



**Singapore International
Dispute Resolution Academy**



SIDRA-BIICL WEBINAR

Implications of China's Doctrine of Strict State Immunity on Belt & Road Disputes

Date: 5 November 2020, Thursday

Time: 4.00 PM to 6.00 PM (Singapore/Hong Kong)

Registration: [Click here to Register](#)

Registration is complimentary, but space is limited. For enquiries, please contact us at sidra@smu.edu.sg.

Kindly note that Chatham House Rules will apply to this Webinar.

SIDRA and the British Institute of International and Comparative Law (BIICL) are pleased to jointly present this webinar on state immunity.

The doctrine of "strict" or "absolute" immunity prescribes that, absent waiver, foreign states and state organs are strictly immune, in all circumstances, from civil suit and execution in a nation's courts. This can be contrasted against the doctrine of "restrictive" immunity, adopted by many major trading nations in the world today, under which the general immunity of states and state organs against civil suit and execution would not extend to matters of a commercial nature. China presently applies the doctrine of "strict" immunity, which may potentially affect the enforcement of purely commercial international arbitration awards. This issue may be of practical importance to parties along the BRI seeking to enforce a judgment or arbitral award in Mainland China or Hong Kong.

Charles Tay, a Singaporean practising in Beijing, will provide participants with an overview of the concept of strict state immunity and potential applications in relation to BRI disputes.

Chiann Bao, Honorary Senior Fellow of BIICL, will provide commentary from her perspective as a seasoned arbitrator currently based in Hong Kong.

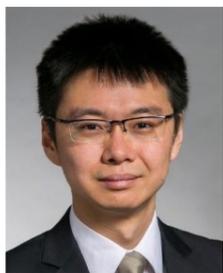
Duncan Speller, a partner at WilmerHale, will provide his perspective as counsel who has been involved in some of the leading cases on state immunity issues, in multiple jurisdictions including England and the DIFC.

This webinar aims to cover the following issues:

- Contrasts between "strict" and "restrictive" immunity
- Effects of crown immunity in Hong Kong
- Immunity disputes that may arise in the BRI context (including the position of state-owned-enterprises)
- Enforcement of arbitration awards
- Waiver and possible mechanisms for dealing with immunity

The webinar will be moderated by Allison Goh, formerly counsel with SIAC handling China-related disputes.

About the Speakers



Charles Tay is a Singapore-qualified lawyer, and a Foreign Legal Counsel with Zhong Lun Law Firm in Beijing. His work focuses on international arbitration. Charles has broad-based experience working on major cross-border disputes spanning energy (nuclear, oil & gas, etc), construction, post-M&A, investor-state and general commercial interests. In 2019, he was a Visiting Foreign Lawyer with WilmerHale's International Arbitration Group in London. As a graduate of Peking University's LLM programme and a fellow of the Chartered Institute of Arbitrators, Charles holds concurrent roles as Asia-Pacific Regional Representative of the LCIA's Young International Arbitration Group and Research Affiliate with SIDRA.



Chiann Bao practises as an independent arbitrator and is a member of Arbitration Chambers. Chiann is a fellow of the Chartered Institute of Arbitrators and a CEDR-accredited mediator. Chiann has had counsel and arbitrator experience in cases involving states and state-owned enterprises. She currently serves as a Vice President of the ICC Court of Arbitration and is the Chair of the ICC Commission task force on arbitration and ADR. She is also a member of the ICC Belt and Road Initiative Commission. From 2010 to 2016 she served as the Secretary General of HKIAC where she managed hundreds of arbitrations before tribunals in Asia. Chiann is an Honorary Senior Fellow of the BIICL.



Duncan Speller is a Partner in WilmerHale's Litigation/Controversy Department, and a member of the firm's International Arbitration Practice Group. Duncan is an English barrister. He has represented clients in numerous institutional and ad hoc arbitrations, sited in both common and civil law jurisdictions. Duncan also has substantial experience of international commercial litigation in both the English Court of Appeal and in the Commercial and Chancery Divisions of the High Court. He has particular experience of litigation concerning aviation, oil and gas, insurance and reinsurance, telecommunications, banking and competition law issues. Duncan has also taught commercial law, the conflict of laws and EU law at the University of Cambridge. Duncan has been closely involved in some of the leading reported cases in multiple jurisdictions, including England and the DIFC on state immunity issues.

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.

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