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Joseph Khaw

Barrister
Call 2025

Scope of Practice

• Arbitration • Banking & Finance • Civil Fraud • Commercial Litigation • Company and Insolvency • Energy and Natural Resources • Group Litigation • Injunctions and Interim Relief • Jurisdiction and Conflict of Laws • Life Sciences • International and Offshore • Professional Liability • Restitution • Sanctions • Shipping and Commodities

Overview

Joseph has a broad practice spanning all areas of Chambers' work, including international arbitration, commercial litigation, civil fraud, banking and finance, energy and commodities, and sanctions. He appears led and unled before the English courts and his arbitration experience spans commercial and investor-State proceedings under institutions including the ICC, LCIA, LMAA, SIAC, NAI, and ICSID.

Before coming to the Bar, Joseph interned at WilmerHale, where he assisted with significant commercial and investor-State arbitrations, including a US$1bn London-seated ICC arbitration involving a major mining company and a State's recusal application against the president of an ICSID tribunal for apparent bias.

Joseph also maintains a strong academic interest in law, with research spanning private law, civil procedure, and international arbitration. His case notes have been quoted with approval by the Commercial Court in *Aabar Holdings v Glencore* [2024] EWHC 3046 (Comm), the decision leading to the abolition of the shareholder rule in English law, cited by the Singapore Court of Appeal in *Russian Federation v Veteran Petroleum* [2026] SGCA(I) 5, and cited to the UK Supreme Court. He has published in journals including the Law Quarterly Review, Lloyd's Maritime and Commercial Law Quarterly, and Civil Justice Quarterly. He also co-convened the Oxford Law Faculty's Conflict of Laws Discussion Group and was a Visiting Lecturer in Contract and Tort Law at King's College London.

As a Singaporean, Joseph maintains a keen interest in disputes across the Asia-Pacific, with a particular focus on Singapore and Hong Kong, where he has previously worked. More broadly, his practice has an international character, regularly involving foreign law, overseas co-counsel, and foreign-language records, including in Chinese.

Examples of Joseph's recent matters include:

- **Ad Hoc PCA Arbitration (Life Sciences)**: A c. US$65m contractual dispute between a life sciences investment bank and clinical-stage biotechnology company arising out of the licensing of a next-generation metabolic treatment. This dispute entailed consideration of detailed expert evidence on developing and valuing new pharmaceutical products. Instructed for the defendant with Michael Sullivan KC and Paul Tan.
- **BGN INT v Hengli Petrochemical International**: A c. US$18.5m contractual dispute between two of the world's largest energy and commodities companies, arising from the imposition of US economic sanctions

and a rising oil market due to the Iran conflict. This dispute entailed consideration of the contractual consequences of a counterparty becoming subject to US OFAC sanctions, recoverability of hedging losses, and principles governing worldwide freezing orders. Successfully obtained a pre-action worldwide freezing order exceeding US$10m. Instructed for BGN with Alexander Yean.

- **LMAA Arbitration (Shipping)**: A c. US$2.8m maritime dispute between the owners and the charterers of a bulk carrier, arising from the alleged failure of the vessel's cranes and grabs to meet the charterparty description. This dispute entailed consideration of the nature of obligations arising from a vessel's description, recoverability of wasted expenditure, liability to a sub-charterer, wrongful arrest, and accessorial liability. Instructed unled for the claimant charterers on the closing submissions.
- **ICC Arbitration (Jurisdiction)**: A challenge to an ICC tribunal's jurisdiction over a non-signatory related company, in a construction dispute arising from the imposition of EU trade sanctions on Russia. This dispute entailed consideration of a tribunal's jurisdiction over non-signatories to arbitration agreements, piercing the corporate veil, and mandatory rules of foreign law. Assisted Alexander Brown KC for a respondent (during pupillage).
- **Various Investors v Glencore plc & Ors**: One of the largest active securities claims in the English courts (Financial List), brought under ss. 90 and 90A of the Financial Services and Markets Act 2000 by over 300 institutional investors following disclosures of alleged bribery, corruption, and money-laundering breaches, in respect of which Glencore has paid over US$1bn in global settlements. The SFO has intervened and the 12-week trial has been adjourned pending related criminal proceedings. One of The Lawyer's "Top 20" Cases of 2026. Assisted Sonia Tolaney KC and Henry Hoskins for a claimant group (during pupillage).
- **Various Dissenters v 51job Inc**: An appeal to the Cayman Islands Court of Appeal from the s. 238 fair value appraisal of a NASDAQ-listed Chinese human resources company following its take-private, in which c. US$1.7bn separated the parties' valuation experts. The appeal raised issues of the standard of appellate review of a fair value determination, the reception of Delaware appraisal jurisprudence into Cayman law, and the interrelationship between market price, discounted cash flow, and merger price. Assisted Sonia Tolaney KC and Henry Hoskins for a dissenting shareholder (during pupillage).
- **Orange & IT Way v Shein [2025] EWHC 2966 (KB)**: A £5.75m dispute over customs clearance and warehousing services for a global fast-fashion retailer's UK imports, in which English proceedings were stayed under s. 9 of the Arbitration Act 1996 in favour of a London-seated ICC arbitration. The claim raised issues of authority to execute an arbitration agreement, the law governing its validity following s. 6A, and the allocation between court and tribunal of whether an arbitration agreement exists. Assisted Eleanor Campbell for the successful applicant (during pupillage).

Examples of Recent Cases

Commercial Litigation

- **BGN INT v Hengli Petrochemical International**: A c. US$18.5m contractual dispute between two of the world's largest energy and commodities companies, arising from the imposition of US economic sanctions and a rising oil market due to the Iran conflict. This dispute entailed consideration of the contractual consequences of a counterparty becoming subject to US OFAC sanctions, recoverability of hedging losses, and principles governing worldwide freezing orders. Successfully obtained a pre-action worldwide freezing order exceeding US$10m. Instructed for BGN with Alexander Yean.

- **Crane Bank v DFCU Bank [2026] EWHC 677 (Comm)**: A c. £170m claim brought by a Ugandan commercial bank and its former shareholders against the bank which acquired its business, following the bank's seizure by the Bank of Uganda in 2017, and in which the Court of Appeal restored the claim after it had been held barred by the foreign act of state rule. One of The Lawyer's "Top 20" Cases of 2026. The application raised the test for when an amendment to a statement of case is consequential on an opponent's. Assisted Owain Draper for the successful claimants on the amendment application (during pupillage).

- **Orange & IT Way v Shein [2025] EWHC 2966 (KB)**: A £5.75m dispute over customs clearance and warehousing services for a global fast-fashion retailer's UK imports, in which English proceedings were

stayed under s. 9 of the Arbitration Act 1996 in favour of a London-seated ICC arbitration. The claim raised issues of authority to execute an arbitration agreement, the law governing its validity following s. 6A, and the allocation between court and tribunal of whether an arbitration agreement exists. Assisted Eleanor Campbell for the successful applicant (during pupillage).

- **Rigby Capital Limited v Equitix Ltd**: A c. £2.7m claim brought by an IT and telecommunications leasing provider against an infrastructure fund manager following the administration of the intermediary supplier through which the equipment had been leased. The claim raised issues of conversion and wrongful interference with goods, the effect of an intermediary's administration on title, and the valuation of retained equipment. Assisted Alexander Brown KC for the defendant (during pupillage).

- **Restitution of Mistaken Payments**: A c. £27,000 claim by a workforce solutions provider to the infrastructure and civil engineering sectors to recover payroll payments made by mistake to a former employee. The claim raised issues of mistake and want of authority as unjust factors, change of position, and whether recovery lies in the gross sums paid or the net sums received. Instructed unled for the claimant.

- **Advice on a Professional Negligence Claim**: Advice to two tax reclaim companies on a proposed claim worth c. £900,000 against a firm of solicitors, arising from the failure validly to serve a judicial review claim and to advise that it had no real prospect of success. The advice raised issues of breach of duty in the conduct of litigation, whether loss was caused where the underlying claim would have failed in any event, and the recoverability of wasted fees and lost profits. Assisted Derek Spitz KC (during pupillage).

International Arbitration

Joseph's arbitration experience spans commercial and investor-State proceedings under institutions including the ICC, LCIA, LMAA, SIAC, NAI, and ICSID, in references seated in London and Singapore and across the life sciences, shipping, mining, automotive, and construction sectors. His work has extended to the related court applications, including a successful application under s. 9 of the Arbitration Act 1996 to stay proceedings in favour of arbitration, and an application for security for costs in a challenge under s. 68. He welcomes instructions across the full range of arbitration claims, including challenges to awards under ss. 67, 68, and 69 and the enforcement of awards.

Joseph writes regularly on international arbitration and public international law. His case note on *Star Hydro v NTDC* was cited to the UK Supreme Court.

- **Ad Hoc PCA Arbitration (Life Sciences): A c. US$65m contractual dispute between a life sciences investment bank and clinical-stage biotechnology company arising out of the licensing of a next-generation metabolic treatment. This dispute entailed consideration of detailed expert evidence on developing and valuing new pharmaceutical products. Instructed for the defendant with Michael Sullivan KC and Paul Tan.**

- **LMAA Arbitration (Shipping)**: A c. US$2.8m maritime dispute between the owners and the charterers of a bulk carrier, arising from the alleged failure of the vessel's cranes and grabs to meet the charterparty description. This dispute entailed consideration of the nature of obligations arising from a vessel's description, recoverability of wasted expenditure, liability to a sub-charterer, wrongful arrest, and accessorial liability. Instructed unled for the claimant charterers on the closing submissions.

- **ICC Arbitration (Jurisdiction)**: A challenge to an ICC tribunal's jurisdiction over a non-signatory related company, in a construction dispute arising from the imposition of EU trade sanctions on Russia. This dispute entailed consideration of a tribunal's jurisdiction over non-signatories to arbitration agreements, piercing the corporate veil, and mandatory rules of foreign law. Assisted Alexander Brown KC for a respondent (during pupillage).

- **LCIA Arbitration (Automotive)**: A c. €16m dispute between a British vehicle manufacturer and its Middle

Eastern dealership over goods held under a retention of title clause, including an application for a partial award under art. 26.1 of the LCIA Rules 2020 and s. 47 of the Arbitration Act 1996. The claim raised issues of whether such goods are held on trust or as bailee with permission to sell, conversion, and a tribunal's power to award on admitted issues. Assisted Alexander Brown KC for the claimant (during pupillage).

- **LCIA Arbitration (Mining)**: A c. US$5.5m dispute between the operator of a West African iron ore mine and its haulage contractor, including a substantial counterclaim for liquidated damages. This dispute entailed consideration of whether a minimum-haulage obligation carries a correlative obligation to make sufficient product available, whether a shortfall clause is an unenforceable penalty, and the causation standard in a liquidated damages trigger. Assisted Alexander Brown KC for the claimant (during pupillage).

- **ICC Arbitration (M&A)**: A c. €8m dispute arising from the acquisition of an outsourced services business, turning on whether a due-on-sale clause was triggered by a sale of shares in the buyer rather than in the target. The claim raised issues of contractual construction, admissibility of pre-contractual negotiations, and implication of terms. Assisted Eleanor Campbell (during pupillage).

- **Challenge to an Arbitral Award (Life Sciences)**: An appeal from an LCIA award on the construction of a royalty-sharing definition in patent licences, brought under a contractual exception to an otherwise binding and non-appealable award. This dispute entailed consideration of the meaning and threshold of a contractual 'manifest error' exception, its interaction with s. 69 of the Arbitration Act 1996, and the effect of art. 26.8 of the LCIA Rules 2020. Assisted Laurence Emmett KC (during pupillage).

Civil Fraud

- **Various Investors v Glencore plc & Ors**: One of the largest active securities claims in the English courts (Financial List), brought under ss. 90 and 90A of the Financial Services and Markets Act 2000 by over 300 institutional investors following disclosures of alleged bribery, corruption, and money-laundering breaches, in respect of which Glencore has paid over US$1bn in global settlements. The SFO has intervened and the 12-week trial has been adjourned pending related criminal proceedings. One of The Lawyer's "Top 20" Cases of 2026. Assisted Sonia Tolaney KC and Henry Hoskins for a claimant group (during pupillage).

- **Xenfin v GFG & Ors**: A c. £10m claim brought by a Guernsey fund vehicle in liquidation, which had lent against German real estate development, against a fellow company in liquidation and its directors, in which a strike-out application was resisted. The claim raised issues of breach of fiduciary duty, the consequences of a liquidator's conflicts of interest, and loss of confidentiality in data held on shared platforms. Assisted Alexander Brown KC and William Gelley for the claimant (during pupillage).

- **Crane Bank v DFCU Bank [2026] EWHC 677 (Comm)**: A c. £170m claim brought by a Ugandan commercial bank and its former shareholders against the bank which acquired its business, following the bank's seizure by the Bank of Uganda in 2017, and in which the Court of Appeal restored the claim after it had been held barred by the foreign act of state rule. One of The Lawyer's "Top 20" Cases of 2026. The application raised the test for when an amendment to a statement of case is consequential on an opponent's. Assisted Owain Draper for the successful claimants on the amendment application (during pupillage).

- **Manolete v Agarwal**: A c. US$12.6m claim brought by an insolvency litigation funder, arising from an alleged sham Bermudian fund structure said to have been used to conceal insider dealing and strip a BVI company of its assets. This dispute entailed consideration of deceit, unlawful means conspiracy, and knowing receipt. Assisted Alexander Brown KC for the defendant (during pupillage).

- **Proposed Group Action Arising From a Multinational Fraud**: Advice to potential claimants on the viability and structure of a proposed group action arising from an alleged investment fraud with victims in several

jurisdictions. Assisted Alexander Brown KC (during pupillage).

Company and Insolvency

- **Various Dissenters v 51job Inc**: An appeal to the Cayman Islands Court of Appeal from the s. 238 fair value appraisal of a NASDAQ-listed Chinese human resources company following its take-private, in which c. US$1.7bn separated the parties' valuation experts. The appeal raised issues of the standard of appellate review of a fair value determination, the reception of Delaware appraisal jurisprudence into Cayman law, and the interrelationship between market price, discounted cash flow, and merger price. Assisted Sonia Tolaney KC and Henry Hoskins for a dissenting shareholder (during pupillage).

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- **Re Houldsworth Mill 1865 Ltd: A winding-up petition in the Insolvency and Companies Court, presented by a solar energy business for the repayment of rent deposits and dismissed by consent once it emerged that the sums were owed by a different company within the debtor's group. Appeared unled for the petitioner.**

- **Advice on Cross-Border Insolvency**: Advice for a litigation funder on a claim by trustees in bankruptcy for a declaration of beneficial ownership and vacant possession of a c. £9m central London apartment, where a Hong Kong bankruptcy had been recognised in England under the Cross-Border Insolvency Regulations 2006. Assisted Alexander Brown KC (during pupillage).

Energy and Natural Resources

- **Seacrest v BCPR and Bangchak**: A challenge under s. 68 of the Arbitration Act 1996 to an UNCITRAL award arising from a North Sea oil and gas joint venture, in which security for costs of £60,000 was obtained against a Bermudian holding company in provisional liquidation. The application raised issues of when an insolvent claimant has shown that an order would stifle its claim, whether security is sought as a tactical weapon, and the court's powers under s. 70(6). Assisted Eleanor Campbell for the successful applicants (during pupillage).

- **LCIA Arbitration (Mining)**: A c. US$5.5m dispute between the operator of a West African iron ore mine and its haulage contractor, including a substantial counterclaim for liquidated damages. This dispute entailed consideration of whether a minimum-haulage obligation carries a correlative obligation to make sufficient product available, whether a shortfall clause is an unenforceable penalty, and the causation standard in a liquidated damages trigger. Assisted Alexander Brown KC for the claimant (during pupillage).

- **DMA Resources v Brazilian Nickel [2026] EWHC 833 (Ch)**: A c. US$1.5m Shorter Trials Scheme claim brought by an introducer of investment in energy and mining projects against a London-based mining company developing a nickel and cobalt project in Brazil. Assisted Eleanor Campbell for the defendant (during pupillage).

Shipping and Commodities

- **BGN INT v Hengli Petrochemical International**: A c. US$18.5m contractual dispute between two of the world's largest energy and commodities companies, arising from the imposition of US economic sanctions and a rising oil market due to the Iran conflict. This dispute entailed consideration of the contractual consequences of a counterparty becoming subject to US OFAC sanctions, recoverability of hedging losses, and principles governing worldwide freezing orders. Successfully obtained a pre-action worldwide freezing order exceeding US$10m. Instructed for BGN with Alexander Yean.

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Sanctions

- **BGN INT v Hengli Petrochemical International**: A c. US$18.5m contractual dispute between two of the world's largest energy and commodities companies, arising from the imposition of US economic sanctions and a rising oil market due to the Iran conflict. This dispute entailed consideration of the contractual consequences of a counterparty becoming subject to US OFAC sanctions, recoverability of hedging losses, and principles governing worldwide freezing orders. Successfully obtained a pre-action worldwide freezing order exceeding US$10m. Instructed for BGN with Alexander Yean.

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Conflict of Laws and Jurisdiction

Joseph co-convened the Oxford Law Faculty's Conflict of Laws Discussion Group, and his case note on State immunity and issue estoppel in the Law Quarterly Review was cited by the Singapore Court of Appeal in *Russian Federation v Veteran Petroleum* [2026] SGCA(I) 5.

- **ICC Arbitration (Jurisdiction)**: A challenge to an ICC tribunal's jurisdiction over a non-signatory related company, in a construction dispute arising from the imposition of EU trade sanctions on Russia. This dispute entailed consideration of a tribunal's jurisdiction over non-signatories to arbitration agreements, piercing the corporate veil, and mandatory rules of foreign law. Assisted Alexander Brown KC for a respondent (during pupillage).

- **Orange & IT Way v Shein [2025] EWHC 2966 (KB)**: A £5.75m dispute over customs clearance and warehousing services for a global fast-fashion retailer's UK imports, in which English proceedings were stayed under s. 9 of the Arbitration Act 1996 in favour of a London-seated ICC arbitration. The claim raised issues of authority to execute an arbitration agreement, the law governing its validity following s. 6A, and the allocation between court and tribunal of whether an arbitration agreement exists. Assisted Eleanor Campbell for the successful applicant (during pupillage).

- **Various Dissenters v 51job Inc**: An appeal to the Cayman Islands Court of Appeal from the s. 238 fair value appraisal of a NASDAQ-listed Chinese human resources company following its take-private, in which c. US$1.7bn separated the parties' valuation experts. The appeal raised issues of the standard of appellate review

of a fair value determination, the reception of Delaware appraisal jurisprudence into Cayman law, and the interrelationship between market price, discounted cash flow, and merger price. Assisted Sonia Tolaney KC and Henry Hoskins for a dissenting shareholder (during pupillage).

International and Offshore

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- **Yearwood v Newfound Pinneys**: An appeal and cross-appeal to the Eastern Caribbean Court of Appeal in which more than US$15m was claimed as compensation for the wrongful lodging of a caveat against registered land. The appeal raised issues of whether a statutory compensation regime displaces the common law rules on causation and remoteness, whether proof of pecuniary loss is essential to the claim, and whether damages for loss of use are available where the impediment is to disposition. Assisted Thomas Sharpe KC (during pupillage).

- **Advice on Cross-Border Insolvency**: Advice for a litigation funder on a claim by trustees in bankruptcy for a declaration of beneficial ownership and vacant possession of a c. £9m central London apartment, where a Hong Kong bankruptcy had been recognised in England under the Cross-Border Insolvency Regulations 2006. Assisted Alexander Brown KC (during pupillage).

- **Manolete v Agarwal**: A c. US$12.6m claim brought by an insolvency litigation funder, arising from an alleged sham Bermudian fund structure said to have been used to conceal insider dealing and strip a BVI company of its assets. This dispute entailed consideration of deceit, unlawful means conspiracy, and knowing receipt. Assisted Alexander Brown KC for the defendant (during pupillage).

Publications

- 'Going Cherry Picking: *Star Hydro v National Transmission and Despatch Company* [2025] EWCA Civ 928' [2026] *Lloyd's Maritime and Commercial Law Quarterly* 9, cited to the UK Supreme Court by the respondent

- 'Deciding State Immunity via Issue Estoppel: There are Decisions and Decisions' (2026) 142 *Law Quarterly Review* 17 (co-authored with Kristy Chan), cited by the Singapore Court of Appeal in *Russian Federation v Veteran Petroleum* [2026] SGCA(I) 5

- 'Time to Wipe the Slate Blank? The Shareholder Exception to Legal Professional Privilege: Various Claimants v G4S Plc [2023] EWHC 2863 (Ch)' (2024) 43(3) *Civil Justice Quarterly* 199, quoted with approval by Picken J in *Aabar Holdings v Glencore* [2024] EWHC 3046 (Comm), the decision leading to the abolition of the shareholder rule in English law

- 'Not All Who Wander (Over the Horizon) Are Lost: The Applicability of Existing Paradigms of International Law to Cyberspace and the Interpretation of Customary International Law' in Claire Kwan and others (eds),

16th International Conference on Cyber Conflict: Over the Horizon (NATO CCDCOE Publications 2024) 177 (co-authored with Kristy Chan)

- 'Philipp v Barclays Bank UK Plc in the UK Supreme Court: The Quincecare Duty as a "Special or Idiosyncratic" Term Implied in Law' (2023) 38(12) *Journal of International Banking Law & Regulation* 460 (co-authored with John Yap)

Awards and Scholarships

Mooting

- 5th Best Advocate (of 537), Best Overall Applicant, and Octofinalist (International Rounds), Philip C. Jessup International Law Moot Court Competition (2022); ranked 1st (of 160 teams) in the world after Preliminary Rounds
- Champion and Best Advocate (UK National Rounds), Philip C. Jessup International Law Moot Court Competition (2022)
- Champion, Temple Chambers Moot (2022); judged by the former Chief Justice of Hong Kong, The Honourable Geoffrey Ma
- Champion and Best Mooter, Wadham College Law Society Moot (2021)

Academic

- Arden Scholarship, Gray's Inn (2025)
- Prince of Wales Scholarship, Gray's Inn (2024)
- Law Faculty Prize for the highest mark in Transnational Commercial Law (BCL), Oxford Law Faculty (2024)
- Peter Carter Taught Graduate Scholarship in Law, Wadham College and Oxford Law Faculty (2023)
- Oxford Junior Scholarship, Des Voeux Chambers (2022)
- Undergraduate Scholarship and Examination Prize, Wadham College (2021)
- First Prize, Competition and Consumer Protection Commission of Singapore–Economic Society of Singapore Essay Competition (2020)

Education

- Bar Vocational Studies, City Law School (2024–2025)
- Bachelor of Civil Law, Wadham College, University of Oxford (2023–2024)
- BA Jurisprudence, Wadham College, University of Oxford (2020–2023)

Professional Experience

- Legal Intern (International Arbitration), WilmerHale (2025): assisted with international commercial and investor-State arbitrations under the ICC, SIAC, NAI, and ICSID rules, governed by English, Indian, Dutch, and public international law, across the aviation, mining, commodities, and energy sectors
- Visiting Lecturer in Contract and Tort Law, King's College London (2024–2025)
- Co-Convenor, Oxford Law Faculty Conflict of Laws Discussion Group (2023–2024)
- Associate Editor, Oxford University Commonwealth Law Journal (2023–2024)
- Sponsored Extended Mini-pupillage (Oxford Junior Scholarship), Des Voeux Chambers (2022)
- Managing Editor, Singapore Comparative Law Review (2020–2021)
- Dispute Resolution Intern, Allen & Gledhill, Rajah & Tann, Audent Chambers, LVM Law Chambers (2020–2021)
- Inspector (National Service), Singapore Police Force (2018–2019)

Contact Clerks



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