy, Mr. Kim was an arbitration partner with Korea's largest law firm, where he served as a counsel in numerous international arbitrations in Asia, Europe, South and North America, under arbitration rules including the ICC, AAA, SIAC, HKIAC, LCIA, KCAB, SCC, NAI, and UNCITRAL. He also previously practiced in the areas of international trade disputes and arbitration at Skadden, Arps, Meagher & Flom LLP and Perkins Coie LLP in Washington, DC.

Mr. Kim also serves as an arbitrator for both domestic and international cases, and is a member of the panel of arbitrators for the Korea Commercial Arbitration Board and the Singapore International Arbitration Centre. A frequent speaker and author on international arbitration, he has been recognized as a leading lawyer in Asialaw's Leading Lawyers, as well as Chambers & Partners for his work in the area of international arbitration in Asia.



Speakers



Shim, Shang Doe

Divisional Claims Director
Ph.D (Maritime Law)

LLB from Korea Maritime University
LLM from Korea Maritime University
PhD(Maritime Law) from Korea Maritime University

Deputy General Manager in Hanjin Shipping of Seoul (1997~2008)
Divisional Claims Director in the Standard Club Asia of Singapore (2008~)

Shim, Shang Doe is the Divisional Claims Director of Charles Taylor Mutual Management (Asia) Pte. Limited, managers of the Standard Club Asia.

Shang Doe started his shipping career by joining Hanjin Shipping Co., Ltd. where he has experience in ship operations, chartering and management of legal and insurance matters for 12 years. He joined the Standard Club Asia in 2008 as claims executive and appointed as a divisional claims director in 2011.

He is regularly invited to speak at shipping seminars.



Byung-Chol (BC) Yoon

Attorney, Kim & Chang

Byung-Chol Yoon is a partner of Kim & Chang and head of the firm's International Arbitration Practice Group.

Mr. Yoon is a board member of the Singapore International Arbitration Centre (SIAC) and is on the SIAC's Emergency Arbitrator Panel. He has been recently appointed to CIETAC's Panel of Arbitrators. He also serves on the arbitration panels of the ICSID, SIAC, ICDR and KCAB. In addition to his international career, his expertise in the field has been highly valued in Korea where he is a vice chairman of the Korean Council for International Arbitration and also taught at Seoul National University College of Law as an adjunct professor

Before joining K&C, Mr. Yoon served as a judge at the Seoul District Court of Korea. He has represented Kim & Chang's clients in more than 100 arbitration cases in various jurisdictions in Asia, Europe and the United States, and under the rules of arbitral institutions including the ICC, LCIA, ICDR, SIAC, LMAA, JCAA and the KCAB. Mr. Yoon has been appointed as chair or co-arbitrator in several domestic and international arbitration proceedings in Korea. He frequently speaks and publishes on international arbitration issues.

He is consistently recommended as a leading practitioner in his field by various legal directories including Chambers Asia and Legal 500, The International Who's Who of Commercial Arbitration and Euromoney's Expert Guides, for commercial arbitration and litigation.



Chairperson



Prof. Moon Chul Chang

Korea National Police University

Professor Chang has taught ADR Law and Commercial Law at National Police University. He has many experiences and expertise on ADR. Since 1995 he has practiced arbitration and mediation with the Korean Commercial Arbitration Board (KCAB), ICC (Korea), and WIPO.

In 1996-1999 he had played a key role in drafting the new Korean arbitration law as a member on law reform committee on arbitration in the Ministry of Justice. During the year of 2001-2007 he also served as a chairman of Korea Internet Dispute Resolution Committee (KIDRC) and since then has worked as a domain name panelist with KIDRC and WIPO.

Since 1999 he has also worked as a mediator with Korea e-Commerce Dispute Resolution Committee. He obtained J.S.D and LL.M degree from Dalhousie Law School, Canada and LL.B degree from Korea University. The title of his Doctoral thesis was "The Autonomy of International Commercial and Maritime Arbitration. (1989).

Since then, he has written many articles and textbooks on arbitration and international commercial law in Korean and English. During the period of 2004-2007 he worked as a director of Center for Korean Law at Columbia Law School, NY.



Panelists



Keith Ghwee

Director Business Development, V.Ships Asia Group
FSI Arb, MBA

Keith is Director Business Development for V.Ships Asia Group, the V.Group Regional Office in Asia. He is responsible for asset management services and for development of V.Group business across Asia.

Keith's specialities include shipmanagement & shipping operation, shipping investment strategy, marine asset management, debt & equity sourcing, asset/project finance, leasing, chartering, sale & purchase and newbuilding contracting. Since joining V.Group in 2005, he had worked with a number of the group's partners and had been based in Copenhagen & Seoul before returning to Singapore to take up the position of Director Business Development.

Keith started his shipping career as a ship officer on various types of merchant ships before coming ashore. Thereafter he has held senior management position in Marine Surveying, Shipbroking, Ship Operating, Ship Owning & Shipmanagement companies.



Young Seok, Lee (Partner)

International Dispute Resolution Attorney,
Yulchon LLC, Law Firm in Korea

Young Seok Lee chairs the International Dispute Resolution Practice at Yulchon. He has handled international arbitration cases in various fields of industry, including international trade, distributorship, construction, engineering, and shipbuilding.

He is a member of the ICC Korea international arbitration committee, the KCAB international advisory board and the executive committee of the Korean Arbitrators' Association. Mr. Lee is also a director of the Korean Council of International Arbitration. He regularly speaks on international dispute resolution and also sits as an arbitrator.

Education

University of Illinois at Urbana/Champaign Law School, LL.M. (1992)
Judicial Research and Training Institute, the Supreme Court of Korea (1987)
Seoul National University, College of Law, LL.B. (1985)

Bar Admission / Professional Qualification

Republic of Korea (1987)

Experience

Yulchon LLC (2003-present)
Advisor, Advisory Board on Investor State Dispute, Ministry of Justice (2011-present)

Language

Korean, English

Honors and Distinctions

Dispute Resolution Leader, Chambers Global
Leading Dispute Resolution
Insurance Leader, Chambers Asia



Panelists



Chris Edwards

Partner, Clyde & Co LLP

Chris joined Clyde & Co in their London office in 1988 moving to the Singapore office in 1996. He was made a Partner in 2007

Chris has extensive commercial litigation experience particularly in shipping, trading and commercial disputes in both court and arbitration proceedings. Having been based in the South East Asian region for over 16 years, he has experience of dispute resolution not only in Singapore but also Malaysia, Indonesia and Thailand.

Chris acts for a wide spectrum of clients who include ship owners and operators, commodities traders, charterers, insurance companies, ship brokers and P & I Clubs. He has strong links with correspondent lawyers in the region whom he regularly instructs and from whom he receives instructions. His practice includes London and Singapore arbitration acting in both institutional and "ad hoc" arbitrations.

On the shipping side, Chris has been voted one of the Top Ten Legal Personalities in the maritime industry by Lloyd's List for 2011 and is named as a leading individual in Chambers Asia Legal Directory (2010) where he is described as someone who "really knows the market and his role in it superbly". He is a frequent speaker, lecturing on "dry" shipping matters to include legal aspects of Charterparties and Bills of Lading as well as on arbitration in Singapore. Chris has spoken on numerous occasions in Singapore, Hong Kong, Malaysia and Korea to include conferences organised by the Oxford Princeton Programme. He has acted as an expert on English Shipping Law for proceedings in the Singapore High Court.

Chris has also developed particular expertise in enforcing judgments and awards against companies in South East Asia in both the marine and the non-marine sectors, particularly involving parallel proceedings in more than one jurisdiction. Clients in this respect include the world's leading credit insurers from whom he regularly receives instructions on significant recovery matters.

Chris is an affiliate member of the Malaysian Insurance Institute.



Supporting Organisations

MINISTRY OF LAW



The Ministry of Law's role is to oversee the development of Singapore's legal system to ensure a sound legal infrastructure, develop Singapore into a world-class legal services hub, review and formulate policies to optimise Singapore's land resources, create new value through innovative solutions, and develop policies and practices to establish Singapore as a vibrant intellectual property hub. The Ministry's mission is to ensure a sound legal infrastructure, optimise land resources and promote intellectual property to support our economic and social goals.

SINGAPORE MARITIME FOUNDATION (SMF)



The Singapore Maritime Foundation (SMF) was incorporated on 27 January 2004 to forge a strong partnership between the public and private sector in order to advance Singapore's position as a premier International Maritime Centre (IMC).

The SMF Board is steered by the Board of Directors comprising prominent leaders across specialisations within the maritime sector, both in the public and private sector. The key objectives of SMF are namely, to provide a forum in the private sector for exchanging, generating and developing ideas and proposals to turn Singapore into an IMC, to serve as the catalyst in fostering mutual co-operation among various sectors of the maritime industry and lastly, to serve as the government's partner from the private sector in promoting Singapore as an IMC and developing manpower to support the maritime industry.

As the Secretariat of MaritimeONE, SMF works in sync with strategic partners to organise a variety of initiatives, including promotional campaigns, outreach events and MaritimeONE scholarships. This initiative was formed by four partners in 2007, namely SMF, Association of Singapore Marine Industries (ASMI), Maritime and Port Authority of Singapore (MPA), Singapore Shipping Association (SSA) with the aim of synergizing efforts to attract young people into the maritime sector.

Some of the milestone initiatives include the formation of Singapore Chamber of Maritime Arbitration (SCMA), the launch of the Singapore Ship Sale Form and the iconic maritime event of Singapore, *Sea Asia*.

www.smf.com.sg



NOTES



Registration Form

Singapore Chamber of Maritime Arbitration Conference, Seoul The Case for Asian Seats in International Arbitration - *Past, Present and Future*

Wednesday 14th November 2012
Seoul Royal Hotel, 6 Myeongdong 1-Ga Joong-Gu 100-021 Seoul
Royal Ballroom, Level 2

I will attend the conference:

Company: _____

Name: _____

Title: _____

Tel No: _____

E-mail: _____

R.S.V.P. by 5th November 2012,

Korea Contact: Professor/Captain Kim In Hyeon
captainihkim@korea.ac.kr
Korea University, School of Law
Telephone: +82 (2) 3290 2885
Anam-dong, Sungbuk-gu Seoul 136-701 Korea (Republic of)

Singapore Contact: Ms Tammy Tan
tammy@scma.org.sg
Singapore Chamber of Maritime Arbitration
Telephone: +65 6324 0552, Telefax: + 65 6324 1565
32 Maxwell Road, #02-13 Maxwell Chambers Singapore 069115