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## CHIN LENG LIM

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## Clerks' Details

### James Luxmoore

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## Practice Overview

Chin Lim is based in Hong Kong. He has advised and acted for governments, corporations or individuals in complex commercial, foreign investment and treaty matters. Chin has particular experience in negotiating, drafting and interpreting treaties, and in advising on how commercial and investment treaties apply to and affect contractual obligations, investments and business operations. This has included advice on territorial application or where reservations, declarations and treaty succession issues have been involved. He has acted as counsel, arbitrator and expert in international arbitrations conducted under ICC, UNCITRAL, HKIAC, LCIA and SIAC rules. He has been nominated to act as presiding arbitrator, co-arbitrator, and sole arbitrator and accepts all appointments through Chambers.

Types of work have included:

- Acting as sole arbitrator under
  - UNCITRAL Rules, Australasian and Far Eastern parties (manufacturing and cross-border sale)
  - UNCITRAL Rules, various Far Eastern parties (cross-border finance)
  - UNCITRAL Rules, a multi-party arbitration involving various Far Eastern and Caribbean parties (security over shares, assignment of a secured loan and guarantee)
  - Institutional rules, various and Far Eastern parties (international sale of goods)
  - Institutional rules, Middle Eastern and Far Eastern parties (energy, upstream oil and gas, consultancy services)

- Acting for a global fund in resisting the recognition and enforcement of a foreign judgment in a Middle Eastern conduit jurisdiction (hundreds of millions USD)
- Acting for a mining company in a shareholder dispute in a DIFC-LCIA arbitration (tens of millions USD)
- Assisting in a construction dispute in an ICC arbitration seated in the Middle East (tens of millions USD)
- Giving expert opinion on public international law and the law of a Model Law jurisdiction in a dispute brought before international arbitration and seated in the Far East (hundreds of millions USD)
- Giving expert opinion on private international law in a complex commercial and financial dispute in the Far East (tens of millions USD)
- Advice on a foreign investment dispute with a governmental authority
- Advice on the arbitration agreement in an international distribution contract
- Advice on the United Nations Convention on Contracts for the International Sale of Goods
- Advice on a cross-border investment in the Far East
- Advice on sovereign sanctions and their application to commercial dealings
- Advice on a Far Eastern bilateral treaty
- Advising a national government on issues arising from on-going multilateral commercial and investment treaty negotiations
- Advising the Hong Kong Commerce Secretary for the Committee on Pacific Economic Co-operation
- Advising a national government in a maritime boundary/energy resource matter
- Acting as counsel for a national government, particularly in commercial and investment treaty negotiations
- Serving as a UN lawyer at the United Nations Compensation Commission in Geneva, dealing with both sovereign and private claims following the first Gulf War

Chin is a Malaysian national. In addition to his practice as a barrister at the Bar of England and Wales he is also called to the Singapore Bar and admitted to the List of Arbitrators of the Hong Kong International Arbitration Centre (HKIAC), the Singapore International Arbitration Centre's (SIAC's) Reserve Panel of Arbitrators, and the panels of arbitrators of the China International Economic and Trade Arbitration Commission (CIETAC), the Asian International Arbitration Centre (KLRCA/AIAC) in Kuala Lumpur, the Shanghai International Economic and Trade Arbitration Commission (SHIAC), and the Shenzhen Court of International Arbitration (SCIA). He is appointed to the European Commission's list of arbitration chairpersons for the EU's disputes under its bilateral free trade agreements and was a member of the AIAC's Rules Revision Committee in respect of the 2021 Arbitration Rules. Chin combines practice at the Bar with being, since 2017, the Choh-Ming Li Professor of Law at the Chinese University of Hong Kong. His publications include the Cambridge Companion to International Arbitration with a Foreword by Lord Neuberger (Cambridge University Press, 2021), and Lim, Ho and Paparinskis, International Investment Law and Arbitration with a new Foreword by Emmanuel Gaillard (Cambridge University Press, 2d. ed., 2021) which has been cited by the highest appellate courts in India, Colombia, and Singapore. He is also a Visiting Professor at King's College London, an Honorary Senior Fellow of the British Institute of International and Comparative Law, and a member of the editorial board of the International and Comparative Law Quarterly. Chin was elected an associé of the Institut de Droit International in 2021, whose membership comprises some of the world's leading international lawyers, and has lectured at the Hague Academy of International Law. He is currently attending UNCITRAL Working Group III's deliberations on the reform of investor-State dispute settlement on behalf of an observer entity and was nominated by the ICC Institute in Paris to UNIDROIT's current Working Group on International Investment Contracts.

### Current Appointments

- 2019 – Honorary Senior Fellow, British Institute of International and Comparative Law.
- 2017 – Choh-Ming Li Professor of Law at the Chinese University of Hong Kong.
- 2009 – Visiting Professor of Law, King's College London.

2015 – Lionel A. Sheridan Visiting Professor of Law, National University of Singapore.

2013 – Visiting Scholar-in-Residence, World Trade Organisation, Geneva.

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## Seminars, Publications & Papers

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A regular contributor to the Law Quarterly Review and editor of the International and Comparative Law Quarterly, Chin's publications discuss international arbitration, commercial disputes, and commercial treaty developments:

- The Cambridge Companion to International Arbitration with a Foreword by Lord Neuberger (Cambridge University Press, 2021) (editor)
- International Investment Law and Arbitration by Lim, Ho and Paparinskis with a Foreword by Emmanuel Gaillard (Cambridge University Press, 2018), xlv + 536 pp; second edition (Cambridge University Press, 2021), lix + 625 pp
- Alternative Visions of the International Law on Foreign Investment (Cambridge University Press, 2016), ed., xxxv + 494 pp. (editor)
- Law of the Hong Kong Constitution with Forewords by the Hon. Geoffrey Ma C.J. and the Hon. Mr. Andrew Li (Sweet & Maxwell, third edition, 2021), Co-General Editor with J.M.M. Chan S.C. (hon.) of the Hong Kong Bar and co-author, cxxviii + 1207 pp
- The Trans-Pacific Partnership (Cambridge University Press, 2012), with Deborah K. Elms & Patrick Low (eds.), xvii + 337 pp (editor)
- 'Developments in International Investment Law and Policy in Asia', Yearbook of International Investment Law and Policy, 2019 (Oxford: Oxford University Press, 2021), 323-338
- 'Taming Leviathan as Merchant', (2020) 19 World Trade Review 402-423 (with Mitsuo Matsushita of the Tokyo Bar) (Cambridge University Press)
- 'The Function of the Transnational Chinese Contract', (2019) 20 Journal of World Investment & Trade 313-334 (Brill Publishers)
- 'Fragrant Harbour and Oyster Mirror: Beijing's Investment Treaty Policy toward Hong Kong and Macao', 2015-2016 Yearbook of International Investment Law and Policy (Oxford University Press, 2018), 375-411
- 'The Convergence of China's Foreign and Domestic Investment Regimes and China's Investment Treaty Commitments', (2015) 32 Journal of International Arbitration 461-493, with Seung Chong (Kluwer)
- 'International Investment Arbitration', Oxford Bibliographies in International Law, with J. Ho (Oxford University Press)
- 'Injuncting Foreign Sovereigns in Aid of Arbitration', (2014) 130 Law Quarterly Review 193-197 (Sweet & Maxwell)
- 'Foreign Sovereign Counterparties to Hong Kong Contracts', (2014) 9 Capital Markets Law Journal 157-176 (Oxford University Press)
- 'Beijing's 'Congo' Interpretation, Commercial Implications', (2012) 128 Law Quarterly Review 6-10 (Sweet & Maxwell)
- 'Absolute Immunity for Sovereign Debtors in Hong Kong', (2011) 127 Law Quarterly Review 495-499 (Sweet & Maxwell)
- 'State Immunity in Post-Handover Hong Kong', (2011) 127 Law Quarterly Review 159-162 (Sweet & Maxwell)

Lectures and speaking engagements:

- 'Damages, Costs and Duration in Investment Treaty Arbitration', Investment Treaty Forum, British Institute of International & Comparative Law, online event, 14 May 2021
- 'Arbitration in Asia: Opportunities and Challenges', 39 Essex Chambers, London, 29 January 2020
- 'International Tribunals in Interesting Times – A Fireside Chat with Elias and Lim', University College London, 28 January 2020
- 'Some Far Eastern Perspectives on Investment Arbitration – Options for Structural Reform', side-line event, the 38th Session of UNCITRAL Working Group III, Vienna International Centre, 22

January 2020

- 'Investment Law and the New Frontier', Dutch Arbitration Day organised by the DAA at the Hermitage, Amsterdam, 10 October 2019
- Chair, 'Investment Arbitration: Issues and Insights', British Institute of International & Comparative Law, Graduate Law Centre, Bank of America Tower, Central, Hong Kong, 22 July 2019
- 'The Comprehensive and Progressive Agreement on Trans-Pacific Partnership', Asian International Arbitration Centre/Kuala Lumpur Regional Centre for Arbitration, 27 June 2019
- Chair, 'Reform of Investor-State Dispute Settlement', Jiaotong University, Shanghai, 12 June 2019
- 'A Time When Malaysia Caught the Attention of the International Money Lawyers', dinner talk organised jointly by the Malaysian and Singapore Chambers of Commerce, Hong Kong, 27 May 2019
- 'The Belt and Road Initiative and Global Dispute Resolution', British Institute of International & Comparative Law, Russell Square, 2 May 2019
- 'Investment Arbitration and the Belt and Road Initiative', CIETAC, Xi'an, China, 24 February 2019
- Chair, Debate, ISDS Reform Conference, Hong Kong Department of Justice and the AAIL, Conventions and Exhibitions Centre, Hong Kong, 13 February 2019
- 'Utopian and Dystopian Possibilities for the World Trade Organisation', Tokyo University, 9 January 2019
- 'Hong Kong's and Macao's "Succession" to PRC Treaties', Hong Kong Institute of Arbitrators, 9 April 2018
- 'Overlapping Investment Treaties', GAR Live, Hong Kong, 19 October 2017
- Chair, 'Impact of the Belt and Road Initiative', Joint RAA-HKIAC Russia-Hong Kong Business Summit, HKIAC, Hong Kong, 11 May 2017
- 'Investor-State Dispute Settlement', New York University Law School and the United Nations University, Tokyo, 24 November 2016
- Keynote, 'Lessons Learned and Looking Ahead – Thirty Years of Investment Arbitration in Asia', IBA Annual Conference, Asia-Pacific Arbitration Group, Washington D.C., 21 September 2016
- 'Investment Arbitration in Asia', Asia-Pacific Dispute Resolution Summit, Hong Kong, 27 September 2016
- 'The Experience with Investment Arbitration and the Trans-Pacific Partnership Agreement', IBA Asia Pacific Arbitration Group, held at the Kuala Lumpur Regional Centre for Arbitration, 3 June 2016
- 'The Trans-Pacific Partnership Agreement's Investment Treaty Clauses', Tokyo University, 14 December 2015
- 'Foreign Sovereign Immunity', IBA Litigation Committee and Asia-Pacific Regional Forum, IBA Annual Conference, Vienna, 5 October 2015
- 'Overcoming the Geneva Impasse', at the invitation of the Malaysian Central Bank Governor and OMFIF, Nineteenth ASEAN Finance Ministers' and Related Meetings, Kuala Lumpur, 20 March 2015
- 'The Strange Vitality of Custom in the International Protection of Property, Contracts and Commerce', Duke Law School, Durham, North Carolina, 31 October 2014

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## Education & Professional Career

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### Education & Professional Qualifications

B.C.L. Oxon (Univ. Coll.); LL.M. Harvard, Kathryn Aguirre Worth Memorial Scholar; Ph.D. Notts, Law Scholar & Tutor; LL.B. Buckingham; Of the Middle Temple, Barrister (Call: 2011); Advocate & Solicitor of the Supreme Court of Singapore, currently non-practising (Call: 2012).

### Career

- Lecturer, Queen Mary & Westfield College, University of London, 1999
- United Nations Compensation Commission, Geneva, 1999
- Assistant Professor, subsequently Associate Professor, National University of Singapore, 2001

- Attorney-General's Chambers, Singapore, 2003
- Professor of Law, University of Hong Kong 2007, sometime Associate Dean and occasionally Acting Dean, member of Court and the Senate
- Choh-Ming Li Professor, Professor of Law, the Chinese University of Hong Kong, 2017
- Elected to the Institut de Droit International, 2021

#### Other

FSIArb, MCI Arb.

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#### Languages

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Malay

Indonesian (Bahasa)

Knowledge of certain Chinese dialects (spoken only)