

TOBY T. LANDAU KC

MA, BCL (Oxford); LL.M. (Harvard); FCI Arb; Carb

DUXTON HILL CHAMBERS

(Singapore Group Practice)
19 Duxton Hill, Singapore 089602
+65 6817 9173 ttl@duxtonhill.net <https://duxtonhill.net>

CURRENT PROFESSIONAL POSITIONS & AFFILIATIONS

Barrister, Advocate and Arbitrator in independent practice at Duxton Hill Chambers (Singapore Group Practice) in Singapore, and as a sole practitioner in London

Visiting Professor (International Arbitration Law), King's College London

Member of the ICCA Governing Board

Member of Panel of Advisors to the Attorney-General of Singapore since April 2012

Vice-President of the Court of the Singapore International Arbitration Centre (SIAC)

Fellow of the Chartered Institute of Arbitrators (FCI Arb); Chartered Arbitrator (CArb) (by special election)

Member of the Board of Directors of the Singapore International Mediation Centre (SIMC) and member of its Panel of Specialist Mediators

Vice-Chairman of the Board of the Saudi Center for Commercial Arbitration (SCCA)

Member of the Governing Council of the International Arbitration and Mediation Center, Hyderabad, India (IAMC)

Advisor to the Board of the BVI Arbitration Centre

Member of the Advisory Board of the Mauritius International Arbitration Centre

Member of Board of Advisors of Delos Dispute Resolution

Member of the Academic Council, Online Arbitration Academy, Yerevan, Armenia

BAR ADMISSIONS

Called to the Bar of England & Wales: 1993. Appointed Queen's Counsel: 2008

Called to the Bar of Singapore: 2017 (the first QC/KC to be permanently called)

Admitted as an Attorney and Counsellor-at-Law by the State of New York: 1994

Called to the Bar of the British Virgin Islands: 2011

Called to the Bar of Northern Ireland: 2000

Admitted to practise in the Dubai International Financial Centre (DIFC)

i. General

Regularly advise and appear as Counsel before the English and Singapore Courts and international arbitrations worldwide.

Substantial experience in: Foreign Investment; International Trade; Joint Ventures; Power and other large-scale infrastructure projects; Oil & Gas; Telecommunications; Shipping; Agency and distribution (including commercial agency); Conflict of Laws; Company law; Public International Law.

Only UK barrister to have “Star Individual” ranking in international arbitration (a category above Band 1) by Chambers & Partners.

Chambers International Arbitration Silk of the Year 2023

ii. Inter-State / Public International Law Disputes

Regularly advise on and argue inter-state / public international law disputes.

Representative matters include:

- *The Railway Land Arbitration* (Malaysia/Singapore) 2014 (PCA)
- *Case B1: Iran v USA* (largest inter-state case before the Iran-US Claims Tribunal).

iii. International Commercial Arbitration Cases

Lead Counsel in over 400 international arbitrations in numerous countries worldwide, across the full spectrum of subject matter listed above.

iv. Investment Treaty Arbitration Cases

Lead Counsel in a large number of BIT / investor-State arbitrations, of which a few are in the public domain, including:

- *Al Jazeera Media Network v. Arab Republic of Egypt (ICSID Case No. ARB/16/1)*
- *Fouad Alghanim v Hashemite Kingdom of Jordan (ICSID Case No. ARB/13/38 – annulment proceedings)*
- *KLS Energy Lanka v Sri Lanka (ICSID Case No ARB / 18 / 39)*
- *Vodafone v India (UNCITRAL Proceedings)*

- *Deutsche Bank AG v. Democratic Socialist Republic of Sri Lanka (ICSID Case No. ARB/09/2 – annulment proceedings)*
- *White Industries v India (UNCITRAL Proceedings)*
- *Chevron Block Twelve and Chevron Blocks Thirteen and Fourteen v. People's Republic of Bangladesh (ICSID Case No. ARB/06/10)*
- *Foresti v South Africa (ICSID Case ARB(AF)/07/1)*
- *Fondel v Azerbaijan (ICSID Case ARB/07/1)*
- *Turkcell v Iran (UNCITRAL Arbitration)*
- *Türkiye Petrolleri Anonim Ortaklığı v. Republic of Kazakhstan (ICSID Case No. ARB/11/02)*
- *KT Asia v Republic of Kazakhstan (ICSID Case No. ARB/09/8) (co-counsel).*
- *MNSS B.V. and Recupero Credito Acciaio N.V. v. Montenegro (ICSID Case No. ARB(AF)/12/8)*
- *Global Telecom Holding S.A.E (Formerly Orascom Telecom Holding S.A.E) v. Algeria (UNCITRAL Proceedings).*
- *Hydro S.r.l & ors v The Republic of Albania (ICSID Case No. ARB/15/28)*
- *Raymond Charles Eyre & Montrose v Sri Lanka (ICSID Case No. ARB/16/25)*
- *Maxis Communications Berhad, Global Communication Services Holdings Limited v India (UNCITRAL Arbitration)*

v. Representative Reported Cases Before the English Courts

Supreme Court:

Enka Insaat Ve Sanayi v Chubb [2020] UKSC 38

Halliburton v Chubb Bermuda [2020] UKSC 48

IPCO v Nigerian National Petroleum Corporation [2017] UKSC 16

Ust-Kamenogorsk v AES Ust-Kamenogorsk [2013] 1 WLR 1889

Jivraj v Hashwani [2011] 1 WLR 1872

Dallah Real Estate and Tourism Holding Co v The Ministry of Religious Affairs, Government of Pakistan [2010] 3 WLR 1472; [2010] 2 Lloyd's Rep 691

Court of Appeal:

Minister of Finance & IMDB v IPIC & AABAR [2019] EWCA Civ 2080

Benkharbouche & Janah v Embassy of Republic of Sudan; Libya [2015] EWCA Civ 33

Syska v Vivendi Universal SA [2009] EWCA Civ 677 [2008] 2 Lloyd's Law Rep 636; [2008] 1 Lloyd's Law Rep Plus 88; (2008) 2 CLC 459

Republic of Ecuador v. Occidental Exploration and Production Co (No 1) [2006] 1 Q.B. 432; [2006] 2 WLR 70; [2006] 2 All ER 225; [2005] 2 Lloyds Law Re 707

Weissfisch v Julius [2006] 1 Lloyd's Law Rep 716; [2006] 2 All ER (Comm) 504

LG Caltex Gas Co Ltd v. China National Petroleum Corp [2001] 1 WLR 1892; [2001] 4 All ER 875; [2001] 2 All ER (Comm) 97

AT&T Corporation and Another v. Saudi Cable Co [2000] 2 Lloyd's Law Rep 127; [2000] 2 All ER (Comm) 625

Wealands v. CLC Contractors Ltd, Key Scaffolding Ltd [1999] 2 Lloyd's Law Rep 739; [1999] BLR 401

High Court:

Sui Northern Gas Pipelines Ltd v National Power Parks Management Company (Private) Ltd [2023] EWHC 316 (Comm)

Minister of Finance & IMDB v IPIC & AABAR [2021] EWHC 2949 (Comm)

C v D1 D2 D3 [2015] EWHC 2126

Statoil v Sonatrach [2014] EWHC 875

Chantiers d'Atlantique v Gaztransport & Technigaz [2011] EWHC 3383(Comm)

Czech Republic v European Media Ventures SA [2008] 1 Lloyd's Law Rep 186; [2008] 1 All ER (Comm) 531; (2007) 2 CLC 908

Orascom Telecom Holding SAE v Republic of Chad [2008] 2 Lloyd's Law Rep 396; (2008) 2 CLC 296

Elektrim SA v Vivendi Universal SA (No 2) [2007] 2 Lloyd's Rep 8; (2007) 1 CLC 227

Elektrim SA v Vivendi Universal SA [2007] 1 Lloyd's Rep 693; [2007] 2 All ER (Comm) 365; (2007) 1 CLC 16

Republic of Ecuador v Occidental Exploration and Production Co (No 2) [2007] 2 Lloyd's Rep 352; (2007) 2 CLC 16

A v B [2007] 1 Lloyd's Law Rep 237; [2007] 1 All ER (Comm) 591; (2007) 2 CLC 157

Margulead Ltd. v. Exide Technologies [2005] 1 Lloyd's Law Rep 324; [2004] 2 All ER (Comm) 727

Agrokor A.G. v. Tradigrain S.A [2000] 1 Lloyd's Rep 497

Total Liban s.a.l. v. Vitol Energy S.A. [1999] 2 Lloyd's Rep 700

San Carlos Milling Ltd Inc v Mainsail Navigation Corp (The 'MAS Venture') [2000] All ER (D) 2544

Esso Petroleum Co Ltd v Texaco Ltd and others [1999] All ER (D) 1122

China Agribusiness Development Corporation v. Balli Trading [1998] 2 Lloyd's Law Rep 76 (1997) CLC 1437

Egmatra A.G. v. Marco Trading Corporation [1999] 1 Lloyd's Law Rep 862

Villa Denizcilik Sanayi ve Ticaret AS v. Longen S.A. (The "Villa") [1998] 1 Lloyd's Law Rep 195

vi. Representative Reported Cases Before the Singapore Courts

PT First Media (& Ors) v. Astro Nusantara Int'l BV (& Ors) [2013] SGCA 57 / [2014] 1 SLR 372

CFJ & CFK v CFL & CFM [2023] SGHC(I) 1

CZT v CZU [2023] SGHC(I) 11

CNA v CNB [2022] 3 SLR 604; [2021] SGHC 192

CNA v CNB, CNC [2023] SGHC(I) 6

Hin Leong Trading (Pte) Ltd v Rajah & Tann Singapore LLP [2022] SGCA 28

Lim Oon Kuin & ors v Rajah & Tann Singapore LLP [2022] SGCA 29

Crest Capital Asia Pte Ltd v OUE Lippo Healthcare Ltd [2021] SGCA 25

Oro Negro Drilling Pte v Integradora de Servicios [2019] SGCA 74

ARW v Comptroller of Income Tax [2019] 1 SLR 499

The Wellness Group Pte v Paris Investment [2018] 2 SLR 973

Hilton International Manage (Maldives) v Sun Travels & Tours [2018] SGHC 56 & [2019] 1 SLR 732

Sun Travels & Tours v Hilton [2019] SGHC 291

Civelli, Carlo Giuseppe v Mulacek, Philippe Emanuel [2019] SGHC 182

Lakshmi Anil Salgaocar v Jhaveri Darsan [2019] 2 SLR 372

vii. Representative Reported Cases Before the Hong Kong Courts

Astro Nusantara International BV and others v PT First Media TBK [2018] HKCFA 12; FACV 14/2017

Astro Nusantara International BV and others v Pt Ayunda Prima Mitra and others, CACV 272/2015 (HKCA)

Astro Nusantara International B.V. v PT First Media TBK HCCT 45/2010 (HKCFI)

PRACTICE AS ARBITRATOR

Chairman / Co-Arbitrator / Sole Arbitrator in over 150 major international arbitrations, including appointments in:

A. Investor-State treaty cases:

Under ICSID Rules:

- *Casinos Austria International v. Argentine Republic* (President of *ad hoc* Annulment Committee)
- *Alpiq AG v Romania* (President of *ad hoc* Annulment Committee)
- *Dominion Minerals Corp v Panama* (President of *ad hoc* Annulment Committee)
- *Primesouth v Iraq*
- *RWE AG v Netherlands*
- *Alpene v Malta*
- *SGS v Pakistan*
- *Impregilo v Pakistan*
- *Biwater v Tanzania*
- *GEA v Ukraine*
- *Gustav Hamester v Ghana*
- *Cambodia Power v Kingdom of Cambodia*
- *Hussain Sajwani, Damac & ors v Egypt*
- *Tenaris S.A. v Venezuela*
- *Dan Cake v Hungary*
- *Vladislav Kim v Uzbekistan*
- *Van Riet v Croatia*
- *Slovak Gas Holding and others v. Slovak Republic*
- *Veolia Environnement S.A. v Lithuania*
- *Kunsttrans Holding GmbH v of Serbia*
- *Attila Doğan v Sultanate of Oman*
- *Staur Eiendom AS v Republic of Latvia*
- *Shokat Dalal v UAE*
- *Human Rights Defenders Inc v Swiss Confederation*
- *Vasilisa Ershova and Jegor Jeršov v Republic of Bulgaria*

Under Stockholm Chamber of Commerce Rules:

- *Renta 4 / Rovime Investments v Russian Federation.*

Under ICC Rules:

- *Guris v Libya*

Under UNCITRAL Rules:

- *Apotex v USA* (NAFTA)
- *Mesa Power Group v Canada* (NAFTA)
- *Einarsson & GSI v Canada* (NAFTA)
- *Bacilio Amorrortu v The Republic of Peru* (US-Peru Trade Promotion Agreement);
- *The Renco Group Inc v The Republic of Peru* (US-Peru Trade Promotion Agreement);
- *Voltaic Network GmbH v. The Czech Republic*
- *I.C.W. Europe Investments Limited v. The Czech Republic*
- *Photovoltaik Knopf Betriebs-GmbH v. The Czech Republic*
- *WA Investments-Europa Nova Limited v. The Czech Republic*

B. Institutional and *ad hoc* commercial arbitration cases:

Including ICC; LCIA; Stockholm Chamber of Commerce; Netherlands Arbitration Institute; International Arbitral Centre of the Austrian Federal Economic Chamber; ARIAS; CCIG (Swiss Rules); CRCICA; UNCITRAL.

C. UK / EU Withdrawal Agreement:

Appointed as one of 25 persons to serve on the Arbitration Panel under the Agreement on the Withdrawal of the United Kingdom from the European Union and the European Atomic Energy Community.

POLICY ADVICE AND LEGISLATIVE DRAFTING

Chairman of Board Sub-Committee responsible for the 2023 SCCA Arbitration Rules.

Member of specialised sub-committee on Investor-State arbitration, responsible for the 2017 SCC Arbitration Rules.

Member of specialised sub-committee on Investor-State arbitration, responsible for revising the SIAC Arbitration Rules.

Retained by the International Trade Centre (Geneva) as International Consultant to the Pakistan Ministry of Commerce to draft the Pakistan *Trade Dispute Resolution Bill 2017*.

Retained by the UK Government to advise on and assist in drafting the English Arbitration Act 1996, in conjunction with Lord Saville. Very closely involved in all policy aspects and all drafting of the Act, as well as the associated Rules of Court (1994-1997).

Retained by the Hong Kong Government to draft the Land Premium Arbitration Pilot Scheme.

Advised on and co-drafted the Pakistan Recognition and Enforcement (Arbitration Agreements and Foreign Arbitral Awards) Ordinance, 2005 (implementing the New York Convention 1958 into Pakistan law).

Advised on the drafting of the Pakistan Arbitration (International Investment Disputes) Ordinance, 2006 (implementing the Washington Convention 1965 into Pakistan law).

Advised on and co-drafted the Mauritius International Arbitration Act 2008.

2007-2008: Retained by Government of Bahrain to advise on and draft a new international arbitration regime, involving the compulsory transfer of commercial cases from the Bahrain Courts.

Member of the IBA Arbitration Sub-Committee, responsible for drafting the 2009 IBA Rules on the Taking of Evidence in International Arbitration.

Member of the IBA Arbitration Sub-Committee, responsible for updating the 2004 Rules on Conflicts of Interest in International Arbitration.

Member of the Group of Experts for the Preparation of Model Clauses for Use by Parties of the UNIDROIT Principles (2012)

United Kingdom Delegate at UNCITRAL (2000 to 2013). Closely involved in the negotiation and drafting of:

- the UNCITRAL Rules on Transparency and the Mauritius Convention on Transparency in investor-State arbitration.
- the UNCITRAL Arbitration Rules 2010;
- the 2006 amendments to the UNCITRAL Model Law (Articles 2; 7 [writing requirement] and 17 [interim measures]);
- the “*Recommendation regarding the interpretation of article II, paragraph 2, and article VII, paragraph 1, of the New York Convention*” (adopted by UNCITRAL on 7 July 2006 at its thirty-ninth session);

Draftsman of the ACAS Employment Arbitration Scheme (instructed by the UK Department of Trade & Industry (2000-1).

Advised on the drafting of the arbitration provisions of the Contract (Rights of Third Parties) Act 1999 (instructed by Law Commission and Lord Chancellor’s Department).

OTHER PROFESSIONAL ACTIVITIES

Member of Editorial Board of the Journal of International Arbitration; the Singapore Arbitration Journal; and the Global Arbitration Review.

Past member of the Court of the London Court of International Arbitration (LCIA) (2014-2019).

Past member of the Board of Directors of the LCIA (2000-2015).

Past member of the Board of the Arbitration Institute of the Stockholm Chamber of Commerce (SCC) (2011-2017).

Past Trustee of the Chartered Institute of Arbitrators (2004 – 2009); Deputy Chairman of the Board of Trustees (2006-2008).

Appointed by Lord Chancellor to UK Government Standing Committee on Private International Law (1997 to 2008).

Past member of the Executive Committee, Swedish Arbitration Association.

Adjunct Professor at the Singapore Management University (SMU) (2015).

Past Visiting Lecturer, Pakistan College of Law, Lahore.

Annual visiting lecturer on arbitration law: Asser Institute, The Hague (1995 -2004).

Visiting Lecturer (Arbitration Law) – Research Society of International Law, Pakistan (2006-7).

Visiting lecturer on arbitration law at the International Development Law Organisation (Rome, 2003 and 2004).

Lecturer (as a UN consultant) on arbitration training course for Yemen judges and government officials, Sana'a, 2004.

Speaker (at invitation of the Chief Justice of Pakistan) at the Supreme Court of Pakistan, Islamabad, in August 2006, on the occasion of its 50th year celebration.

Ministry of Justice, Thailand (Arbitration Office): Legal Consultant (Harvard University Lewis Fellow) (1994).

Director of Studies and Lecturer: arbitration course at Thai Ministry of Justice (1993).

Visiting Lecturer: Chulalongkorn University (LL.M. Class) and Judge's Institute (1993).

World Bank/UNDP/Harvard Project: Editor and Co-Author of an Arbitration Manual for Government of Lao PDR (1992-93).

University of London: Law Tutor in contract and tort (1991-92).

Court of Appeal (Civil Appeals Office), London: Office Lawyer (1991).

EDUCATION

Oxford University - Merton College (1987-1991):

- (1) BA (Law), First Class Honours: 1990 (MA: 1994)
- (2) BCL (Bachelor of Civil Law - a Masters degree), First Class Honours: 1991
 - Eldon Law Scholarship (University prize awarded to the most promising student intending to qualify at the Bar)
 - Slaughter & May University Prize (for the best performance in Contract in Final Examinations)
 - College Exhibition
 - Fowler Prize.

Inns of Court School of Law, Gray's Inn, London (1991-2):

BVC – Bar Vocational Course (1992)

Middle Temple Queen Mother's Fund major Bar Scholarship
Middle Temple Harmsworth Bar Entrance Exhibition

Harvard Law School, Cambridge Massachusetts, USA (1992-3):

LL.M. (1993) Kennedy Scholar & Harvard University Lewis Fellowship

PUBLICATIONS

"A World Without Investment Arbitration?" with Chester Brown and Michael Waibel - position paper for a debate at the ICCA Congress in Edinburgh, September 2022 (forthcoming in the ICCA Congress series - Kluwer).

"Arbitral Groundhog Day: The Reopening and Re-Arguing of Arbitral Determinations" (Inaugural SI Arb Annual lecture 2019) Singapore Arbitration Journal, 2020, vol 2.

"Dysfunctional Deliberations and Effective Advocacy" (paper presented at the ICCA Congress in Mauritius, May 2016, (ICCA Congress series, No 19 - Kluwer).

"A Case for Transparency in Investment Arbitration: Aguas del Tunari v. Bolivia, ICSID Case No. ARB/02/3" (with Romesh Weeramantry), Chapt.48 in *Building International Investment Law: The First 50 Years of ICSID* (ICSID / Kluwer, 2016)

"The Relationship Between International Arbitration and the Regulators: A Pause for Thought" (paper presented at the ICCA Congress in Singapore, June 2012, (ICCA Congress series, No 17 - Kluwer).

"Saving Investment Arbitration From Itself" The 2011 Freshfields Lecture. Award for "Best Speech of the Year 2011", Global Arbitration Review.

“*Advocacy in International Arbitration*” (Luncheon Address) World Arbitration and Mediation Report 2011 Vol. 5, No. 4 (Juris)

“*Tainted Memories: Exposing the Fallacy of Witness Testimony*” The 2010 Kaplan Lecture (delivered in Hong Kong, Nov 2010) – short-listed for Award for “Best Speech of the Year 2010”, Global Arbitration Review.

“*Opening Statements*” Chapter 14 in *The Art of Advocacy in International Arbitration* (2nd Ed, Juris, 2010 – with Doak Bishop).

“*Reasons for Reasons: the Duty of Arbitrators in Investor-State Arbitration*” (paper presented at the ICCA Congress in Dublin, June 2008, to be published by Kluwer in the ICCA Congress series, No.14 (2009)).

“*Arbitral Lifelines*”: *The Protection of Jurisdiction by Arbitrators* (paper presented at the ICCA Congress in Montreal, June 2006, published by Kluwer in the ICCA Congress series, No.12 (2007)).

Article II and the Requirement of Form, Chapter II.9 in Gaillard & Di Pietro (eds) “Enforcement of Arbitration Agreements and International Arbitral Awards – The New York Convention 1958 in Practice”, Cameron May, 2007 (with S. Moollan).

The Written Form Requirement for Arbitration Agreements: When “Written” Means “Oral” (paper presented at the ICCA Congress in London, May 2002, published by Kluwer in the ICCA Congress series, No.11 (2003)).

The Regularization of International Commercial Arbitration: Comparative Trends and Tensions (Chapter 17 of: *Dreams and Dilemmas: Economic Friction and Dispute Resolution in the Asia-Pacific: ISEAS*, Singapore, 2000)

The English Arbitration Act 1996: An Approach to Harmonisation. Revision des EUGVÜ, Neues Schiedsverfahrensrecht, 1999 (Band II)

UK government Consultation Report on the draft English Arbitration Bill (1994)

Hunter & Landau *The English Arbitration Act 1996: Text and Notes* (Kluwer, 1998)

Commentary on WIPO Arbitration Rules American Review of International Arbitration (Vol V - 1994), and published as a separate volume by Juris Publishing (2000)

The Effect of the New English Arbitration Act on Institutional Arbitration 13 J.Int.Arb.4 (1996) (cited by Mr Justice Lightman in *Nigel Peter Albon v Naza Motor Trading* [2007] EWHC 665 - ChD).

Introduction to the English Arbitration Act 1996: 35 I.L.M. 155 (1996)

SELECT PUBLIC LECTURES DELIVERED

The CIArb Alexander Lecture, London 2023

Inaugural SIArb Annual Lecture, Singapore 2019

Traphagen Distinguished Alumni Lecturer, Harvard Law School, 2017

The Berthold-Goldman Lecture, Paris 2015

The King's College / Columbia Praelium, London 2015

The MIDS Opening Lecture, Geneva 2014

The Freshfields Lecture, London 2011

The Kaplan Lecture, Hong Kong 2010

The Clayton-Utz Lecture, Sydney 2009
