



Toby T. Landau KC

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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
- 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 (FCIArb) and 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 ICSID Panels of Arbitrators and Conciliators (designated by Sri Lanka 2023-2029). Previously designated by Albania (2017-2023)
- 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, HKIAC Nominations Committee

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- Bencher-elect, The Hon Society of the Middle Temple, London UK
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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 in Singapore)
 - Called to the Bar of the British Virgin Islands: 2011
 - Called to the Bar of Northern Ireland: 2000
 - Admitted as an Attorney and Counsellor-at-Law by the State of New York: 1994
 - Admitted to practise in the Dubai International Financial Centre (DIFC)
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Practice as Counsel

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.
- “Star Individual” ranking in international arbitration (a category above Band 1) by Chambers & Partners.
- Chambers International Arbitration Silk of the Year 2023

Inter-State / Public International Law

- 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).

International Commercial Arbitration

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

Investment Treaty Arbitration

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)
- ***Powerchina Huadong Engineering, China Railway 18th Bureau v Vietnam*** (ICSID Additional Facility)
- ***Adria v Croatia Adria Group B.V. and Adria Group Holding B.V. v. Republic of Croatia*** (ICSID Case No. ARB/20/6)

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 & 1MDB 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 & 1MDB 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
- **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 & Production Co (No 2)* [2007] 2 Lloyd's Rep 352
- *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

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

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)
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Practice as Arbitrator

Chairman / Co-Arbitrator / Sole Arbitrator in over 200 major international arbitrations, including appointments in:

Investor-State Treaty Arbitration:

Under ICSID Rules:

- *Glencore v Colombia* (President of *ad hoc* Annulment Committee)
- *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*
- *First Majestic Silver Corp. v United Mexican States*

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 Amorortu 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*

Institutional and Ad Hoc Commercial Arbitration:

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

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 & Legislative Drafting

- Chairman of Board Sub-Committee responsible for the SCCA 2023 Arbitration Rules & 2025 Mediation 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)
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Other Professional Activities

- Past Member of the Governing Council of the International Arbitration and Mediation Center, Hyderabad, India (IAMC) (2021-2024)
- Past Visiting Professor, King’s College London (2013-2023)
- Past Member of Editorial Board of the Journal of International Arbitration; the Singapore Arbitration Journal
- 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 (UN consultant) on arbitration training course for Yemen judges & 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 / 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)
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Education

Oxford University - Merton College (1987-1991):

(1) BA (Law), First Class Honours: 1990 (MA: 1994)

(2) BCL (Bachelor of Civil Law - a Master's 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) – Chapter 4, International Arbitration: Issues, Perspectives and Practice: Liber Amicorum Neil Kaplan (Kluwer, 2019) – 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).
- “*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).
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Selected 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
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Toby Landau KC practises in Singapore from the sole proprietorship Toby Landau (UEN NO. 53378774B), and in England from Duxton Hill Chambers (regulated by the Bar Standards Board).