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Course Title: Lessons from Inter-state Arbitration: The Singapore/Malaysia Railway Case

Speakers: Lucy Reed – Partner, Freshfields Bruckhaus Deringer

Loretta Malintoppi – Of Counsel, Eversheds LLP

Duration: 58 minutes

Course Description: In September 2010, it was announced that Malaysia and Singapore had different views relating to the development charges on the three parcels of Points of Agreement (POA) land in Tanjong Pagar, Kranji and Woodlands. In January 2012, Singapore and Malaysia agreed to submit the issue to final and binding arbitration. The Permanent Court of Arbitration acted as Registry in this arbitration. The arbitration proceedings were conducted before a three person Arbitral Tribunal appointed by the countries. The Arbitral Tribunal delivered its award on 30 October 2014.

In this programme, our speakers will focus on the following:

- The procedural aspects of the case with a comparative analysis between State-to-State disputes brought to adjudication before permanent courts and tribunals.
- The challenges, illustrated in the award, posed when an ad hoc arbitration tribunal must interpret a treaty and manage evidence in an inter-State dispute at the interstices of sovereignty and commerce.

About the Speakers:



Lucy Reed – Partner, Freshfields Bruckhaus Deringer

Lucy has practiced international law non-stop since 1979. She has represented private and public clients in more than 100 complex commercial and investment treaty arbitrations, focusing on energy and Asia disputes. She was awarded the 2014 Asia Women in Business Award for Best in Dispute Resolution.

Lucy also served as a Commissioner on the Eritrea-Ethiopia Claims Commission (the first Geneva Convention/international humanitarian law tribunal) and as Co-Director of the Claims Resolution Tribunal for Dormant Accounts in Switzerland (the first Holocaust claims tribunal). She focuses her pro bono work on combatting gender violence.

Lucy brings to clients the benefits of years of high-level public service. While with the US State Department, she served as the US Agent to the Iran-US Claims Tribunal in The Hague and a lead adviser on international claims and investment disputes. Later, as the first general counsel of the international organization KEDO (Korean Peninsula Energy Development Organization) in New York, she led negotiations with North Korea.

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Loretta Malintoppi – Of Counsel, Eversheds LLP

Loretta Malintoppi is Of Counsel in the Singapore Office of Eversheds LLP. She has a law degree from Rome University and holds an LLM in Common Law Studies from Georgetown University Law Centre.

Ms Malintoppi is dually qualified (Paris and Rome Bars) and is registered to practice as a Foreign Lawyer in Singapore. She specializes in international commercial arbitration, investment arbitration and public international law. She acts as counsel, advocate and arbitrator and has represented private companies, States and State entities in proceedings under a variety of arbitration rules, including ICSID, ICC, UNCITRAL, SIAC, LCIA and DIAC.

Ms Malintoppi also appears as counsel and advocate in State-to-State disputes before the International Court of Justice and in ad hoc arbitrations. She was a Member for Italy of the ICC International Court of Arbitration from 2000 to 2009 and served as a Vice-President of the ICC Court from 2009 until 30 June 2015.

Ms Malintoppi has written a number of articles on investment arbitration and State-to-State litigation and is one of the co-authors of *The ICSID Convention – A Commentary* published by Cambridge University Press in 2009. She is also a member of the Editorial Board of *The Law and Practice of International Courts and Tribunals*, editor of the series *International Litigation in Practice Series*, and a member of the editorial advisory board of the *Journal of World Investment and Trade*. Ms Malintoppi is regarded by the legal directory *Chambers Global* as a leading individual in international arbitration.

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