



PROVIDENCE
LAW ASIA



ZHUO JIAXIANG 卓佳祥

DIRECTOR

+65 6438 1969

jiaxiang@providencelawasia.com

<https://www.linkedin.com/in/jiaxiang-zhuo/>

Jiaxiang is a Director and the co-head of firm's International Arbitration practice group.

Jiaxiang brings over a decade of experience in representing multinational corporations, governments, state-owned entities, funds and financial institutions in their most sensitive and complex disputes. Jiaxiang experience spans a wide range of industries, including energy, telecommunications, oil and gas, steel, commodities, pharmaceuticals, water and chemical processing, signal and defence technology, but he has special expertise in matters involving complex technical engineering and construction issues.

Jiaxiang's clients and peers have described him as "*impressive*" and an "*excellent lawyer who is incredibly bright and has a fantastically sharp mind*".

After graduating from the National University of Singapore with First Class Honours, Jiaxiang served as a Justices' Law Clerk in the Supreme Court of Singapore, and later became an Assistant Registrar of the Supreme Court. Jiaxiang then joined one of the leading firms in Singapore, where he was an Associate Director until 2015.

He was appointed as amicus curiae by the Supreme Court of Singapore in the landmark decision of the Court of Appeal in relation to sentencing considerations for causing death by a negligent act.

Jiaxiang is fluent in English and Mandarin.

PROFESSIONAL EXPERIENCE

Representative International Arbitration Experience

- Acted for a globally recognised Dutch specialist marine subcontractor against a North Asian main contractor in connection with a novel project for the installation of submarine cables under challenging soil and subsea conditions, on a dispute relating to multiple intertwining delay and contractual issues.
- Represented a BVI Company in an arbitration commenced against a foreign state involving claims of approximately US\$132 million for breaches of a joint venture agreement in respect of a megaproject to reclaim and develop a lagoon in the said state. Successfully resisted a jurisdictional challenge commenced by the Respondent in. Successfully resisted a jurisdictional challenge commenced by the Respondent in both the arbitration and the subsequent SICC proceedings. See *CLQ v CLR* [2021] SGHC(I) 15.
- Acted for Myanmar based cement company in an ICC arbitration commenced by a subsidiary of the largest cement conglomerate in South-East Asia listed on the Thai stock exchange. The matter involved claims in excess of US\$385 million for breaches of an alleged joint venture agreement between the parties to mine limestone and develop a cement factory, and manufacture and distribute cement in the region. The matter related to regulations relating to exploitation of natural resources, and required the consideration of potential expropriation claims against Myanmar.
- Acted for a publicly listed stated-owned enterprise and the leading telecommunications service provider in Malaysia, in a SIAC arbitration against a Singapore service provider with respect to a dispute worth over US\$40 million arising out of collaboration agreement.
- Acted for a regional government on claims brought against them by mining investors for various breaches of UK-Indonesia and Australia-Indonesia BIT. Advised on issues relating to whether claims arising from rights based on fraud or forgery are inadmissible as a matter of international public policy.
- Acted in an ICC arbitration involving a dispute over a contract for the sale and supply of a defence security system, valued at approximately US\$100 million. The system at the heart of the disputes was for the design, supply and installation of a nationwide telematics system that combined the use of global positioning systems with satellite and terrestrial based wireless communications to provide geographical information. Jiaxiang also assisted in the related Court proceedings: see *Astrata (Singapore) Pte Ltd v Tridex Technologies Pte Ltd* [2011] 1 SLR 449.



PROFESSIONAL EXPERIENCE

- Acted in an ICC arbitration involving allegations of fraud arising out of a share purchase agreement for a South Asian business valued at over US\$4 billion.
- Acted in a CIETAC arbitration involving an engineering, procurement construction contract in Ningxia, China, valued at approximately US\$105 million. The contract itself concerned the installation of a chemicals processing plant involving the use of membrane technology, and encompassed issues relating to civil and chemical engineering.
- Acted in an ICC arbitration involving a dispute over an Indonesian distributorship contract valued at US\$20 million. The agreement was between a major international pharmaceuticals company and its local partner and centred on issues of contractual interpretation.
- Acted in a SIAC arbitration involving a dispute arising out of an engineering and procurement contract for the development, design, and manufacture of desalination units (using a reverse osmosis desalination process) in Salalah, Oman. The dispute itself arose from alleged delays and defects in the plant, which covered a wide range of technical issues relating to civil, chemical, electrical, and mechanical engineering.
- Acted in a SIAC arbitration involving a dispute arising from an investment worth US\$800 million in a major South Asian telecommunications company.
- Acted in an SIAC arbitration for an Indonesian listed company in a US\$60 million claim against a major commodities firm. The dispute arose from a contract for indemnity relating to the sale of various coal mines.
- Acted as counsel in an application in the High Court to set aside a subpoena for a witness residing in Singapore to testify at the hearing of a foreign-seated arbitration with hearing in Singapore. The application involved the novel question of whether section 13 of the International Arbitration Act may be relied on to subpoena a witness to testify at the hearing of a foreign-seated arbitration.
- Represented a subsidiary of a large Taiwanese cement company in a SIAC arbitration against a claim brought by a Singapore trading company concerning non-delivery under a sales and purchase agreement for clinker products.
- Represented a Hong Kong company against an Australian company in a SIAC arbitration for breaches of a sales and purchase agreement of mineral sands.



PROFESSIONAL EXPERIENCE

Representative Corporate & Commercial Litigation Experience

- Acted for a Singapore company in a dispute before the Singapore High Court over a contract worth over US\$60 million for the supply of integrated circuit chips to be used in the nationwide roll-out of electronic identification cards in Indonesia. See *PT Sandipala Arthaputra v ST Microelectronics Asia Pacific and another* [2017] SGHC 102.
- Acted for a Singapore listed company in a claim before the Singapore High Court for minority oppression and breaches of fiduciary duties. See *Sakae Holdings Ltd v Gryphon Real Estate Investment Corp Pte Ltd and others (Foo Peow Yong Douglas, third party) and another suit* [2017] SGHC 73.
- Acted for an Australian fund in a claim before the Singapore High Court for the repayment of A\$6 million owed under a share buyback agreement.
- Acted for an Indonesian coal producer before the Singapore International Commercial Court against claims amounting to US\$500 million brought by an Australian listed company. The dispute arose over a joint venture for the development of coal briquetting technology. See *BCBC Singapore Pte Ltd and another v PT Bayan Resources TBK and another* [2016] 4 SLR 1.
- Acted for a group of banks in an application to set aside an international arbitration award (valued at over US\$100 million) on the grounds that the tribunal lacked jurisdiction and had breached principles of natural justice. The application was allowed by the Singapore High Court and affirmed in large part by the Court of Appeal in its landmark decision which redefined the law and principles of setting aside arbitration awards, and the consequences thereof. See *AKN v ALC* [2015] SGCA 18.
- Acted for a commodities trading firm, which is a subsidiary of the Shenzhen Stock Exchange-listed Chinese shipping and logistics conglomerate Shenzhen Feima International Supply Chain, in a multi-million dollar restructuring project.
- Represented a BVI company in applying for an injunction against a Singapore financial institution which was the appointed custodian for shares held in a Taiwan listed company.
- Advised a Vietnam-Taiwan joint venture in relation to its exclusive dealership agreement with one of the world's leading forklift trucks and parts manufacturer.



PROFESSIONAL EXPERIENCE

- Advised a party in relation to its supply contract with a prominent Japanese conglomerate company relating to a rapid transit network project in Vietnam.
- Acted for a construction company before the High Court and Court of Appeal in a successful injunction application to restrain a creditor in liquidation and its liquidator from commencing winding up proceedings.

Representative Construction, Infrastructure and Energy Experience

- Acted as instructed counsel for a Dutch dredging and heavylift company owning one of the world's largest dredging fleets in an arbitration commenced against them by a Korean cable manufacturing company trench design, cable installation, cable pull-in works and landing onshore works as part of a mega-project to lay power cables between Singapore and Johor Bahru, Malaysia.
- Acted for a Myanmar based cement company in an ICC arbitration commenced by a subsidiary of the largest cement conglomerate in South-East Asia listed on the Thai stock exchange. The matter involved claims in excess of US\$385 million for breaches of an alleged joint venture agreement between the parties to mine limestone and develop a cement factory, and manufacture and distribute cement in the region. The matter related to regulations relating to exploitation of natural resources, and required the consideration of potential expropriation claims against Myanmar.
- Acted for an Indonesian coal producer before the Singapore International Commercial Court against claims amounting to US\$500 million brought by an Australian listed company. The dispute arose over a joint venture for the development of coal briquetting technology. See *BCBC Singapore Pte Ltd and another v PT Bayan Resources TBK and another* [2016] 4 SLR 1.
- Acted in a CIETAC arbitration involving an engineering, procurement construction contract in Ningxia, China, valued at approximately US\$105 million. The contract itself concerned the installation of a chemicals processing plant involving the use of membrane technology, and encompassed issues relating to civil and chemical engineering.
- Acted for a regional government on claims brought against them by mining investors for various breaches of UK-Indonesia and Australia-Indonesia BIT. Advised on issues relating to whether claims arising from rights based on fraud or forgery are inadmissible as a matter of international public policy.



MEMBERSHIPS, QUALIFICATION, EDUCATION & PUBLICATION

Appointments

- Chartered Institute of Arbitrators (UK) - Fellow
- Singapore Mediation Centre - Accredited Mediator

Memberships

- ICC Singapore Committee - Member (2021 – 2022)
- ICC Young Arbitrator's Forum - Representative (2020 – 2021)

Publications

- Academy Publishing 2021 - Co-author of "*The Contours and Limits of Transnational Issue Estoppel – Merck Sharp & Dohme Corp v Merck KGaA [2021] 1 SLR 1102*"
- Lexology 2020 - Co-author of "*The Impact of the Covid-19 (temporary measures) Act on commercial litigation and insolvency matters*"

Speaking Engagements

- CiArb - Panellist for "*Becoming an Arbitrator: Surviving the Long Night 2.0*"
- ICC Singapore - Moderator for "*The first 100 days in a dispute*"

