



Peter Godwin
Independent arbitrator, Kuala Lumpur
T +6010 882 2302
Pmhg357@gmail.com

Overview

Peter spent 22 years as a partner of Herbert Smith Freehills and was head of the firm's disputes practice across Asia for seven years with extensive experience in crisis management/investigations, litigation, arbitration and other forms of dispute resolution. He has practiced in Asia for over 26 years. He now uses that experience as an independent arbitrator resolving disputes across Asia and beyond.

He has advised Asian and international companies on complex disputes in a number of sectors, including construction and infrastructure, energy, shipping, telecommunications, media & technology, pharmaceuticals, international trade and banking. His practice in these sectors includes all manner of contractual and other disputes including insolvency, fraud and employment issues.

He has represented clients in arbitral centres in Kuala Lumpur, Singapore, Seoul, Bangkok, Hong Kong, London, Mumbai, New York, Oslo, Paris, Stockholm and Tokyo in relation to disputes under English and numerous other common and civil law systems.

Peter has acted in arbitrations under AIAC, SIAC, ICC, LCIA, HKIAC, TAI, JCAA and KCAB rules and before both pure and ad hoc and UNCITRAL tribunals. He also sits as an arbitrator, is a panel member of AIAC, SIAC, HKIAC, KCAB, TAI and JCAA and also has recent experience under ICC and LCIA rules as well as as the first ever emergency arbitrator appointed by KCAB.

Peter was ranked by Asia Pacific Legal 500 and Chambers Asia Pacific as a "leading individual" in dispute resolution for more than a decade.

Recent Experience

Peter has acted as:

- Sole arbitrator in an AIAC (then KLRCA) case in Kuala Lumpur concerning claims arising out of a construction project in Malaysia
- Sole arbitrator appointed by AIAC in relation to a dispute concerning a put option under a share sale agreement
- Sole arbitrator appointed by SIAC for an expedited arbitration involving internet services in Malaysia
- ad hoc arbitrator (appointed by the High Court of Malaysia) in connection with a contractual dispute re wrongful termination
- in an ICC case in Tokyo, as sole arbitrator, concerning claims arising from the termination of a distribution agreement related to patented products
- in a KCAB case in Seoul, as emergency arbitrator, in connection with breach of engagement letter and misuse of confidential information
- in an AIAC arbitration case in Kuala Lumpur, as sole arbitrator, concerning a shipping/sale of goods dispute concerning equipment to be delivered to an offshore oil and gas platform
- in a JCAA case in Tokyo, in a panel of three arbitrators, concerning the termination of a long term distribution agreement for medical products governed by Japanese law

- in an ICC case in Zurich, in a panel of three arbitrators, concerning the termination of a long term distribution arrangement for paper cups governed by Japanese law
- in relation to a Japanese law dispute for a Japanese legal association as party appointed arbitrator concerning the termination of a JV agreement

Peter has also acted as counsel:

- advising the **Malaysian Government** in ad hoc arbitration proceedings in Madrid concerning a historic land dispute concerning parts of Sabah
- advising a **leading global high-tech engineering and construction company** on potential disputes arising out of an EPC Contract for the construction of a chemicals manufacturing facility in Malaysia, including issues in relation to adjudication under the Construction Industry Payment and Adjudication Act (CIPAA), mediation and arbitration under the KLRCA Arbitration Rules.
- representing a **Japanese construction company** in relation to arbitration under the rules of the JCAA and in the ICC in Tokyo, regarding a power project in Algeria
- representing a **Japanese trading company (as a member of a contractor consortium)** in ICC arbitration against an employer, relating to early termination of an €800 million FIDIC Silver Book construction contract for a high-profile railway project in Europe
- representing a **Japanese trading company** in ICC arbitration on its defence of a claim brought against it by an African party to the joint venture in connection with the distribution of automobiles
- advising a **leading oil and gas EPC contractor** on a construction dispute in relation to a deep offshore oil development project.
- representing a **Malaysian statutory authority** in an arbitration arising from claims brought by a contractor in relation to a road development project
- advising a **Thai construction company** in a dispute with its joint venture partner and subcontractors in relation to the construction of a high-rise luxury condominium
- representing a **South-East Asian oil and gas storage facility provider** in an arbitration in relation to a contractual dispute with the port authority arising out of a concession agreement
- representing a **South-East Asian independent power producer** in an arbitration in relation to a contractual dispute arising out of a power purchase agreement for an open cycle gas turbine (OCGT) power plant
- representing a **French multinational company** in an arbitration arising from claims brought by the contractor in relation to the engineering, procurement and construction of cooling systems for a combined cycle gas turbine (CCGT) power plant
- Advising various **Japanese companies** on international sale of goods/shipping disputes
- advising an **Asian FPSO company** on claims arising following delays in the conversion of various vessels and separately in defending claims of fraudulent conspiracy
- representing **various Malaysian and international oil and gas companies and oil and gas service providers** in an international arbitration involving the sale and purchase of a defective cargo of oil, seated in Singapore under the SIAC Arbitration Rules 2016.
- Advising a **Japanese trading company** in connection with numerous charterparty disputes involving TOMAC arbitrations in Japan.
- advising a **South-East Asian state-owned company** in an arbitration in relation to its investment in a petroleum storage terminal
- advising a **major international oil and gas producer** in a dispute in relation to the construction of an offshore petroleum production system
- representing a **Japanese auto manufacturer** in a SIAC arbitration on a debt claim and other contractual issues arising from distribution arrangements in Europe and the US
- representing an **automobile manufacturer** in defending parallel claims for approximately US\$350 million in the national courts of Thailand and under the rules of the JCAA for an alleged breach of the Civil and Commercial Code of Thailand

- representing the **subsidiary of a major pharmaceutical company** in a \$1 billion ICC arbitration proceeding relating to the termination of a drug co-promotion agreement
- representing a **Japanese IT company** on its successful settlement of a long-running ICC arbitration, in connection with a US\$150 million contract for the construction of a transcontinental subsea telecommunications cable system
- representing a **leading Japanese telecoms company** on its claim for damages exceeding US\$50 million in ICC arbitration proceedings arising out of the sale and delivery of a defective telecommunications satellite by a US counterparty
- representing a **Japanese trading company** in arbitration in the London Court of International Arbitration, and related injunctive proceedings in Russia regarding a dispute over commercial fishing rights in the Sea of Okhotsk
- a **Japanese energy company** on potential claims arising under the pre-emption provisions of a joint operating agreement in connection with an oil concession in the MENA region
- a **major Japanese company** on its defence of claims made by a Japanese energy company based on breach of warranty and misrepresentation arising out of the sale of our client's European energy business
- a **luxury hotel chain** on force majeure clauses and early termination clauses with respect to the hotel management agreement, following a water leakage at one of their hotels in Asia

Recent accolades

- "He manages cases with supreme skill, efficiency and expertise and is a commanding authority on international arbitration, a clear-sighted adviser and a consummate strategist." *Chambers Asia Pacific*
- "Peter Godwin is a venerated individual with commentators complimenting him for being 'frank, clever and very pleasant to work with.' He has experience in representing a wide range of clients in arbitral institutions including the ICC and SIAC." *Chambers Asia Pacific*