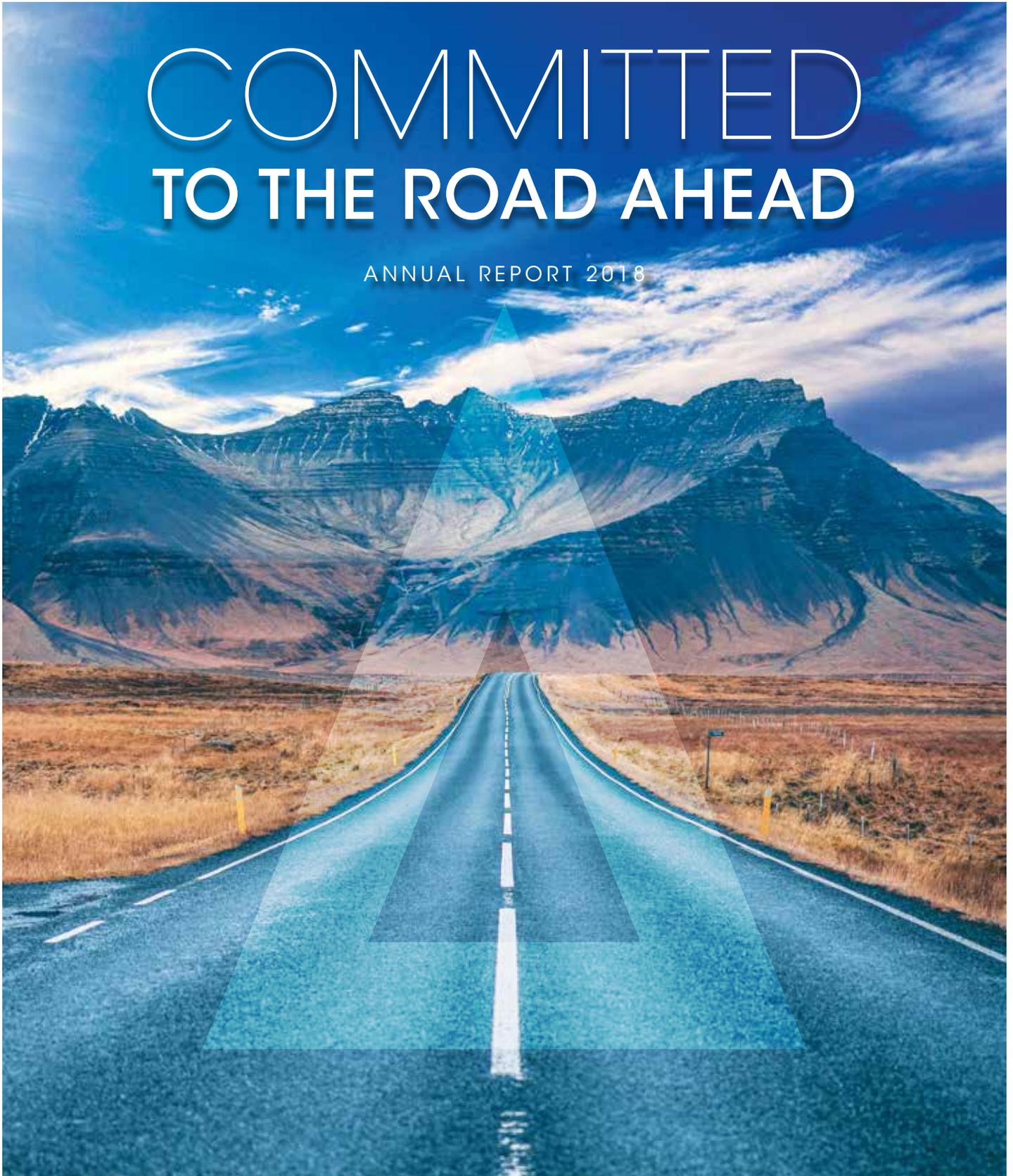


COMMITTED TO THE ROAD AHEAD

ANNUAL REPORT 2018



50+ collaborations

GLOBAL REACH



49 Memoranda of Understanding (MoUs) have been entered into as of 2018 with both local and international institutions as well as agreements with local and international universities as part of efforts to build capacity, putting Malaysia and the AIAC on the world map as a global arbitration hub.



2 new MoUs
in 2018



13 over nationalities
represented in staff

4,600 cases

EXPONENTIAL GROWTH

From 20 cases in 2010, the AIAC has grown from strength to strength to have received 3,075 ADR cases in arbitration, adjudication, mediation and domain name dispute resolution from the years 2010 to 2018.



915 ADR cases
in 2018 alone



7.75% increase
in registrations



Leader in Pioneering Initiatives

- First arbitral institution to model Mediation Rules on the IBA Rules for Investor-State Mediation
- Only institution in the world to have exclusive award winning i-Arbitration Rules
- First arbitral institution to introduce a suite of Standard Form of Building Contracts to foster holistic dispute avoidance and resolution
- Multi-purpose ADR hub offering complete holistic dispute management and dispute avoidance services

AIAC HIGHLIGHTS



3,110+ panelists

WORLD CLASS EXPERTISE

- 2,153 arbitrators from 75 countries with varied expertise and linguistic abilities
- Trained 597 adjudicators
- Empanelments in 2018:



84 arbitrators



98 adjudicators



31 mediators



3 DNDR specialists



18,000+ participants

CAPACITY BUILDING & TRAINING

- Conducted over 30 international conferences, 200 events and training programs to create awareness, increase talent pool for export and become the leading knowledge disseminator in the Asian region
- Successfully organised the first two AIAC-ICC Pre-Moots for the Willem C. Vis International Commercial Arbitration Moots in 2017 and 2018 attracting over 440 student participants from over 20 countries

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DIRECTOR'S MESSAGE

This year's annual report is themed, **"Committed to the Road Ahead"** and is one which we believe is fitting to reflect our resolve for what lies ahead in the future of the global ADR ecosystem.



The year 2018 was undoubtedly one of tremendous growth and expansion for the Asian International Arbitration Centre (AIAC).

Backed by 40 years of experience and with the Centre emerging from a successful rebranding, the findings of our report will portray the Centre's commitment and desire to build upon the trust placed in us by the domestic and international ADR community as we continue to strengthen our framework to provide easier access to

and enhanced quality in our offerings as a multi-service global ADR hub.

We do not propose to set ourselves out to achieve goals and visions of grandeur for the global ADR ecosystem. Instead, what we have envisioned for ourselves is a revisit of old-age principles of quality over quantity, and a recalibration of the Centre's mission and purpose, focused on being a trusted provider of quality ADR services to better cater the ADR world. We are, nevertheless, cognizant of industry demands for innovation and adoption of best practices that we must keep at pace with, which we remain steadfast and dedicated to fulfilling.

The year 2018 was undoubtedly one of tremendous growth and expansion for the Asian International Arbitration Centre (AIAC). From its name change in February 2018 to the launch of the 2019 edition of the Standard Form Contracts, the AIAC has not only grown into a multi-dimensional hub for alternative dispute resolution (ADR) services, but it has also repositioned itself as the preferred destination for ADR training and development as well as holistic dispute avoidance.

2018 also witnessed two important amendments made to the Arbitration Act 2005 (the "Act"), one of which involved the Centre's name change from the Kuala Lumpur Regional Centre for Arbitration to the AIAC, and the second which saw significant amendments to the Act to increase Malaysia's regional

Director's Message

competitiveness whilst also bringing the Act in line with the 2006 amendments to the UNCITRAL Model Law on International Commercial Arbitration.

As an arbitral institution, the AIAC reached a number of significant milestones in 2018.

We successfully organized our 2nd ICC-AIAC Pre Moot for the Willem C. Vis International Commercial Arbitration Moot in March 2018, which saw 90 teams participating from all over the world in what was considered to be the world's second largest Pre-Moot.

In May 2018, we organized our inaugural edition of the Asia ADR Week, themed "Discover the Difference: The Asian Experience" which saw ADR experts from not only Asia but all over the world coming to Kuala Lumpur to engage in discussions on key issues and the latest developments in the global ADR framework.

Embedding our feet firmly in the field of holistic dispute avoidance, the AIAC launched its Standard Form of Design and Build Contracts in July 2018 and introduced its 2019 Edition of the AIAC Standard Form of Building Contracts (AIAC SFCs) in November 2018. These new introductions showcased our commitment and effort in ensuring that the AIAC SFCs are continuously improved in line with the latest developments in the construction industry.

For 2019, we intend to continue with the upward momentum and we will strive to make 2019 an even bigger year for the AIAC.

The AIAC also hosted the AALCO Annual Arbitration Forum in July 2018, themed "Connecting Asia and Africa, Connecting Investment and ADR: Opportunities and Challenges".

Other notable achievements include several key initiatives taken to introduce and promote the AIAC as one of the four offices of the Asian Domain Name Dispute Resolution Centre (ADNDRC), with roadshows being conducted in Malaysia, India and the Philippines.

All these achievements and milestones could not have been possible without the hard work and enthusiasm of the AIAC team throughout the entire year.

And in that respect, it would be remiss of me not to mention, in view of the change in administration at the AIAC which came about at the end of 2018, our commitment to keeping up and advancing the good work done by the previous administration.

Not also to be forgotten are our stakeholders and partners, who have constantly supported us throughout the years. We thank you for your unflinching

support and we look forward to continue working with you to make waves in the global ADR scene.

For 2019, we intend to continue with the upward momentum and we will strive to make 2019 an even bigger year for the AIAC, in line with our ongoing commitment to provide the best possible services and innovative solutions in the ADR arena.



VINAYAK P. PRADHAN

Director of the AIAC

ABOUT US





ABOUT US

THE ASIAN INTERNATIONAL ARBITRATION CENTRE

The Asian International Arbitration Centre ("AIAC"), formerly known as the Kuala Lumpur Regional Centre for Arbitration, was established in 1978 pursuant to a Host Country Agreement between the Government of Malaysia and the Asian-African Legal Consultative Organization ("AALCO").

Situated in one of Malaysia's most iconic and recently-designated heritage buildings, Bangunan Sulaiman, the AIAC is a trusted provider of alternative dispute resolution ("ADR") services in the Asian region. We are predominately known for our service as an arbitral institution, that is our ability to provide administrative support for the conduct of arbitration and other ADR proceedings.

With our eyes firmly set on delivering the future, part of our extensive blueprint includes our recent expansion into holistic dispute management and dispute avoidance. In that respect, the AIAC is the only arbitration institution in Asia that provides complete ADR and holistic dispute management and dispute avoidance services, serving, effectively, as a multi-purpose global hub for dispute resolution and avoidance.

The Centre was the first in the world to adopt the UNCITRAL Rules for Arbitration as revised in 2013 and has its own set of procedural rules which governs

the conduct of the entire arbitration proceedings from its commencement to its termination. Its suite of rules including the AIAC i-Arbitration Rules, the AIAC Fast Track Rules as well as the AIAC Mediation Rules are constantly reviewed to ensure their relevance with commercial practicalities and expectations. There has been tremendous interest in the AIAC's i-Arbitration Rules and this is evident with AIAC winning the prestigious Global Arbitration Review Award for 'innovation by an individual or organisation in 2012'.

In pursuit of its commitment to holistic dispute management and dispute avoidance, in November 2018, the AIAC introduced its 2019 edition of the Standard Form of Building Contracts ("2019 SFCs") which incorporates both the Main Contract and the Sub-Contract. The AIAC is the first arbitral institution in the world to launch a suite of this kind. The 2019 SFCs, which reflect international standards and were prepared by the AIAC Expert Advisory Committee, are suitable for building construction projects not only in Malaysia, but also abroad as they are customisable and can be easily adjusted to the needs of a particular user.

In addition to its arbitration and mediation services, the AIAC is also statutorily authorised in Malaysia to be the sole administrative authority for disputes under the Construction Industry Payment and Adjudication Act 2012. The AIAC also provides domain name

dispute resolution services as a member of the Asian Domain Name Dispute Resolution Centre ("ADNDRC"). Since January 2018, the AIAC has also been the Secretariat of the ADNDRC.

Apart from the provision of institutional support for domestic and international arbitration and other ADR proceedings, the AIAC offers hearing facilities and ancillary administrative services to tribunals operating ad hoc or under the auspices of another institution. The AIAC also publishes guides and circulars to facilitate the use and understanding of its rules. Additionally, the AIAC is also an official Court of Arbitration for Sports (CAS) and Permanent Court of Arbitration (PCA) alternative hearing centre.

The AIAC is also tasked with the mission of promoting and building capacity in the area of ADR. In its continuous efforts in capacity building and disseminating information on ADR, the AIAC organises various courses and forums on the different avenues of ADR.

The AIAC is presently led by its Director, Mr Vinayak P. Pradhan. The AIAC also has a Council of Advisors, chaired by the Attorney General of Malaysia, The Honourable Mr. Tommy Thomas, and comprises renowned domestic and international arbitrators.

DIRECTOR OF THE AIAC**VINAYAK
P. PRADHAN**

Chartered Arbitrator (CIArb)
FCIArb, FMIArb, FACICA

“In the course of my career at the Bar, I acted as counsel in many arbitrations. I therefore have had the opportunity to appear before a fair number of arbitrators from many parts of the world. With the benefit of this perspective, I have no hesitation in saying that I personally rate Vinayak among the very finest of them.”

*The Hon. Sundaresh Menon SC,
Chief Justice of Singapore*

Mr. Pradhan was appointed as the Director of the AIAC on 21st November 2018. In his 45 over years of legal practice, he has been a wide-ranging litigation and arbitration lawyer with ultimate focus on commercial, construction, engineering and energy disputes. Vinayak’s experience pans across domestic and international matters involving a wide variety of foreign laws such as England, Nigeria, Pakistan, Vietnam, Qatar, the People’s Republic of China, Hong Kong, India, Sri Lanka, Mongolia, Bangladesh, Thailand, the Philippines and Singapore, and institutional rules including those of the ICC, AIAC, UNCITRAL, LCIA, HKIAC, SIAC, PORAM, PAM and IEM.

In 2016, Vinayak became the first recipient of the ‘Arbitrator of the Year Award’ by the Chartered Institute of Arbitrators (Malaysia Branch). In his citation, the Chief Justice of Singapore, Mr. Sundaresh Menon, had this to say:

Mr. Pradhan’s appointments include: Commissioner with the United Nations Compensation Commission dealing with construction and civil engineering claims from corporate entities (1st August 1998 to 31st August 2003); Member of the Permanent Court of Arbitration, The Hague (2003 to 2015); Vice Chair of the ICC Commission on Arbitration and ADR (January 2008 – December 2017); Panel of Conciliators and Arbitrators of the International Centre for Settlement of Investment Disputes (2008 to 2014); Council of Advisors of the Singapore International Arbitration Centre (2009 to 2012); Commissioner with the Enforcement Agency Integrity Commission, Malaysia (2011 – 2017); Global President, Chartered Institute of Arbitrators (2013); and ICC International Court of Arbitration (2017 – 2018).

Vinayak has, since 2006, been an arbitrator of the Court of Arbitration for

Sport, Lausanne and an Arbitrator of the Olympic Council of Malaysia. In 2014, Vinayak was appointed by CAS as one of the six Ad Hoc judges empanelled to deal with disputes arising out of the 2014 – 17th Asian Games in Incheon, South Korea. In July 2019, Vinayak was appointed by the Fédération Internationale de Football Association (FIFA) as Deputy Chairperson of the FIFA Adjudicatory Chamber.

Vinayak regularly appears as a guest speaker and delivers lectures and papers at Malaysian and international conferences, seminars and workshops. He has written articles and chapters on construction law, sports law and arbitration and other dispute resolution processes which have been published in legal journals and in books on arbitration.

About Us

AIAC ADVISORY COUNCIL

The Director of the AIAC is assisted by a 12-member board of advisors known as the AIAC Advisory Council, consisting of renowned Malaysian and international ADR practitioners and respected members of the legal industry. The diversity in nationality, background and experience of members of the AIAC Advisory Council is designed to reflect the Centre's significant provision of services in domestic ADR work, in addition to its scope of international ADR work.

The AIAC Advisory Council provides the Centre with advisory services and expert counsel which are instrumental to the quality, relevance and success of the growth and development of the AIAC. The AIAC Advisory Council also works alongside the Director of the AIAC in promoting the Centre's strategic direction to being the preferred arbitration centre in the Asia Pacific region and in undertaking efforts to position Malaysia as a multi-purpose global ADR hub.

The Chairman of the AIAC Advisory Council is, by convention, the Attorney General of Malaysia, whose office is presently helmed by the Honourable Mr. Tommy Thomas. Members of the AIAC Advisory Council are as follows:-

Prof. Robert Volterra (UK)
Prof. Philip Yang (Hong Kong)
Mr. Sumeet Kachwaha (India)
Dato' Seri Chan Sek Keong (Singapore)
Prof. Doug Jones (Australia)
Mr. Wilfred Abraham (Malaysia)
Dato' Nitin Nadkarni (Malaysia)
Mr. Nahendran Navaratnam (Malaysia)
Mr. Christopher Leong (Malaysia)
Mr. Mohanadass Kanagasabai (Malaysia)
Mr. Zainal Abidin bin Jamal (Malaysia)



AALCO

The AIAC, then known as the Regional Centre for Arbitration Kuala Lumpur was the first arbitration centre in Asia to be established under the Asian-African Legal Consultative Organization (AALCO).

Established in 1956, AALCO was the fruit of the Bandung Conference (1955), Indonesia. AALCO was initially formed to serve as an advisory board to member states on matters relating to international law. Its primary functions include assisting its member states in drafting constitutions, model legislation and bilateral agreements, and providing expertise in the appointment of arbitrators, arbitral proceedings and training of arbitrators. In 1978, the Integrated Scheme for Settlement of Disputes in the Economic and Commercial Transactions was launched in which regional arbitration centres such as the AIAC were established under AALCO's auspices to promote and provide for international commercial arbitration in the Asian-African regions. AALCO currently comprises 47 member states from across the region and the AIAC stands alongside only four other regional centres located in Egypt, Nigeria, Iran and Kenya.

AALCO's secretariat is presently led by H.E. Professor Dr. Kennedy Gastorn, the sixth Secretary General of AALCO. He took office on 15th August 2016 after being elected for a four-year term at the Fifty-fifth Annual Session held in New Delhi (HQ), India.

MINISTER IN THE PRIME MINISTER'S DEPARTMENT (LAW)

As a body affiliated to the legal industry with its primary role and function being the provision of legal services as an ADR service provider, the AIAC falls within the purview of the Minister in the Prime Minister's Department in charge of Legal Affairs. The AIAC is however, an independent international organization and is not part of the Government of Malaysia or of its affiliated agencies.

The Legal Affairs division of the Prime Minister's Department is presently headed by YB Datuk Liew Vui Keong. Datuk Liew Vui Keong assumed office as Minister in the Prime Minister's Department in charge of Legal Affairs on 2nd July 2018.



REBRANDING:
A NEW FACE,
A NEW VISION





40
ANNIVERSARY
1978-2018

AIAC
ASIAN INTERNATIONAL ARBITRATION CENTRE

AIAC
ASIAN INTERNATIONAL ARBITRATION CENTRE

ASIAN INTERNATIONAL ARBITRATION CENTRE
Singapore, Kuala Lumpur, Hong Kong

REBRANDING: A NEW FACE, A NEW VISION

“The name change represents many things, foremost the ambition of key departments both within and outside the AIAC to remain and continue to grow as a regional hub for arbitration. Furthermore, the name change is a reflection of the commitment to this goal, an integral step that imposes a new standard of excellence and of keeping up with internationally recognised best practices”



Rebranding: A New Face, A New Vision

On 7th February 2018, in conjunction with its 40th Anniversary, the Centre officially changed its name from the Kuala Lumpur Regional Centre for Arbitration (“KLRC”) to the Asian International Arbitration Centre (“AIAC”). To facilitate the name change, the Government of Malaysia passed the Arbitration (Amendment) Act 2018 which came into effect on 10th January 2018.

Pursuant to Section 3 of the Arbitration (Amendment) Act 2018, all references to the KLRC whether in any written law, documents, instruments or otherwise subsisting prior to the operation of the Arbitration (Amendment) Act 2018 shall be construed as a reference to the AIAC. In that sense, with the coming into force of the Arbitration (Amendment) Act 2018, any references to the KLRC will automatically be implied as a reference to the AIAC.

A signing ceremony of the Supplementary Agreement was held between the Asian-African Legal Consultative Organisation (“AALCO”) and the Government of Malaysia. The Agreement was signed by the Minister in the Prime Minister’s Department in charge of Legal Affairs, Dato’ Sri Azalina Othman Said, alongside His Excellency Professor Kennedy Gastorn, Secretary-General of the AALCO.

The name change is part of a larger rebranding for the Centre, which aims to further strengthen its regional footprint and presence globally. Along with the name change, the Centre also changed the domain name of its official website to www.aiac.world.

The rebranding of the Centre was timely and significant in view of the Centre’s rapid growth over the past 10 years. Since 2009, the AIAC has seen over 3,000 cases, collaborated on 49 Memorandums of Understanding and conducted over 350 capacity building events for more than 17,000 participants. The AIAC has taken the lead in pioneering initiatives, being the first arbitral centre to adopt the UNCITRAL Rules 2010, the only institution in the world to have exclusive award winning i-Arbitration Rules and the first institution to conduct training in Islamic Arbitration and Sports Arbitration.

The name change represents many things, foremost the ambition of key departments both within and outside the AIAC to remain and continue to grow as a regional hub for arbitration. Furthermore, the name change is a reflection of the commitment to this goal, an integral step that imposes a new standard of excellence and of keeping up with internationally recognised best practices.

Nevertheless, the AIAC is still the same organisation it has always been despite its rebranding – that is, a Centre dedicated to providing the best possible services and innovations in the world of alternative dispute resolution. Notwithstanding the change in identity, the AIAC remains loyal to the heritage it has built, a driving reason for the retention of its iconic blue triangle in its new logo.

The AIAC’s new brand identity signals its continued passion to broaden boundaries, beyond the horizon. We at the AIAC are confident that the new identity will spearhead an era of development and expansion, for the AIAC and the global ADR ecosystem.

OVERVIEW
OF 2018

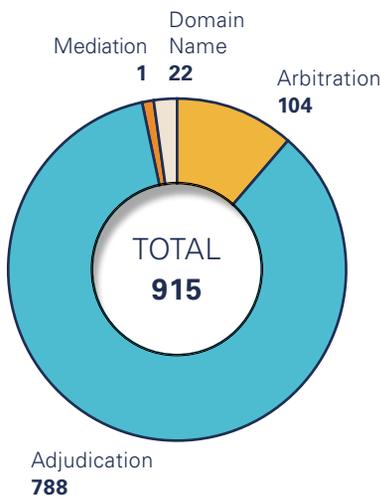




OVERVIEW OF 2018

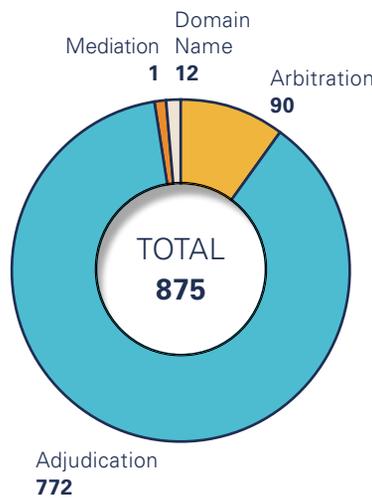
ADR CASE STATISTICS

As an alternative dispute resolution (ADR) provider, the AIAC provides a range of services including services in arbitration, adjudication, mediation and domain name dispute resolution. The following pages will provide an overview of the case registrations at the AIAC during the 2018 calendar year.



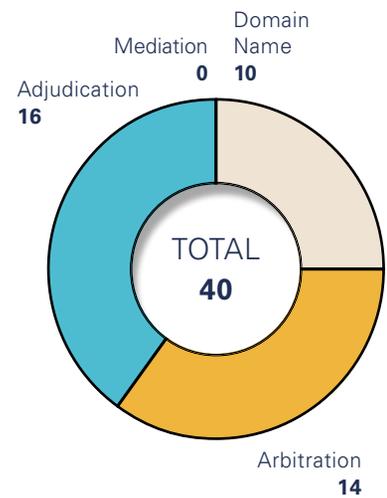
Total Matters Referred to the AIAC

During the 2018 calendar year, a total of 915 matters were referred to the AIAC. This figure includes both matters registered properly pursuant to the relevant procedures as well as pre-registered matters (known as PFCs). 86% of the matters received in 2018 were adjudication matters whilst 11% involved arbitration matters.



Registered Cases in 2018

In 2018, 875 cases were properly registered at the AIAC. The arbitration cases include those administered under the AIAC Arbitration Rules as well as those under the AIAC FastTrack Arbitration Rules. The domain name cases include those administered by the AIAC under the Asian Domain Name Dispute Resolution Centre (ADNDRC) as well as cases under the Malaysian Network Information Centre (MYNIC) Domain Name Dispute Resolution Policy. 2018 saw a substantial increase in the registration of adjudication matters which made up 88.2% of the total case registration.

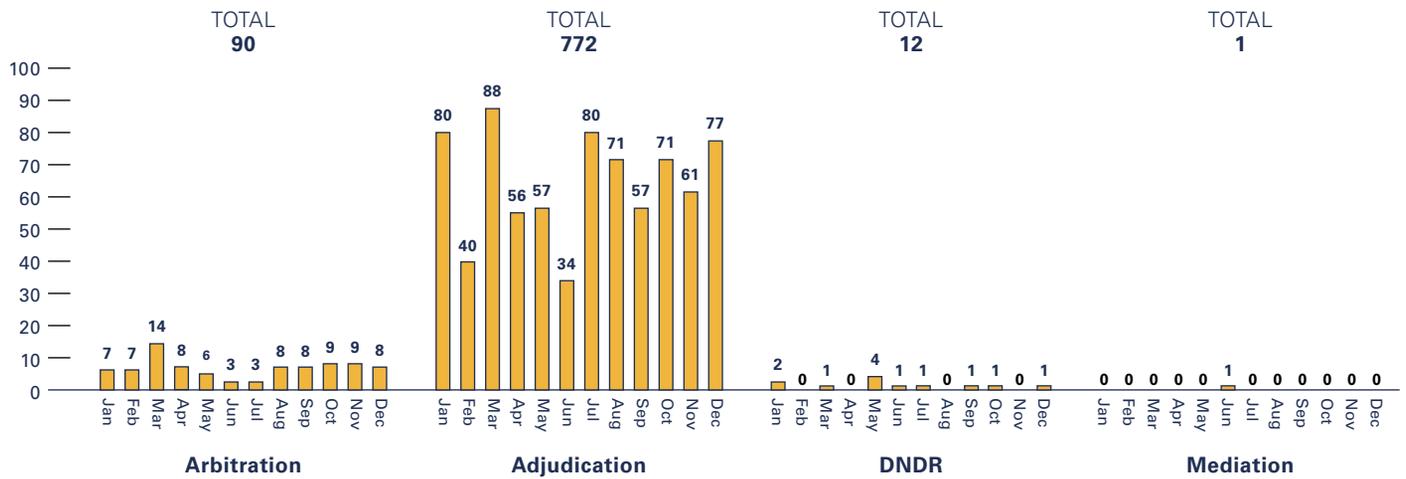


Pre-Registered Matters in 2018

During the 2018 calendar year, a total of 40 matters were referred to the AIAC. This figure includes both matters registered properly pursuant to the relevant procedures as well as pre-registered matters (known as PFCs). 86% of the matters received in 2018 were adjudication matters whilst 11% involved arbitration matters.

Overview of 2018

Monthly Case Registrations in 2018

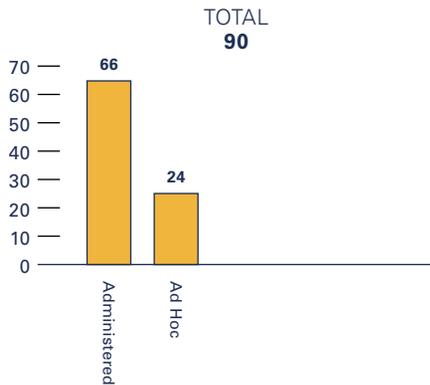


In 2018, the month of March recorded the highest number of case registrations (103) whilst the month of June recorded the lowest number of case registrations (39). A similar finding applies to the highest and lowest number of arbitration and adjudication registrations, with March recording the highest number for both and June recording the lowest number for both.

Overview of 2018

ARBITRATION STATISTICS

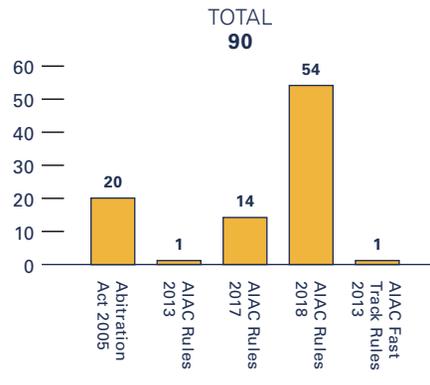
Administered & Ad-Hoc Arbitrations



Type of Arbitration

In 2018, the AIAC registered 90 new cases – 66 of those cases were administered arbitrations and 24 were ad hoc arbitrations. 73.3% of the cases registered were administered arbitrations under the AIAC’s suite of arbitration rules. Although the AIAC Arbitration Rules 2018 were only launched in March 2018, statistics indicate that 60% of the AIAC’s administered cases in 2018 were registered and commenced under these rules. This is inclusive of ad-hoc arbitrations which were converted into administered arbitrations following the parties’ mutual consent.

Rules Applicable in Arbitration Cases



Rules Applicable

In 2018, 60% of the registered arbitration matters were administered pursuant to the AIAC Arbitration Rules 2018. 23% of the registered arbitration matters were administered under the AIAC Arbitration Rules 2017. 22% of the registered matters related to arbitration proceedings which applied the Arbitration Act 2005. The remaining 2 proceedings were conducted under the AIAC Arbitration Rules 2013 and the AIAC Fast Track Arbitration Rules 2013.

Total Appointments and Breakdowns

Number of Total Arbitration Appointments
75

Number of Confirmations by Director in Administered Arbitrations
23

Number of Appointments by Director in Administered Arbitrations
30

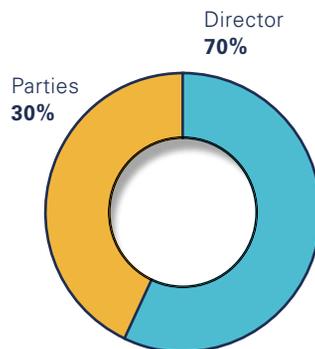
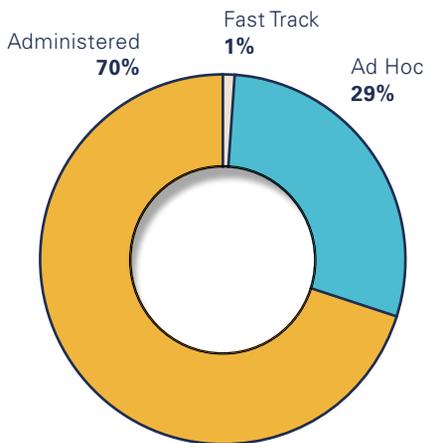
Number of Appointments by Director in Ad Hoc Arbitrations
22

Number of Appointments by Director in Fast Track Arbitrations
1

Number of Appointments by List Procedure
1 APPT; 1 ADM

Number of Female Arbitrators Appointed
8 FEMALE; 67 MALE

Number of Young Practitioners Appointed
10 BELOW 40; 65 ABOVE 40



Arbitration Appointments

Overview of 2018

In 2018, there were a total of 75 arbitration appointments. 23 of these appointments were confirmations of appointment by the Director of the AIAC in administered arbitrations pursuant to Rule 4(7) of the AIAC Arbitration Rules. 30 of these appointments were made by the Director of the AIAC upon the request of either of the parties pursuant to Rule 4(4)(b) of the AIAC Arbitration Rules. 22 appointments were made by the Director of the AIAC in

ad hoc arbitrations pursuant to Section 13 of the Arbitration Act 2005. 1 appointment was made in a fast track arbitration matter. The AIAC also received 2 appointment requests by List Procedure, 1 in an administered matter and 1 in an ad hoc matter. Out of the 75 appointments made in 2018, 10.7% of the appointees were female and 13.3% of the appointees were aged 40 and below.

Appointments by List Procedure

Pursuant to the default provision in Rule 4 of the AIAC Arbitration Rules 2018, if the parties fail to agree on an arbitrator (for appointments of a sole arbitrator) or a party fails to appoint either the first or second arbitrator(s), or the first and second arbitrators fail to agree on a presiding arbitrator (for appointments of a three-member tribunal), either party may request for the Director of the AIAC to appoint an arbitrator. However, pursuant to Part II, Article 8(2) of the AIAC Arbitration Rules 2018 (which reflects the UNCITRAL Arbitration Rules as revised in 2013), the parties may request the Director of the AIAC to appoint an arbitrator via the “list procedure”. Although Rule 4 is the default provision (cf. Rule 1(3) of the AIAC Arbitration Rules 2018), parties may agree to adopt the list procedure method in AIAC administered cases.

Additionally, for ad-hoc appointments under the Arbitration Act 2005 (as amended in 2018) the Director of the AIAC is the appointing authority (cf. Section 13 of the Arbitration Act 2005). For such appointments, the default procedure (cf. Section 13(8) of the Arbitration Act 2005) is for the Director to appoint an arbitrator, with due regard to the qualifications of the arbitrator

as agreed by the parties, other considerations that will ensure an independent and impartial arbitrator is appointed, and if it is an international arbitration, take into consideration the nationality of the parties. However, similar to AIAC administered arbitrations, if the parties agree, the Director of the AIAC will appoint an arbitrator via the list procedure.

Appointments via the list procedure provide parties the opportunity to have an indirect influence in the appointment of the arbitrator, which not only strengthens party autonomy, but also will ideally lead to the reduction of challenges. To appoint via the list procedure, the Director of the AIAC will provide the parties an identical list containing at least three names of potentially suitable arbitrators, unless the parties agree otherwise. Each party must then, within 15 days from receipt of the list, return the list to the Director of the AIAC, having crossed out the name(s) of any arbitrator that party has rejected, whilst also numbering the remaining arbitrators in order of preference. Upon the expiry of 15 days, the Director will appoint an arbitrator in accordance with the parties’ preference as indicated by the objections and numbering.

Diversity and Inclusion

The AIAC strives to be an equal opportunity appointing body, and aims to promote diversity within the arbitration community by equalising the playing field of arbitration appointments.

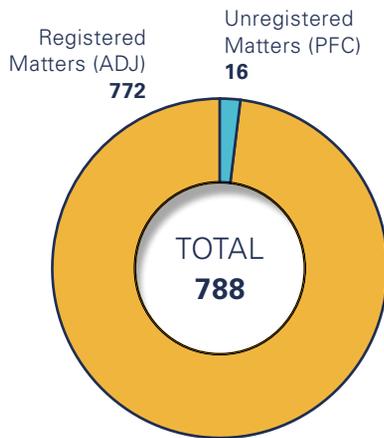
However, of utmost importance to the AIAC in exercising its appointing function, is ensuring the competency and qualifications as well as the impartiality and independence of its appointed arbitrators.

The AIAC is committed to encouraging the growth of ADR by supporting young-practitioners. It does so by giving young practitioners the opportunity to arbitrate cases after a substantive number of years practicing as counsel in ADR proceedings. Additionally, the AIAC committed itself in 2018 to including female speakers at all events, making sure there is equality in the opportunities it provides to ADR practitioners.

Overview of 2018

ADJUDICATION STATISTICS

Number of Adjudication Cases in 2018



Number of Adjudication Cases 2018

The number of registered adjudication matters increased by 8.6% between 2017 and 2018.

The number of pre-registered adjudication matters saw a sharp decline in 2018, signifying that parties now are more comfortable and familiar with the steps and procedures involved in registering an adjudication and proceeding with the same.

Total Amount in Dispute for Adjudication

The total amount in dispute for adjudication in 2018 increased by RM907,220,957.56, which represents a 65.88% increase from the quantum of claims in 2017.

2017
RM1,376,911,184.43

2018
RM2,284,132,141.99

These findings speak volumes about the success of the CIPAA. They demonstrate a trend towards parties in matters where a large quantum is disputed, trusting the CIPAA mechanism as a method of first resort as opposed to resolving such payment disputes through traditional mechanisms such as litigation or arbitration. Likewise, the willingness of parties to bring low value claims under the CIPAA is a testament to public confidence in the efficacy of the CIPAA mechanism.

MEDIATION STATISTICS

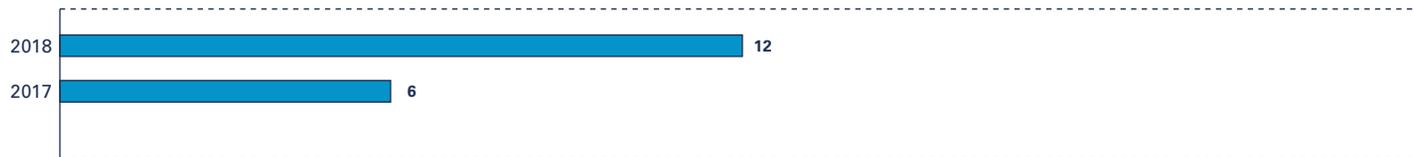
Appointments for Mediation in 2018



The number of mediation appointments made in 2018 reduced by 50% compared to those in 2017. It is anticipated that with the ratification by signatory countries and enforcement of the United Nations Convention on International Settlement Agreements Resulting from Mediation (“Singapore Convention”), there may be an increase in the number of registered mediations, signifying greater trust in the enforcement mechanisms as contemplated by the Singapore Convention.

DOMAIN NAME DISPUTE RESOLUTION STATISTICS

Appointments Made for Domain Name Matters in 2018



Number of appointments made in domain name matters

The number of domain name appointments made in 2018 has increased two-fold since 2017. The appointments made in 2018 includes both matters administered by the AIAC under the Asian Domain Name Dispute Resolution Centre (ADNDRC) as well as cases under the Malaysian Network Information Centre (MYNIC) Domain Name Dispute Resolution Policy.

Number of Domain Name Matters Referred to the AIAC in 2018



Domain Name Matters Referred to the AIAC

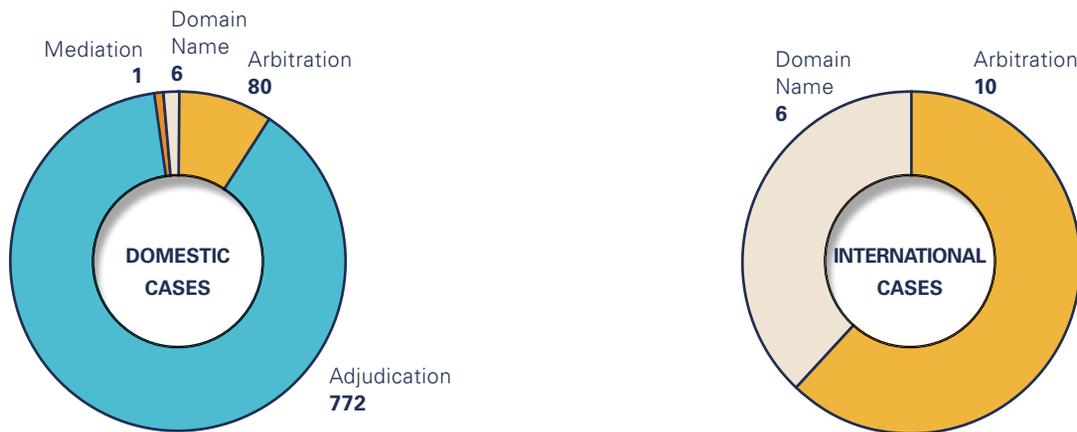
The number of domain name matters referred to the AIAC in 2018 saw a rapid increase of more than 300%. A number of these matters were pre-registered matters which did not proceed to the appointment stage.

Overview of 2018

DOMESTIC VS INTERNATIONAL REGISTERED CASES

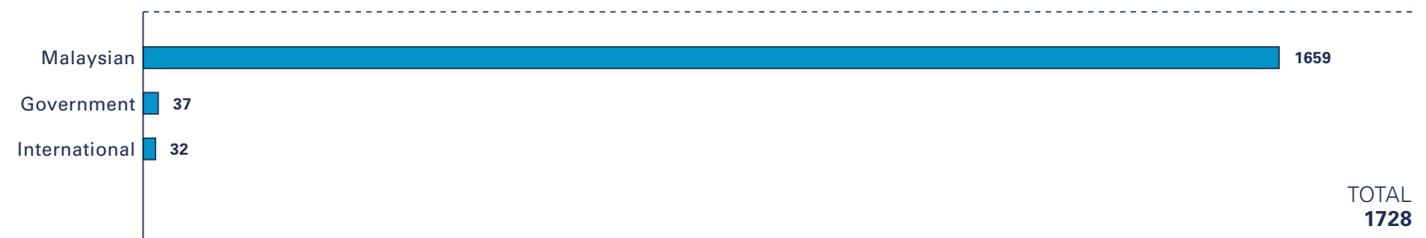
Domestic and International Registered Cases by Type

Type of ADR	Arbitration	Adjudication	Mediation	Domain Name	Total
Domestic	80	772	1	6	859
International	10	0	0	6	16



In 2018, the AIAC registered 16 international ADR matters and 859 domestic matters. The majority of the international matters related to arbitration proceedings. 11% of total registered arbitration matters related to international arbitrations whilst 50% of the total registered domain name matters related to international disputes.

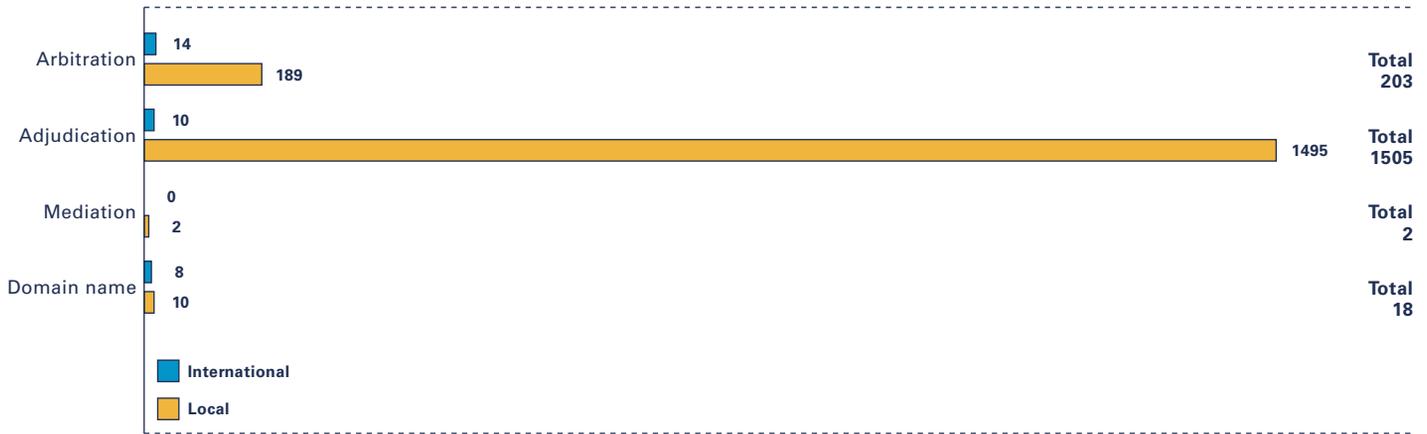
Total Number of Domestic and International Users



In 2018, a total of 1,728 users i.e. parties, referred their dispute to the AIAC. Private Malaysian users represented the 96% of the total users. 2.14% of the users were the Malaysian Government or its related entities. The remaining 1.86% of users were international i.e. non-Malaysian, parties in proceedings.

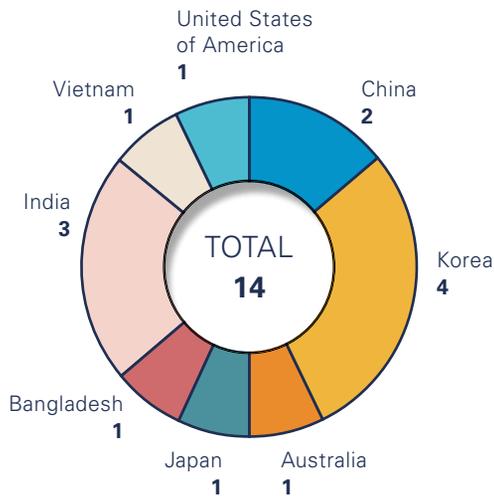
Overview of 2018

User by Service



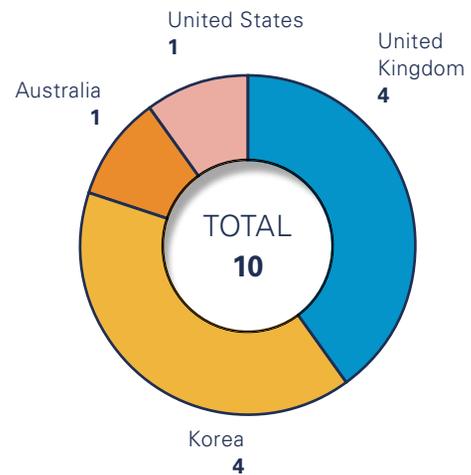
Out of the 203 parties in registered arbitration proceedings in 2018, 93% of those parties were domestic users whilst 7% were international users. For adjudication, over 99% of the users were domestic users which is to be expected. The single mediation proceeding in 2018 involved domestic parties only. 44% of the parties in domain name proceedings involved international users whilst 56% of the parties in same involved domestic users.

Foreign Nationalities: Arbitration



In 2018, we saw 14 proceedings which concerned foreign i.e. non-Malaysian, parties. 29% of the foreign parties were from Japan, 22% of the parties were from India and 14% were from China. Korea, Australia, Bangladesh, Vietnam and the United States of America each represented 7% of all the foreign parties in an arbitration.

Foreign Nationalities: Adjudication



In 2018, we saw 10 proceedings which concerned foreign parties. 40% of the foreign parties were from both Korea and the UK and 10% of the foreign parties were from both Australia and the US.

Overview of 2018

REGISTERED CASES BY INDUSTRY

Sector Analysis – ADR References

Sector	Arbitration	Adjudication	Mediation	Domain Name
Construction Contract	45	749	1	-
Concession Agreement	9	1	-	-
Service Contract	6	2	-	-
Intellectual Property	-	-	-	12
Shareholders Agreement	2	1	-	-
Oil and Gas	1	2	-	-
Supply Contract	1	2	-	-
Others	26	15	-	-
Total	90	772	1	12
Grand Total: 875				

The majority of the disputes administered by the AIAC related to the construction industry. Given that domain name disputes relate to the potential infringement of a trademark or copyright, such disputes are considered to be intellectual property disputes. In arbitration proceedings, some of the categories which relate to other sectors include banking and finance, maritime, franchise as well as sale and purchase agreements.

Sector Analysis – Amounts in Dispute

Sector	Total Amount	Average Amount
Construction Contract	RM2,081,693,578.91	RM3,125,979.16
Concession Agreement	RM1,771,728.02	RM590,576.01
Service Contract	RM141,526,057.07	RM23,587,676.18
Intellectual Property	-	-
Shareholders Agreement	RM30,121,184.00	RM15,060,592.00
Oil and Gas	-	-

Given that the majority of the disputes administered by the AIAC relate to the construction industry, it is expected that construction claims will make up the largest proportion of all claims at the AIAC. However, when it comes to the average amount of claims across sectors, service contracts appear to have the highest average claim amount (RM23,587,676.18) closely followed by Shareholder Agreements (RM15,060,592.00). Since the general relief in a domain name dispute is for the transfer or cancellation of a domain name, such disputes are unquantified, hence the nil quantum for intellectual property claims.

COST AND TIME BENEFIT ANALYSIS

The Analysis Period

This Cost and Time Benefit Analysis is conducted for cases administered under the AIAC Arbitration Rules 2013, 2017 and 2018. This analysis takes into account all cases concluded with the AIAC between 16th December 2017 and 31st December 2018 (the “Analysis Period”). The analysis excludes cases which were registered but not concluded during the Analysis Period.

Distinction between the 2013 Rules and the 2018 Rules

The AIAC Arbitration Rules 2013 (“2013 Rules”) were operative between 24th October 2013 and 31st May 2017. The AIAC Arbitration Rules 2017 (“2017 Rules”) were operative between 1st June 2017 and 8th March 2018. The AIAC Arbitration Rules 2018 (“2018 Rules”) have been operative since 9th March 2018. Save for one matter, the arbitrations examined during the Analysis Period were conducted under one of these three sets of rules.

The primary difference between the 2017 Rules and 2018 Rules is that the latter reflects the Centre’s name change from the ‘Kuala Lumpur Regional Centre for Arbitration’ to the ‘Asian International Arbitration Centre’.

One of the salient features of all three rules is that, unless otherwise agreed by the Parties and the arbitral tribunal, the fees of the arbitral tribunal shall be fixed by the Director in accordance with Schedule 1. AIAC’s Schedule of Fees caters separately for international and domestic arbitrations¹.

A point of distinction between the 2013 Rules and the 2017 & 2018 Rules, with respect to compliance and timeliness, is that the latter rules contain a technical review provision.

Rule 11(1) of the 2013 Rules stipulates that the arbitral tribunal shall render its Final Award within a period limited to three months. The time limit stipulated begins from the date of the closing of final submissions (written or oral).

However, Rule 12(2) of the 2018 Rules stipulates that the arbitral tribunal shall, before signing the award, submit its draft of the final award (the “Draft Final Award”), to the Director within three months for a technical review². This is distinct from the 2013 Rules in that rather than requiring the final award to be submitted within three months of the close of proceedings, only the Draft Final Award needs to be submitted to the AIAC within this period for technical review.

The time limit for submitting the Draft Final Award for technical review starts to run from the date when the arbitral tribunal declares the proceedings closed pursuant to Rule 12(1).

Methodology

Cases taken into account for the purposes of this Analysis are cases administered by the AIAC, and concluded under the 2013, 2017 and 2018 Rules during the Analysis period.

Duration is recorded as from the date of appointment of the tribunal till the date of final conclusion (whether due to termination or the rendering of the final award), and excludes delays on the part of parties e.g. extensions and suspensions of proceedings by party agreement, late payment, and extenuating circumstances like change of solicitors and complex interim applications made by parties.

Since October 2013, three sets of the arbitration rules have been administered by the AIAC: the AIAC Arbitration Rules 2013, the AIAC Arbitration Rules 2017 and the AIAC Arbitration Rules 2018.

¹ See AIAC Arbitration Rules 2013 r 12(2); AIAC Arbitration Rules 2017 and AIAC Arbitration Rules 2018 r 13(2).

² Pursuant to the 2018 Rules, a technical review is not a review on merits; rather it is a review of form for computational, typographical or other errors of a similar nature. The rationale of the technical review process is to attempt to minimise potential issues in the enforcement of the Final Award. Rule 12(6) of the 2018 Rules stipulates that if there are perceived irregularities pursuant to Rule 12(4) of the 2018 Rules, the arbitral tribunal shall resubmit the Draft Final Award to the Director within 10 days from the date on which the arbitral tribunal is notified of such irregularities. Upon completion of the technical review, the Director shall notify the arbitral tribunal in writing of the completion of the technical review. The arbitral tribunal shall deliver sufficient copies of the award to the Director.

Overview of 2018

Analysis

Average Duration

Type of Panel	Domestic	International
Sole Arbitrator	25.1 months	7.0 months
3-Member Panel	15.5 months	14.5 months
Fast Track Rules	6.0 months	N/A*

* No international Fast Track Arbitrations were concluded during the Analysis Period.

Arbitral Tribunal Fees

Type of Panel	Domestic	International
Sole Arbitrator	USD 40,352 / RM 166,997	USD 7,518 / CNY 51,717
3-Member Panel	USD 94,098 / RM 389,423	USD 396,076 / CNY 2,724,404
Fast Track Rules	USD 19,331 / RM 80,000 / CNY 132,957	

Administrative Fees

Type of Panel	Domestic	International
Sole Arbitrator	USD 6,430 / RM 26,609	USD 1,873 / CNY 12,879
3-Member Panel	USD 7,759 / RM 32,108	USD 32,741 / CNY 225,204
Fast Track Rules	USD 4,501 / RM 18,627 / CNY 30,957	

Total Fees

Type of Panel	Domestic	International
Sole Arbitrator	USD 46,782 / RM 193,606	USD 9,391 / CNY 64,596
3-Member Panel	USD 101,857 / RM 421,531	USD 428,817 / CNY 2,949,608
Fast Track Rules	USD 23,832 / RM 98,627 / CNY 163,914	

Amount Claimed

Type of Panel	Domestic	International
Lowest Amount Claimed	USD 21,947 / RM 90,827	USD 1,035,457 / CNY 7,122,390
Average Amount Claimed	USD 4,182,938 / RM 17,311,088	USD 10,478,486 / CNY 72,076,264
Highest Amount Claimed	USD 25,456,561 / RM 105,351,981	USD 22,000,000 / CNY 151,327,000

RM: Ringgit Malaysia

USD: US Dollars

CNY: Chinese Yuan

PANELIST STATISTICS

Industry and Sector Specializations

During 2018, the AIAC empaneled a total of 216 individuals as arbitrators, adjudicators, mediators, and domain name dispute resolution (DNDR) panelists. The AIAC empanels individuals from jurisdictions across the globe who possess a wide range of expertise in diverse areas of the law, including commercial law, investment, energy, maritime, technology, and construction related sectors.

The numerical breakdown for empanelment in 2018 is as follows:



84 arbitrators

20 being domestic arbitrators and 64 being international arbitrators;



98 adjudicators

88 being domestic adjudicators and 10 being international adjudicators;



31 mediators

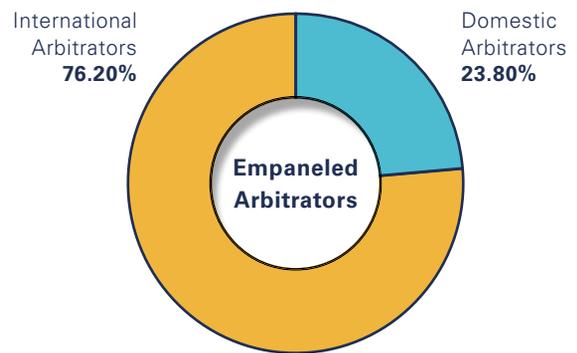
25 being international mediators and 6 being domestic mediators; and



3 domain name

dispute resolution (DNDR) panelists, all of whom are domestic panelists.

Total Arbitrators Empaneled in 2018



The AIAC has empaneled 831 domestic arbitrators and 1,238 international arbitrators up until 2017. As per 2018, the AIAC has empaneled, in total, 851 domestic arbitrators and 1,302 international arbitrators.

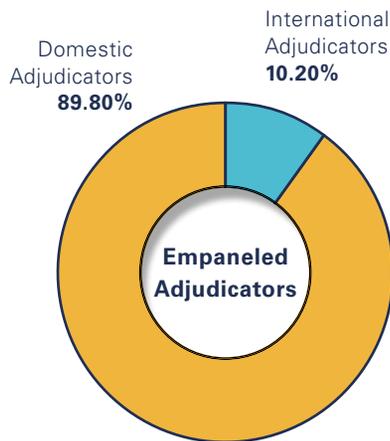
Diversity of the AIAC Empaneled Arbitrators in 2018

	Male	Female
	66	18
	78.57%	21.43%

Out of 84 arbitrators that the AIAC empaneled in 2018, 66 of them were male arbitrators whilst 18 of them were female arbitrators.

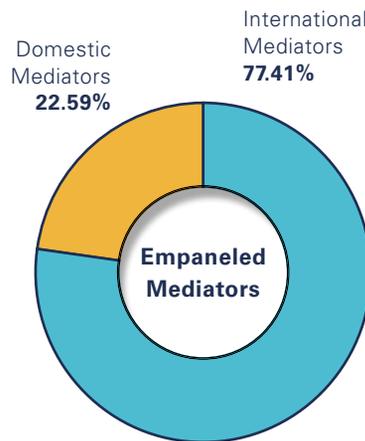
Overview of 2018

Total Adjudicators Empaneled in 2018



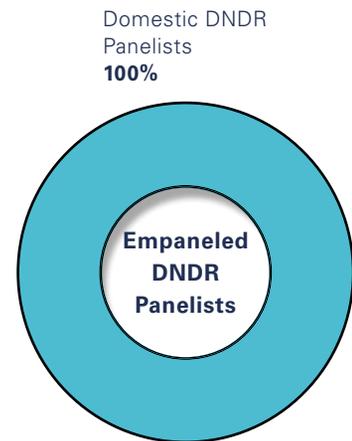
In 2017, the AIAC empaneled 422 domestic adjudicators and 77 international adjudicators. In 2018, the AIAC has additionally empaneled 88 domestic adjudicators and 10 international adjudicators, making the total empaneled adjudicators at the AIAC 510 domestic adjudicators and 87 international adjudicators at the end of the 2018 calendar year.

Total Mediators Empaneled in 2018



In 2018, the AIAC added 31 more mediators into its mediator panel of which 24 were international mediators and the rest were domestic mediators. This makes a total of 357 mediators that AIAC has empaneled to date.

Total DNDR Panelists Empaneled in 2018



In 2018, 3 domestic DNDR Panelists were added to the AIAC empanelment roster.

Diversity of the AIAC Empaneled Adjudicators in 2018

Male	Female
68	30
69.38%	30.62%

The AIAC empaneled 68 male adjudicators and 30 female adjudicators in 2018.

Diversity of the AIAC Empaneled Mediators in 2018

Male	Female
24	7
77.42%	22.58%

Out of the 31 mediators empaneled in 2018, 22,58% of them were female mediators while the rest represented the male demographic.

Diversity of the AIAC Empaneled DNDR Panelists in 2018

Male	Female
2	1
66.67%	33.33%

The AIAC empaneled one (1) female DNDR Panelist in 2018. The other two (2) panelists were male.

Overview of 2018

SFC WEBSITE STATISTICS

The AIAC's Standard Form Contracts (SFC) website is an online interactive platform which provides users an easy and accessible experience to customize, print and download their contracts. The AIAC 2018 suite of SFCs are freely available at sfc.aiac.world and include the Main Contract (SFC Main 2018), Sub Contract (SFC Sub 2018), Minor Works Contract (MW 2018), Design Build Contract (D&B 2018) and Design Build Sub Contract (D&B Sub).

Website Visitor Demographics

Demographics by Country	
Malaysia	3,844
India	1,694
United States	207
Ireland	53
Singapore	86
China	45
Hong Kong	43
Australia	51
United Kingdom	40
Azerbaijan	31
Demographics by State	
Kuala Lumpur	2,260
Selangor	918
Johor	164
Sarawak	100
Penang	109
Sabah	135
Perak	45
Malacca	26
Pahang	23
Negeri Sembilan	21
<i>Not Indicated</i>	43
New vs. Returning Visitors	
3,604 New and 902 Returning	
Total Visitors	6,094

Utility of Customization of Contracts Portal

Complete	
SFC Main 2018	5
SFC Sub 2018	4
MW 2018	1
D&B 2018	0
D&B Sub	0
Incomplete	
SFC Main 2018	81
SFC Sub 2018	26
MW 2018	0
D&B 2018	22
D&B Sub	10
Total	149

Number of SFCs Requested and Physically Disseminated

Following the launch of the AIAC 2019 Standard Form Contracts (SFC) on 28th September 2019, a total number of 800 SFCs were disseminated.

Demographics of Registered SFC Users

Demographics by Country	
Malaysia	615
India	2
Hong Kong	1
United states	1
Brunei	1
Iran	1
Demographics by State	
Kuala Lumpur	219
Selangor	165
Johor	41
Pulau Pinang	28
Sarawak	22
Perak	20
Sabah	18
Negeri Sembilan	14
Kedah	9
Pahang	4
<i>Not Indicated</i>	95
Total	621

Overview of 2018

WHAT'S NEW

The history of global commerce is one that is marked by epochal changes. It is only in acknowledging these changes and adapting to 21st century practices that global commerce can advance uninhibited by avoidable conflict and struggle. The AIAC is very proud to be spearheading the growth and development of arbitration in the region from the ground up. The AIAC notes key driving forces for this growth and development, and there is little doubt that the existing collaboration between AIAC and various institutions in pushing projects and initiatives will continue to thrive in the coming years. We certainly look forward to an exciting period ahead in the short, medium and long term from these changes.

Launch of the AIAC's 2018 Rules



To reflect the Centre's rebranding, on 9th March 2018, the AIAC launched the revised AIAC Arbitration Rules 2018, AIAC i-Arbitration Rules 2018, AIAC Fast Track Arbitration Rules 2018 and the AIAC Mediation Rules 2018. The revised Rules which came into effect on 9th March 2018 were launched together with the AIAC's brand new and revamped official website.

Key features of the AIAC Arbitration Rules 2018 include the introduction of sophisticated provisions as to the arbitral tribunal's power to award interest on any sums that are in dispute, including simple and compound interest.

Additionally, parties to an international arbitration can now pay the arbitral tribunal's fees and administrative fees in currencies other than MYR and USD. This truly makes the AIAC stand out as one of the few arbitration centres in the world, which accepts payment in more than two currencies – a reflection of the AIAC standing as a global hub.

The AIAC Fast Track Arbitration Rules 2018 provide for shorter time limits to ensure the speedy resolution of disputes: arbitration proceedings under the Fast Track Rules are designed to last no longer than 180 days. The AIAC's Fast Track Arbitration Rules 2018

are only applicable if the parties agree to their application. The AIAC is thus one of the few arbitral institutions in the world to truly respect party autonomy – the approach by other institutions is typically to apply expedited rules automatically, even when the parties had not explicitly agreed to them.

The fully revamped AIAC Mediation Rules 2018 provide a flexible framework for the conduct of mediation, yet effectively deal with particularly complex situations that may arise, such as confidentiality concerns and non-cooperation by one of the parties, amongst others, thus, ensuring time and cost-efficient settlement. The AIAC Mediation Rules 2018 now cater to most types of disputes or differences, including investor-State disputes. The AIAC is the first institution worldwide to model its mediation rules after the IBA Rules for Investor-State Mediation.

The AIAC was the first arbitral institution to have Shariah-compliant arbitration rules: the i-Arbitration Rules. The new AIAC i-Arbitration Rules introduces a new provision under which the tribunal may award a late payment charge determined by the Islamic principles of ta'widh and gharamah. They maintain all other Shariah-compliant provisions and other features.

2018 Amendments to the Arbitration Act

The landscape of international commercial arbitration is constantly evolving to enhance its efficacy and to more adequately cater to the increasing global demand, exponential levels of which continue to be seen not only in international arbitration, but in ADR generally. Party autonomy, enforceability, finality, neutrality and expertise all remain cornerstones of arbitration, upheld not only via the New York Convention and the UNCITRAL Model Law, which have become longstanding and quintessential instruments in international commercial arbitration, but also as a result of the efforts of prominent arbitral jurisdictions. Arguably the most defining feature of a seat of arbitration is its *lex arbitri*, being the legislation underpinning arbitral proceedings and which governs all facets of the arbitration proceedings.

Malaysia has to date established itself as a prominent arbitral jurisdiction. The Arbitration Act 2005 has kept with the leading global standards in arbitration, and with its most recent amendments in 2018, has defined a framework that facilitates efficient conduct of arbitration proceedings and enforcement of awards.

On 8th May 2018, the Arbitration (Amendment) Act (No.2) Act 2018 (the “Amendment Act”) came into force, heralding a new era of arbitration in Malaysia. The Amendment Act incorporates the 2006 revision of the UNCITRAL Model Law as well as elements of arbitral laws of leading jurisdictions in the region and worldwide.

The amendment of Section 2 of the Arbitration Act 2005 and the introduction of Section 19H clarify the status of an emergency arbitrator and the orders that they grant. Emergency arbitrators are necessary where parties may not have time to appoint a tribunal, let alone to apply for a decision of the court. In such instances, parties can now appoint an emergency arbitrator using the AIAC Arbitration Rules 2018. These emergency orders will also be recognised and enforced in courts.

Parties can now also choose any representative of their liking to represent them in the arbitration proceeding (see Section 3A of the Arbitration Act 2005). This highlights the principle of party autonomy since parties are not restricted to only choosing lawyers as their representatives. However, for arbitrations based in Sabah and Sarawak, if a party seeks to appoint a legal representative in the arbitration, that representative will need to be registered as a practitioner in Sabah or Sarawak – West Malaysian and/or foreign practitioners are not permitted to represent parties to arbitrations based in Sabah or Sarawak.

Section 9 of the Arbitration Act 2005 now clarifies that arbitration agreements will be ‘in writing’ if they are concluded by email, fax and/or any other electronic communications. This amendment modernises the Arbitration Act 2005 by taking into account economic realities as well as the increase in the use of technology in trade and the formation of contracts.

The Amendment Act also made changes to Sections 11 and 19 of the Arbitration Act 2005 and added the new Sections 19A to 19J to the Arbitration Act 2005. These amendments will ensure that the provisions relating to interim measures in the Arbitration Act 2005 are in line with international standards. This is because the arbitral tribunal now has predominately the same powers as the High Court to award interim measures.

The Amendment Act also reinstates the parties’ rights to choose the law or the rules of law applicable to the substance of a dispute (see Section 30 of the Arbitration Act 2005). The tribunal may now also decide the dispute according to the principles of equity and conscience, if the parties should agree to same.

The Amendment Act has also clarified that the arbitral tribunal is empowered to grant both pre- and post-award interest in addition to any sums that are in dispute. This amendment overturns a recent Federal Court decision which determined that pre-award interest was not permissible under the Arbitration Act 2005.

Confidentiality is a hallmark of arbitration but this is not included in many institutional rules or in national arbitration laws. The Amendment Act introduces specific provisions relating to confidentiality which means that the Arbitration Act 2005 is no longer silent on the issue of confidentiality (see Sections 41A and 41B).

Finally, and most importantly, the Amendment Act has increased the finality of awards by repealing Sections 42 and 43 of the Arbitration Act 2005. This means that parties can no longer refer a question of law arising from the arbitration to the High Court after an award has been made.

Malaysia is in an advantageous position to service the dispute resolution needs of the region due to its strategic position in the heart of the Asia-Pacific. The amendments to the Arbitration Act 2005 have three distinct purposes – they improve the clarity of the Arbitration Act 2005 for its end users, they increase party autonomy, and they harmonise the powers of the High Court and arbitral tribunal to award interim measures. These amendments have the combined effect of enhancing Malaysia as a safe seat for arbitration.

Overview of 2018

Sports Arbitration

Great initiatives were made in 2018 to spearhead the development of sports in the country in a more transparent, systematic and accountable manner.

Malaysia has the potential to gain the maximum benefit from Asia's traction as the future playground for sporting events and dispute resolution. Strategically located in the heart of Asia and tapping from the Court of Arbitration for Sports' (CAS) recognition of the AIAC as its only official alternative hearing centre in the ASEAN region, Malaysia is set to become the go-to place for sports dispute resolution.

Over the years, there has been a growing trend towards the development of sports law in Malaysia. Legislative amendments were also carried out in the sporting sphere in Malaysia. The Sports Development (Amendment) Act 2018, which only came into force on 1st March 2019, saw the repeal of the Sports Advisory Panel which was replaced by the Sports Dispute Committee. The Sports Dispute Committee is designed to enable sports bodies and associations refer their disputes to the Sports Dispute Committee for decision. Recognizing that there are shortcomings with these amendments and there remains certain key limitations to the scope and application of the Sports Dispute Committee including inherent government and political affiliation in the governance of sports, the AIAC has continued in their engagement with the Ministry for Youth and Sports to push for a more globally recognized and harmonious mechanism such as a sports tribunal adopting arbitration, which is the preferred internationally adopted platform for the resolution of sporting disputes.

The Malaysian Minister for Youth and Sports, YB Syed Saddiq Syed Abdul Rahman, acknowledged and recorded the Ministry's commitment in providing a more



neutral and accessible platform for athletes in the adjudication of sporting disputes. In his speech at the launch of the International Sports Law Conference in September 2018, the Honourable Minister said "I am keen to work with the AIAC in its initiative for the proposed establishment of the very first sports tribunal. The recognition of AIAC as a court of arbitration for sports alternative hearing centre certainly lends credibility and legitimacy to the setting up of this tribunal".

Indeed, backed with the experience of being named the independent ad-hoc body for the adjudication of disputes during the 29th Southeast Asian Games 2017, the AIAC is set to become the leader in the ASEAN region for the provision of competitive and low cost dispute resolution services in the sporting industry.

The Sports Law Association of Malaysia (SLAM), which the AIAC supports, was

established as a professional body to inspire leadership, reform and interest in sports law. This was achieved through the creation of a knowledge-sharing platform for communication amongst sports lawyers and other stakeholders to achieve best practices amongst practitioners and share experiences with newcomers. SLAM also presents a unifying platform for the interaction between sports and law extending beyond dispute resolution. The AIAC is proud to support SLAM's endeavours and accommodates SLAM's headquarters at Bangunan Sulaiman.

The AIAC itself will continue its efforts to push for increased awareness and further initiatives for legislative reform and greater accessibility in the resolution of sporting disputes for the benefit of the sporting industry domestically and the ASEAN region.

Overview of 2018

Maritime Arbitration

Maritime arbitration remains one of the key ADR industries in Malaysia. There have been some important updates in the legal industry in the year 2018.

The Malaysia Shipping Master Plan 2017 to 2022, which is an initiative of the Malaysian Ministry of Transport, has been set in place to revitalize the area of maritime and shipping to build a stronger economy. Together with the Malaysian Shipbuilding & Ship Repair Industry Strategic Plan, it is believed that greater opportunities in the industry are being created, and one can expect that it will lead to the expansion of issues and challenges that will be faced by the various players in the maritime industry ecosystem, including ports, shipyards and maritime support service providers which include the AIAC.

It is a known fact that carriage by sea has firmly established itself as the main mode of transport in international trade. However, the growing volume of goods being transported by sea has inevitably led to the increase in commercial disputes, with maritime arbitration having emerged as the preferred dispute settlement mechanism. The involvement of the AIAC as an alternative dispute resolution service provider provides great opportunities to resolve such disputes, especially with the AIAC Arbitration Rules and the AIAC Fast Track Arbitration that are increasingly used to bring expeditious ends to various maritime disputes.

The International Malaysian Society of Maritime Law (IMSML) and the AIAC have continued their collaboration and work hand in hand in enhancing and developing further knowledge of the principles and practice of maritime law in Malaysia. These include the 12 Part Webinar Series on the theme of Maritime Industry Contracts Dispute Resolution Clauses and Managing Costs of Resolving Disputes in April 2018, the Certificate Course as an Introduction to Maritime Law in July 2018 and The Maritime Silk Road: Exploring Dispute Resolution Opportunities in November 2018.

To that end, the AIAC looks forward to working closely with all stakeholders to promote this important ADR industry.



Belt & Road

China's President, Xi Jinping, in the past has described bilateral trade between Malaysia-China "as being at its best" and has praised the Malaysian government for its support and commitment towards the Belt and Road Initiative (BRI), an ambitious but risky project that spans more than 60 countries.

Malaysia, being a multi-cultural nation and one of the most strategic states straddling along the Belt and Road routes, is certainly poised to become one of the biggest beneficiaries of the BRI. The Prime Minister of Malaysia, Tun Dr. Mahathir Mohamad has reaffirmed Malaysia's interest and support toward the Belt & Road, representing a step forward for Malaysia as one of China's economy partners in the context of Belt & Road.

Given the scale and global interest towards the Belt & Road, disputes amongst cross-border stakeholders in Belt & Road projects are inevitable. This is where institutions of alternative dispute resolution, such as the AIAC, comes into play. The AIAC is not just able to extend administrative support in proceedings related to the dispute, it also offers holistic dispute management services. This means that aside from conflict resolution, one needs to consider a preventive measure to avoid dispute in general, or to manage the dispute with minimal risk.

The AIAC offers the best ADR option for Chinese and Malaysian businesses outside of China as its multidisciplinary, multicultural and its grid like nature represents the best option for Chinese international business. The AIAC has also embarked in projects in which it fosters synergies and strategic relations with those affiliated to the Belt & Road Arbitration Initiative Cooperation Agreement with Beijing Arbitration Commission/ Beijing International Arbitration Center (BIAC) and Cairo Regional Centre for International Commercial Arbitration (CRCICA) to foster cooperation between leading arbitral institutions and extend their reach in China, Malaysia and Egypt – these being the key Belt & Road countries. Others include HKIAC, CIETAC, Shanghai International Economic and Trade Arbitration Commission, Beijing Arbitration Commission, Cairo Regional Centre for International Commercial Arbitration and the China Council for the Promotion of International Trade (CCPIT). These collaborations aim to provide dispute resolution services to stakeholders and engage in facility sharing agreement and capacity building initiatives to foster cooperation, build trust, capacity and professional relationships in preparation for the Belt & Road initiative.

The AIAC is prepared for all types of disputes that are likely to arise including maritime and construction and we have 1,182 AIAC panelists from the Belt & Road countries bringing on board expertise from 41 jurisdictions along the Belt & Road. The AIAC Arbitration and Fast Track Rules also work well together with the Chinese system of practices, as the AIAC undertakes more efforts as part of its commitment to do more as a knowledge sharing platform.

Overview of 2018

Investment Arbitration



On the investment arbitration front, Malaysia's ratification of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) is yet to be certain. The CPTPP is a trade agreement reached between Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, and Vietnam in January 2018, following the United States' withdrawal from the Trans-Pacific Partnership (TPP), in an effort to revive the same. The formal signing ceremony was held on 8th March 2018 in Santiago, Chile.

At the time of its signing, the eleven countries' combined economies represented 13.4 percent of the global gross domestic

product, approximately US\$13.5 trillion, making the CPTPP the third largest free-trade area in the world by GDP after the North American Free Trade Agreement and the European Single Market. However, no deadline has been set by the Government of Malaysia for ratification of the CPTPP.

The partnership cooperation agreement (PCA) between Malaysia and the European Union (EU) is also a big step forward for Malaysia as she heralds efforts to boost more bilateral and trade agreements between the two parties. PCA is a comprehensive agreement on bilateral and multilateral cooperation comprising politics, economics, trade, investment, justice, culture, education,

science and technology, healthcare, agriculture, tourism, energy, traffic and environment. The PCA would pave the way for easy trade allowing more investments to penetrate into the respective economies within the Union, especially in enhancing the thriving economic ties shared between Malaysia and Belgium.

In these exciting times, whilst it is appreciated that international investments stimulate the creation of great opportunities, it is inevitable to avoid the challenges that lie ahead. The function of the AIAC in, at least, minimizing these challenges are evident through the promotion of the use of ADR across international borders, and our Help Desks which provide practical guidance for investors venturing into business in different regions.

The AIAC is pleased to continue working with government stakeholders, members of the diplomatic corps, economic councils and chambers as well as state entities in developing opportunities for investment and dispute resolution through ADR mechanisms, and facilitating a shift from regional trade agreements to cross-continent agreements.

Construction Adjudication and Arbitration

Malaysia's construction sector has been growing steadily over the years. In 2018, the value of work done in the construction industry saw a growth of 5.1% with a total value of RM145.5 billion compared to RM138.5 billion in the previous year. The growth of the Malaysian construction sector has translated itself into an increasing number of construction cases both at the AIAC and in the judicial system.

The AIAC has seen continuous collaboration and the development of new initiatives with various international and domestic governmental and non-governmental

construction bodies such as the Chartered Association of Building Engineers (CABE), the Society of Construction Law, Master Builders Association of Malaysia (MBAM), as part of our efforts to provide a comprehensive framework of dispute resolution services to meet the construction industry's increasing demands and expectations.

The AIAC also works closely with the Malaysian Society of Adjudicators (MSA), an association formed with a common purpose of having a professional body to promote ethical and professional standards of service and conduct of adjudicators in

Malaysia. The MSA proposes to promote resolution of construction disputes by means of adjudication and was formed for the Malaysian construction industry as a platform providing access to benefit from the wealth of knowledge and experience of the adjudicators associated with the introduction of the CIPAA. More importantly, the MSA maintains an active line of communication with the AIAC and serves as a channel for which adjudication practices are discussed as between the administrative authority and industry professionals.

Domain Name Disputes

In this growing age of digitalism, almost everyone – young and old alike – has an interest in the Internet. Flashing an Internet address has become a sine qua non for almost every organisation.

To wit, as of the first quarter of 2018, there were approximately 333.8 million domain name registrations across all top-level domains (TLDs). There is no denying that with such a colossal number of registered domain names, there are ought to be disputes of trademark infringement. And the numbers are not surprising at all. There were at least 255,065 unique phishing attacks worldwide and, according to the latest statistics, the World Intellectual Property Organization (WIPO) registered 5,655 new cases of cybersquatting in 2018. The numbers are staggering and at this juncture, many more challenges like phishing, domain shadowing, and typo squatting are knocking at our doors.

To address the growing concerns of stakeholders, a number of institutions worldwide developed policies, rules and procedures aimed at the cost and time effective resolution of domain name disputes. Domain Name Dispute Resolution (DNDR) is particularly relevant in the context of India, where greater time and cost-efficiency would be welcome.

Among those institutions focused on the Asian region are the Asian Domain Name Dispute Resolution Centre (ADNDRC) and the Malaysian Network Information Centre Berhad (MYNIC).

The ADNDRC comprises of four Asian offices – the Hong Kong International Arbitration Centre (HKIAC), Korean Internet Address Dispute Resolution Committee (KIDRC), China International Economic and Trade Arbitration Commission (CIETAC), and the AIAC. Under the umbrella of the ADNDRC, the AIAC administers disputes related to all top-level domains (e.g. .com, .net, .org domains) under the Uniform Domain Resolution Policy (UDRP). Starting from

1st January 2018, the Secretariat of the ADNDRC has been the AIAC. Presently, the Chairman of the ADNDRC is the Director of the AIAC, Mr Vinayak Pradhan.

2018 saw a number of ADNDRC road shows, events and conferences throughout Asia to raise awareness of domain name dispute settlement in general and the products that the ADNDRC institutions offer.

The Malaysian Network Information Centre Berhad (MYNIC), on the other hand, is an agency of the Ministry of Communications and Multimedia Malaysia (KKMM) and the sole administrator of .my domains. As far as .my domains are concerned, MYNIC appointed the AIAC as the dispute resolution service provider for the .my domain name. Such domain name disputes are governed and administered in accordance with the MYNIC's Domain Name Dispute Resolution Policy (MYDRP) and AIAC Supplemental Rules.

Key advantages of bringing domain names disputes to the AIAC include :-

- The AIAC administers disputes under the ADNDRC rules in generic top-level domains and also offers the resolution of .my domain name disputes (amongst others), through the Malaysian Network Information (MYNIC) rules and policy;
- Domain name disputes are usually settled in less than 60 days at AIAC, being one of the most time and cost-effective providers in Asia;
- DNDR is the fastest form of dispute resolution for online trademark infringement;
- The AIAC provides dispute resolution services of sensitive domain names using Sensitive Name Dispute Resolution Policy (SNDRP) governed and administered in accordance with .my DOMAIN REGISTRY's Sensitive Name Dispute Resolution Policy (SNDRP), Rules of the .my DOMAIN REGISTRY's SNDRP and AIAC Supplemental Rules;
- The AIAC has the most reputed and experienced experts in its DNDR panel, which also comprises 62% of international panellists;
- The DNDR proceedings at AIAC are totally hassle-free, with only a form to fill in order to file a complaint;
- The AIAC, in collaboration with Brunei Darussalam Network Information Center (BNNIC), administers all disputes pertaining to either the registration or use of .bn, the Brunei country-code top-level domain name;
- The AIAC has a top-notch and expert legal team administering domain name disputes; and
- The AIAC has state-of-the-art infrastructure and is located at the heart of Kuala Lumpur.



Overview of 2018

United Nations Convention on International Settlement Agreements Resulting from Mediation



On 20th December 2018, the United Nations General Assembly adopted the much-anticipated Convention on International Settlement Agreements Resulting from Mediation which was finalized at the United Nations Commission on International Trade Law (UNCITRAL) during its 51st Annual Session from 25th June 2018 to 13th July 2018 in New York. The core issue surrounding the use of mediation has always been centered

at the enforcement of settlement agreement. Given the benefits it has to offer to parties in international cross-border commercial disputes and the demand for other dispute resolution mechanism options, such a Convention could not be timelier.

A signing ceremony for the Convention took place in Singapore on 7th August 2019, resulting in the Convention being known

as the “Singapore Convention”. Dubbed as the “New York Convention” of mediation, it highlights the enforcement of international commercial settlement agreements in writing resulting from mediation, making the instrument more attractive for parties in mediation. The AIAC, has since 2018, worked closely and provided its input on the Singapore Convention to government stakeholders. With Malaysia’s ratification of the Singapore Convention, the AIAC is set to work alongside these key stakeholders in reforming the domestic legislative framework towards implementation of the Singapore Convention.

In that respect, just like the Singapore Convention, the AIAC Mediation Rules 2018 recognizes the importance of having settlement agreements binding on the parties. With the necessary procedural framework in place, the AIAC is prepared and ready to cater to developments arising from the enforcement of the Singapore Convention, as the case may be.

AIAC Competency Standards for Appointment of Adjudicators



Upon the completion and passing of the CIPAA Exam, those with 7-years of construction industry experience within Malaysia may be empanelled as adjudicators. When appointing adjudicators, the AIAC looks at the potential adjudicator’s practical experience, adjudication experience, and number of past appointments to ensure not only fairness and equality in appointments, but also that the right adjudicator is selected in a given matter. The growing number of adjudication cases in Malaysia provides an opportunity for young construction industry professionals to have the opportunity to take on roles as adjudicators.

On 20th December 2018, the AIAC made an announcement to remind those applying for empanelment to act as an adjudicator of the competency standards set out

by the Construction Industry Payment and Adjudication Regulations 2014 (the “Regulations”). According to the Regulations, the competency standard and criteria of an adjudicator includes the requirement of an adjudicator to have “working experience of at least seven years in the building and construction industry in Malaysia”.

The AIAC, as the adjudication authority under the Construction Industry Payment and Adjudication Act 2012, determines whether a potential adjudicator meets the competency standard and criteria set out in the Regulations on the basis of information contained in his/her Curriculum Vitae (CV), resume, or any other document of the same nature, submitted to the AIAC.

Changes to the Appointment Procedure of Adjudicators

On 3rd December 2018, the Director announced certain changes to the appointment procedure of adjudicators under the Construction Industry Payment and Adjudication Act 2012 (the "CIPAA").

As the adjudication authority under CIPAA, the AIAC implemented the following changes to the appointment procedure

- Upon receipt of the Request to the Director of AIAC to appoint an adjudicator (Form 5) (the "Request"), the AIAC will identify three (3) potential candidates to be appointed as the adjudicator
- In the absence of any circumstances preventing the AIAC from acting on the Request, such as incompleteness of documents, non-payment of the appointment fee, etc., the AIAC will send a conflict check to three three (3) potential candidates simultaneously



The receipt of a conflict check and the subsequent clearance of any conflicts of interest do not necessarily result in one of the three (3) potential candidates so identified ultimately being appointed as the adjudicator.

These changes were made to enhance efficiency in the appointment procedure of adjudicators under the CIPAA and to reinforce compliance with the strict statutory deadlines for making such appointments.

Conflict Resolution Panel

On 26th November 2018, the Director of the AIAC constituted the Conflict Resolution Panel (CRP) to deal with situations where the Director of the AIAC has to make a decision but it is apparent (or reasonably plausible) that there may be a conflict of interest on the part of the Director.

In the event of a conflict of interest, the Director of the AIAC may call upon at least 2 Members of the CRP to enable a decision to be arrived at for the Director's implementation. The CRP comprises of :-

Dato' Varghese George Varughese
Mr. Lambert Rasa-Ratnam
Mr. Razlan Hadri
Ms. Yoong Sin Min
Mr. Christopher Leong

The appointments of the CRP were effective from 26th November 2018.



Overview of 2018

New Partnerships – Co-Operations and Collaborations in 2018

On 10th July 2018, the AIAC signed a Memorandum of Understanding with the Philippine Dispute Resolution Centre (PDRCI). Also in 2018, the AIAC made efforts to register as a permanent arbitration institution in Russia as part of the Centre's initiatives to extend its global reach. Whilst the AIAC hopes to pursue this in the future, as of the end of 2018, the AIAC welcomes PDRCI as it joins a list of 48 other institutions that are in partnership with the AIAC as follows :-



• Asian Domain Name Dispute Resolution Centre (ADNDRC)	• Malaysian Corporate Counsel Association (MCCA)
• Asian Institute of Alternative Dispute Resolution (AIADR)	• Malaysian Institute of Arbitrators (MIArb)
• Badan Arbitrase Nasional Indonesia (BANI)	• Mona International Centre For Arbitration and Mediation Limited
• Bangladesh International Arbitration (BIAC)	• UWI Faculty of Law at Mona
• Beijing Arbitration Commission (BAC)	• Monash University
• Beijing International Arbitration Centre	• Russian Arbitration Association (RAA)
• Bogota Chamber Of Commerce Arbitration And Conciliation Centre	• Russian Asian Legal Association (RALA)
• Brunei Darussalam Network Information Centre Sdn Bhd	• Securities Industry Dispute Resolution Center (SIDREC)
• Cairo Regional Centre for International Commercial Arbitration (CRCICA)	• Shanghai International Economic and Trade Arbitration Commission (SHIAC)
• Camara Oficial de Comercio (La Camara)	• Taylor's University
• Chartered Institute Of Arbitrators (CIArb)	• Thailand Arbitration Centre (THAC)
• China-Asean Legal Cooperation Centre	• The Arbitration, Mediation and Dispute Board Chambers (ArbDB)
• Chinese International Economic and Trade Arbitration Commission (CIETAC)	• The Asian Football Confederation (AFC)
• Dorsett Regency Hotel (M) Sdn Bhd	• The Associated Chinese Chambers of Commerce and Industry of Malaysia (ACCCIM)
• Hainan Arbitration Commission (HAC)	• The British Columbia International Commercial Arbitration Centre (BCICAC)
• Hong Kong International Arbitration Centre (HKIAC)	• The Chartered Institute of Arbitrators (CIArb) (Malaysia Branch)
• International Chamber of Commerce	• The International Arbitration Institute Of The University Of Miami School Of Law
• International Council Of Arbitration For Sport (ICAS)	• The International Centre For Settlement Of Investment Disputes (ICSID)
• International Malaysian Society of Maritime Law (IMSML)	• The Jamaica International Arbitration Centre (JAIAC)
• Invest KL	• The Sharjah International Commercial Arbitration Centre
• Islamic Finance Lawyers (ISFIN)	• The Society of Construction Law, Malaysia
• Kigali International Arbitration Centre (KIAC)	• Universiti Kebangsaan Malaysia (UKM)
• Kobe University	• University of Malaya (UM)
• Korean Internet Address Dispute Resolution Committee (KIDRC)	
• Labuan Financial Services Authority (Labuan FSA)	

EVENTS

In 2018, the AIAC hosted a myriad of thought-provoking and engaging events all aimed at disseminating knowledge on the trends, practices and ideas emerging in the alternative dispute resolution sphere. Below is a summary of highlights of key events held between January 2018 and December 2018.

Asia ADR Week 2018

AIAC's flagship event for 2018 was the Asia ADR Week, which delivered the "Asian Experience", tapping from a diverse and mixed culture of expertise and specialisations from all over Asia whilst focussing on the demands and needs of Asian businesses. Spanning across three days, the Asia ADR Week 2018 covered key issues including the promotion of business and investment within the region and how the ADR framework is designed to complement the expansion and growth expected from the commercial industry in the coming years with the anticipated economic boom. Close to 300 ADR presenters and practitioners from within the region and beyond attended the event. The conference was made up of 11 sessions, 9 breakout sessions, and 2 impressive social events.

The official launch of Asia ADR Week was initiated by a key note address from the Guest of Honour, AALCO Secretary-General H.E. Prof. Dr. Kennedy Gastorn, on the topic "ADR in a Changing World: The Asian Experience".

All three days attracted an auditorium-full of participants with a plethora of informative sessions. Some of the key sessions included:

- "Building a New Asia: A Spectrum of Opportunities"
- Gaining the Edge in Business: Unravelling the Myths of the ADR Ecosystem"



- "Real Money, Real Investors, RealTime, RealTalk –What ADR Can Do ForYou"
- "Tomorrow's Methods: Holistic Resolution of Conflicts and Dispute Avoidance"
- "Arbitration Agreements Built to Last"
- "The Dawn of the Digital Era"

The Asia ADR Week 2018 social events included a Welcome Cocktail Reception upon the conclusion of the Day 1's events and the AIAC 40th Anniversary Gala Dinner at the Grad Hyatt, Kuala Lumpur which took place on the evening of Day 2.

The 2018 edition of the Construction Industry Payment and Adjudication Act 2012 (CIPAA) Conference was hosted in conjunction with the Asia ADR Week 2018 and was held on its final day to a sold-out auditorium. The 2018 CIPAA Report, titled "Sharing Solutions" was also released on the same day, providing a detailed analysis and report on nation-wide adjudication statistics for the year 2017 as well as legal updates affecting the construction adjudication industry in Malaysia.

Overview of 2018

AALCO Arbitration Forum 2018



The inaugural Asian-African Legal Consultative Organisation (AALCO) Annual Arbitration forum was held between 21st and 22nd July 2018 at the AIAC, themed, “Connecting Asia and Africa, Connecting Investment and ADR: Opportunities and Challenges. This forum coincided with the 40th year anniversary of the AIAC’s establishment under the auspices of the AALCO. In light of the rapid development of foreign investment and alternative dispute resolution in emerging markets such as Asia

and Africa, the AALCO Annual Arbitration Forum could not have been timelier.

This was the first event of its kind that brought together all five Arbitration Centres established under the auspices of AALCO: the AIAC, the Cairo Regional Centre for International Commercial Arbitration (CRCICA), the Lagos Regional Centre for International Commercial Arbitration (LRCSCA), the Tehran Regional Arbitration Centre (TRAC) and the Nairobi Centre for International Arbitration (NCIA).

The AALCO Annual Arbitration Forum was attended by over 200 local and international participants. Spanning across two days, the conference touched on the role of the AALCO arbitration centres in facilitating investment and promoting the use of ADR across Asia and Africa, the opportunities and challenges that lay ahead, as well as providing a practical guide for investors venturing into

business in different regions across Asia and Africa. Region-specific break-out sessions on the contemporary developments in ADR in Asia and Africa were also organised to shed some light on current affairs.

The event garnered active participation from stakeholders in Asia and Africa with close to 300 participants attending. Many esteemed legal practitioners, government officials, members of the judiciary and academics from Asia, Africa and beyond presented at the Forum including the Hon. Dipak Misra (Chief Justice of India), the Honourable Professor Palamagamba John Aidan Mwaluko Kabudi (Minister of Constitution and Legal Affairs of Tanzania), YB Datuk Liew Vui Leong (Minister in the Prime Minister’s Department, Law), the Honourable Justice Datuk Nallini Pathmanathan (Judge of the Court of Appeal of Malaysia), and Prof. Dato’ Dr. Rahmat Mohamad (Secretary of the Eminent Person Group of AALCO).

AIAC Certificate in Adjudication



In April and November 2018, the AIAC conducted its 2018 edition of the AIAC Certificate in Adjudication. Aside from training future adjudicators and providing them with the necessary skills to conduct an adjudication, both certificate courses were also attended by individuals keen

on simply seeking more knowledge on the construction industry. The certificate courses are made up of five (5) modules: the application of statutory adjudication to the construction industry; the practice & procedure of adjudication under the CIPAA; the CIPAA regulations; fundamentals of construction law (including an introduction to basic concepts of the laws of contract, tort and evidence); the construction process (including procurement processes and contractual arrangements); and writing adjudication decisions. The certificate courses were taught by experienced legal practitioners including Mr Lam Wai Loon, Mr Daniel Tan Chun Hao, Mr Harbans Singh, Mr Thayanathan Baskaran, and Mr Ramdas Tikamdas.

In January 2018, the AIAC also held its inaugural full-day CIPAA Refresher Course which covered all the recent legal developments in relation to the construction industry adjudication landscape in Malaysia. The Experts also shared their insights on up-to-date judicial precedents, updates on counterclaims/LAD and procedural discrepancies.

The CIPAA programmes organized by the AIAC for the year 2018 saw over 500 practitioners participating and benefiting from them.

Design & Build Launch 2018



In furtherance of the launch of the suite of Standard Form of Contracts on 15th August 2017, the AIAC revealed its Standard Form of Design and Build Contracts on 3rd July 2018.

Design and Build contracts are frequently entered into by contractors and sub-contractors to set out the design and construction aspects of a project so as to minimise the project risk for an owner and to reduce the delivery schedule by overlapping the design phase and the construction phase of a project.

To address the needs of the contracting parties involved in carrying out of the design and build works, the AIAC Design and Build Contracts were introduced to complement the initial set of SFCs and to provide for the smooth administration of contractual relationships. The dispute resolution sections of the Design and Build Contracts contain sophisticated and result-oriented provisions facilitating time and cost-efficient mechanisms and, therefore, preventing deadlocks and encouraging continuity of works and working relationships. Some of the key features of the Design & Build SFC include the possibility to maintain "Single-Point Responsibility" on the D&B Contractor; the Contractor's responsibility for all aspects of the works, such as the quality of materials, quality of workmanship and standard of design, etc.; the Employer's responsibility for the general contract administration and auditing of the Contractor's works; the finalisation of the Account on an elemental basis; and compliance with the Construction Industry Payment and Adjudication Act 2012 (CIPAA 2012) and, applicable GST provisions.

As with all other AIAC's SFCs, the Design and Build Contracts can be easily adjusted to the needs of a particular user or project either within Malaysia or abroad. Like the initial SFC, the Design and Build Contracts are customisable and free.

The Design & Build Launch 2018 was attended by over 300 industry professionals, with the keynote address delivered by the Guest of Honour, YA Dato' Lee Swee Seng (Judge of the Kuala Lumpur Construction Court). The significance of the Design & Build SFCs was explained by Ir. Harbans Singh followed by a Panel Discussion and Q&A session moderated by Mr. Lam Wai Loon with Mr. V Ratnalingam, Mr. Thayanathan Baskaran, Mr. Daniel Tan, Mr. Kevin Prakash and Sr. Dr Ong See Lian presenting.

Overview of 2018

Official Launch of the AIAC 2019 Standard Form of Building Contracts



On 28th November 2018, the AIAC held the official launch of the 2019 edition of its Standard Form of Building Contracts (“AIAC 2019 SFCs”). The AIAC is the first arbitral institution in the world to launch a suite of this kind that is suitable for all building construction projects in both Malaysia and abroad as it can be easily adjusted to the needs of a particular user. The AIAC 2019 SFCs reflect the best international standards and were prepared by the Expert Advisory Committee comprised of distinguished professionals.

Since the inception of the AIAC SFCs, there have been 19,000 visitors to the AIAC SFC web portal. In addition, a total of 46,000 AIAC SFC forms have been downloaded with 250 contracts customised by users. Additionally, over 3,500 delegates have attended the AIAC SFC roadshows around Malaysia, over 15,000 copies of the contracts have been disseminated, and 6 in-house company SFC trainings took place in 2018.

The AIAC 2019 SFCs fill the gaps between local and foreign standard form contracts taking into consideration the current laws and judicial precedents impacting the Malaysian construction industry while simultaneously maintaining a recognisable model. This is to expand the coverage of the AIAC SFCs, not only domestically, but also globally.

The AIAC 2019 SFC Main Contract is a comprehensive unified single contract that does away with the distinction between With and Without Quantities. By introducing the role of the Contract Administrator, the AIAC 2019 SFCs paved the way for a more comprehensive checks and balance mechanism in a construction contract. Including the role of the Contract Administrator advances the scope and avenues for Architects, Quantity Surveyors, Engineers and other stakeholders to take charge. In addition, the AIAC 2019 SFCs clearly set out the accountability between the Employer and the Contract Administrator which adds

greater transparency to the duties and obligations of all parties concerned, e.g. the Employer, Contractor, Nominated Sub-Contractor, Nominated Supplier, Contract Administrator as well as Consultant. This transparency within the AIAC 2019 SFCs aims to enhance trust for a better working relationship between all parties.

The AIAC 2019 SFCs launch was attended by over 300 industry professionals with the Welcoming Address delivered by Mr Vinayak Pradhan, Director of the AIAC. The keynote address was delivered by the Guest of Honour, YB Datuk Liew Vui Keong (Minister in the Prime Minister’s Department, Law), followed by a discussion of the key provisions of the AIAC 2019 SFCs by members of the AIAC 2019 SFC Expert Advisory Committee. The launch concluded with a networking reception for the attendees to interact with the Expert Advisory Committee and their fellow peers.

Overview of 2018

AIAC Sports Month

September 2018 showcased a wide range of sports law related events at the AIAC in celebration of the month's theme – AIAC Sports Month. The events were part of a broader initiative by the AIAC to bring greater attention to international sports law in general and its application to the Asian sporting industry. Despite the infancy of sports law in Asia, the AIAC organised September Sports Month with the aim of raising awareness and promoting knowledge transfer of dispute resolution in the sporting industry, with the eventual hope of creating a dedicated Asian Sports Tribunal here in Malaysia. This was because with Asia playing host to major world sporting events such as the Olympics and a great many others, the AIAC foresees a rising number of sports-related disputes in the near future. This prediction is well in line with recent global trends, with the Court of Arbitration for Sport (CAS), as the world's pre-eminent sporting dispute body, administering a record number 600 cases in 2016. As such, below is an outline of the key highlights from September Sports Month 2018.

AIAC International Sports Law Conference 2018



On 28th September 2018, the AIAC organised its inaugural edition of the International Sports Law Conference 2018 (“SLAC 2018”) themed – Sports Disputes: Block & Tackle.

SLAC 2018 featured innovators and visionaries in the world of sports law and touched upon the various nuances of sports law and resolution of sports disputes. From a distinctly Asian lens,

the SLAC 2018 provided a contemporary and futuristic outlook on the world of sports law.

Present at the event were, YB Syed Saddiq Syed Abdul Rahman, Minister of Youth & Sports, who delivered the Keynote Address, and YB Mohamed Hanipa Maidin, Deputy Minister in the Prime Minister's Department (Law), and YAM Tunku Tan Sri Imran, Hon Life President of the Olympic Council of Malaysia, who both delivered Special Addresses.

The conference had five interactive and diverse sessions discussed by leading experts, engaging in topics ranging from Malaysia's role as a sporting nation to the global harmonisation of doping rules and regulations as set forth in the World-Anti Doping Code (WADC). The AIAC was particularly honoured to include a recorded special address by Professor Richard McLaren OC, the Canadian author of the famed 2016 “McLaren Report” presented to the World Anti-Doping Agency (WADA).

The Great Sports Debate



On 21st September 2018, the AIAC hosted “The Great Sports Debate” – a sports arbitration moot presided by a three-member panel of prominent arbitrators including sports arbitrator, Dato' Ambiga Sreenevasan and Mr. Anangga W. Roosdiono, CAS Arbitrator and Senior Partner at Roosdiono & Partners (a member of ZICO Law). The moot problem was premised on a doping violation upon which an infringement notice had been issued by a sports federation to a futsal athlete, with both parties represented by sports law practitioners. The sports debate saw impactful submissions made by both parties, in what ended up being an entertaining evening!

Overview of 2018

AIAC Sports Month

AIAC Futsal Tournament



The AIAC Sports Month also included the action-packed AIAC Futsal Tournament held on 8th September 2018 which witnessed over 10 teams participating and a challenge trophy presented by Mr. Izham Ismail, CEO of the Professional Footballers Association of Malaysia (PFM) to the champions at the end of a 8 hours tournament.

Documentary Screening on Doping



The AIAC Sports Month also included a special viewing session of the independent documentary “The War on Doping” – a film about the use of performance-enhancing drugs as chemical shortcuts to victory, fame and glory. The documentary followed Professor Arne Lundqvist around the world on his missions for three years as he meets with people who say ‘yes’ to doping, and those who spend millions of dollars to fight against it. The AIAC was delighted to have the producer of the documentary, Mr. Bjorn Bertoft in person at the AIAC to deliver the introductory remarks and participate in a Q&A session with members of the audience.

Evening Talk Series

Throughout 2018, the AIAC hosted a number of evening talks on a broad range of topics centered around ADR and niche areas of the law, such as maritime law and sports law, as well as other talks focused on the practical and procedural issues encountered in arbitration. The evening talks, attended collectively by over 450 participants, aim to allow experienced local and international legal practitioners and experts impart their knowledge & wisdom on pertinent issues and changes in their respective legal fields to the broader Malaysian legal community. Some of the evening talks held at the AIAC between January and December 2018 are listed below:

- Reflections on Hearings and Advocacy in Investment Treaty Arbitration
- What’s It Really Worth? – Understanding and Resolving Business Valuation Disputes
- Masterclass on the Use of Experts in International Arbitration
- Combing Mediation and Arbitration: Procedural Safeguards
- The Art of Cross Examination
- Malaysia’s Maritime Industry: Overview, Issues, Challenges & Outlook
- How to Build on Success & Avoid Pitfalls in International Infrastructure Projects
- State of Play: Legal Frameworks Governing the Athlete
- Access to Justice: Out of Competition Independent Adjudication
- New Economic Realities in Arbitration: The Influence of BRI
- Defying Expectations: Thoughts on life as a Barrister and the opportunities and challenges at the Bar
- Recent Developments in International Construction and Construction Arbitration: What can Germany learn from Asia and What can Asia learn from Germany?
- International Commercial Arbitration in an Age of International Commercial Courts
- Courts and Arbitration: Competitors or Partners?
- Should Malaysia Adopt the French Solution Concerning the Recognition of Annulled Awards?
- Building Your Career in International Arbitration – How to Get Your First Appointment as an Arbitrator and Other Tips
- Expert Witnesses in Arbitration: Ships Passing in the Night or Foundering on the Rocks
- The Maritime Silk Road: Exploring Dispute Resolution Opportunities
- Valuation & Event Analysis in International Arbitration

Overview of 2018



Overview of 2018

AIAC Outreach and Capacity Building

The AIAC is a strong believer in empowering both young and experienced practitioners and other members of the wider community with the educational and practical tools to gain a greater appreciation of the ADR services available in Malaysia. In this pursuit, the AIAC organized, hosted and endorsed a number of educational workshops and conferences throughout 2018, both within Malaysia and overseas, including the following:

- National Arbitration Conference 2018: Shaping the Future of Arbitration in Malaysia by the Malaysian Institute of Arbitrators (Kuala Lumpur)
- Workshop on UDRP Rules: Expert Approach on Initiating Domain Name Disputes (Kuala Lumpur)
- Workshops on Handling Delay & Prolongation Cost Claims by The Society of Construction Law Malaysia (Kuala Lumpur)
- CABE Malaysia Annual Conference 2018: Developing Professional Practice and Responsibility (Kuala Lumpur)
- Workshop on UDRP Rules: Expert Approach to Initiating Domain Name Disputes (Manila)
- Domain Name Disputes – India Roadshow: New Delhi Chapter (Delhi)
- AIAC Training Programme on Domain Name Disputes (Kuala Lumpur)
- AIAC- Asia Pacific Jurist Association (APJA) Conference on Arbitration 2018 (Kuala Lumpur)

As part of the AIAC's outreach and capacity building initiatives, the members of the AIAC Legal Services Team regularly present or moderate at conferences and deliver lectures to both students and experienced practitioners, both locally and internationally, on a broad range of topics. Aside from the talks given at the AIAC by the Legal Services Team about its products and services, in 2018, the AIAC Legal Services Team participated in a range of external speaking engagements including the following:

- Speaker, "Effective Way to Create an Arbitration Centre: Challenges and Opportunities for Cooperation" 6th Annual Arbitration & Investment Summit, Nassau, The Bahamas (29th January 2018)
- Speaker, "The Future of Dispute Resolution", Asian Law Students Association (ALSA) UM Symposium 2018 (14th March 2018)
- Speaker, "China's Belt and Road Initiative – "Seeing is Believing": The Need for Tailor Made Dispute Resolution Mechanisms", Inter-Pacific Bar Association, Manila, Philippines (15th March 2018)
- Speaker, "Resolving a Construction Dispute: From Contract Management to its Enforcement", SEGI, Malaysia (20th March 2018)
- Speaker, "Making Malaysia's Building Contracts Internationalised", BFM Radio, Kuala Lumpur, Malaysia (23rd March 2018)
- Speaker, "Malaysia and the Belt & Road Initiative", SCIA Conference on The New York Convention in the Age of the Belt & Road Initiative, Shenzhen, China (15th May 2018)
- Speaker, "Progress and Trends in Dispute Resolution Worldwide", Dispute Resolution in Asia and Beyond: Progress and Trends, Hong Kong (18th May 2018)
- Speaker, "Ethics in Arbitration", Mauritius (23rd May 2018)
- Speaker/Trainer, "Introduction to CIPAA and Construction Law", Judicial and Legal Training Institute (ILKAP) (26th June 2018)
- Speaker, "Ethics in Arbitration: Is it all about Independence and Impartiality?", 4th ICC Asia Conference, Hong Kong (27th June 2018)
- Speaker, "Role of Ethics in Quality Assurance in Dispute Resolution – Conflicts, Transparency and Inclusion & Diversity in Panels", CI Arb Irish Branch Midsummer Conference, Dublin (29th June 2018)

AIAC Outreach and Capacity Building

- Speaker, “The AIAC Perspective: Building Bridges between Asia And Africa” AALCO Arbitration Forum, Kuala Lumpur, Malaysia (21st July 2018)
- Speaker/Trainer, “Introduction to Arbitration”, Judicial and Legal Training Institute (ILKAP) (26th July 2018)
- Speaker, “The Future of Institutional Arbitration”, Jakarta, Indonesia (2nd August 2018)
- Speaker, “When a Deal in E-Commerce Goes Wrong”, Jakarta, Indonesia (3rd August 2018)
- Speaker, “The Unknown Remedy: Investment Arbitration in the Belt and Road Initiative”, IMLC 2018, Kuala Lumpur, Malaysia (15th August 2018)
- Speaker, “Holistic Dispute Management: The Way Forward for International Commercial Dispute Resolution”, ICEC Seminar, Beijing, China (26th August 2018)
- Lecturer, “Introduction to ADR”, Lecture at Taylor’s University (Malaysia) (27th August 2018)
- Lecturer, “Negotiation”, Taylor’s University (Malaysia) (30th August 2018)
- Lecturer, “Mediation”, Taylor’s University (Malaysia) (3rd & 6th September 2018)
- Speaker, “How Can I Develop a Market for My Services, What is Needed for Success?”, IBA Europe-Caucasus-Asia Forum, Almaty, Kazakhstan (5th – 7th September 2018)
- Lecturer, “Domestic and International Arbitration in Malaysia”, Higher School of Economics, Moscow, Russia (24th September 2018)
- Speaker, “The AIAC’s Observations on Developments in Adjudication” Construction Law Conference, Kuala Lumpur (25th September 2018)
- Speaker, “A Brief Overview of the Investment Court Proposal by the EU”, 3rd CARTAL Conference on International Arbitration, Jodhpur, India (29th September 2018)
- Lecturer, “Course on Understanding International Investment Law and Dispute Settlement – Session 5: Jurisdiction, Admissibility and Proceural Issues in Investor-State Arbitration”, Judicial and Legal Training Institute (ILKAP) (3rd October 2018)
- Speaker, “The AIAC: Recent Initiative and Developments – Engaging the World”, 57th Annual Session of the Asian-African Legal Consultative Organization, Tokyo, Japan (8th – 12th October 2018)
- Keynote Speaker, “Conference on ‘International and Domestic Arbitration: Current Scenario and Way Ahead’”, IITARB, Chennai, India (26th October 2018)
- Speaker, “The New York Convention in the Age of the Belt & Road Initiative”, International Conference on Celebrating the 60th Anniversary of the New York Convention, Beijing (3rd November 2018)
- Speaker, “AIAC’s Growth in Becoming A Niche ADR Centre in the World”, Lancang-Mekong Cooperation International Arbitration High0End Forum and Opening Ceremony of Lancang-Mekong International Arbitration Centre at Yunan, China (9th – 11th November 2018)
- Speaker, “Mooting Workshops and Alternative Dispute Resolution”, Universitas Zainal Abidin (November 2018)
- Keynote Speaker, “Evolving Asia: New Frontiers in Dispute Resolution”, International Arbitration Conference 2018, Penang, Malaysia (6th December 2018)
- Speaker, “Memorial Research & Writing”, KPUM Mooting Workshop 2018/19 (Kuala Lumpur) (15th December 2018)



Overview of 2018

NEWS

Dissenting Judgment in Leap Modulations

On 9th November 2018, the AIAC welcomed the Federal Court's decision to expunge from the records, comments made pertaining to the AIAC in certain paragraphs of a dissenting judgment of the Court of Appeal in the Civil Appeal case between Leap Modulations Sdn Bhd PCP Construction Sdn Bhd. The Civil Appeal case arose from an application as between the parties to the matter, for an enforcement and stay of the Adjudication Decision delivered pursuant to the Construction Industry Payments and Adjudication Act 2012.

The decision of the Federal Court was made upon an application by the AIAC, filed on 3rd July 2018, for leave to intervene at the Federal Court, which was granted. The following paragraphs were expunged in full pursuant to the Federal Court's said order: Paragraphs 9, 10, 23(c), 23(e), 23(f), 23(g), 23(h), 23(i), 24, 25, and the last paragraph which states "I hereby order so".

Portions of certain paragraphs were also expunged pursuant to the Federal Court's order as identified below:

Paragraph 7:	The sentence, "In addition ... KLRCA (AALCO)";
Paragraph 8:	The section beginning, "Having said that, ..." to the end of paragraph 8.
Paragraph 22(vi):	The word/abbreviation '(AALCO)' in the sentence, "This decision-making process KLRCA(AALCO)"; and the sentence, "This nuance ... through the scheme";
Paragraph 23(a):	The section beginning, "However, the Government ..." and ending, "... own discretion"; and the section beginning, "The Arbitration Act 2005 ..." and ending, "... rule of law";
Paragraph 23(b):	The section beginning, "However, it will be ..." and ending, "... administration of justice";
Paragraph 23(c):	The section beginning, "What is KLRCA ..." and ending, "... Federal Constitution";

Any citation of the expunged paragraphs of the Leap Modulation dissenting judgment would be in contempt of the order of the Federal Court of Malaysia.

Court Proceedings

The AIAC is always cognizant of the role the judiciary plays in the interpretation of alternative dispute resolution ("ADR") legislations in Malaysia such as the Arbitration Act 2005, Mediation Act 2012 and the Construction Industry Payments and Adjudication Act 2012, and the resulting effect these court judgments may have on the industry.

As part of the AIAC's commitment in strengthening the public's confidence in ADR mechanisms available in Malaysia, where invited to do so, the AIAC participates in these court proceedings, appearing either as *amicus curiae* or by holding a watching brief. In such a capacity, the AIAC assists Malaysian Courts in interpretative exercises of both a procedural and substantive nature on ADR.

The AIAC's involvement in these proceedings are without prejudice to the immunities and privileges conferred upon the centre as an international organization pursuant to the International Organizations (Privileges and Immunities) Act 1992 and its immunity to suit and other legal processes under the Host Country Agreement.

During 2018, the AIAC appeared as *amicus curiae* in four court proceedings. As of the end of 2018, the AIAC is involved in one active litigation, in which it has been named a party to the suit.

Overview of 2018

MACC Investigation

On 19th November 2018, officers of the Malaysian Anti-Corruption Commission (MACC) presented the AIAC with an order to search and seize certain documents within the premises of the AIAC. Following consultation with the Centre's lawyers and the then Director of the AIAC, officers of the MACC were permitted to enter the premises and undertake their search pursuant to the terms of the said order. The AIAC is made to understand that the search was in respect of criminal investigations carried out by the MACC into the Centre's then Director, Datuk Professor Sundra Rajoo.

Following the resignation of Datuk Professor Sundra Rajoo on 21st November 2018, the Attorney General of Malaysia announced the appointment of Mr. Vinayak Pradhan as then, the Acting Director of the AIAC after having consulted the Secretary General of AALCO, Prof. Dr. Kennedy Gastorn.

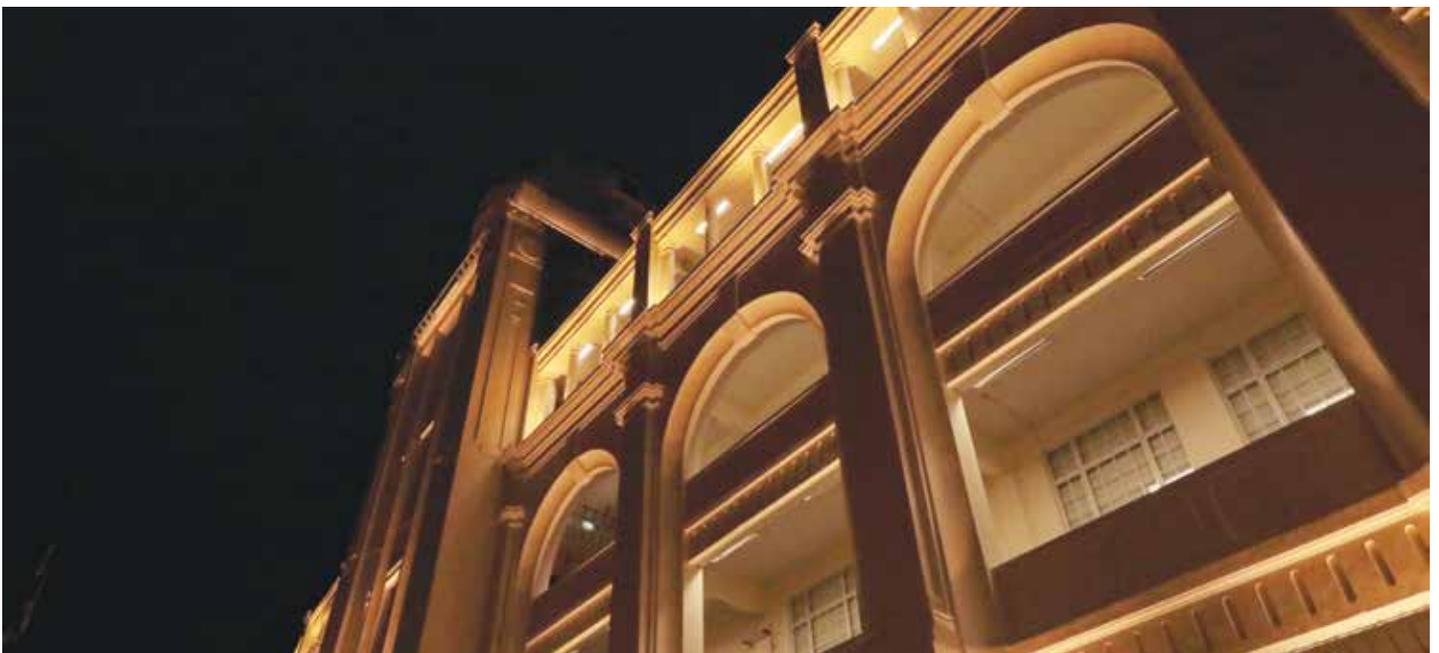
The AIAC has no further involvement in these investigations and charges resulting therefrom.

Review of Internal Control Protocols

Through a series of policy changes implemented, the AIAC has, since the end of 2018, strived to elevate its internal controls and governance procedures to reflect global standards that are expected of neutral and independent organisations. These important steps signify the AIAC's commitment to extend its fullest cooperation to the relevant authorities, in the interest of facilitating compliance with all domestic legislation and the proper administration of justice. The revisions to the AIAC's internal controls were made prior to the issuance of this Annual Report and Internal Audit Statements.

Amongst the key reforms undertaken in the AIAC's internal control activities include changes to the Centre's key processes for approvals, authorizations, verifications, reconciliations, reviews of performance, security of assets, segregation of duties, and controls over the AIAC's information systems.

Since the active implementation of these internal control protocols, the AIAC has identified internal decisions that were made by the previous administration under unusual conditions, which were thoroughly investigated and met with the appropriate corrective action.



PRODUCT AND SERVICES





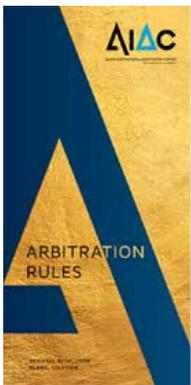
PRODUCT AND SERVICES

PRODUCTS

In conjunction with the rebranding in 2018, the AIAC revamped its suite of ADR rules and guides, which includes: the AIAC Arbitration Rules 2018, the AIAC i-Arbitration Rules 2018, the AIAC Fast Track Arbitration Rules 2018, the AIAC Adjudication Rules and Procedures 2018, the AIAC Mediation Rules 2018, and the Guide to Domain Name Dispute Resolution.

The AIAC is in the process of translating its 2018 Rules into seven languages to ensure a global reach. Translations will be available in Malay, Indonesian, Arabic, Spanish, Russian, Chinese and Korean. In the future, translations will also be available in German, French, Portuguese and Japanese.

Arbitration



Arbitration Rules 2018

The AIAC Arbitration Rules 2018 stand as a calculated response to the recent trends of costs and length optimization of arbitration proceedings. The AIAC Arbitration Rules 2018 have been streamlined, taking into account the need for clarity, ease of users and the exigencies in the resolution of disputes. The AIAC Arbitration Rules 2018 introduce more sophisticated provisions as to the arbitral tribunal's power to award interest on any sums that are in dispute, that now include the express power to determine the applicable rate and method of calculation, be it simple or compound. Furthermore, in view of new emerging economies and particularly in view of the increasing number of cross-border transactions which do not opt to apply the US dollar, the AIAC Arbitration Rules 2018 allow parties to an international arbitration to pay arbitral tribunal's fees and administrative fees in currencies other than USD. This move also reflects on the AIAC standing as a truly global arbitral institution.

The AIAC Arbitration Rules 2018 incorporate certain standard definitions that were previously implicit or expressed in different parts of the structure of the old rules, thus becoming a clearer set. For instance, international arbitration has now been defined in the preliminary part. It is thus clearer in being applicable to the entirety of the rules, as opposed to its earlier location within the provisions for appointment of arbitrators in international arbitration.

Complex arbitral proceedings may involve multiple parties. Addressing this step away from conventional two-party arbitrations, the AIAC Arbitration Rules 2018 allow for the joinder of third parties to the arbitration proceedings. This may be requested either with the consent of all parties to the dispute (including the third party) or by establishing that the third party is prima facie bound by the arbitration agreement. An application for joinder will either be decided upon by the arbitral tribunal or, prior to the constitution of the arbitral tribunal, by the Director of the AIAC.

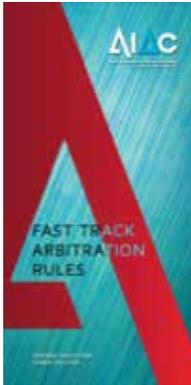
The AIAC Arbitration Rules 2018 provide clear guidelines for the consolidation of different arbitral proceedings to account for particular concerns resulting from consolidation, such as the pre-requisites for consolidation, the constitution of the arbitral tribunal & possible challenges to enforcement.

In furtherance of the 'light touch approach' being taken by the AIAC, the AIAC Arbitration Rules 2018 also seek to avoid errors in form & calculations made in the award by providing for a technical review of awards. This will reduce the scope for difficulties in compliance and enforcement and help maintain a legible and clear standard for awards made pursuant to AIAC administered arbitrations. In doing so however, the AIAC takes the approach of non-interference and therefore limits scrutiny to a mere technical review.

The AIAC Arbitration Rules 2018 create a self-contained code in relation to emergency arbitrators (Part III, Schedule III). This caters to the growing importance of emergency proceedings and the various concerns that they may raise, without affecting the working of the normal arbitral procedures as provided for in Parts I & II.

Product and Services

Arbitration



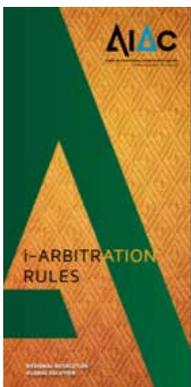
Fast Track Arbitration Rules 2018

Disputes dragging on for years mean long periods of uncertainty as well as internal and external costs for companies. In case of highly complex disputes or when the amount in dispute is hundreds of millions of dollars, such long duration may be justified. However, for very straightforward matters, such as the non-payment for delivered goods, or when the amount in dispute is small, expedited proceedings are often more suitable.

The Asian International Arbitration Centre (AIAC) has a separate set of arbitration rules, the Fast Track Arbitration Rules (the “Fast Track Rules”). On 9th March 2018, the AIAC released its new Fast Track Rules that have been re-designed to meet international standards and tailored specifically to straightforward and rather small matters. The Fast Track Rules provide for shorter time limits to ensure the speedy resolution of disputes: arbitration proceedings under the Fast Track Rules are designed to last no longer than 180 days. The arbitral tribunal in principle has only 90 days from the start of the arbitration until the conclusion of the oral hearing. Thereafter, the arbitral tribunal has another 90 days to draft the award. This 90 days’ time limit guarantees that the arbitral tribunal has the necessary time to deliberate and draft an arbitral award of the highest quality.

The Fast Track Rules should be flexible and adjustable to the circumstances of each case. As such, the unique feature of the earlier revision of the Fast Track Rule, namely a procedure where the entire proceedings are based on documents, has been retained in the new set of Rules. This procedure is suitable for the least complex arbitrations or where no witness testimony is required. Under the documents only procedure, the arbitral tribunal will render the award even faster as there will not be any oral hearing.

The AIAC takes the approach that an arbitral institution should not heavily interfere with arbitration proceedings. As such, the AIAC does not apply the Fast Track Rules automatically, but only when the parties have explicitly agreed upon their application. Furthermore, the AIAC fully respects the parties’ decision regarding the number of arbitrators (one or three) and does not impose a sole arbitrator in Fast Track Rules arbitrations by default. This is in stark contrast to other arbitral institutions, many of which apply a higher level of interference. This practice has already resulted in problems related to the enforcement of arbitral awards.



i-Arbitration Rules 2018

According to the World Bank Group, Islamic finance has emerged as an effective tool for financing development worldwide, including in non-Muslim countries, and has already been mainstreamed within the global financial system.

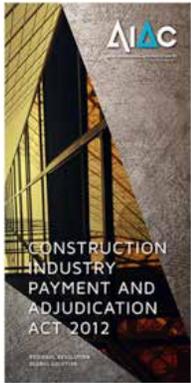
Recognizing the market demand for a flexible, yet Shariah-compliant dispute resolution mechanism, the Asian International Arbitration Centre (the “AIAC”) introduced its award-winning i-Arbitration Rules in 2012. Since then, the AIAC i-Arbitration Rules have undergone several revisions in line with the AIAC efforts to accommodate its products to the fast-changing dispute resolution landscape.

However, throughout these years, the AIAC has maintained the unique feature of its i-Arbitration Rules, namely, the arbitral tribunal’s right to refer issues of Shariah law to the Shariah Advisory Council or a Shariah expert for determination. The reference procedure enables parties to arbitrate their dispute based on the Shariah principles yet reinforcing parties’ autonomy to nominate the arbitral tribunal. Although traditionally, enforcing arbitral awards comprising determinations on Shariah principles was oftentimes problematic, awards under the AIAC i-Arbitration Rules are internationally recognised and are enforceable in all States that have ratified the New York Convention, 1958.

In addition to the above advantages, parties arbitrating their dispute under the AIAC i-Arbitration Rules enjoy the administrative services and assistance of the AIAC. The latest revision of the AIAC i-Arbitration Rules was released on the 9th March 2018 and incorporated the latest amendments made to the AIAC Arbitration Rules to ensure consistency of interpretation and ease of reference.

Product and Services

Adjudication



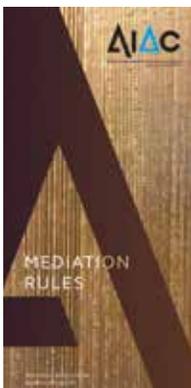
Adjudication Rules & Procedure

With the naming of the AIAC as the adjudication authority by virtue of Part V of the Construction Industry Payment and Adjudication Act 2012 (the “CIPAA”), the Centre has a key role to play in its capacity as the default appointing and administrative authority under the CIPAA. Specifically, the CIPAA vests with the AIAC the power to administer adjudication proceedings and also places on AIAC the responsibility for the setting of competency standards and criteria for adjudicators and the determining of the standard terms of appointment of adjudicators and fees for the services of adjudicators, amongst others. This ensures that the adjudication mechanism is protected and enhanced for quality both in terms of training, capacity building and administration.

In line with the coming into force of the CIPAA on 15th April 2014, the AIAC came up with the AIAC Adjudication Rules & Procedure to supplement the CIPAA to enable the centre to provide administrative support for the efficient conduct of adjudication proceedings. The AIAC Adjudication Rules & Procedure operate in addition to the CIPAA Regulations and contains template forms that may be used by parties to an adjudication proceeding in ensuring documentation-compliance to the provisions of CIPAA.

The AIAC also issues circulars which serves to streamline the CIPAA process either periodically, or in response to industry or legislative updates, as well as court judgments with respect to the implementation and scope of provisions of CIPAA. The AIAC has also published a Guide to CIPAA providing useful commentary, a step-by-step process flow and Frequently Asked Questions for simplified and easier understanding of the CIPAA mechanism.

Mediation



Mediation Rules 2018

Mediation, as an alternative or a supplement to arbitration, has been gaining momentum over the course of past years both globally and in the region. Indeed, not all disputes or differences are suitable for arbitration, some require less formal dispute resolution techniques such as mediation. The mediation provides

Alternative dispute resolution mechanisms, such arbitration and mediation, have become increasingly common way of settling disputes, both globally in in the region. The mediation, provides an alternative avenue to amicable settlement in a way that preserves business relations.

On 9th March 2018 the AIAC introduced its fully revamped Mediation Rules. The AIAC Mediation Rules 2018 provides a flexible framework for the conduct of mediation, yet effectively deal with particularly complex situations that may arise (e.g. confidentiality concerns, non-cooperation by one of the parties, etc.), thus ensuring time and cost-efficient settlement.

Pursuant to the AIAC Mediation Rules 2018, the parties are now free to commence mediation either where there is prior agreement to mediate or in the absence of such prior agreement through the model submission agreement or by making a proposal to mediate.

The mediator or mediators (as the case may be) are now confirmed or appointed by the Director of the AIAC and in so doing, the Director takes into account the parties’ agreement as to the qualifications and attributes of potential mediator. The mediator or mediators appointed shall at all times remain independent and impartial to assist parties in reaching a balanced, ‘win-win’ settlement.

The med-arb procedure incorporated in the AIAC Arbitration Rules 2018 allows parties to convert their settlement agreement into a consent award rendered pursuant to the AIAC Arbitration Rules 2018.

In its continued quest for innovation and excellence, the AIAC catered the Mediation Rules 2018 to most types of disputes or differences, including investor-State disputes, being the first institution in the region and globally to model its rules after the IBA Rules for Investor-State Mediation.

Product and Services

Domain Name Dispute Resolution



As one of the institutions focused on the Asian region under the Asian Domain Name Dispute Resolution Centre (ADNDRC) and also as a provider appointed by the Malaysian Network Information Centre Berhad (MYNIC), the AIAC has taken the step of promoting our services in domain name dispute resolution even further by launching the AIAC’s Guide to Domain Name Dispute Resolution in 2018.

This guidebook provides an overview and a practical guide to domain name dispute resolution services at the AIAC. It is aimed at assisting practitioners and potential complainants by laying out a step-by-step guide to navigate through the dispute resolution mechanisms provided by MYNIC and the Internet Corporation for Assigned Names and numbers (ICANN) in the protection of one’s trademark online. The guidebook contains notes on the policy, rules, procedures and the applicable timelines and stages for the Uniform Domain-Name Dispute Resolution Policy (UDRP), Uniform Rapid Suspension System (URS) as well as the MYNIC’s Domain Name Dispute Resolution Policy (MYDRP) and MYNIC’s Sensitive Name Dispute Resolution Policy (SDNRP). The Supplemental Rules of the ADNDRC to the UDRP and URS, and the AIAC Supplemental Rules to the MYDRP and SNDRP are also included.

This first of its kind domain name guidebook would be useful for business owners operating a website online, dispute resolution practitioners, trademark experts and anyone else interested in finding out more about expeditious resolution of domain name disputes.

Standard Form of Building Contracts



AIAC’s Standard Form of Building Contracts (SFCs) are a suite of standard form contracts that aim to resolve prevailing issues in the Malaysian construction industry. The SFCs recognisable model strives to be user friendly, effective, and current while promoting continuity of works, accountability, and transparency. The AIAC SFCs

are the first ever CIPAA-compliant suite of building contracts that aim to prevent disputes before they even start. However, in the event of a dispute, the AIAC SFCs provide the parties with various alternative dispute resolution mechanisms to use, such as arbitration and mediation. These provisions encourage the parties to continue working through the dispute, thus preventing delays and deadlocks which can lead to unfinished projects. Malaysia’s construction industry is one of the driving forces of its economy; therefore, the continuity of projects is of utmost importance to ensure a strong economy. The AIAC SFCs not only provide Malaysia the opportunity to build a sustainable construction industry, but to also be a leader internationally. The AIAC SFCs, although focused on Malaysia, can be customised for any jurisdiction.

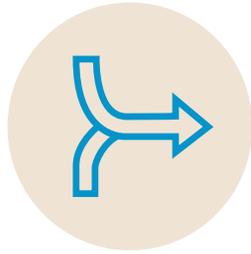
The AIAC SFC Team and its Expert Advisory Committee, made up of industry experts, continue to update the AIAC SFCs to ensure they are compliant with not only Malaysian industry standards and laws, but the leading international trends. Additionally, the AIAC SFCs strive to implement new features and mechanisms that will encourage the Malaysian and International construction industries to evolve and guarantee best practice for all interested stake-holders. To accomplish this goal, the AIAC SFCs encourage a distribution of responsibilities while maintaining checks and balances.

Coinciding with the rebranding, the AIAC launched the 2018 SFCs, which included the Main Contract, both With and Without Quantities, the Sub-Contract and Minor Works Contract. On 3rd July 2018, the AIAC introduced its Standard Form of Design and Build Contracts, which were designed to complement the 2018 SFCs and provide for smooth administration throughout the contractual chain. On 28th November 2018, the AIAC revamped its Standard Form of Building Contract and Sub-Contract by introducing the AIAC 2019 SFCs. The AIAC 2019 SFCs merges the With and Without Quantities Contracts into a single unified contract, along with introducing the Contract Administrator role. Additionally, the AIAC 2019 Sub-Contract allows for the consolidation of arbitration proceedings where the dispute arises under the Main Contract and concerns works to be performed under the corresponding Sub-Contract.

Following the successful launch of the AIAC 2019 SFCs, the AIAC will be embarking on a series of roadshows to introduce the features of the AIAC 2019 SFCs, Design and Build, and Minor Works contracts and explain the alternative dispute resolution mechanisms contained in the SFCs. These roadshows will take place throughout 2019 in Kuala Lumpur, Penang, Sabah, Sarawak, and Johor.

The AIAC SFCs are free to use and can be found at sfc.aiac.world. The website provides an online platform that allows users to customise the AIAC SFCs to their specific needs.

Product and Services



Merging both With and Without Quantities

Users no longer have to distinguish between adopting With and Without Quantities as the AIAC 2019 SFCs are structured as a single contract.



Introduction of the Contract Administrator

Incorporates checks and balances mechanism and empowers the responsibility vested on the Contract Administrator. The Contract Administrator is a qualified person appointed by the Employer to administer the Contract.

KEY FEATURES OF THE AIAC 2019 SFCs



Enhanced Clarity

Fills the gaps and creates a user-friendly platform to provide procedures that deal with practical contract issues during the execution of the Works through easy accessibility of the AIAC 2019 SFCs. This will avoid deadlocks and ultimately promote smooth progress of the Works.



Synchronization with the latest tax regime and the Arbitration Act 2005 (as amended in 2018)

AIAC 2019 SFCs have taken into account the provisions of AIAC Arbitration Rules and the Arbitration Act and their effect on dispute resolution as well as power of the arbitrators. Further, the AIAC 2019 SFCs allow for the adaptability of the latest tax regime.



Expand the protection of the relevant stakeholders

Greater transparency with regard to the duties and obligations of all parties concerned, e.g. the Employer, Contractor, Nominated Sub-Contractor, Contract Administrator and Consultant, which aims to enhance trust and better working relationship between all parties.

Product and Services

ADR SERVICES

Part of the AIAC's recent expansion apart from the provision of institutional support for domestic and international arbitrations and other ADR proceedings, is its offering of diverse ancillary and supplemental ADR services including hearing facilities and administrative services to tribunals operating ad hoc or under the auspices of another institution.

Tribunal Secretaries

The AIAC can, upon the request of the parties and tribunal, appoint a tribunal secretary pursuant to Rule 11 of the AIAC Arbitration Rules 2018. Tribunal secretaries may be appointed throughout the duration of the proceedings, or for just the hearing. Tasks during a hearing may include: confirming delivery of bundles and exhibits at the outset and completion of the hearing, organising and maintaining the tribunal's bundles, liaising with the transcriber, interpreters, and/or electronic evidence presenters, collaborating with caterers to allow for timely arrival of food throughout the hearing, working with the AIAC operations team to provide seamless services, as well as assisting the tribunal with research, drafting, and/or other tasks. Tasks during the proceedings may include: review of submissions, exhibits, bundles, etc., drafting of procedural orders, research, scheduling, and any tasks that may also be completed during the hearing.

"I and my arbitral colleagues had a very positive experience in our recent AIAC arbitration which was conducted efficiently. The AIAC provided services which were very comparable with the other major arbitral institutions. They also assisted by providing a dedicated member of staff to act as tribunal secretary during the hearing which was a great benefit. Equally, we were impressed by the hearing rooms and the IT facilities and support which were available, as well as the staff responsible for these facilities and support"

Transcribing Services

The AIAC can direct parties to various transcription services that provide a range of products at competitive rates upon request. In order to provide even more improved hearing facilities, the AIAC has recently equipped all extra-large, large and medium-sized hearing rooms with court recording transcription software that enables live recording and transcription of video conferences for merely USD398.00 for medium sized hearing rooms and USD455.00 for large hearing rooms per day. In contrast to many other hearing centres, we also offer a well-equipped library with a broad array of authorities in arbitration and construction law in particular. There are no "hidden costs" when one conducts a hearing at the Bangunan Sulaiman. Should there be a need for IT technicians and video-conferencing specialists, it will be provided free of charge.

Collection of Deposits

For ad hoc arbitration matters, the AIAC can act as a deposit holder for the tribunal upon the parties and tribunal's agreement. In doing so, the AIAC would collect deposits from the parties as instructed by the arbitrator. A percentage of the total deposit amount, as determined by the Director of the AIAC, will be charged to the arbitrator for collecting and holding such deposits. The fees will be disbursed upon the direction of the arbitral tribunal, more often than not following the rendering of the final award.

Product and Services

ADR Administration

The AIAC administers arbitration, i-arbitration, fast track arbitration, adjudication, mediation, DNDR, ADNDR matters. Pursuant to its suite of procedural rules, the AIAC registers new ADR matters, collects deposits, appoints arbitrators, adjudicators, mediators or panellists, ensures that procedural timelines are complied with, conducts technical reviews, and releases the fees of the arbitrator, adjudicator, mediator or panellists. Parties wishing to use the AIAC's ADR services can use the AIAC's model clauses in their contracts, which can be found at <https://www.aiac.world/Arbitration-Arbitration>.

“AIAC has the soft-skills, that take the form of its well respected and experienced Director, Mr. Vinayak Pradhan who is a distinguished international arbitrator himself and its many Case Counsels that hail from numerous countries; the tools, by way of its internationally accepted Rules and the fine administration thereof; and structural hardware, in terms of its superior state of the art technology in its numerous hearing rooms, housed in a large heritage building; to provide world class services in administering disputes”

Expert Determination

In addition to administering ADR matters, the AIAC provides services to assist with expert determination at a fee. The AIAC can appoint one of its empanelled arbitrators, mediators, or adjudicators as well as experts outside its panel for purposes of expert determination.

AIAC as a Hearing Venue for Other Institutions

Pursuant to Memoranda of Understanding, the AIAC has partnered with various institutions to provide an alternative venue for hearings in Kuala Lumpur under their respective institutional rules.

ICSID

The AIAC is a longstanding partner of the International Centre for Settlement of Investments Disputes (the “ICSID”), which is seated in Washington, D.C., USA. ICSID is the world’s leading institution devoted to international investment dispute settlements and has administered the majority of international investment cases. A majority of States, in most international investment treaties and in numerous investment laws and contracts, have agreed on ICSID as the forum for investor-State dispute settlement.

The first collaboration agreement between AIAC and ICSID was signed in 1979. In 2014, a new agreement was signed

with the intention of strengthening their collaboration. In addition to fostering cooperation between the AIAC and ICSID, the 2014 agreement allows for the AIAC to be used as an alternative hearing venue for ICSID cases, should the parties desire to conduct hearings at the AIAC. This applies mutatis mutandis to the Additional Arbitration, and Conciliation Rules of ICSID. Additionally, the agreement allows parties and the tribunal of an AIAC administered matter to use ICSID as an alternative hearing venue, should they agree.

ASEAN

The 2009 ASEAN Comprehensive Investment Agreement is multilateral investment treaty between all ASEAN Member States, which comprises of Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore and Thailand. Section B of the 2009 ASEAN Comprehensive Investment Agreement provides for the resolution of investment disputes between an investor and a member State.

In particular, Section B, Article 33 of the 2009 ASEAN Comprehensive Investment Agreement allows for such disputes to be referred, inter alia, to the AIAC. The AIAC, due to its standing as an independent international organisation with an experienced workforce and ultramodern premises, can cover all needs of the parties involved in Investor-State arbitrations. The AIAC offers hearing facilities at Bangunan Sulaiman, Kuala Lumpur and ancillary administrative services to tribunals operating ad hoc or under the auspices of another institution.

Product and Services

Permanent Court of Arbitration (PCA)

In 2017, the AIAC and the Permanent Court of Arbitration (the “PCA”) signed a Host Country Agreement which served to facilitate the conduct of PCA proceedings in Malaysia. This agreement is a testament to Malaysia’s commitment to meet the ADR needs of the international community. The PCA’s Malaysian office is located in Bangunan Sulaiman, the AIAC’s building. Similar to the AIAC’s agreement with ICSID, parties of a PCA administered proceeding may select the AIAC as an alternative hearing venue. To ensure the arbitrators, PCA staff, and participants of the proceedings are able to perform their functions in facilities similar to the PCA’s Headquarters Agreement with the Kingdom of the Netherlands, Malaysia (and thus the AIAC), is required to provide the facilities and services required by a PCA-administered proceeding and protection through the granting of certain privileges and immunities.

This agreement benefits not only Malaysia, but also the surrounding states, and parties to disputes by: attracting arbitrations to the host country that would otherwise be conducted elsewhere; raising the international profile of the host country as an arbitral forum; increasing domestic and regional awareness of arbitration and other methods of dispute settlement offered by the PCA; promoting use of arbitral institutions located in the host country; strengthening cooperation between the PCA and national or regional arbitral institutions and facilitating the exchange of expertise as well as increasing the accessibility of PCA-administered dispute resolution.

International Chamber of Commerce (ICC)

The AIAC and the International Court of Arbitration of the International Chamber of Commerce (the “ICC”) have a long-standing partnership. In 2016, the two institutions jointly organised an arbitration conference in Kuala Lumpur and consequently on 1st November 2017 signed a Memorandum of Understanding to develop and promote Malaysia as a safe seat and venue for arbitration in Asia. In March 2019, the AIAC and ICC co-organised the 3rd AIAC-ICC Pre-Moot for the Willem C. Vis International Commercial Arbitration Moot, as well as the annual ICCYAF-AIACYPG Conference.

Court of Arbitration for Sport (CAS)

The AIAC had in 2012 signed a Memoranda of Understanding with the International Council of Arbitration for Sport which enabled the AIAC to serve as a CAS decentralized office in Asia. Pursuant to that agreement, CAS has referred and continues to refer its CAS-administered cases for hearings at the AIAC as an alternative to the CAS headquarters in Lausanne, Switzerland. These include arbitrations and mediations of sporting disputes between parties who have referred their matters for resolution at CAS.

Library

The AIAC stands out from other centres by providing free public access to its library, which houses a wide variety of books, arbitration journals, key local law reports; all of which are regularly updated. Users of the AIAC’s Library can also find the latest construction law authorities, such as: Building Law Report, International Construction Law Review, and Construction Industry Law Letter. Printing, scanning, and photocopying services are also available upon request.

Working hours of the AIAC’s Library: Monday to Friday, 9:00 AM to 5:00 PM. To schedule an appointment, please contact our Reservations Team at reservations.team@aiac.world or call +60 (3) 2271 1000

STATE OF THE ART FACILITIES





STATE OF THE ART FACILITIES

Bangunan Sulaiman

The AIAC is privileged to be located at Bangunan Sulaiman, which is one of the most distinguishable British colonial buildings in Kuala Lumpur. Together with the Railway Station and the Railway Offices located nearby, Bangunan Sulaiman forms part of an enclave of three buildings that originally belonged to the Federated Malay States Railways. On 17th October 2018, the Bangunan Sulaiman was recognised as a National Heritage Site in Malaysia.

The AIAC's facilities are inclusive of the following:

- 2 Extra-Large Tribunal Rooms (up to 60 persons)
- 24 Hearing Rooms – Large Rooms (22 persons), Medium Rooms (14 persons) and Small Rooms (10 persons) sizes
- 9 Breakout Rooms
- VIP / Arbitrators' Lounge
- 2 Seminar Rooms (up to 100 persons)
- Business Centre access for private discussions
- Library – with specialised ADR & Construction Law resources
- Auditorium Theatre (up to 200 persons)
- Private Dining Area
- Indoor Cafeteria
- Outdoor Cafeteria
- Pavilion Area for cocktail or networking events / dinners
- Vibrant koi fish pond and natural surroundings for corporate events

“The Bangunan Sulaiman has potential to be the best [arbitration hearing centre] outside the Peace Palace.”

*Global Arbitration Review Guide to Regional Arbitration
Volume 6/2018*

Bangunan Sulaiman was opened in 1933 and over the years has housed a variety of government offices, including the Syariah court. In 2011, the Malaysian government decided to designate the building to the AIAC (then – KLRCA). Despite restoration and refurbishment hurdles, it was a remarkable milestone which captured the growing importance of ADR and the AIAC's role in such growth.

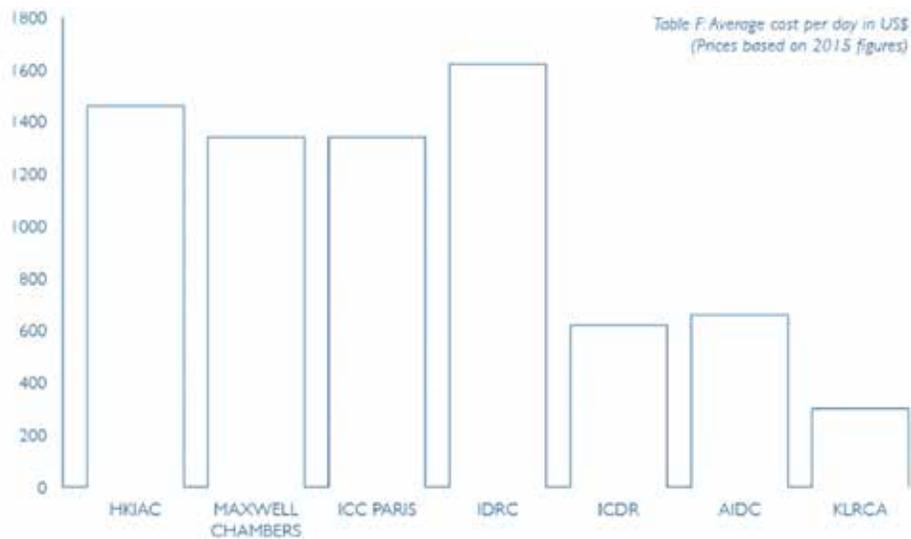
State of the Art Facilities

The Most Cost-Efficient Hearing Centre

The old adage that quality comes at a (high) price does not hold true when it comes to conducting hearings at the Bangunan Sulaiman: we offer state of the art hearing centres at only a fraction of the costs of other arbitral institutions (or compared to hotel seminar rooms), as was shown in a survey by the Global Arbitration Review.

Recognised as a premier hearing centre and dubbed to have the potential to be the best outside the Peace Palace, as well as offering by far the most competitive rates in comparison with other hearing centres, the AIAC’s Bangunan Sulaiman in Kuala Lumpur is a smart, cost-effective and well-informed choice when selecting a hearing venue.

In 2018, the AIAC was ranked as the most affordable hearing facility amongst other arbitral institutions in the world.



<https://globalarbitrationreview.com/benchmarking/guide-to-regional-arbitration- volume-6- 2018/1150108/survey-results>

In their most recently-published hearing centre survey, the Global Arbitration Review reported on the average room cost per day in the other 21 leading arbitral institutions across the globe. The Global Arbitration Review indicated that such cost can be incurred up to the extent of USD3,000 per day. However, the AIAC is ranked as the lowest with 300USD per day.

The AIAC is conscious that alternative dispute resolution strives to be an efficient and cost-effective method of dispute resolution. However, in recent years, such method has faced criticism for being too costly and there is a significant contribution generating from the cost of the hearing venue. The AIAC aims to solve this stigma by providing cutting-edge facilities at an affordable rate to our users.

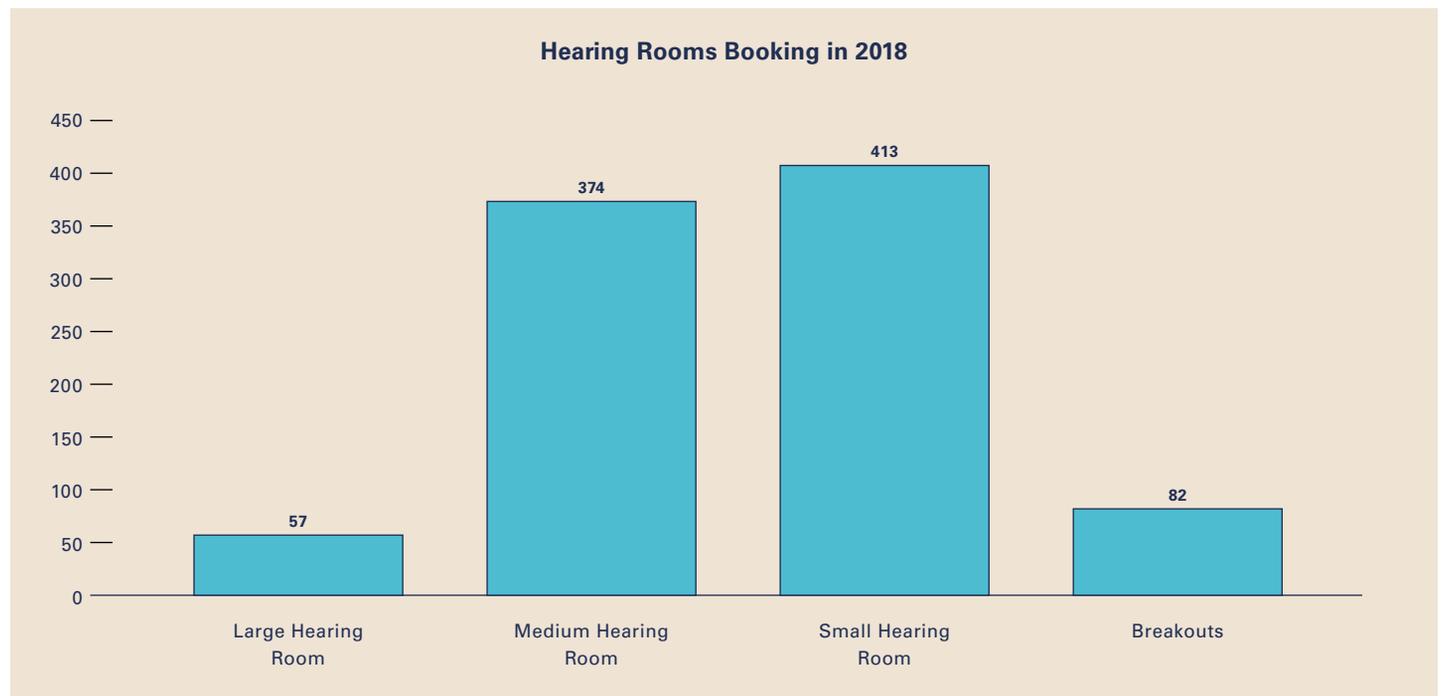
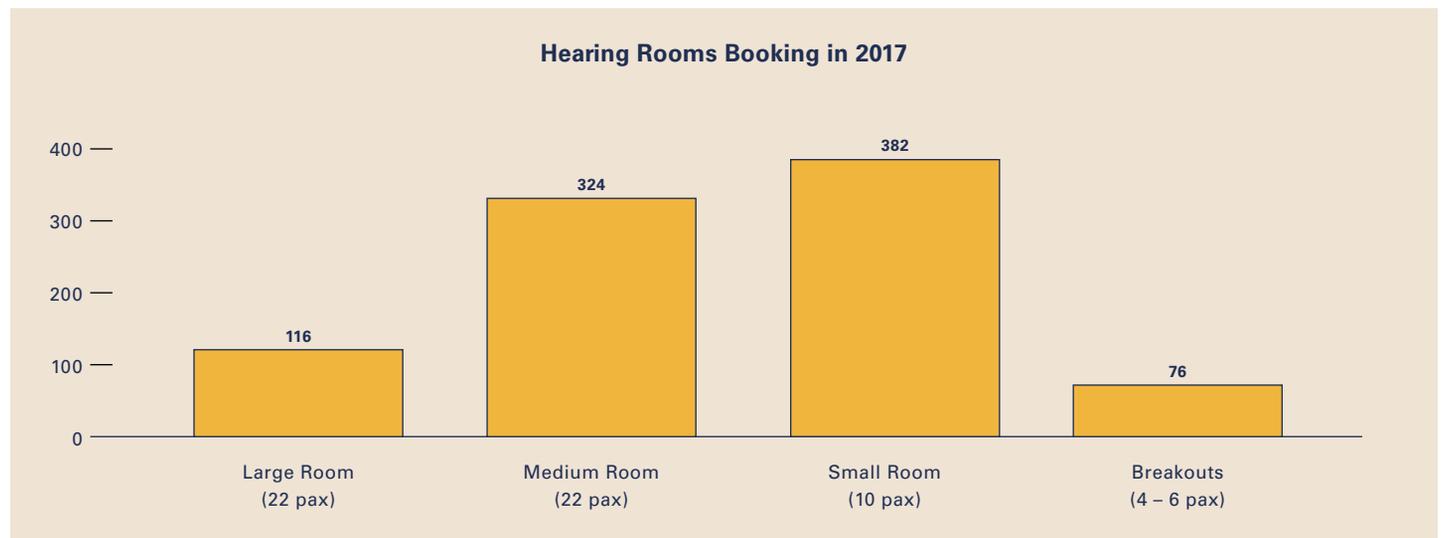
The AIAC itself has witnessed an increased demand towards the booking frequency of our hearing rooms. In 2017, 898 hearing rooms were booked whilst in 2018 the AIAC hosted 926 hearings.

State of the Art Facilities

Does Size Matter? Small, Medium or Large?

The Bangunan Sulaiman houses 24 hearing rooms. To cater to all the preferences of the parties and to attend to their particular needs, the AIAC has divided these 24 hearing rooms into 4 types: Large Room (22 pax); Medium Room (14 pax); Small Room (10 pax) and Breakout Room (4 – 6 pax).

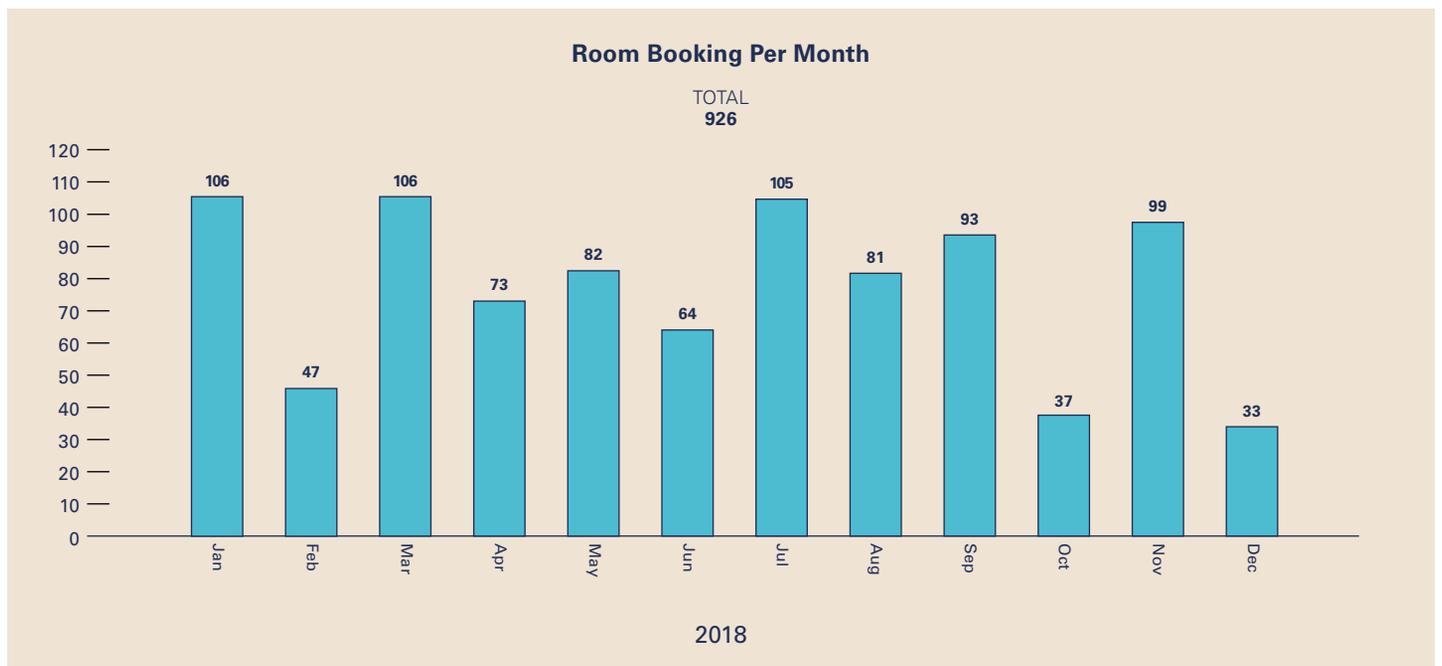
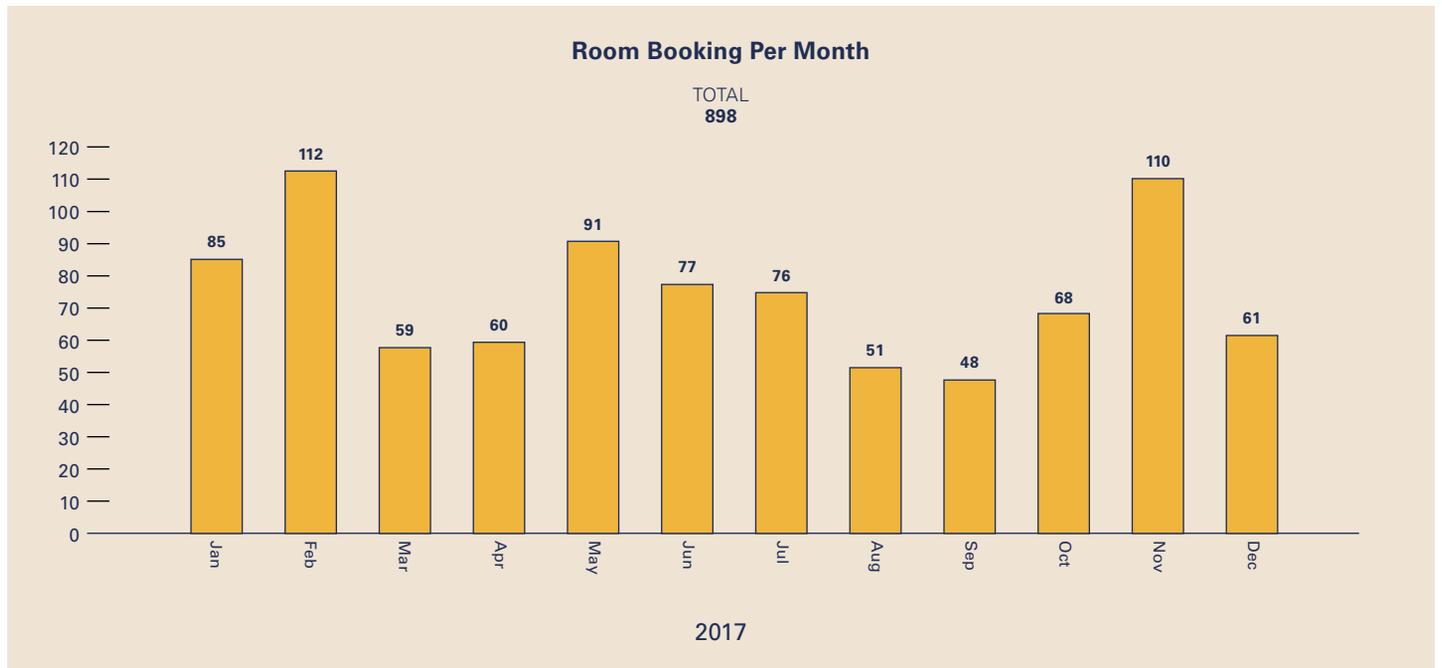
From the booking breakdown below, it is apparent that our users seem to prefer to have their hearings conducted in the Small Room.



State of the Art Facilities

Mark Your Calendar: Most Booked Month of The Year

Although the busiest month of the year varies from year to year, for instance, in 2017 February and March were the busiest months and in 2018 January was the busiest month, it can be concluded from the numbers below that the AIAC has always received the greatest volume of booking confirmation in the first quarter of the year.



State of the Art Facilities

Minimising Costs and Enhancing Hearing Efficiency

Bangunan Sulaiman as a hearing centre has benefitted our users in two ways: (1) it has significantly minimised hearing costs by setting affordable hearing room rates; and (2) it provides a convenient setting for hearings by equipping state-of-the-art facilities in our rooms.

Cost minimisation

Aside from the AIAC, other hotels in Kuala Lumpur offer meeting rooms for rent that can be used as an alternate hearing venue. However, a survey of some 20 hotels in Kuala Lumpur on rental rates for a room with a minimum size of 400 sq. ft. show that this could cost, in average, RM225 per pax.

In light of the number of the bookings made over the year, the AIAC is pleased to note that in 2017, Bangunan Sulaiman had hosted up to 11,288 users, and in 2018, 11,030 users.

Typically, our users spent up to RM61.36¹ to RM63² to cover their hearing cost per day in Bangunan Sulaiman.

This means, that the AIAC has saved the cost of our users³ in renting a hearing venue by up to RM1,546,456 in 2017⁴ and RM1,511,110 in 2018⁵.

Hearing efficiency

Typically, aside from finding a neutral territory that is not only conveniently situated and a hearing location that provides value for money, users also desire for the venue to be designed in a legal setting. This is because, users more often than not, require certain facilities familiar to legal proceedings.

This includes but is not limited to the access to breakout rooms to prepare witness testimonies, projectors, sound and video equipment for video-conferencing, Court Recording & Transcription ("CRT") system, and many more. Hotels or other similar facility providers are not well-versed with these legal necessities and would not be able to accommodate such needs. GAR further reiterated the consistent demand from hearing room users for IT support assistance and adequate space and comfort.

The Bangunan Sulaiman is able to accommodate these requests.

¹ 2017: RM61.36 per head per day (RM692,706 from 11,288 paxes)

² 2018: RM63 per head per day (RM693,165.35 from 11,030 paxes)

³ Cost efficiency = costs likely to be incurred in other alternative venues (RM225) – cost in AIAC (RM88 = RM63+RM25 (1 lunch and two coffee breaks)) =RM137/pax)

⁴ In 2017, the AIAC housed 11,288 paxes, it means the AIAC has saved RM1,546,456.

⁵ In 2018, the AIAC housed 11,030 paxes, it means the AIAC has saved RM1,511,110.

State of the Art Facilities

Hearings conducted at Bangunan Sulaiman will enjoy a vast array of complimentary and value-for-money support services. From the complimentary use of whiteboards and flipcharts, to the free supply of writing pads and stationery, our guests can be assured that their secretarial needs will be met during busy business hours of the day. Each booked hearing room offers use of projector and AV equipment. With free access to state-of-the-art high-speed Wi-Fi, and readily available technical support staff that can handle all Audio-Visual enquiries, users will no doubt enjoy peace of mind when navigating through the travails of an arbitration hearing. Complimentary coffee and tea are also available at dedicated coffee corners.

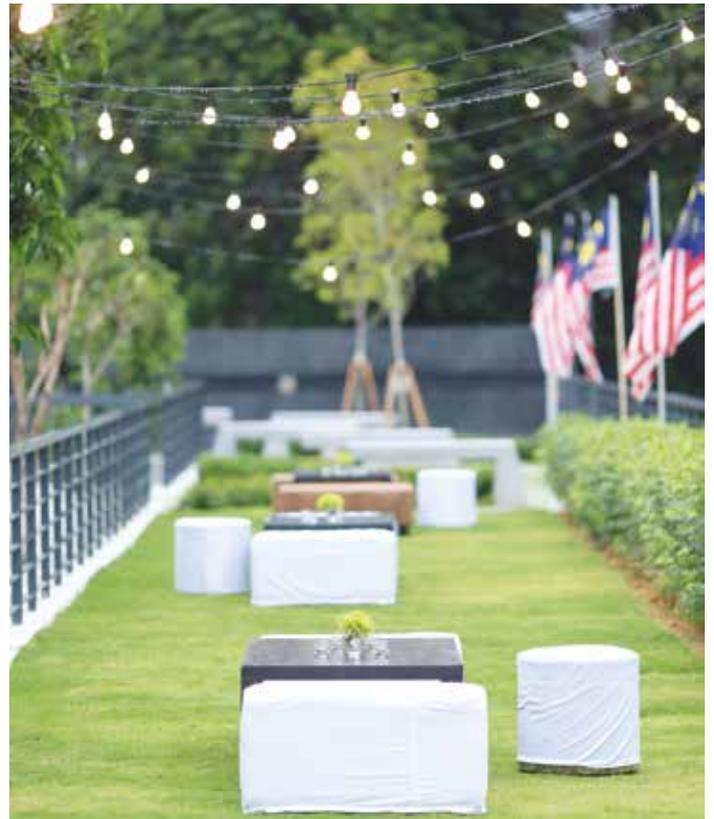
Bangunan Sulaiman also offers an extensive array of hospitality spaces that cater for the comfort and privacy of guests. The building offers guests individually secured rooms, including exclusive business lounge access for arbitrators, where tribunal members can enjoy better privacy and freedom for discussions, with readily served refreshments during break hours amidst a heavy day of hearings. Each room is custom-built, complete with modern furnishings and state-of-the-art technology that can be configured to suit the unique requirements of your hearing, conference, or meeting. The centre prioritises a wide range of individualised services that are facilitated by professional, multi-lingual support staff.

Convenient, Accessible and Hassle-Free

Another attraction of the AIAC lies in its strategic location. Malaysia is at the heart of South-East Asia, with numerous other countries in the region such as Bangladesh, Brunei, Cambodia, Hong Kong, India, Indonesia, Laos, the Maldives, Myanmar, Nepal, the Philippines, Singapore, Sri Lanka, Taiwan, Thailand and Vietnam, being just four hours or less away by flight. The Kuala Lumpur International Airport and the Kuala Lumpur International Airport II, which serves as a low cost terminal, is less than an hour away, and the KLIA Express train, which connects Kuala Lumpur and the Kuala Lumpur International Airport, is within walking distance from the AIAC.

Booking a hotel for the full duration of a hearing can often be difficult due to the plethora of related issues such as expenses and availability. This is not the case at the AIAC: The Majestic Hotel Kuala Lumpur, a 5-star heritage hotel is located just across the street from our hearing centre. There are also a range of other hotels in the vicinity of the AIAC that are easily accessible and are affordable.

For bookings and reservations, please contact our Reservations Team at reservations.team@aiac.world or call +60 (3) 2271 1000



INITIATIVES FOR THE FUTURE ADR GENERATION





INITIATIVES FOR THE FUTURE ADR GENERATION

YOUNG PRACTITIONERS GROUP (YPG)

The AIAC established the Young Practitioners Group (“AIAC YPG”) under its auspices on 17th March 2017. The AIAC YPG is a platform that brings together dispute resolution practitioners below the age of 40 and students interested in building their careers in this fast-growing and dynamic field. Members of the AIACYPG are offered a variety of exclusive events in multiple languages, such as seminars, training days and workshops, visits to ports, interviews with distinguished practitioners and many more.

The Co-Chairs of the AIAC YPG are Ms. Tatiana Polevshchikova, Deputy Head of Legal at the AIAC and Mr. Aniz Ahmad Amirudin, Partner at Cecil Abraham & Partners. Mr. Albertus Aldio Primadi, International Case Counsel at the AIAC, has been appointed as the Secretary-General of the AIACYPG – a new role to oversee all functions and branches of the AIACYPG.

Objectives & Functions

The AIAC YPG focuses on building capacity for young students and practitioners. The group actively collaborates with other international and regional groups, such as the ICC YAF, YSIAC, Young PI Arb, CI Arb YMG Malaysia, ICDR Y&I, and was recently confirmed as a member of the Co-Chairs Circle (“CCC”) during its annual meeting in Rome, Italy. This major accomplishment will allow the AIAC YPG to be the voice for its members at this prestigious international platform.

The group has demonstrated continuous success from day one. Within a year of its inception, the AIACYPG went from zero to over 1,100 members from more than 40 jurisdictions and 4 continents.

Committee

To cater to all preferences and to channel specific expertise in the field of the ADR, the AIAC YPG is made up of 7 committees as follows :-

Investment Arbitration Committee

Commercial Arbitration Committee

Sports Arbitration Committee

Maritime Arbitration Committee

Belt and Road Committee

Adjudication Committee

Mediation Committee

Student Representatives

The AIAC YPG recognises the importance of maintaining and fostering relations with academic institutions all around Malaysia to facilitate the affairs and communication between the AIAC, AIACYPG and Malaysian students. Currently, the AIACYPG has designated two Student Representatives from the following institutions for this purpose :

International Islamic University Malaysia

University of Malaya

Universiti Teknologi Mara

HELP University

Taylor’s University

Multimedia University (Melaka)

Universiti Kebangsaan Malaysia

Brickfields Asia College

SEGi College Sarawak

Universiti Sultan Zainal Abidin

Advance Tertiary College (Kuala Lumpur)

Initiatives for the Future ADR Generation

Events

In an effort to build capacity and educate students and younger members of the legal fraternity on ADR, the AIAC YPG has organized and co-hosted over 15 talks, lectures, conferences and visits in 2018 with over 450+ participants in attendance. Some of the key highlight events are as follows :-

- “State of Play: Legal Frameworks Governing the Athlete”, AIAC YPG Sport Arbitration Committee
- “Mooting Workshop”, AIAC YPG International Commercial Arbitration Committee
- “1st Asian Conference for Students and Young Practitioners”, AIAC YPG
- “Defying Expectations: Thoughts on Life as Barrister and the Opportunities and Challenges at the Bar”, AIAC YPG
- Visit to Westports, Malaysia, AIAC YPG Maritime Committee
- “CIPAA – Penyelesaian Mudah Tuntutan Pembayaran Anda”, AIAC YPG Adjudication Committee
- “Tailoring Dispute Resolution Mechanisms: Asia and Africa in Focus”, AIAC YPG
- “Building Your Career in International Arbitration”, AIAC YPG
- “The Maritime Silk Road; Exploring Dispute Resolution Opportunities”, AIAC YPG



The 2nd AIAC-ICC Pre Moot for the Willem C. Vis International Commercial Arbitration

The AIAC hosted the 2nd AIAC-ICC Pre-Moot for the Willem C. Vis International Commercial Arbitration Moot (the “2nd AIAC Vis Pre-Moot”) on 2nd – 4th March 2018. As a curtain-raiser for the pre-moot, the AIAC Young Practitioners Group also held its first Asian Conference for Students and Young Practitioners from 1st – 2nd March 2018 wherein outstanding students and experienced arbitrators shared their practical and academic experience and ideas.

On the first day of the competition, five general hearings were held for the participants. A further general hearing was held the next day followed by the elimination rounds which eventually determined the best two Malaysian teams, the pairing of the Malaysian final, and the announcement of the Overall Top 4 teams. The final day of the Pre-Moot saw a spectacular performance by teams at the semi-finals, the Malaysian final, and the Grand Finals just before the Awards and Closing Ceremony.

The AIAC welcomed 72 teams with over 300 participants from 21 countries and had 177 hearings presided by 160 international and domestic arbitration practitioners. This made the 2nd AIAC Vis Pre-Moot the second largest Willem C. Vis pre-moot in the world.

AIAC-INTERNSHIP PROGRAMME

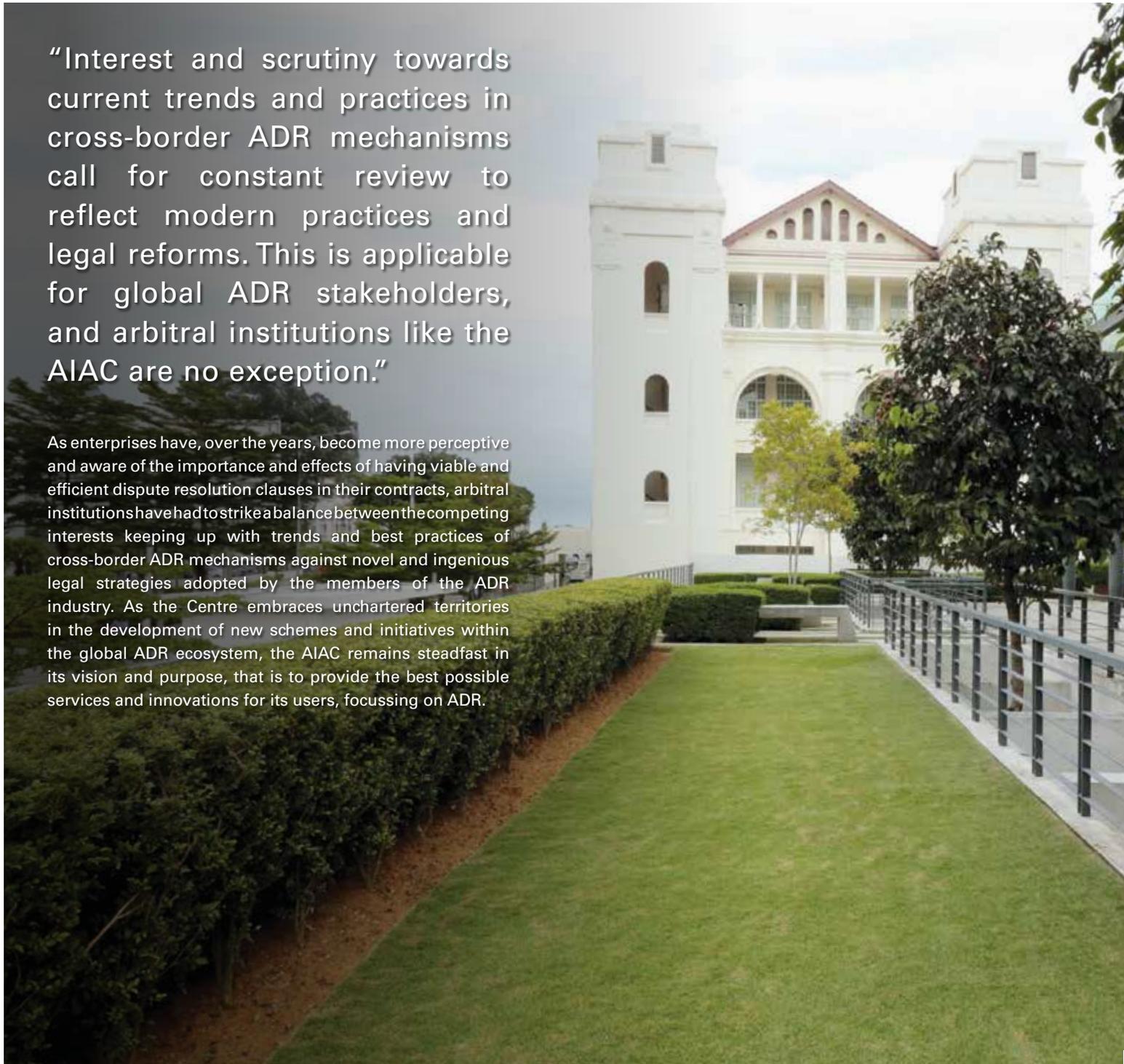
The AIAC Internship Programme is designed to enable undergraduate and postgraduate students to learn more about the various forms of ADR offered at the AIAC. Our aim is to develop and harness the intellectual capacities of our interns in the area of arbitration and ADR.

The AIAC Internship Programme has been increasing in portfolio and stature with the AIAC receiving interns from top Malaysian universities as well as foreign countries such as Australia, Canada, India, Indonesia, Jamaica, Japan, Malaysian, Russia, Saudi Arabia, the Philippines, USA and Vietnam, amongst others.

A GLIMPSE INTO THE FUTURE

“Interest and scrutiny towards current trends and practices in cross-border ADR mechanisms call for constant review to reflect modern practices and legal reforms. This is applicable for global ADR stakeholders, and arbitral institutions like the AIAC are no exception.”

As enterprises have, over the years, become more perceptive and aware of the importance and effects of having viable and efficient dispute resolution clauses in their contracts, arbitral institutions have had to strike a balance between the competing interests keeping up with trends and best practices of cross-border ADR mechanisms against novel and ingenious legal strategies adopted by the members of the ADR industry. As the Centre embraces uncharted territories in the development of new schemes and initiatives within the global ADR ecosystem, the AIAC remains steadfast in its vision and purpose, that is to provide the best possible services and innovations for its users, focussing on ADR.



A Glimpse into the Future



The AIAC suite of Rules, which are revised periodically, speak volume of the Centre's commitment in ensuring the adoption of globally accepted ADR practices for AIAC administered cases. These reviews will continue to ensure relevance with commercial practicalities and expectations, with the goal of launching the revised AIAC Arbitration Rules in 2020. Serving as an additional impetus is the Willem C. Vis International Commercial Arbitration Moot's selection of the AIAC Arbitration Rules for its 2022 edition of the moots, namely, the 29th Willem C. Vis Moot International Commercial Arbitration Moot in Vienna and the 19th Willem C. Vis East International Commercial Arbitration moot in Hong Kong SAR. The selection of the Centre's Arbitration Rules for this renowned competition demonstrates the international recognition and reach of the AIAC besides being a reflection of the AIAC's efforts to position itself as a global ADR hub.

In so far as its expansion into holistic dispute management services and dispute avoidance are concerned, in addition to the AIAC SFC, the AIAC is also exploring various other avenues to build upon its existing structures and fortify its blueprint with respect to the same.

The contemporary ADR global ecosystem demonstrates strong support in pushing diversities be it through the provision of opportunities to young ADR

practitioners and/or the appointment of female professionals as adjudicators, arbitrators, and mediators. The AIAC supports such causes, as evident through its various event collaborations with organizations like Arbitral Women and the growing numbers of female and young practitioners empanelled and appointed in AIAC administered cases in the calendar year 2018. Additionally, we have been collaborating with diverse institutions across the globe to enforce these trends, turning what was once considered a vision into reality that shapes global ADR landscape.

These are our testaments in spearheading the ADR ecosystem in Asia and beyond in past, present, and future trajectories. We believe that growth and opportunity go hand in hand with changes. The AIAC looks forward to continue its promotion and facilitation of cost and time efficient ADR proceedings through the administration of cases and also continue its work with global ADR stakeholders in capacity building/training programmes and business development projects in both common and civil law jurisdictions.

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