



ASOSIASI PERTAMBANGAN
BATUBARA INDONESIA
INDONESIAN COAL
MINING ASSOCIATION



COAL MINING AND TRADING: TRENDS AND RISKS IN CROSS-BORDER TRANSACTIONS

9 am — 1pm

15 August 2017

Shangri-La Hotel, Jakarta

Kota BNI JL. Jend. Sudirman Kav. 1,
Jakarta, 10220, Indonesia

PROGRAMME

8.30 am Registration

9.00 am Commencement Welcome

Session 1 09.30am	Coal Comfort: Pitfalls and concerns in mining & trading activities (20 minutes) <ul style="list-style-type: none">• Discussion of current trends and issues• Common disputes arising from mining & trading activities	Session 3 11.00am	Mitigating cross border risk: A practical approach (60 minutes) <ul style="list-style-type: none">• Risk mitigation and commercial realities in invoking dispute resolution• Enforcement of arbitration award in International jurisdictions.
Session 2 09.50am	Resolving Coal Disputes: Tools of the trade (40 minutes) <ul style="list-style-type: none">• Experiences in Cross border disputes resolution• Litigation, arbitration or mediation - what works for coal	Session 4 12.00pm	Case Study: Presentation by SCMA (20 minutes) <ul style="list-style-type: none">• Top 3 most common coal disputes in arbitration• SCMA Model of Arbitration

Networking Session 1: Tea Break

Networking Session 2: Lunch



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Founded in 20th September 1989 as to response to the challenges of coal mining industry in Indonesia, the APBI-ICMA is a non-government, non-profit and non-political organization that embraces both upstream (exploration and exploitation) and downstream (marketing the distribution, utilization and mining services) aspects of coal industry in Indonesia. The Association aims to create an environment for its members to discuss common concern, exchange ideas and works towards a common goal for the coal mining industry.



The Singapore Chamber of Maritime Arbitration (SCMA) is one of Asia's leading arbitration centres. SCMA provides a framework for maritime and international trade arbitrations that is responsive to the needs of users. SCMA's members and users come from all sectors of the maritime and international trade communities and from all countries. Together with SCMA's specialised Panel of Arbitrators and proven track record, SCMA offers the maritime and international trade communities a neutral, cost-effective and flexible approach to resolve their disputes expeditiously.

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HONORARY SPEAKERS

0900am — 0930am



Supriatna Suhala
Executive Director

Asosiasi Pertambangan Batubara Indonesia /
Indonesian Coal Mining Association (APBI-ICMA)

Mr. Supriatna Suhala graduated from Mining Engineering Department, Bandung Institute of Technology, Indonesia in 1975. He got a second degree from School of Mining Engineering, the University of New South Wales, Sydney, Australia in 1986. He has been working for Ministry of Energy and Mineral Resources since 1975. From 1989 to 2007, he held several key posts in the Ministry. Retired from the Ministry in September 2007, he took the post as Executive Director for Indonesian Coal Mining Association in April 2008.



Lawrence Teh
Senior Partner/SCMA Chairman of Promotion Committee

Dentons Rodyk LLP
Lawrence Teh is a senior partner in Dentons Rodyk LLP's Litigation & Arbitration Practice Group.

Lawrence advises clients and acts as an advocate in all areas of commercial law and appears regularly as leading counsel in the Singapore Courts, in arbitration and in other forms of dispute resolution. He is also appointed regularly as an arbitrator in international disputes.

He has particular experience in international trade and commodities, maritime and aviation, banking and financial services, onshore and offshore construction, mergers acquisitions joint ventures and other investments, and insurance in related fields.

Lawrence is currently the Chairman of the Alternative Dispute Resolution (ADR) Committee at The Law Society of Singapore. He is a Fellow of the Chartered Institute of Arbitrators, a Fellow of the Singapore Institute of Arbitrators, and a panel arbitrator at the Singapore International Arbitration Centre. He chaired the committee that drafted the Law Society Arbitration Rules and is a panel arbitrator of the Law Society Arbitration Scheme. Recently, he was appointed the Administrator of the Comité Maritime International (CMI) in 2013, and Chairman of the Promotion Committee of the Singapore Chamber of Maritime Arbitration (SCMA) since 2014.

He is named in numerous legal guides and directories including the Asia Pacific Legal 500, International Who's Who for Commercial Litigation, International Who's Who of Shipping & Maritime, Asialaw, Leading Lawyers for Shipping, Maritime & Aviation and on the Guide to the World's Leading Aviation Lawyers.

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SESSION 1

COAL COMFORTS—PITFALLS AND CONCERNS IN MINING AND TRADING ACTIVITIES

0930am — 0950am



RAJENDRA SINGH TALAN
Chief Operating Officer

Adani Enterprises Limited

The Adani Group is one of India's leading business houses with revenue of over \$12 billion.

Founded in 1988, Adani has grown to become a global integrated infrastructure player with businesses in key industry verticals - resources, logistics, energy and agro. The integrated model is well adapted to the infrastructure challenges of the emerging economies



Capt. Alam Darma
Director

PT Radita Hutama Internusa

a Charles Taylor Adjusting company

Capt. Alam has vast working experience in both multipurpose cargo and container vessels. He joined a marine surveying company in 1995 before moving to PT Radita Hutama Internusa in March 1996. He has experience in surveying crude oil, chemical gas, other bulk liquids, steel products, bulk cargo, containerized cargo, and general cargo.

Capt. Alam He can also undertake P&I Surveys, On/Off hire surveys, solid and liquid bulk cargo, loading and discharge and is experienced in Risk Management for Infrastructure Project Cargo. He is also experience in handling claims concerning machineries, solid and bulk cargo, containerized and general cargo

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SESSION 2

RESOLVING COAL DISPUTES: TOOLS OF THE TRADE

0950am — 1030am



Dendi Adisuryo
Attorney

ADCO Attorneys at Law

Dendi graduated from the University of Indonesia with a Law Degree as the "Best Graduate". Dendi's practice areas revolve around, natural resources, mining, oil and gas, and other major projects. He also has notable experiences in banking and finance and corporate commercial practices.

With his broad experience and involvement in energy and mining projects, as much as in banking and finance sector, he has been trusted in representing a lot of national and multinational mining corporate, to handle their legal matters. Dendi is also known for his ability in assisting and advising corporations from other fields, on their general business deals and other legal matters.



Bazul Ashhab
Managing Partner

Oon & Bazul LLP

Bazul is the Managing Partner and the head of the Firm's Dispute Resolution Practice Group. He conducts litigation and international arbitration in Asia, Europe and the United States of America.

Bazul is very well regarded in resolving commercial disputes in various areas of law including, international trade, shipping, joint venture disputes, banking, insurance, company law, insolvency and breach of fiduciary duties of agents and directors.

Legal 500 Asia Pacific describes Bazul as one of Singapore's leading lawyers who is admired by clients as a "spectacular lawyer" who is "incredibly bright and knowledgeable", with "astonishing speed and strategy". He is commended for his ability to "(combine) legal knowledge with commercial acumen". He is also acclaimed as being "exceptional at crisis management" and having "a very keen mind".

Established in 2002, Oon & Bazul has grown to become one of the leading commercial law firms in Singapore. The Firm has a sterling international law practice dealing with matters across continents which has led our lawyers to be particularly adept at coordinating matters involving multiple jurisdictions. The Firm is one of the fastest growing law firms in Asia.



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SESSION 3 OFFICIATING SPEAKERS



Tony Budidjaja
Senior Partner

Budidjaja International Lawyers

Tony Budidjaja is the Senior Partner at Budidjaja International Lawyers, and an accredited mediator and arbitrator in Indonesia and a Fellow of the Chartered Institute of Arbitrators (FCI Arb).

Tony sits on the panel of approved mediators and arbitrators of domestic and international dispute resolution institutions, including the Kuala Lumpur Regional Centre for Arbitration (KLRC), the Indonesian Commodities Arbitration Body (BAKTI), the Indonesia National Board of Arbitration (BANI), and the Conflict Resolution Unit (CRU) of the Indonesia Business Council for Sustainable Development (IBCS).

Tony has more than 20 years' standing as a legal counsel with extensive experience and expertise in Commercial Dispute Resolution; Bankruptcy and Corporate Restructuring; Environment, Energy, and Natural Resources; and in other prominent legal matters.

Tony is also one of the few legal practitioners in Indonesia who is qualified as both capital market legal consultant and tax court attorney.



Professor Dr Colin Ong, QC

Dr Colin Ong Legal Services / St Philips Stone

Senior Partner, Dr Colin Ong Legal Services (Brunei); Counsel, Eldan Law LLP (Singapore) and Associate Member, St Philips Stone Chambers (London). He is regularly instructed as lead counsel or appointed as arbitrator and has been involved in over 300 arbitrations conducted under most rules including AAA, BANI, HKIAC, ICC, LCIA, LMAA, KLRCA, SCMA; SIAC, TAI; UNCITRAL and WIPO rules under many applicable laws including English, Indian, Indonesian, Malaysian, Hong Kong, PRC, Singapore and Thai law. Broad experiences in banking, construction projects, IP, IT, mining disputes, energy disputes, and shipping.

In 2010, he became the first non senior judge from ASEAN to be elected as a Master of the Bench of the Inner Temple. First ASEAN national lawyer appointed English Queen's Counsel. Chartered Arbitrator; FCI Arb; FMI Arb; FSI Arb; Ph.D; LL.M; DiplCarb; LLB (Hons).

President, AABD (Brunei); VP (Appointments) THAC (Thailand); Advisor, Governing Council, BANI (Indonesia); Council, NCAC (Cambodia); Advisor, China-ASEAN Legal Research Center; Task Force, ICC Commission; ICCA-Queen Mary Task Force (Costs), VP (Arbitration), IPBA; VP, APRAG. Visiting Professor in Civil law jurisdictions including Universitas Indonesia and Universitas Padjadjaran.

Recognised in legal directories including *Who's Who Legal: Thought Leaders (Arbitration)*. One of the top 30 by *Expert Guides: Best of the Best 2017 (Arbitration)*. In 2006, he was a GAR 45 under 45. Former Consultant, ASEAN Centre for Energy; Panel, ASEAN Protocol EDSM. Core drafting member, Malaysian PAM 2006 Standard Building Contract. Languages include English, Bahasa Indonesia/Malay and Chinese. One of the very few non-Indonesian arbitrators to conduct arbitrations in Bahasa Indonesia.

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SESSION 3

MITIGATING CROSS BORDER RISKS: A PRACTICAL APPROACH

1100am — 1200pm

PANEL SPEAKERS



Ernest Yang

Head of Litigation and Regulatory
Group Hong Kong

DLA Piper

Ernest Yang is a commercial litigation and arbitration lawyer with particular focus on shipping and international trade. He handles disputes covering areas that include sale of goods, trade, commodities charterparties, ship sale and purchase, ship construction and cargo claims.

Ernest was named by Chambers Asia Pacific 2011- 2016 as a leading individual in the area of Shipping: Litigation in China. He has been recognised in *Chambers Asia Pacific 2016* which noted in particular for his "strong litigation practice which involves advising on matters ranging from cargo claims to disputes arising from sale and purchase and construction of vessels. He is recommended by sources as 'a good operator' known for his popularity with PRC-based clients." *Legal 500 Asia Pacific 2015* noted: "At DLA Piper, Ernest Yang has a strong practice representing major Chinese companies in Hong Kong, China and Singapore-seated arbitrations." He has also been recognised in *China Business Law Journal 2016* as The A-List Top 100 Lawyers for China practice.



Bama Djoknugroho
Senior Associate

Budijaja International Law Firm

With experience working on legal matter both in law firms and in multi-national company, Bama has extensive experience representing numerous domestic and multi-national companies before *Badan Arbitrase Nasional Indonesia* (BANI) and the Indonesian courts, in matters ranging from general commercial issues, trade secret disputes, vessel collisions to complex subsea construction disputes. Bama has also advised clients in various non-contentious legal matters, including contract negotiation, regulatory compliance issues and mitigation of potential regulatory breach.

Bama is presently a member of Executive Committee at the Indonesian Independent Mediator and Arbitrator (*Mediator dan Arbiter Independen Indonesia/MedArbId*). He is also a member of the Indonesian Bar Association (PERADI) and has been admitted to practice in Indonesian courts. He has been regularly invited as speaker at international seminars/conference, and was the Indonesian contributor for International Comparative Legal Guide on Shipping Law for the year 2016 and 2017, as well as a regular contributor to the World Bank's "Doing Business" project since 2014.



Paul Aston
Partner

Holman Fenwick Willan LLP

Paul specialises in all aspects of shipping, transport and insurance, down and midstream oil and gas transactions, ship building and repair disputes, advising shipyards and buyers on contracts for the construction of various offshore structures, (rigs/FPSO) as well as their utilization offshore. He has particular expertise in relation to long and short-term contracts for the supply, transportation, sale and purchase, and storage of petroleum products and LNG. He advises on commercial transactions and shipping projects.

Paul has worked in HFW's London, Shanghai, Hong Kong and Singapore (which he founded) offices, and is presently located in the Singapore office with particular responsibility for Offshore and Energy. Paul has substantial experience of acting for parties in international arbitration and mediation in many jurisdictions.

He has been appointed by the Singapore Mediation Centre as one of their associate mediators, is a Fellow of CIArb, and a board member of the Singapore Chamber of Maritime Arbitration.

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SESSION 3

MITIGATING CROSS BORDER RISKS: A PRACTICAL APPROACH

1100am — 1200pm

PANEL SPEAKERS



Simon Weston
Regional Director—Technical &
Special Risks Asia

Charles Taylor Adjusting

Simon joined Charles Taylor in June 2015. Simon has 20+ years' experience in Asia, with his mandate comprising the handling of complex, technical and special risks and the development of CTA's Technical and Special Risks team across Asia.

He is a Chartered Loss Adjuster BSc, FCII, FCILA, FUEDI-ELAE, with 30 years' experience handling large-scale insurance losses worldwide, which have included substantial Contractors and Engineering (all Risks), Property Damage, Public and Product Liability, Financial Services and Marine Cargo Claims. Simon helped to establish the first International Adjusting office in the People's Republic of China and has managed Adjusting and Engineering divisions on designated insurance accounts in the U.K., Saudi Arabia, Dubai, Singapore, and China.

He has handled some of the largest product liability and recall losses in China, most of them with international repercussions, and he considers Product Liability and Product Recall his speciality. Some of these claims have involved mining operations and equipment. Simon handled a claim at an open pit coal mine in Inner Mongolia, PRC China for what was at that time considered the world's largest walking dragline machine.

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