

Professor Hi-Taek Shin

CALL: 1977 (KOREA)

✉ arbitralenquiries@twentyessex.com

☎ +44 (0)20 7842 6700

Languages: Korean (fluent); Japanese (conversational)



Overview

Professor Hi-Taek Shin is a full-time arbitrator based in Seoul, Korea. He accepts appointments as arbitrator in international commercial and investment disputes.

He has unique experience combining a successful career as counsel, academic and arbitrator, as well as in the public service. Until 2007, he had long been a partner at Kim & Chang, a leading Korean law firm, specialising in cross-border transactions, including mergers and acquisitions, joint ventures and shareholders' agreements, various commercial transactions and the resolution of disputes arising from such transactions. Since 2007, he has been teaching on international business transactions and the resolution of investment disputes arising from cross-border transactions at Seoul National University School of Law. From 2016 to 2019, he served as the Chairman of the Korea Trade Commission – the trade-remedy authorities of the Korean Government.

Hi-Taek's professional expertise includes international investments and business transactions, purchase and sale of corporate entities and assets, joint ventures and shareholder agreements, distribution, agency, licensing and franchising contracts, financial transactions including derivatives, research and development of new pharmaceutical products, and arbitrations arising out of such transactions. He also has expertise in complicated disputes in the energy, infrastructure, construction projects and defence industries.

He has been appointed as a sole, presiding and co-arbitrator in international commercial arbitrations under the rules of major international arbitral institutions. He is on the panel of arbitrators of HKIAC, AAA/ICDR, ICSID, JCAA, KCAB, SCIA, SIAC and THAC. He is

Recent publications

Below are recent examples and a full list is available upon request:

- 'The Potential for Arbitrators to Also Act as Mediators for Facilitating Settlement of Disputes', in "Proceedings UNCITRAL Working Group III, Virtual Pre-intersessional Meeting", 9 November 2020, Hong Kong SAR, China: The Use of Mediation in ISDS" (*Asian Academy of International Law*).
- Co-editor of 'International Investment Arbitration and Public Policy II: Review of Recent Arbitral Awards and Decisions' (in Korean, *Seoul National University Press*, 2019).
- Korean chapter in "The UNCITRAL Model Law and Asian Arbitration Laws" (G. Bell ed., 2018, *Cambridge University Press*).
- Annulment, in 'Building International Investment Law, The First 50 Years of ICSID' (Meg Kinnear et. al. eds, 2016).
- Co-author of 'Korea's Experience with International Investment Agreements and Investor-State Dispute Settlement, The Journal of World Investment & Trade 16' (2015).

also listed on the general list of Neutrals of the WIPO. He is a member of International Commercial Expert Committee, Supreme People's Court of China. He is also listed as a mediator of SIMC.

Since 2018, Hi-Taek has been serving as the Chairman of KCAB INTERNATIONAL, Korean Commercial Arbitration Board's international division.

Education

- Yale Law School, New Haven, CT, US: LL.M (1983) J.S.D. (1990)
- Graduate School, Seoul National University, Seoul, Korea LL.M. (1981)
- Judicial Research and Training Institute, Supreme Court of Korea (1975-1977, *summa cum laude*)
- College of Law, Seoul National University: LL.B (1975, *summa cum laude*)

- 'The Regionalization of Investment Treaty Arrangements: Developments and Implications, Investment Treaty Law Current Issues V', *British Institute of International and Comparative Law* (2014).

Professional memberships

Panel memberships

- Hainan International Arbitration Court
- Hong Kong International Arbitration Centre (HKIAC)
- ICDR (International Centre for Dispute Resolution) International Panel of Arbitrators
- ICSID Panel of Arbitrators
- Japan Commercial Arbitration Association Candidate for Arbitrators
- Qingdao Arbitration Commission
- Shenzhen Court of International Arbitration (SCIA) Panel of Arbitrators
- Singapore International Arbitration Centre (SIAC) Panel of Arbitrators
- Thailand Arbitration Center (THAC) Panel of Arbitrators
- World Intellectual Property Organization (WIPO) List of Arbitrators

Professional associations

- International Council for Commercial Arbitration (ICCA): Governing Board member
- LCIA Users' Council
- SIAC Users' Council
- ISDS Academic Forum (UNCITRAL WGIII)
- International Bar Association (IBA)
- American Society of International Law
- Asia Pacific Regional Arbitration Group (APRAG) (Vice President, 2016. 10. - present)
- International Advisory Board, Vienna International Arbitration Centre (VIAC)
- Korean Bar Association
- Korean Arbitrators' Association
- Korean Society of International Trade Law
- Korean Society of International Economic Law
- Korean Mediation Society
- Joint ICCA-ASIL Task Force on Issue Conflicts in Investor-State Arbitration (2013-2015): Member
- ICCA-Queen Mary Task Force on Third Party Funding (2015-2017): Member

- Seoul International Arbitration Academy (2017 – 2019)
- Arbitration Academy (Paris): Investment Treaty Practice of China, Japan and Korea (2012)

Arbitration experience

Commercial disputes

- HKIAC arbitration between private equity funds in an M&A related dispute (co-arbitrator).
- HKIAC arbitration between a Korean party and a US party in hotel management disputes (co-arbitrator).
- ICC arbitration in a renewable energy related dispute between European parties (co-arbitrator).
- ICC arbitration in a post M&A disputes between a Chinese party and Italian parties (co-arbitrator).
- ICC arbitration in a commercial agency dispute between an American party and a Korean party (sole arbitrator).
- ICC arbitration between an Australian party and a Japanese party involving a dispute relating to a research project (sole arbitrator).
- ICC arbitration between a Japanese company and a Korean company involving licensing of new pharmaceutical products (co-arbitrator).
- SIAC arbitration between an American party and a Japanese Party in the energy sector (President).
- SIAC arbitration between a Swiss party and a Korean party in a dispute involving coal supply contracts (co-arbitrator).
- SIAC arbitration between an Oman party and a Korean party in a joint venture dispute (co-arbitrator).
- SIAC arbitration between a Japanese party and a Mongolian party (sole arbitrator).
- KCAB arbitration between a German party and a Korean party involving shareholder disputes in a joint venture company (co-arbitrator).
- KCAB arbitration between an American defense contractor and the Korean Government in a dispute relating to defense procurement (Chairman).
- KCAB arbitration between a Korean party and its European distributor in commercial disputes (co-arbitrator).
- KCAB arbitration between a French party and a Korean party relating to construction of infra-structure projects (co-arbitrator).

Investment disputes

- Arbitration under ICSID Convention (original proceedings) involving a dispute in a manufacturing sector between a Dutch investor and a State in South America (Chairman).
- Arbitration under ICSID Convention (original proceedings) involving a dispute in renewable energy sector between a Japanese investor and a European State (Chairman).
- Annulment proceedings under ICSID Convention involving renewable energy disputes between a European investor and a European State.
- Annulment proceedings under ICSID Convention involving disputes relating to service contracts between a European investor and a European State.
- Annulment proceedings under ICSID Convention involving disputes relating to construction contracts between a Turkish investor and an Asian State.
- Annulment proceedings under ICSID Convention involving disputes relating to financial sector between a European investor and a European State.

- Annulment proceedings under ICSID Convention involving disputes relating to service contracts between a European investor and a State in South America.
- Annulment proceedings under ICSID Convention involving a dispute relating to the manufacturing industry between a European investor and a European State.