

## Kevin Lee

CALL: 2013 (SINGAPORE); 2017 (ENGLAND AND WALES)

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Mandarin (fluent)



### Overview

Kevin practises in the fields of public international law, arbitration and litigation. He is qualified in England and Wales and in Singapore, and has been recognised as a leading disputes practitioner by *The Legal 500*, *Benchmark Litigation* and *Asia Law*.

Kevin has extensive experience acting in proceedings before international courts and tribunals, and in an international and politically sensitive context. He has been involved as counsel in matters before the International Court of Justice (ICJ), International Tribunal for the Law of the Sea (ITLOS), UNCLOS Annex VII tribunals, investor-State tribunals, and in inter-State mediation. He has also been appointed as legal adviser or expert by the Council of Europe, ASEAN, SAARC, the Commonwealth Secretariat, and the Energy Community Secretariat on arbitration, energy, natural resources, oceans, trade and international dispute settlement. He acted as counsel for Italy in the *Enrica Lexie* disputes before both the arbitral tribunal in the Permanent Court of Arbitration (PCA) and in the ITLOS. He is currently also engaged as counsel in *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* before the ICJ.

In arbitration, Kevin has been instructed as counsel across the full spectrum of inter-State, investor-State and commercial arbitrations. He has been involved in more than 30 arbitration matters under ICSID, PCA, SIAC, LCIA, HKIAC, ICC, UNCITRAL, ECT and *ad hoc* arbitration frameworks, and across different jurisdictions such as England, The Hague, Singapore, Hong Kong, and Luxembourg. These matters have involved a broad range of sectors including oil and gas, energy, telecommunications, mining, commodities,

### Publications

- Editor, *UK Supreme Court Yearbook* (2015-2017)
- 'The United Nations Security Council and Internal Armed Conflicts' in Ida Caracciolo & Umberto Montuoro, *Conflitti armati interni e regionalizzazione delle guerre civili* (Giappichelli, 2016)
- 'The International Tribunal for the Law of the Sea and its Joint Declaration with Singapore—Prospects, Possibilities and Predictions', *Singapore Law Blog* (2015)

### Professional appointments

- Roster of Experts, Secretariat of the Commonwealth States (2020-present)
- Roster of Experts, Energy Community Secretariat (2018-present)
- Consultant, Association of Southeast Asian Nations (2020-2022)
- Consultant, Australian Competition & Consumer Commission (2021)
- Panel of Arbitrators, Thailand Arbitration Centre
- Panel of Arbitrators, Beihai Asia International Arbitration Centre

banking and finance, manufacture and licensing, private equity, distribution, logistics, cryptocurrency, infrastructure, and engineering. His notable recent arbitration work includes three investor-State disputes under ICSID and UNCITRAL arbitration rules, as well as several commercial disputes under SIAC, ICC and LCIA arbitration rules.

In domestic proceedings, Kevin is equally comfortable appearing as counsel in both a trial and appellate setting. He has been engaged in high-stakes disputes proceedings in both England and Singapore (including before the Singapore International Commercial Court), across a variety of legal subject matters. This has included acting in a US\$30 million contractual and civil fraud claim arising out of cross-border private equity investments, to a US\$20 million construction and engineering dispute, to a joint venture dispute arising out of a US\$740 million infrastructure and healthcare project.

Alongside his work as counsel, Kevin has taught international dispute settlement, law of the sea, international investment law and international arbitration as Visiting Professor at Zhejiang University, Lecturer at the Sorbonne-Assas International Law School, Adjunct lecturer at the National University of Singapore, and sessional lecturer at the University of Campania "Luigi Vanvitelli". Kevin holds law degrees from the National University of Singapore and the University of Cambridge. He accepts appointments as counsel and arbitrator.

## Education

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- University of Cambridge: Master of Laws, First Class (2016)
- National University of Singapore: Bachelor of Laws (Honours) (2012)

## Awards/Prizes/Scholarships

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- Jennings Prize, Wolfson College, University of Cambridge (2016)
- Trailblazer Foundation Scholarship Grant (2015)
- Philip C Jessup International Law Moot Court Competition: Placed overall 5th in the world; placed 12th in the world for written memorials; ranked in the top 100 oralists. (2011)
- Philip C Jessup International Law Moot Court Competition: Singapore Champion (2011)
- NUS Global Merit Scholarship (2008)

## Recommendations

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- Recommended Individual for Dispute Resolution, *Legal 500 Asia Pacific 2022*
- Recommended Individual for Dispute Resolution, *India Business Law Journal 2022*
- Counsel work recognised in "Deal of the Year", *India Business Law Journal 2022*
- "Knowledge and ability to explain the complex issues clearly", *Benchmark Litigation 2021*
- Recommended Individual for Dispute Resolution, *Asia Law 2020*
- "Eminently sensible", "detailed and helpful", Supreme Court of Singapore 2019

- Visiting Professor, Zhejiang University, Guanghua Law School (2019)
- Lecturer, Sorbonne-Assas International Law School (2019-2021)
- Adjunct Lecturer, National University of Singapore, Faculty of Law (2017-2019)
- Young Amicus Curiae, Supreme Court of Singapore (2018, 2019)
- Consultant, South Asian Association for Regional Cooperation (2017)
- Consultant, Council of Europe (2016)
- Fellow and Assistant Legal Counsel, Permanent Court of Arbitration (2013)

## Recent lectures/talks

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- 'Alternative Dispute Resolution', Australian Competition & Consumer Commission and Consumer Protection Competition and Fraud Repression Directorate-General of Cambodia (2021)
- 'Public International Law - Annual Review of UK Cases', co-chaired by Dr PS Rao (former Ad Hoc Judge at the ICJ) and Tun Arifin bin Zakaria (former Chief Justice of Malaysia) (2021)
- 'The Settlement of International Investment Disputes', Sorbonne Assas International Law School (2021)
- 'Investment Protection in ASEAN and Myanmar', Singapore International Chamber of Commerce (2021)
- 'Dispute Settlement in International Trade and Investment', International Petroleum and Natural Gas Enterprises Conference (2019)
- Full list available upon request

## Example cases

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- Counsel to a State in *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* before the International Court of Justice.
- Counsel to Italy in *The Enrica Lexie Arbitration (Italy v. India)* (UNCLOS Annex VII dispute in the Permanent Court of Arbitration).
- Counsel to a State mediating a maritime boundary dispute.
- Legal adviser in a dispute concerning several treaties between two South Asian States on energy cooperation and the joint implementation and construction of 10 hydroelectric powerplants.
- ITLOS Case No. 24: *The "Enrica Lexie" Incident (Italy v India)*, (International Tribunal for the Law of the Sea): Counsel to the Italian Republic.
- ICSID Case No. ARB/19/14: *Impresa Pizzarotti & C. S.p.A. v. Kingdom of Morocco*: Counsel to the Claimant in an investment treaty dispute arising out of the construction and infrastructure industry.
- *Surfeit Harvest Investment Holdings v. Taiwan, Republic of China* (UNCITRAL rules): Counsel to the Claimant in an investment treaty dispute in the banking and finance sector.
- Counsel in six SIAC arbitrations relating to a private equity investment dispute spanning US and Cambodia.
- Counsel in a US\$20 million contractual dispute arising out of an aborted infrastructure project concerning the construction of two hotels, a shopping centre, a convention centre and an office tower in Malaysia.
- Counsel to a Dutch logistics company in a US\$16 million dispute against a Vietnamese company arising out of the damage to heavy machinery at sea while being deployed on a wind turbine project off the Mekong Delta.
- Legal adviser in a dispute arising out of a US\$260 million State infrastructure and transport project.
- Legal adviser in a dispute arising out of an US\$740 million State infrastructure and healthcare project.

## Public international law / Inter-State disputes

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Kevin has considerable experience acting as counsel and legal adviser in State-to-State disputes, public international law, and international dispute settlement. His public international law practice covers the full spectrum of issues including treaty obligations, law of the sea, international investment law, territorial and maritime boundary disputes, international criminal law, the law of armed conflict, human rights, international and domestic sanctions, and immunities. Selected work examples (excluding sanctions which are set out in a separate section) include:

- Counsel to a State in *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* before the International Court of Justice.
- *The Enrica Lexie Arbitration (Italy v. India)* (Permanent Court of Arbitration): Counsel to the Italian Republic in an UNCLOS Annex VII dispute.
- Counsel to a State mediating a maritime boundary dispute.
- Legal adviser to the South Asian Association for Regional Cooperation on public international law, arbitration, and dispute settlement matters for the South Asian States (India, Bangladesh, Bhutan, the Maldives, Nepal, Pakistan, Afghanistan and Sri Lanka).
- Legal adviser in a dispute concerning several treaties between two South Asian States on energy cooperation and the joint implementation and construction of 10 hydroelectric powerplants.
- Legal Adviser to the Association of Southeast Asian Nations on arbitration and dispute resolution matters for the ASEAN Member States (Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Vietnam).
- Counsel in litigation proceedings concerning the interpretation and application of a Singapore-China treaty.
- *The Bay of Bengal Maritime Boundary Arbitration (Bangladesh v. India)* (Permanent Court of Arbitration): UNCLOS Annex VII arbitration concerning the delimitation of the maritime boundary between Bangladesh and India. (As assistant to the tribunal at the PCA).
- Legal adviser on legal and strategic issues of public international law and immunities in 8 State-to-State domestic proceedings before foreign courts.
- ITLOS Case No. 24: *The "Enrica Lexie" Incident (Italy v India)*, (International Tribunal for the Law of the Sea): Counsel to

the Italian Republic.

- *The Indus Waters Kishenganga Arbitration (Pakistan v. India)* (Permanent Court of Arbitration): Treaty dispute concerning the interpretation of the Indus Waters Treaty and the Kishenganga hydroelectric power plant. (As assistant to the tribunal at the PCA).
- Advising several States on treaty issues pertaining to energy sharing and cooperation, and regional electricity trading.
- Developing and drafting a model treaty / dispute settlement mechanism between several States for cross-border energy cooperation.
- Legal adviser to an individual on matters of international criminal law, Interpol red notices and diffusions, extradition treaties and mutual legal assistance obligations in respect of the Republic of Singapore and the Russian Federation.
- Legal adviser on matters under the United Nations Convention against Corruption and United Nations Convention against Transnational Organised Crime.
- Legal adviser to the Association of Southeast Asian Nations on the harmonisation of international law and competition policy in ASEAN Member States.
- Appointed to the Roster of Experts by the Commonwealth Secretariat for its Trade, Oceans and Natural Resources Advisory Directorate.
- Appointed to the Roster of Experts by the Energy Community Secretariat on Trade Law, Arbitration and Dispute Settlement for the Energy Community States of the European Union.
- In addition to his counsel work, Kevin has taught general international law, law of the sea, international investment law, and arbitration as Visiting Professor at Zhejiang University, Lecturer at the Sorbonne-Assas International Law School, Adjunct lecturer at the National University of Singapore, and as a sessional lecturer for students and programmes of the University of Naples Federico II, the London School of Economics, Tilburg University, American University of Armenia, and the California Maritime Academy.
- Kevin has also lectured on international humanitarian law, the law of armed conflict, and UN Security Council law for the Centre for Defence Studies of the Italian Armed Forces, and at the Carabinieri Officers Academy of the Republic of Italy.

## Investment Treaty Arbitration

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- Counsel to a Middle Eastern State in a potential investor-State dispute with a Southeast Asian company in the construction sector (confidential).
- Counsel to an MNC in a potential investor-State dispute with a South Asian State in the commodities sector (confidential).
- ICSID Case No. ARB/19/14: *Impresa Pizzarotti & C. S.p.A. v. Kingdom of Morocco*: Counsel to the Claimant in an investment treaty dispute arising out of the construction and infrastructure industry.
- *Surfeit Harvest Investment Holdings v. Taiwan, Republic of China* (UNCITRAL rules): Counsel to the Claimant in an investment treaty dispute in the banking and finance sector.
- ICSID Case No. ARB/16/24: *ČEZ, a.s. v. Republic of Bulgaria*. Investment treaty dispute arising out of the electricity generation and energy sector (assisting Lord Verdirame KC).
- PCA Case No. 2012-12: *Philip Morris Asia Limited (Hong Kong) v. The Commonwealth of Australia* (UNCITRAL rules): Dispute arising from Australia's enactment of tobacco plain packaging legislation and intellectual property rights in Australia. (As assistant to the tribunal at the PCA).
- PCA Case No. 2012-16: *Murphy Exploration & Production Company - International v. The Republic of Ecuador* (UNCITRAL arbitration). Dispute arising from the oil & gas and energy industry. (As assistant to the tribunal at the PCA).
- An investment treaty dispute between an investment company and an ASEAN State in the gaming industry. (As assistant to the tribunal at the PCA).
- PCA Case No. 2013-23: *Tenoch Holdings Limited & Ors v. The Republic of India* (UNCITRAL rules). Dispute arising from the withdrawal of licence approvals in the telecommunications industry. (As assistant to the tribunal at the PCA).
- Two investment treaty disputes pursuant to the Energy Charter Treaty arising out of the oil industry. (As assistant to the tribunal at the PCA).
- *EDF International S.A. (France) v. Republic of Hungary* (UNCITRAL rules): Dispute arising from the termination of long-term power purchase agreements relating to investments in the electricity generation sector. (As assistant to the tribunal at the PCA).

## Commercial Arbitration

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- Counsel in an SIAC arbitration between an Australian company and a NASDAQ-listed company in a technology dispute arising out of a SaaS contract.
- Counsel to an American company in a potential SIAC arbitration arising out of a technology dispute against one of the world's largest payment software companies.
- Counsel to an Indonesian company in a potential SIAC arbitration arising out of a commodities dispute with a Singapore company.
- Legal adviser to the Council of Europe on reforms to the arbitration regime of Armenia.
- Counsel in an SIAC arbitration arising out of the telecommunications industry.
- Counsel in six SIAC arbitrations relating to a private equity investment dispute spanning US and Cambodia.
- Counsel to a Russian high net worth individual in a potential HKIAC arbitration arising out of the use of a bitcoin gambling platform domiciled in Curaçao.
- Counsel to a Singapore manufacturing and textiles company in a potential LCIA arbitration against one of the world's largest sports brands.
- Counsel to a Vietnam listed steel company in a potential SIAC arbitration against a subsidiary of one of India's largest steel companies regarding the sale / trading of commodities.
- Acting for an international distributor in an SIAC arbitration arising from a contractual dispute against one of the world's largest apparel brands.
- Counsel to a Taiwan-listed company in an SIAC arbitration in a wind turbine dispute spanning Taiwan, Singapore, Hong Kong and Luxembourg.
- Counsel to a Chinese manufacturer in a potential SIAC arbitration arising out of a logistics dispute with a German list-co.
- Arbitration arising out of a dispute between Italian and Indian parties in the construction sector, administered in accordance with ICC rules (as tribunal secretary to a leading arbitrator).

## Commercial Litigation

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In commercial litigation, Kevin frequently acts in high-value disputes and is often instructed on matters with complex cross-border or multi-jurisdictional elements. He has full rights of audience at all levels of the English and Singapore courts, and he has been engaged as counsel in a broad range of commercial cases including the following:

- Counsel to one of the world's largest dye companies in a US\$37 million dispute concerning the breach of an international supply agreement.
- Counsel in an equity and trust dispute over the legal and beneficial ownership of 122 gold bars and the enforcement of judgment in Singapore and Hong Kong.
- Counsel to a Chinese investor in a US\$30 million dispute concerning misrepresentation and breach of contract arising out of a private equity investment in the healthcare industry.
- Counsel in a joint venture dispute (parties from Brazil, Singapore, and Indonesia) arising out of a US\$16 million real estate investment.
- Counsel in a dispute arising out of the aviation industry concerning conspiracy, breach of fiduciary duties and inducement of breach of contract.
- Counsel in a civil fraud and asset tracing claim concerning the fraudulent transfer of assets and properties amounting to more than US\$30 million.
- Counsel to a Chinese high net worth individual in a dispute concerning minority oppression, breach of contract and breach of a joint venture agreement in the manufacturing industry.
- Counsel to one of Asia's largest financial advisory companies in an investment advisory, professional negligence, and vicarious liability dispute.
- Counsel in a US\$20 million contractual dispute arising out of an aborted infrastructure project concerning the construction of two hotels, a shopping centre, a convention centre and an office tower in Malaysia.
- Counsel to a Dutch logistics company in a US\$16 million dispute against a Vietnamese company arising out of the damage to heavy machinery at sea while being deployed on a Wind Turbine project off the Mekong Delta.

- Legal adviser in a cross-border investment fraud investigation (Germany, Singapore, Korea) concerning issues of breach of contract, equity and trust, conspiracy, misrepresentation, breach of fiduciary duties, and breach of financial regulations.
- Kevin practises in London as a barrister at Twenty Essex (regulated by the Bar Standards Board), and in Singapore from the sole proprietorship Kevin SY Lee (UEN No. 53460481A). He has full rights of audience before all levels of the English and Singapore courts. [Download a list](#) of Kevin's experience before the Singapore Courts.

## State-Owned Entities and State Commercial Projects

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Given his experience at a confluence of international law, State disputes, and commercial law, Kevin is also frequently engaged as counsel / legal adviser on contentious matters concerning State projects and State entities. Selected work examples (excluding matters already included above under public international law and arbitration) include the following:

- Legal adviser in a dispute arising out of a US\$260 million State infrastructure and transport project.
- Legal adviser in a dispute arising out of an US\$740 million State infrastructure and healthcare project.
- Legal adviser to a State-owned entity in a matter concerning a US\$50 million State waste treatment and waste disposal facility.
- Legal adviser in a joint venture dispute arising out of a State oil and gas refinery project in an ASEAN State.
- Legal adviser in a shareholder / joint venture dispute arising out of an inter-State hydroelectric project in South Asia.
- Legal adviser in State debarment proceedings before the Standing Committee for Debarment in respect of a State infrastructure project in Singapore.
- Legal adviser to a State-owned entity on alternative dispute resolution issues pertaining to an ASEAN State.

## Energy and Natural Resources

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A considerable portion of Kevin's work relates to the energy and natural resources sectors. He has worked frequently on cases arising out of concession, production sharing, and joint venture agreements in oil & gas, mining, electricity and renewables, across the inter-State, investor-State and project advisory context. Selected work examples include:

- Legal adviser in a dispute concerning several treaties between two South Asian States on energy cooperation and the joint implementation and construction of 10 hydroelectric powerplants.
- *The Indus Waters Kishenganga Arbitration (Pakistan v. India)* (Permanent Court of Arbitration): Treaty dispute concerning the interpretation of the Indus Waters Treaty and the Kishenganga hydroelectric power plant. (As assistant to the tribunal at the PCA).
- Advising several States on treaty issues pertaining to energy sharing and cooperation, and in particular in regional electricity trading.
- Developing and drafting a model treaty / dispute settlement mechanism between several States for cross-border energy cooperation.
- Appointed to the Roster of Experts by the Commonwealth Secretariat for its Trade, Oceans and Natural Resources Advisory Directorate.
- Appointed to the Roster of Experts by the Energy Community Secretariat on Trade Law, Arbitration and Dispute Settlement for the Energy Community States of the European Union.
- ICSID Case No. ARB/16/24: *ČEZ, a.s. v. Republic of Bulgaria*. Investment treaty dispute arising out of the electricity generation and energy industry (assisting Lord Verdirame KC).
- PCA Case No. 2012-16: *Murphy Exploration & Production Company – International v. The Republic of Ecuador* (UNCITRAL arbitration). Dispute arising from the oil & gas and energy industry. (As assistant to the tribunal at the PCA).
- Two investment treaty disputes pursuant to the Energy Charter Treaty arising out of the oil industry. (As assistant to the tribunal at the PCA).
- *EDF International S.A. (France) v. Republic of Hungary* (UNCITRAL rules): Dispute arising from the termination of long-term power purchase agreements relating to investments in the electricity generation sector. (As assistant to the tribunal at the PCA).
- Counsel to a Taiwan-listed company in an SIAC arbitration in a wind turbine dispute spanning Taiwan, Singapore, Hong Kong and Luxembourg.

- Legal adviser to a State-owned entity in a matter concerning a US\$50 million State waste treatment and waste disposal facility.
- Legal adviser in a joint venture dispute arising out of a State oil and gas refinery project in an ASEAN State.
- Legal adviser in a shareholder / joint venture dispute arising out of an inter-State hydroelectric project in South Asia.

## **Sanctions**

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Kevin has advised and acted in matters concerning country-specific domestic sanctions and international sanctions imposed under the United Nations' regimes. This has included advising on financial, reputational, political, criminal and regulatory risks / issues arising from sanctions, as well as acting in proceedings relating to sanctions. Selected work examples include:

- Counsel in litigation proceedings and investigations commenced against a trading company and its director in relation to North Korea sanctions.
- Advising on Russian sanctions in connection with litigation proceedings.
- Advising on Iran sanctions in connection with litigation proceedings.
- Advising on Bangladesh sanctions in connection with litigation proceedings.
- Advising on Pakistan sanctions in connection with litigation proceedings.