



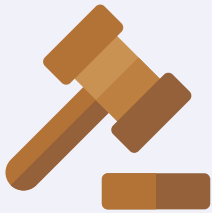
# SHAPING EXCELLENCE,

FROM STRENGTH TO STRENGTH



**ANNUAL REPORT 2019 & 2020**

# AIAC's Achievements in Numbers



## 5,100+

cases – Steady Growth

- From an average of **24** arbitration cases annually between 1995 and 2009, the AIAC has grown tremendously to have received, on average, **110** arbitrations alone, annually between 2010 and 2019
- **5,014** ADR cases (arbitration, adjudication, mediation and domain name dispute resolution) from the years 2010 to 2020
- **1,128** ADR cases in 2019 and 811 ADR cases in 2020

## A Period of Firsts

## More than 3,150

Panellists – World Class Expertise



## 50+

International Collaborations

- **56** Memoranda of Understanding (MoUs) have been entered into since 2010 with both local and international institutions – puts Malaysia and the AIAC on the global map as a global arbitration hub

- 1<sup>st</sup> Emergency Arbitrator Appointment
- 1<sup>st</sup> Tribunal Secretary Appointment
- 1<sup>st</sup> AIAC Appointment for **30** Arbitrators
- 1<sup>st</sup> Contractual Adjudication Appointment



• **2,175** arbitrators from **75** countries with varied expertise and linguistic abilities

• Trained **613** adjudicators

• 2019 & 2020 Empanelments: **22** arbitrators, **16** adjudicators, **2** mediators and **1** domain name dispute resolution specialist

• Agreements with local and international universities to build capacity for law students

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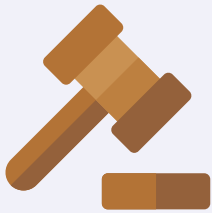
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- Agreements with local and international universities to build capacity for law students



### Capacity Building Initiatives in 2019 and 2020

- 5 Flagship Events – 3<sup>rd</sup> AIAC-ICC Pre-Moot, Asia ADR Week 2019 and September Sports Month 2019, AIAC Pre-Moot Virtual Practice Rounds 2020, September Sports Month 2020 – with over **2,245** participants
- Launch of ADR Online: An AIAC Webinar Series with more than **60** webinars organised in 2020 with over **10,960** attendees
- Endorsement of over **60** physical and virtual Conferences, Evening Talks, and Workshops



More than  
**80** speaking engagements

# Director's Message



IT IS MY SINCERE PLEASURE TO SHOWCASE THE ASIAN INTERNATIONAL ARBITRATION CENTRE'S ("AIAC'S") ACHIEVEMENTS AND INNOVATIONS THROUGHOUT 2019 AND 2020 AS PART OF THIS COMBINED ANNUAL REPORT.

THE PAST TWO YEARS HAVE CERTAINLY SEEN THE AIAC WITNESS ITS SHARE OF PHENOMENAL ACHIEVEMENTS AND UNFORESEEN SETBACKS. EVEN IN THE MIDST OF UNCERTAINTY, I AM PROUD TO SAY THAT THE CENTRE HAS REMAINED RESILIENT AND HAS UNDOUBTEDLY MULTIPLIED ITS EFFORTS TO INCREASE THE PUBLIC'S KNOWLEDGE AND AWARENESS OF THE CENTRE BY LEAPS AND BOUNDS.



Aside from the COVID-19 pandemic, an unexpected turn of events for the AIAC was the demise of its late Director, Mr. Vinayak P. Pradhan, in March 2020. I would like to take a moment to acknowledge the contribution made to the Centre by Mr. Pradhan who was known to all as an extraordinary and accomplished lawyer. During his tenure at the AIAC between November 2018 and March 2020, Mr. Pradhan's robust and persevering attitude strengthened the AIAC's footing in the global arbitration sphere, despite the many challenges he and the Centre encountered. He will be missed by his friends and colleagues at the AIAC for his leadership, guidance, kindness, and great intellectual energy.

Although Mr. Pradhan's passing may have impacted the AIAC's provision of case management services in 2020, the positive



attitude of the AIAC team during this period ensured that the Centre continued its mandate to serve the region as an international organisation to the best of its abilities, to offer the highest levels of services as well as to maximise upon every opportunity, challenge and success that presented itself.

Case management statistics for 2019 were certainly impressive. A staggering 1,128 cases were administered in 2019 spanning across the AIAC's suite of arbitration, adjudication, mediation and domain name dispute

resolution services. These numbers indicate the public's continued confidence in the AIAC as the go-to destination for holistic dispute resolution for both domestic and international matters in the region. Further analysis on these statistics will be provided in the coming pages of this report.

2019 saw us hosting the 2<sup>nd</sup> edition of our flagship event, the Asia ADR Week, which was centered on the theme "The Kintsukuroi Perspective – The Asian ADR Revolution". The event attracted a diverse attendance



## ASIA ADR WEEK 2019

**"THE KINTSUKUROI PERSPECTIVE  
– THE ASIAN ADR REVOLUTION"**

**90**

Domestic and international ADR practitioners speaking

More than

**200** participants

in attendance from 19 jurisdictions.

launched a series of roadshows in major cities around Malaysia as part of our continuous effort in promoting the AIAC SFCs as well as increasing the public's understanding of the statutory adjudication scheme under the Construction Industry Payment and Adjudication Act 2012. This showcased our commitment and efforts in ensuring that those who are in the construction industry are constantly made aware of the latest legal developments concerning statutory adjudication as well as promoting the newly-added improvements to the AIAC SFCs.

In line with our commitment to developing sports arbitration in the region, we hosted the 2<sup>nd</sup> Edition of our September Sports Month in 2019. As the name suggests, the month was dedicated towards the promotion and development of sports law and sports dispute resolution. Key events held included two workshops on drafting sports contracts and the constitution of sporting bodies, a documentary viewing event featuring Al-Jazeera's internationally acclaimed documentary on match-fixing, a futsal competition and the AIAC Certification Programme in Sports Arbitration. The highlight of the 2019 September Sports Month was

without a doubt the International Sports Law Conference (SLAC 2019) which saw over 26 speakers and 200 participants from all over the world, gathering at the AIAC to discuss notable advancements and contemporary issues in international sports law. Also in September 2019, the AIAC visited New Delhi as part of its India-ADR Training Initiative to establish a relationship with representatives of the Indian arbitration community and to introduce them to the AIAC's products and services.

Our unyielding passion to the community of holistic dispute resolution is also reflected in the ability of the AIAC to always make personal connections and expand its networks within Asia. Numerous concerted efforts and initiatives were generated by different ADR institutions for the Chinese Belt-and-Road Initiative (BRI). Malaysia, which sits right in the heart of ASEAN and in the middle of the east-west trade route is well-positioned to contribute in providing ADR services for BRI disputes. As such, the AIAC constantly looks for opportunities in collaborating closely with our partners in China to entrench our capabilities in providing ADR services for the BRI. In October 2019, we co-organised the "Kuala Lumpur Summit on Commercial Dispute Resolution in China" with the Beijing Arbitration Commission and the Beijing International Arbitration Center. Not long after, the China-ASEAN Legal Forum was held in November 2019 jointly organised with the Hainan International Arbitration Court ("HIAC"), which received record attendance. We were honoured to have been graced with the attendance of the Right Honourable Chief Justice of Malaysia, Tun Tengku Maimun binti Tuan Mat, as well as some other notable figures from the Malaysian judiciary.

The AIAC is an ardent believer of the philosophy that a thriving ADR industry cannot be sustained without the future generation of talents. As a leading ADR institution, we always take the lead in nurturing and promoting ADR to the future

with over 90 domestic and international ADR practitioners speaking, and more than 200 participants in attendance from 19 jurisdictions. Spanning over three days, the Asia ADR Week 2019 covered key issues in ADR encompassing a wide range of topics and legal sectors such as investment agreement, project financing arrangements, mediation, specialist arbitration, technology and many more.

In 2019, after publishing the 2019 Edition of the AIAC Standard Form of Building Contracts (AIAC SFCs) in November 2018, we also

## Director's Message

generation of legal and ADR practitioners. In line with these efforts, we successfully organised the 3<sup>rd</sup> Edition of the AIAC-ICC Pre-Moot for the Willem C. Vis International Commercial Arbitration in March 2019 which became the second largest Vis Pre-Moot in the world. We are proud to provide a platform for some of the brightest young mooters from over 90 teams to compete and share their experiences with one another. The Vis Pre-Moots are the AIAC's contribution and testament in introducing and promoting international commercial arbitration to the future generations of legal practitioners.

On this note, I am proud to confirm that the AIAC Arbitration Rules have been selected for the 29<sup>th</sup> Willem C. Vis International Commercial Arbitration Moot in Vienna, Austria and the 19<sup>th</sup> Willem C. Vis East International Commercial Arbitration Moot in Hong Kong SAR in 2022. This is truly an inspirational achievement for the AIAC Team!

Further initiatives for encouraging budding talent came from the AIAC Young Practitioners' Group ("AIAC YPG") which also conducted roadshows and ADR workshops in local educational institutions all across Malaysia between November and December 2019. As a result of this, we witnessed a significant growth in new memberships in our YPG, not only from students but also from experienced ADR practitioners in Malaysia and abroad.

The AIAC's focus on the younger generation continued into 2020 where we swiftly adapted to the "new normal" brought about by the COVID-19 pandemic and organised the 4<sup>th</sup> AIAC Pre-Moot for the Willem C. Vis International Commercial Arbitration in March 2020, which for the first time was held wholly virtually. With the assistance of the brilliant team at Immediation, our first virtual Pre-Moot provided an effective platform for students to get accustomed to virtual hearings, while providing them with the opportunity to compete

with likeminded teams from around the world to strengthen their oral advocacy skills in preparation for the first virtual Vis and Vis East moots.

Adapting to the new normal has also required the AIAC to implement strict standard operating procedures at Bangunan Sulaiman to do its part to limit the spread of the COVID-19 pandemic and to ensure the health, safety, and wellbeing of its patrons, employees, stakeholders, and the local community. Such measures unfortunately resulted in the postponement of the AIAC's flagship Asia ADR Week 2020, although the Centre certainly became more innovative in launching a number of virtual events.

March 2020 saw the AIAC launch its highly successful webinar series – "ADR Online: An AIAC Webinar Series". The series provided

the AIAC the opportunity to bring together leading practitioners from around the world to discuss topical subjects in arbitration such as the impact of the COVID-19 pandemic on the construction, aviation, health & life sciences, international trade, finance, and other industries, the intersection of insolvency and arbitration proceedings, managing expert witnesses in arbitration proceedings, advice on drafting good arbitral awards, career inspiration for young practitioners, and a range of other issues. Between March and July 2020 alone, the AIAC organised over 50 webinars with a total viewership of over 10,000 across our Zoom and Facebook Live platforms, with the webinars continuing throughout the remainder of 2020 on a monthly basis. The success of the series is attributable not only to the array of topics explored in the webinars but also to the diversity and expertise of our



wonderful panellists who generously made the time to impart their knowledge and wisdom to our audience.

Although the issue of enhancing diversity in arbitration has been omnipresent, the COVID-19 pandemic certainly encouraged the arbitration industry to consider diversity issues more seriously and strategically. In this regard, the AIAC had the pleasure of being one of the first arbitral institutions to broach this topic by launching its inaugural Diversity in Arbitration Week in 2020 which was held between 14<sup>th</sup> and 17<sup>th</sup> July 2020. During the week, the AIAC hosted 90-minute webinars each day on select topics relating to diversity in arbitration, namely gender, professional, age, racial & ethnic diversity. The event proved to be a remarkable success with overwhelming feedback and generous comments received over the course of the week. Such would not have been possible without the support of the co-organisers for the event, namely the Equal Representation in Arbitration (ERA) Pledge, Asia-Pacific Forum for International Arbitration (AFIA), Chartered Institute of Arbitrators (CIArb) Malaysia Branch, and #CareersinArbitration.

August 2020 saw the AIAC launch and partake in two new initiatives – the AIAC YPG’s webinar series titled “Careers 2.0: Find Your Niche”, and the “DREx Talk – Kuala Lumpur 2020”. The former was aimed at providing students and young practitioners a platform to connect with experienced practitioners from all over the world who can share their success stories and give tips on building careers in specialised areas of ADR. The latter was the first of its kind in South East Asia featuring Dr. Michael Hwang S.C. (Barrister & Arbitrator at Michael Hwang Chambers LLC) who delivered a lecture on the setting aside of awards under Article 34 of the UNCITRAL Model Law with a comparative overview across eight jurisdictions. Both these initiatives received

highly positive feedback from the participants and we anticipate continuing the momentum in 2021.

The AIAC also hosted the 3<sup>rd</sup> edition of the AIAC’s September Sports Month in 2020 with the AIAC replacing its annual Sports Law Conference with a special September Sports Month Webinar Series, held every Tuesday of the month, on its ADR Online platform. Featuring interesting topics, namely “Building Your Career as a Sports Arbitrator”, “Employment and Contractual Issues in Sports: Recent Developments Post COVID-19”, “The Challenges in Regulating Sports: From Gender Equality to Anti-Doping Requirements”, “International Sports Arbitration and Athletes’ Rights – Maintaining a Level Playing Field”, and “Sports Mediation: An Underused Tool in Resolving Sporting Disputes”, the AIAC attributes the success of this webinar series to the outstanding speakers. September Sports Month 2020 also included the second edition of the Sports Month Workshop Series as well as a Sports Month Networking Session which was hosted at the AIAC’s Bangunan Sulaiman, given the temporary relaxation of movement restrictions at that point in time.

As a testament to its commitment to enhancing diversity in arbitration, the AIAC rounded-off its events for 2020 with the launch of the “Around the World in 30 Days” initiative. Focussed on promoting diversity in arbitration, this initiative featured short interviews by 30 arbitration practitioners from 30 different jurisdictions who shared their views on what makes their respective jurisdictions effective seats for arbitration, as well as tips and other insightful information on succeeding and developing a career in international arbitration. The interviews were released on the AIAC’s LinkedIn, Facebook, and Instagram pages throughout each day of November 2020.

Following my helming of the Directorship of the AIAC in December 2020, the AIAC dedicated its efforts during the month to addressing and resolving all its pending case management matters, which is only proof of the hardworking nature and commitment of the AIAC team. I am pleased to confirm that the AIAC is once again poised to provide efficient and effective ADR case management services to the region and beyond and we look forward to strengthening our positioning in the industry in times to come.

I would like to highlight that the triumphs and perseverance that the AIAC has displayed throughout 2019 and 2020 would not have been possible without the support of all our stakeholders who have, together with us, embarked on a shared commitment to enhance the ADR industry in this region and beyond.

For 2021, we echo our commitment to continue with the upward momentum and to endlessly push through our boundaries and barriers to bring the AIAC to even greater heights in the global ADR arena. We look forward to welcoming our local and international friends to the Bangunan Sulaiman in the near future to be part of the AIAC’s journey to new heights.



**TAN SRI DATUK SURIYADI  
BIN HALIM OMAR**

*Director*

**Asian International Arbitration Centre**

## Our Next Content

### About the AIAC

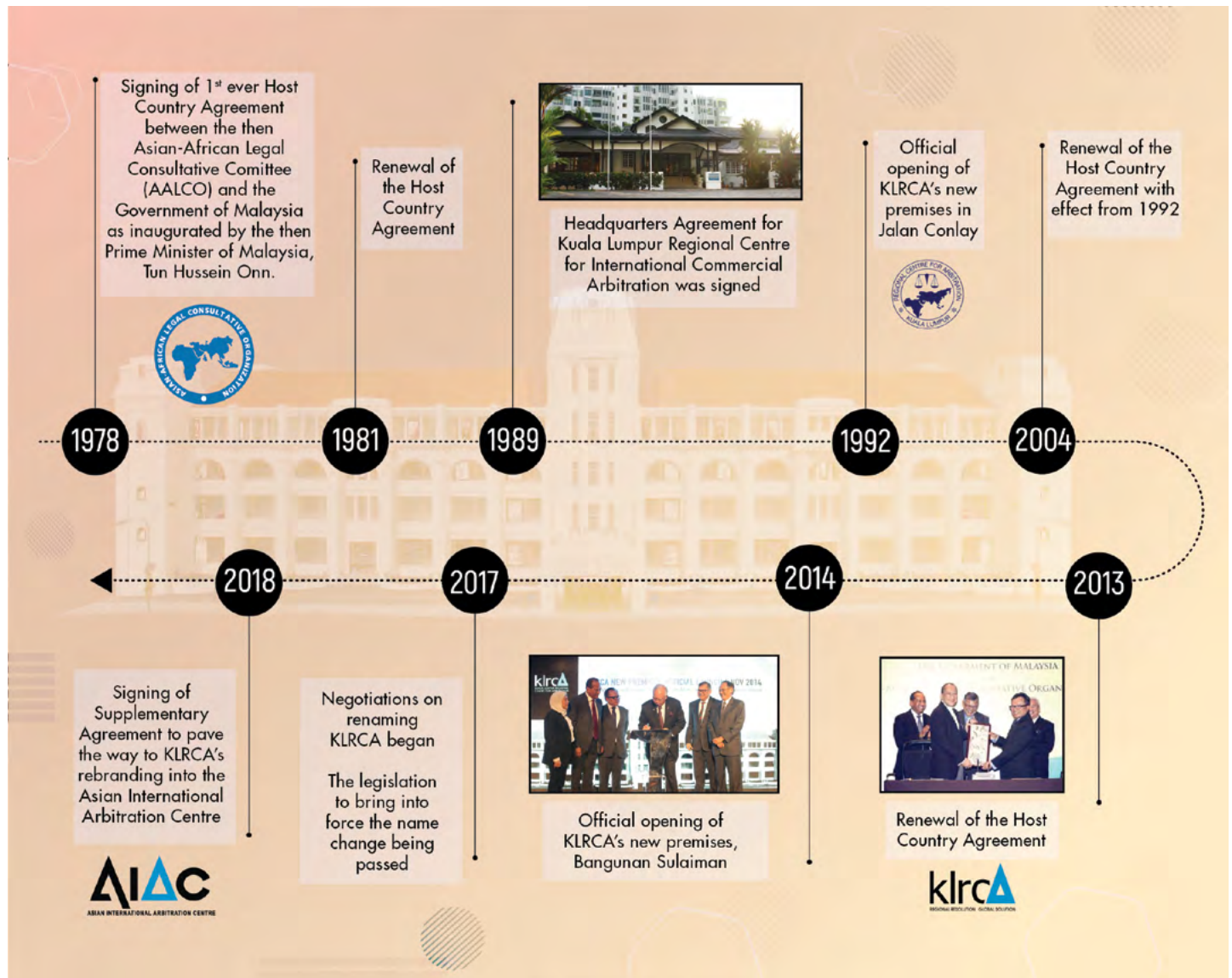
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# About the AIAC

## THE AIAC



The Asian International Arbitration Centre ("AIAC" or "Centre"), 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"). Then known as the Regional Centre for Arbitration in Kuala Lumpur, the Centre was the first arbitral institution established under the auspices of the AALCO.

Over forty-two years of existence, the Centre gained significant experience in alternative dispute resolution ("ADR") serving the needs of Malaysian, Asian and international users. The AIAC's active development over the last twenty years has also resulted in the expansion of its services: first launched as an institution mainly aimed at the provision of administrative services in arbitration, it has evolved into a major dispute resolution hub, also managing adjudication, mediation, and domain name dispute resolution matters. In 2019, the Centre widened its scope of services further, branching into the provision of auxiliary features such as tribunal secretaries, fund-holding arrangements and virtual hearings.

## About the AIAC

Predominantly known for efficiency and the affordability of its services and facilities amongst users, the AIAC continuously improves its products in order to meet the changing needs of disputing parties. The most recent suite of rules includes the AIAC Arbitration Rules 2018, AIAC Fast Track Arbitration Rules 2018, AIAC Mediation Rules 2018, AIAC i-Arbitration Rules 2018, and the AIAC Adjudication Rules & Procedure. Further, the Centre also provides domain name dispute resolution services under the auspices of the Asian Domain Name Dispute Resolution Centre (ADNDRC), the Malaysian Network Information Centre (MYNIC) as well as the Brunei Darussalam Network Information Center (BNNIC).

A combination of modern innovation and classic heritage, the AIAC is situated in one of Malaysia's most iconic and recently-designated heritage buildings, Bangunan Sulaiman. In September 2014, the AIAC's Pavilion was built to complement the existing facilities and complete the unparalleled hearing facilities. One of the largest hearing venues internationally, the AIAC regularly hosts large hearings, including ad hoc matters and matters administered by its partner institutions.

The Centre's exponential growth is a testament to its provision of first class administrative services and its ability to quickly adapt and cater to the ever-evolving needs of its users.

The AIAC also regularly engages with the local and international communities to further its mission of promoting and building capacity in the area of ADR. In addition to its educational and cross-institutional projects, the Centre also supports key international initiatives aimed at promoting equality and diversity in ADR.

The AIAC is presently led by its Director, Tan Sri Datuk Suriyadi bin Halim Omar. The AIAC also has a Council of Advisors, chaired by the former Chief Justice, Tun Arifin bin Zakaria, and comprises renowned domestic and international arbitrators, senior legal practitioners as well former members of the Bench.



### DIRECTOR OF THE AIAC

Tan Sri Datuk Suriyadi bin Halim Omar was born in Seremban, Negeri Sembilan on 8<sup>th</sup> May 1951. He graduated with Honours from the University of Warwick with a Bachelor of Laws, and was admitted as a Barrister-at-Law from The Honourable Society of Lincoln's Inn in 1975. Tan Sri Datuk Suriyadi has had a long and distinguished legal career having spent 42 years in the Judicial & Legal Service, and the Malaysian Judiciary.

He started his career as a Legal Officer in the Kuala Lumpur High Court in 1975, and subsequently served in various roles, amongst others, as a Magistrate in Malacca, a Deputy Public Prosecutor in Negeri Sembilan, a Sessions Court Judge, a Federal Counsel for the Ministry of Home Affairs, as well as in government agencies such as the Inland Revenue Board and the Malaysian Anti-Corruption Agency. In 1992, he was appointed as the Deputy Head of the Prosecution Division for the Attorney General's Chambers.

Tan Sri Datuk Suriyadi was appointed as a Judicial Commissioner on 1<sup>st</sup> November 1994 and was confirmed as a High Court Judge on 12<sup>th</sup> January 1996. He served at the Malacca, Kelantan, and Shah Alam High Courts. He was then elevated to the Court of Appeal in 2006 and four years later, Tan Sri Datuk Suriyadi was appointed as a Federal Court Judge. He retired on 7<sup>th</sup> November 2017 pursuant to the requirement for mandatory retirement of judges in Malaysia reaching 66 years of age, with an extension of 6 months.

Since then, Tan Sri Datuk Suriyadi serves as a Member of the Judicial Appointments Commission, having been appointed for a two-year term by the Prime Minister of Malaysia, the Right Honourable Tan Sri Dato' Hj. Muhyiddin bin Hj. Mohd. Yassin on 4<sup>th</sup> September 2020.










Tan Sri Datuk Suriyadi was appointed as the Director of the AIAC by the Government of Malaysia, following its consultation with the Asian-African Legal Consultative Organization (AALCO) on 1<sup>st</sup> December 2020. His appointment as Director of the AIAC, as announced by The Honourable Dato' Takiyuddin bin Hj. Hassan, Minister in the Prime Minister's Department (Parliament and Law), is for a two-year term from 2020 to 2022.

For his services to the nation, Tan Sri Datuk Suriyadi was conferred a Panglima Setia Mahkota (P.S.M) in 2012, Darjah Dato' Paduka Mahkota Selangor (D.P.M.S) in 2006, Darjah Mulia Seri Melaka (D.M.S.M) in 1995, and Kesatria Mangku Negara (K.M.N) in 1992.

## AIAC ADVISORY COUNCIL

The Director of the AIAC is assisted by a 13-member board of advisors known as the AIAC Advisory Council, consisting of highly renowned Malaysian and international ADR practitioners as well as respected members of the legal industry. The Council supports the Centre with advisory services which are instrumental to the quality, relevance and success of the growth and development of the AIAC. The Council also works with the Director of the AIAC to further the Centre's strategic direction in positioning Malaysia as an arbitration-friendly jurisdiction and multi-purpose global ADR hub.

The Chairman of the AIAC Advisory Council is the former Chief Justice, Tun Arifin bin Zakaria. Members of the AIAC Advisory Council are as follows:

			
<b>Tun Arifin bin Zakaria</b> (Malaysia)	<b>Tan Sri Dato' Sri Idrus bin Harun</b> (Malaysia)	<b>Tan Sri Datuk Seri Panglima Sulong Matjeraie</b> (Malaysia)	<b>Datuk Dr. Prasad Sandosham Abraham</b> (Malaysia)
			
<b>Raja Dato' Ahmad Mohzanuddin Shah Raja Mohzan</b> (Malaysia)	<b>Dato' Nitin Nadkarni</b> (Malaysia)	<b>Dr. Wafi Nazrin bin Tan Sri Dr. Abdul Hamid</b> (Malaysia)	<b>Ms. Tan Swee Im</b> (Malaysia)
			
<b>Prof. Doug Jones AO</b> (Australia)	<b>Dr. Hassan Arab</b> (UAE)	<b>Ms. Monica Feria-Tinta</b> (UK)	<b>Mr. Khawar Qureshi QC</b> (UK)
			
			<b>Mr. Vyapak Desai</b> (India)

## AALCO

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

AALCO's main functions include assisting the member states in drafting constitutions, model legislations and bilateral agreements, as well as providing expertise and assistance to member states in the appointment of arbitrators and other matters relating to arbitral proceedings. AALCO also monitors the development of regional centres for arbitration and provides trainings to fellow arbitrators.

AALCO comprises 47 member states from across the regions. The AIAC stands alongside 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.

# About the AIAC

## MINISTER IN THE PRIME MINISTER’S DEPARTMENT (LAW)

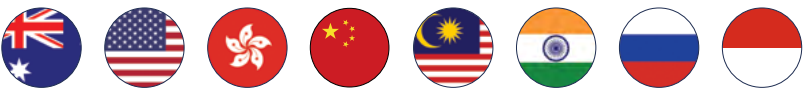
The AIAC is a non-governmental and not-for-profit international organisation. By virtue of its primary role and function as an ADR service provider and its affiliation with the legal industry, it thus falls within the purview of the Minister in the Prime Minister’s Department in charge of Legal Affairs. The current Minister in Charge of Law in the Prime Minister’s Office is The Honourable Dato’ Takiyuddin bin Haji Hassan.

## OUR TEAM

The AIAC’s success to date would not have been possible without the commitment of its dedicated team. With over 50 professionals of diverse backgrounds and cultures across the Centre’s Business Development, Finance, Legal and Operations departments, we put our best effort to deliver effective and efficient ADR services to our users.



## Our Nationalities





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# 2019 and 2020 Figures

## 2019 AND 2020 AT A GLANCE

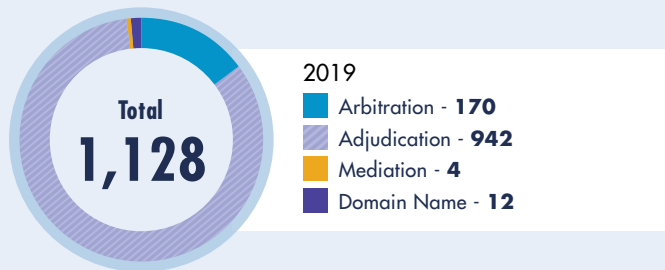


AS AN ALTERNATIVE DISPUTE RESOLUTION (ADR) PROVIDER, THE AIAC PROVIDES A RANGE OF DISPUTE RESOLUTION SERVICES INCLUDING SERVICES IN ARBITRATION, ADJUDICATION, MEDIATION AND DOMAIN NAME DISPUTE RESOLUTION. BELOW IS A SNAPSHOT OF CASE STATISTICS FOR 2019 AND 2020

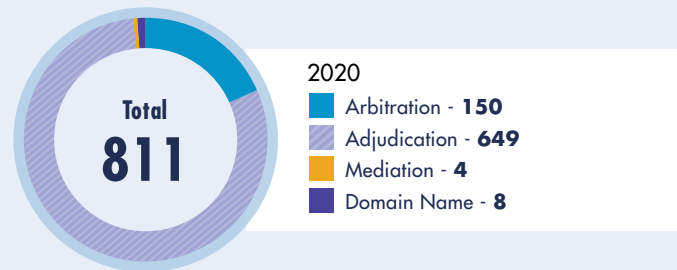


Over the past decade, the AIAC has witnessed a marked increase in its ADR cases. In 2010, a humble 25 matters were referred to the AIAC whilst in 2019, the AIAC was referred a record 1,128 cases. This impressive increase in the ADR cases handled by the AIAC is not only a testament to the success of the ADR processes available in Malaysia - it is also reflective of the AIAC's capability to diversify its products and services to suit the needs of the public, whilst enhancing the efficiency of its case administration. Below is a snapshot of case statistics for 2019 and 2020.

### Total Matters Referred to the AIAC in 2019 and 2020

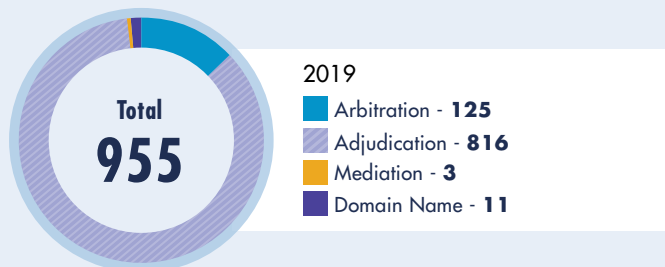


During the 2019 calendar year, a total of 1,128 matters were referred to the AIAC. This figure includes both matters registered properly pursuant to the relevant procedures as well as pre-registered matters (known as PFCs). 84% of the matters received in 2019 were adjudication matters whilst 15% involved arbitration matters.

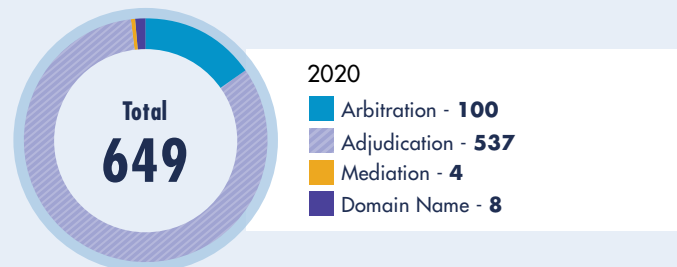


During the 2020 calendar year, a total of 811 matters were referred to the AIAC, including both properly registered and PFC matters. 80.0% of the matters received in 2020 were adjudication matters whilst 18.5% involved arbitration matters.

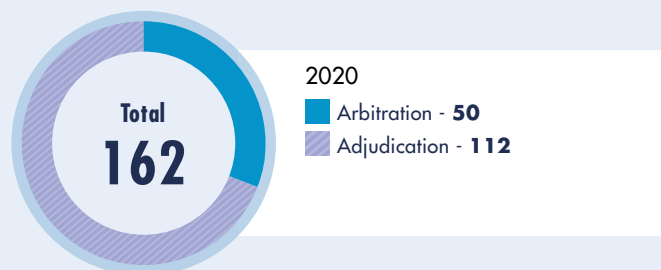
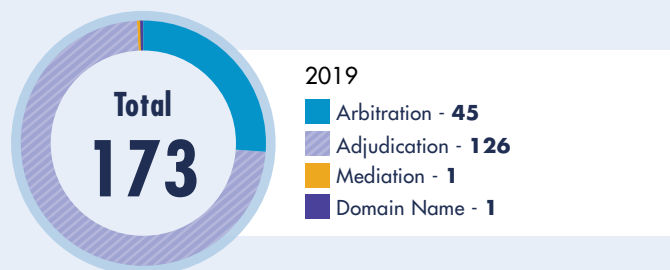
### Registered Cases in 2019 and 2020



In 2019, 955 cases were properly registered at the AIAC, whilst in 2020, 649 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 Fast Track Arbitration Rules. The domain name cases include those administered by the AIAC under the umbrella of the Asian Domain Name Dispute Resolution Centre (ADNDRC) as well as cases under the Malaysian Network Information Centre's (MYNIC) Domain Name Dispute Resolution Policy.

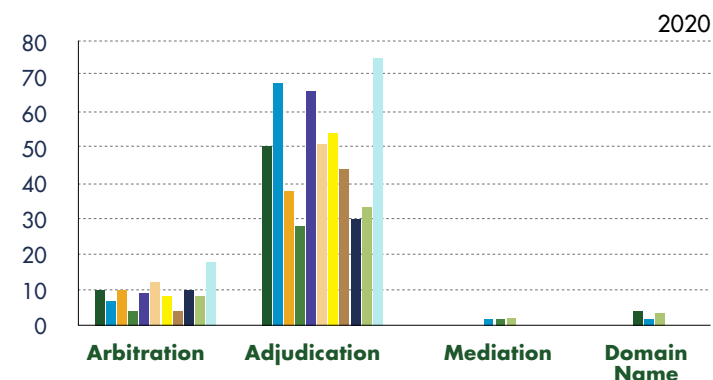
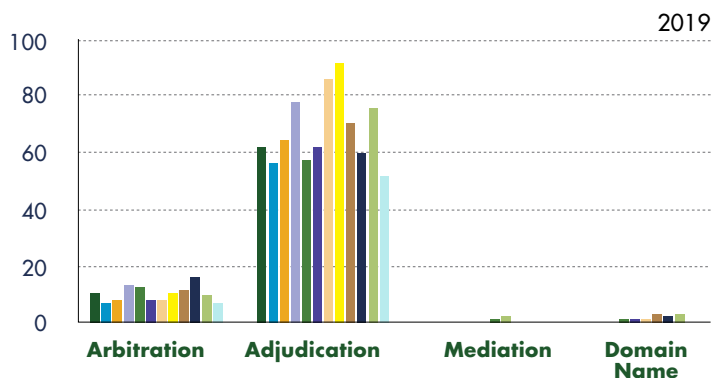


## Pre-Registered Cases in 2019 and 2020



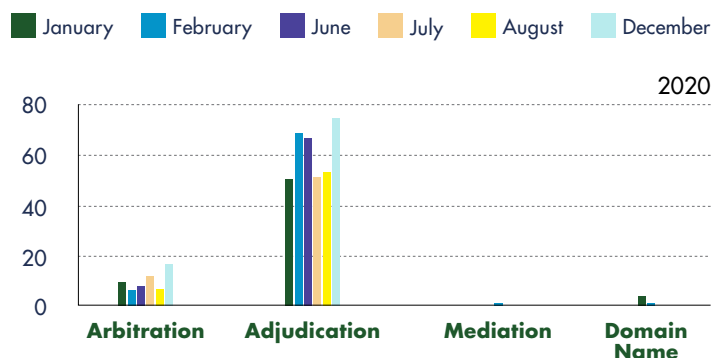
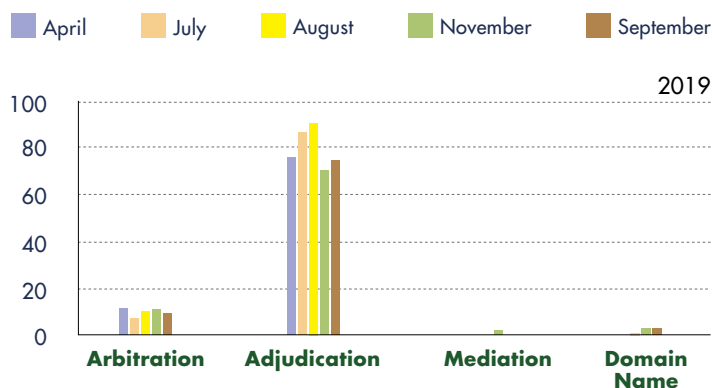
Pre-registered matters are essentially those which have been referred to the AIAC without the relevant documentation and/or where the documentation is incomplete to satisfy a complete commencement or registration request. This includes instances where proof of payment is absent. In 2019, most pre-registered matters involved arbitration and adjudication proceedings. Some of these pre-registered matters were converted to registered matters in the first quarter of 2020. Similar observations can be made in relation to pre-registered matters in 2020, save for the fact that the AIAC received no pre-registered mediation or domain name dispute resolution matters.

## Monthly Case Registrations in 2019 and 2020



## Busiest Case Registration Months at the AIAC

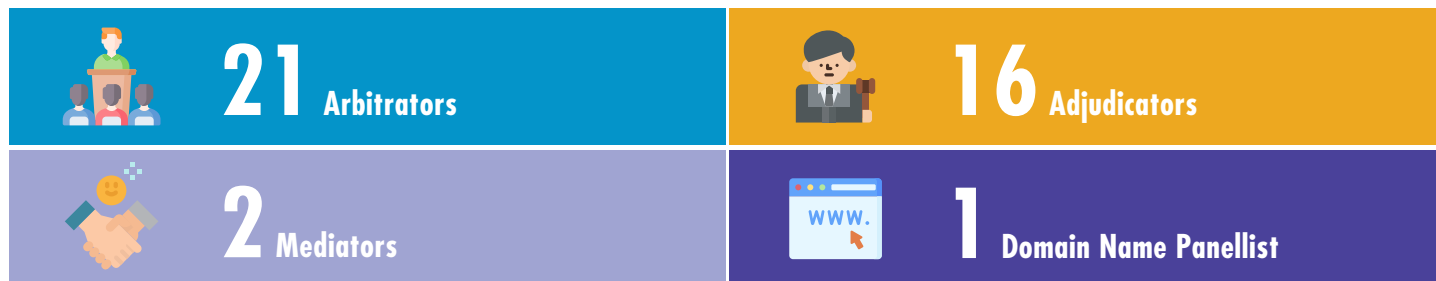
In 2019, the month of August recorded the highest number of case registrations (103) whilst the month of December recorded the lowest number of case registrations (59). In 2020, the month of December recorded the highest number of cases (93) whilst the month of April recorded the lowest (0) due to the AIAC's closure in light of the Malaysian Government's movement restrictions in response to the COVID-19 pandemic.



## 2019 and 2020 Figures

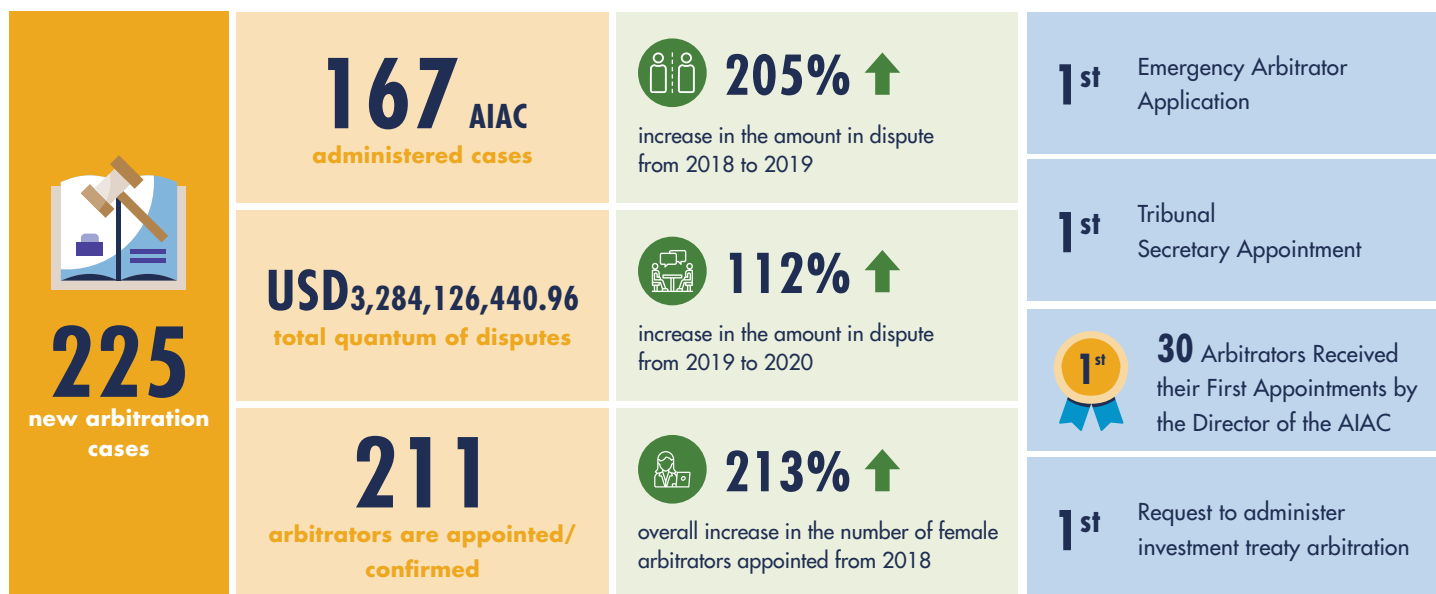
### Total Empanelments in 2019 and 2020

2019 saw the empanelment of 40 dispute resolution professionals:



2020 only saw the empanelment of 1 international arbitrator.

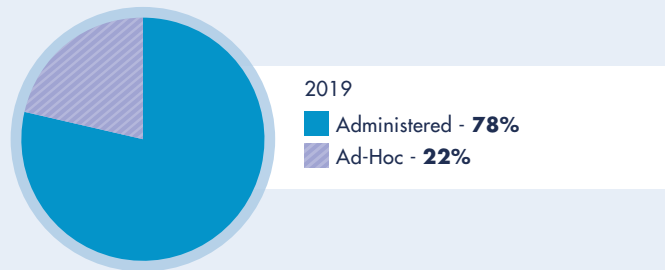
### ARBITRATION STATISTICS



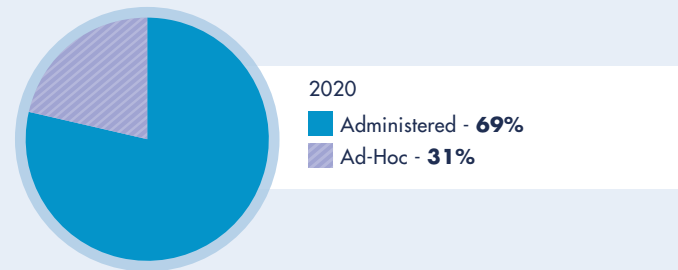
2019 and 2020 marked important milestones for arbitration at the AIAC. In 2019, we received our first emergency arbitrator appointment request and we were also requested to appoint the very first tribunal secretary in an administered arbitration matter. In 2020, we also received our first request to administer an investment treaty arbitration proceeding pursuant to the UNCITRAL Arbitration Rules. We are hopeful that emergency arbitrator appointments and the use of the AIAC's services for disputes pursuant to the UNCITRAL Arbitration Rules will gain traction in Malaysia as awareness of the existence of such mechanisms grows. Backed by a dedicated and efficient Legal Team, we are also well-equipped to provide ancillary services in arbitration.

In 2020, the absence of a Director at the AIAC certainly did not deter Parties from registering arbitration matters the AIAC. Notably, upon the appointment of the Director in December 2020, the AIAC expedited most, if not all, its pending arbitration matters, the results of which can be seen below.

### Administered vs Ad-Hoc

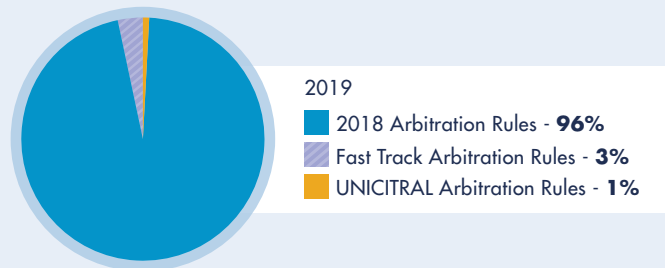


In 2019, the AIAC received 125 new arbitration cases. The AIAC administered 98 of these new cases with the remaining 27 being ad hoc appointments.



In 2020, the AIAC registered 100 new arbitration cases. The AIAC administered 69 of these cases, with the remaining 31 being ad hoc appointments.

### Applicable Rules

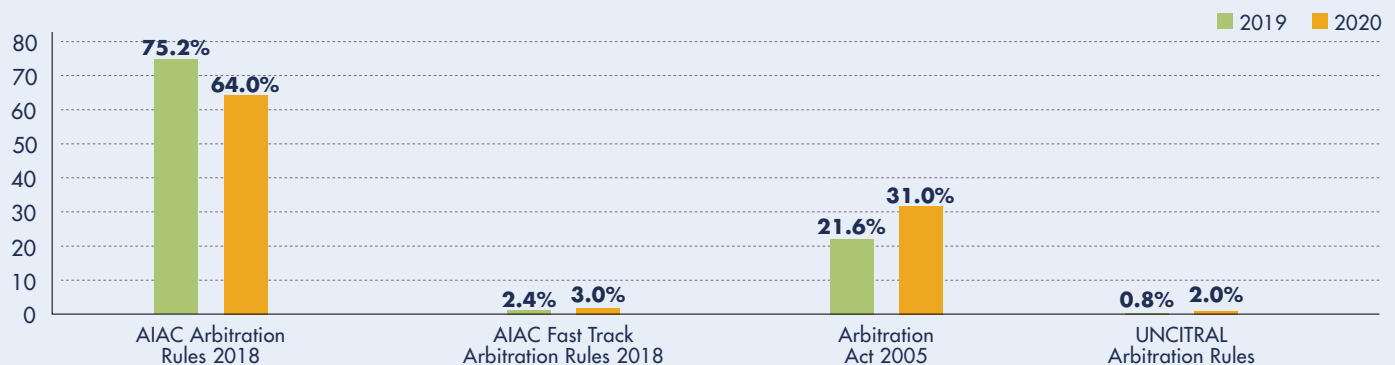


Of the 98 AIAC-administered cases in 2019, 94 of the cases used the AIAC Arbitration Rules 2018 and the parties in 3 other cases agreed to use the AIAC Fast Track Arbitration Rules 2018. For the 1 remaining case, the UNCITRAL Arbitration Rules were applicable.



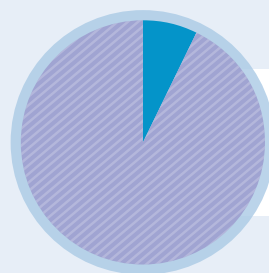
Of the 69 AIAC Administered cases in 2020, 64 of the cases used the AIAC Arbitration Rules 2018, cases used the AIAC Fast Track Arbitration Rules 2018, and two (2) cases were administered pursuant to the UNCITRAL Arbitration Rules.

### Applicable Rules in 2019 and 2020

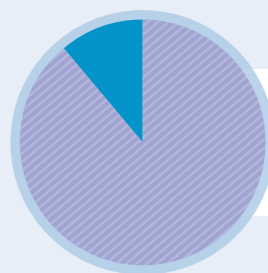


## 2019 and 2020 Figures

### Geographical Origins of Parties



2019  
International - 9  
Domestic - 116



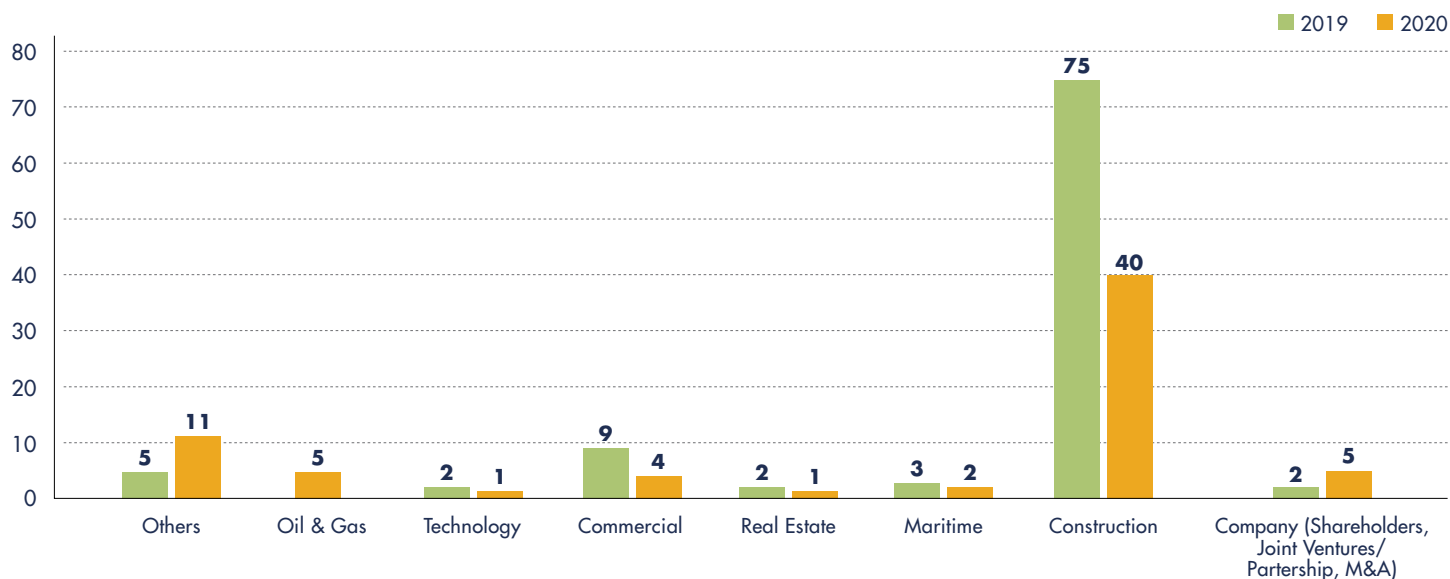
2020  
International - 11  
Domestic - 89

In 2019, Malaysian parties continued to be the largest contributor of cases to the AIAC with 116 new domestic cases. Similar results were seen in 2020 with 89 cases (89.00%) relating to domestic disputes. Additionally, the AIAC saw participation of foreign parties from Austria, India, South Korea, People's Republic of China, Thailand, Bangladesh, Turkmenistan, Netherlands, Singapore, and Laos.

### Sectors

Parties submitted claims in administered arbitrations involving matters which covered a broad spectrum of sectors. These included but were not limited to areas such as construction, commercial, maritime, real estate, technology, and company disputes.

### Nature of Claims in Administered Arbitrations



### Amount in Dispute

The total amount in dispute for AIAC-administered cases where the arbitral tribunal was constituted in 2019 totalled USD1,053,041,076.94 (RM4,309,570,607.37). This meant that the AIAC saw a **205%** increase in the amount in dispute in AIAC-administered cases compared to the previous year, as the AIAC had a total amount in dispute of USD345,134,076.69 (RM1,412,461,208.84) for its 2018 administered cases.

In 2020, the total amount in dispute for AIAC-administered cases where the arbitral tribunal was constituted that year totalled USD2,231,085,364.02 (RM8,963,782,097.29). This meant that the AIAC saw a **112%** increase in the amount in dispute in AIAC-administered cases compared to 2019, despite the COVID-19 pandemic.

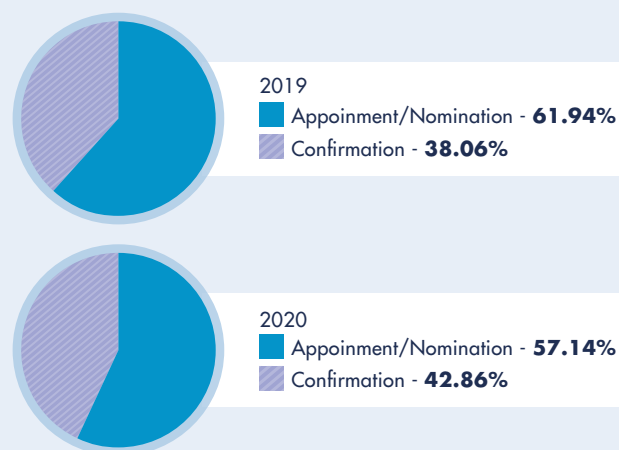
Year	2018	2019	2020
<b>Amount of Claim</b>	USD224,393,795.12 (RM928,653,721.12)	USD759,300,462.15 (RM3,107,437,141.33)	USD2,113,636,522.08 (RM8,491,910,494.51)
<b>Amount of Counter-Claim</b>	USD116,904,068.56 (RM483,807,487.72)	USD293,740,614.79 (RM1,202,133,466.04)	USD117,448,841.93 (RM471,871,602.78)
<b>Total Amount in Dispute</b>	USD345,134,076.69 (RM1,412,461,208.84)	USD1,053,041,076.94 (RM4,309,570,607.37)	USD2,231,085,364.02 (RM8,963,782,097.29)
<b>Average Amount in Dispute</b>	USD8,987,713.69 (RM37,170,031.81)	USD11,963,955.68 (RM48,972,393.27)	USD79,681,620.14 (RM320,135,074.90)

### Appointment and Confirmation of Arbitrators

In 2019, the Director of the AIAC made a total of 155 individual appointments and confirmation of arbitrators. Of these, 96 were appointments of arbitrators by the Director of the AIAC and the remaining 59 were confirmations of arbitrators by the Director of the AIAC. This meant that the AIAC saw a **109%** increase in the appointment and confirmation of arbitrators compared to 2018, during which time the Director of the AIAC appointed and confirmed 74 arbitrators.

In 2020, the Director of the AIAC made a total of 56 individual appointments and confirmation of arbitrators. Of these, 32 were appointments of arbitrators by the Director of the AIAC and the remaining 24 were confirmations of arbitrators by the Director of the AIAC. Although the number of arbitrators appointed in 2020 had decreased compared to 2019, given that the majority of these appointments were made in the month of December 2020 alone, this speaks volumes to the efficiency of the AIAC's case management services.

#### Appointment and confirmation of arbitrators in 2019 and 2020



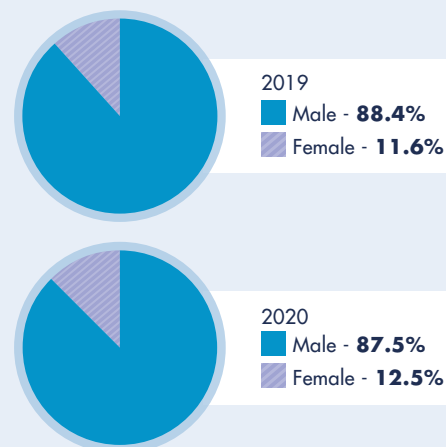
### Geographical Origins of Appointed/Confirmed Arbitrators

In 2019 and 2020, arbitrators who were appointed or confirmed by the Director of the AIAC predominantly originated from Malaysia (84.51% in 2019 and 82.15% in 2020). This number is perhaps strongly influenced by the large number of domestic cases received by the AIAC. The AIAC also made appointments/confirmations of arbitrators originating from other jurisdictions such as Singapore, United Kingdom, Australia, United Arab Emirates, and Germany.

### Gender Diversity in Arbitrator Appointment/Confirmation

The AIAC continued to witness an increase in the appointment of female arbitrators by the Director of the AIAC. Out of the 155 arbitrators confirmed/appointed by the Director of the AIAC in 2019, 18 were female (11.6%). Accordingly, the AIAC saw a **157%** increase in the appointment of female arbitrators compared to 2018, with the appointment of only 8 female arbitrators that year. The proportion of female arbitrators appointed in 2020 marginally increased from that of 2019 with 12.5% of appointments/confirmations in 2020 being female arbitrators. Thus, since 2018, the AIAC has seen a total increase of **213%** in female arbitrator appointments.

#### Gender Diversity in Appointments/Confirmations in 2019 and 2020



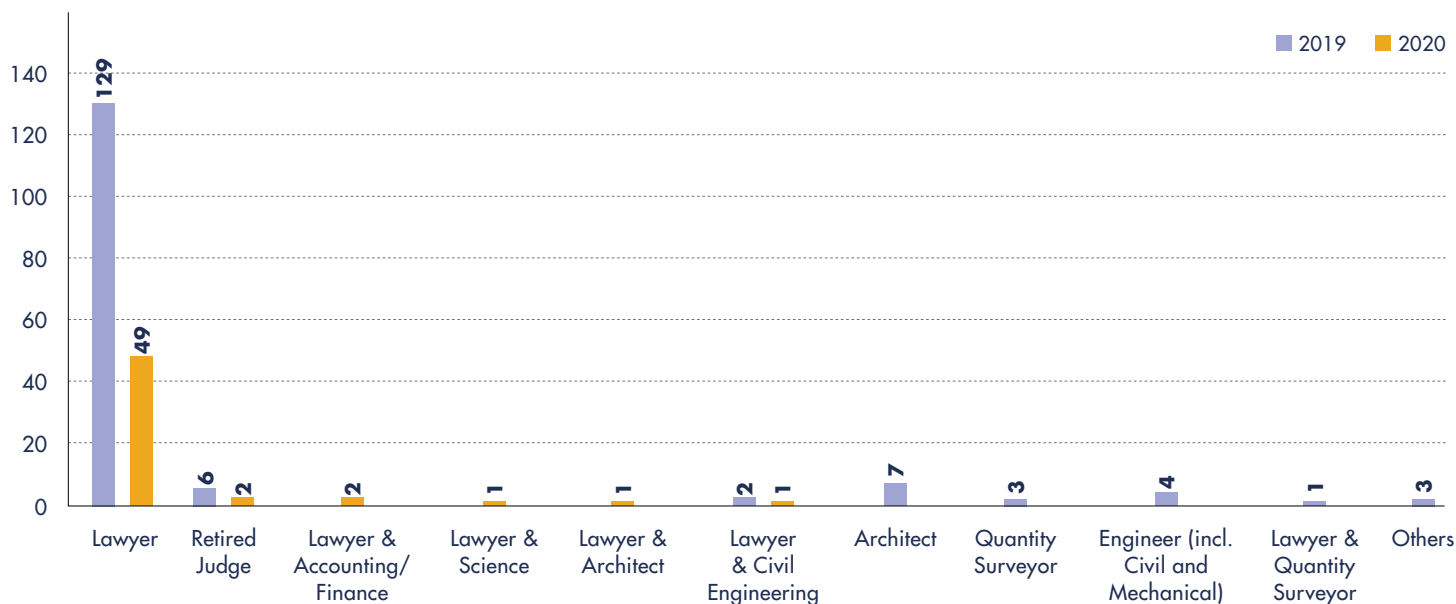
## 2019 and 2020 Figures

### Appointments of Newly-empanelled Arbitrators

To ensure diversity in the appointment of arbitrators, as well as to promote diversity of age amongst our pool of arbitrators, 30 AIAC-empanelled arbitrators (19.3%) received their first appointment by the Director of the AIAC in 2019.

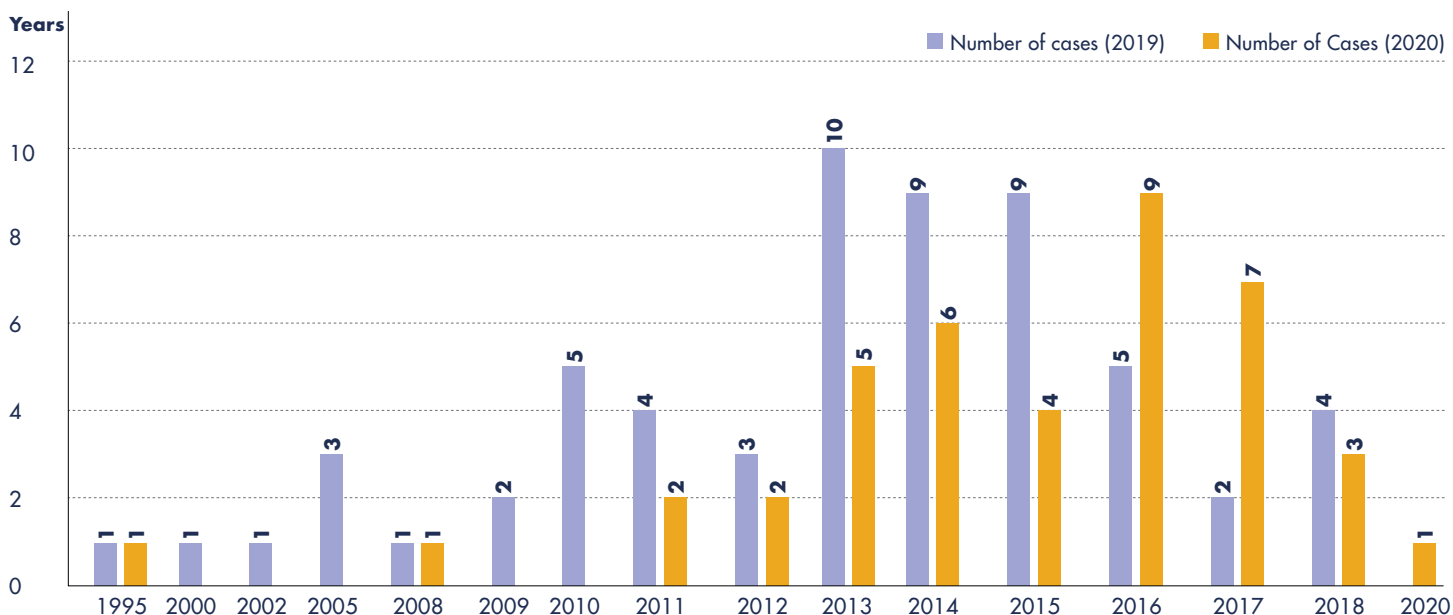
### Qualification of Arbitrators

The qualification and background of the arbitrators appointed and confirmed by the Director of the AIAC in 2019 and 2020 were as follow:



### Years of the Contracts

Some of the arbitration cases received by the AIAC in 2019 and 2020 stemmed from disputes arising out of contracts made in the following years:



## ADJUDICATION STATISTICS



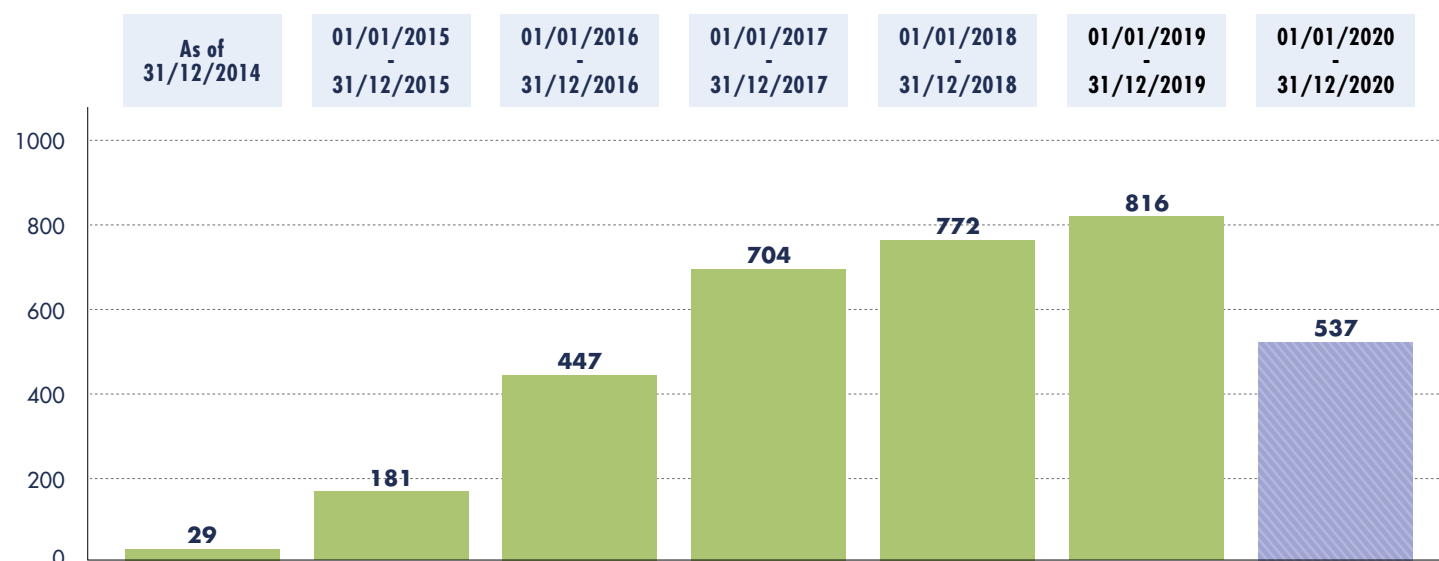
**ADJUDICATION CASE REGISTRATIONS WERE ANTICIPATED TO PLATEAU IN 2019 DUE TO THE INCREASING SENTIMENTS AMONGST INDUSTRY PLAYERS RELATING TO PRACTICAL DIFFICULTIES IN THE CONSTRUCTION INDUSTRY PAYMENT AND ADJUDICATION ACT 2012 (THE "CIPAA") FOR THE RESOLUTION OF PAYMENT DISPUTES IN THE CONSTRUCTION INDUSTRY. SURPRISINGLY, NOT ONLY DID THE NUMBER OF CASE REGISTRATIONS INCREASE, BUT SO DID THE QUANTUM OF DISPUTES.**



2019 also saw the reference of an international contractual adjudication appointment request to the Director of the AIAC. Briefly, the parties had incorporated an adjudication mechanism to resolve payment disputes in a construction contract where the project site location was outside Malaysia. The contract prescribed the AIAC as the appointing authority and also stated that the AIAC's adjudication rules were to apply to the proceedings. Upon receipt of the request and review of the supporting documents, the Director of the AIAC proceeded with the appointment of an ad hoc adjudicator. The Director of the AIAC, however, declined to administer the proceedings pursuant to the AIAC's Adjudication Rules & Procedure given that the said proceeding fell outside the scope of the CIPAA. The established precedent indicates that the Director of the AIAC may consider such appointment requests on a case-by-case basis in future.

In 2020, neither the COVID-19 pandemic nor the absence of a Director at the AIAC deterred the onset of payment disputes under the CIPAA as the statistics below will indicate. However, the statistics for 2020 are certainly lower than those in 2019 which is unsurprising.

### Historical Case Registrations

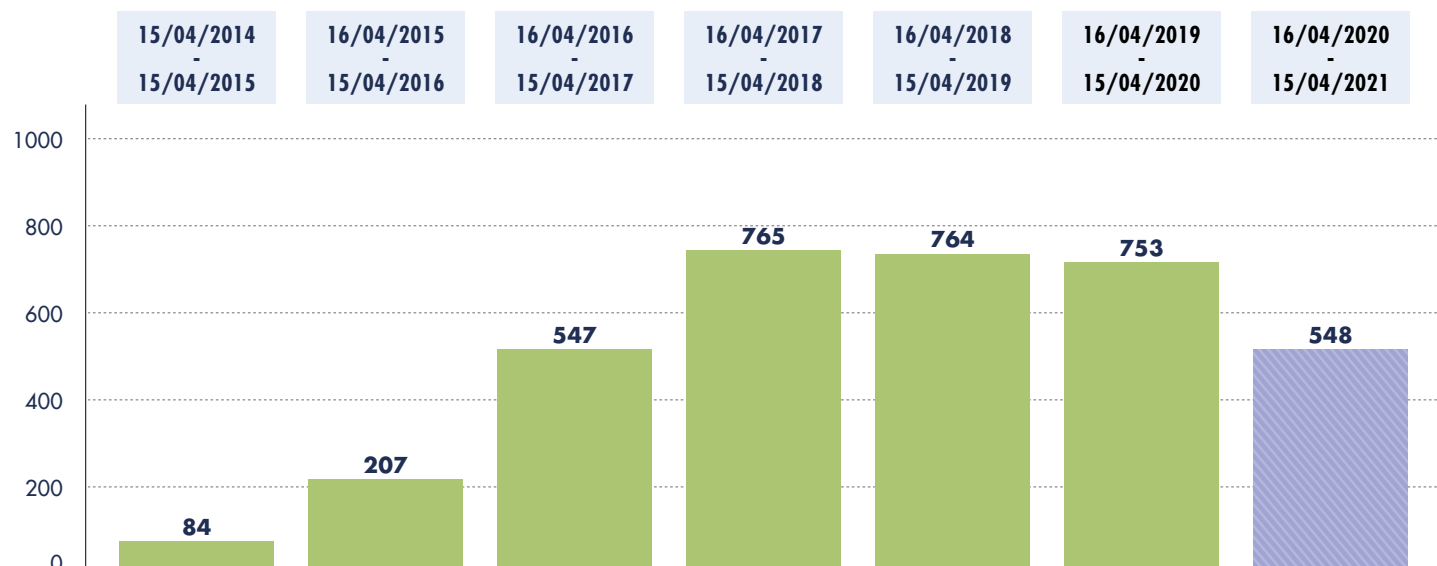


During the 2019 calendar year, the AIAC recorded a total of 816 case registrations. This is an increase compared to the 772 cases registered during the 2018 calendar year. Although the overall number of cases had increased over the years, the growth rate of the number of cases registered had starkly decreased: this is because between 2016 and 2017, registered matters grew by 57.5%, whereas between 2017 and 2018, case registrations increased by 9.6%. Between 2018 and 2019, the growth rate was at 5.7%.

During the 2020 calendar year, the AIAC recorded a total of 537 case registrations. Although this is a decrease from the number of cases registered in 2019, the figures need to be considered in the context of the COVID-19 pandemic and the absence of a Director at the AIAC which impacted the AIAC's ability to accept the registration of new adjudication proceedings for a significant portion of 2020.

## 2019 and 2020 Figures

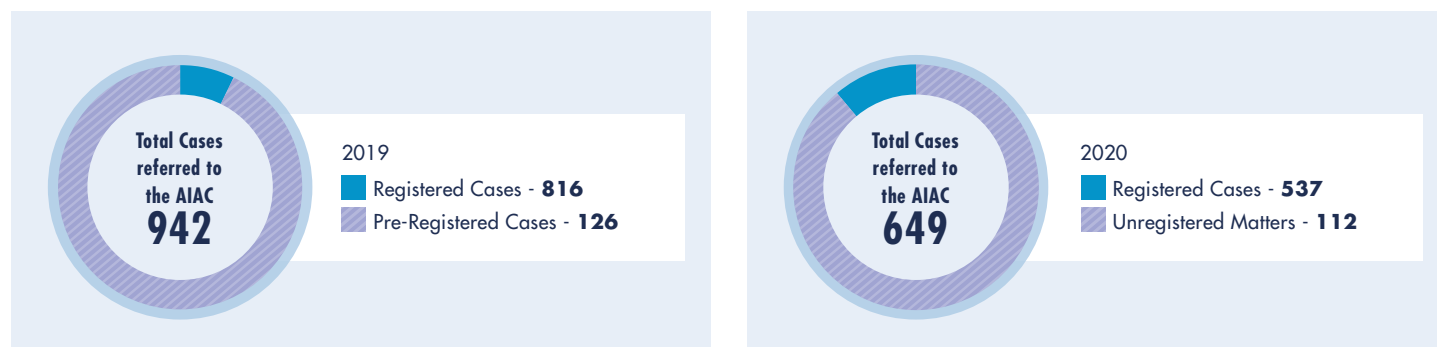
### Historical Case Registrations for Fiscal Years



In terms of the 2020 CIPAA Fiscal Year between 16<sup>th</sup> April 2019 and 15<sup>th</sup> April 2020 ("2020 Fiscal Year"), the AIAC recorded a total of 753 cases. This is more or less on par with case registrations during the 2019 CIPAA Fiscal Year between 16<sup>th</sup> April 2018 and 15<sup>th</sup> April 2019 which totalled 764 cases. In terms of a detailed breakdown, between 16<sup>th</sup> April 2019 and 31<sup>st</sup> December 2019, the AIAC registered a total of 597 adjudication cases and between 1<sup>st</sup> January 2020 and 15<sup>th</sup> April 2020, the AIAC registered a total of 156 cases.

In terms of the 2021 CIPAA Fiscal Year between 16<sup>th</sup> April 2020 and 15<sup>th</sup> April 2021 ("2021 Fiscal Year"), the AIAC recorded a total of 548 cases. In terms of a detailed breakdown, between 16<sup>th</sup> April 2020 and 31<sup>st</sup> December 2020, the AIAC registered a total of 381 adjudication cases and between 1<sup>st</sup> January 2021 and 15<sup>th</sup> April 2021, the AIAC registered a total of 167 cases.

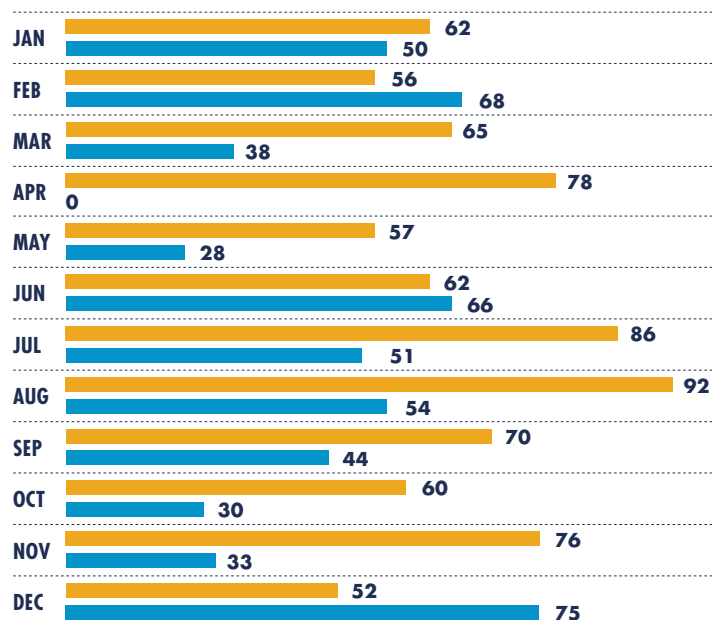
### Registered v Pre-Registered Adjudication Cases in 2019 and 2020



The number of registered adjudication matters increased by 5.7% between 2018 and 2019. However, the number of registered adjudication matters decreased by 34.19% between 2019 and 2020.

### Monthly Case Registrations in 2019

2019 2020



In the 2019 Calendar Year, the month of August recorded the highest number of case registrations for adjudication (92) whilst the month of December recorded the lowest number of case registrations (52).

In the 2020 Calendar Year, the month of December recorded the highest number of case registrations for adjudication (75) whilst the month of April recorded the lowest number of registrations (0). The non-registration of cases in April 2020 was attributable to the Malaysian Government's Movement Control Order in response to the COVID-19 pandemic which resulted in the AIAC not accepting new adjudication case registrations between 18<sup>th</sup> March 2020 and 3<sup>rd</sup> May 2020.

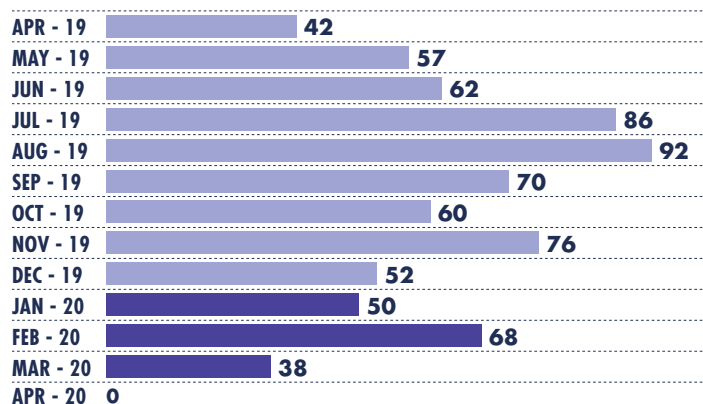
### Total Quantum of Adjudicated Disputes



THE TOTAL QUANTUM OF DISPUTES ADJUDICATED UNDER THE CIPAA DURING THE 2019 CALENDAR YEAR INCREASED BY RM806,808,898.54, WHICH REPRESENTS A 35.3 % INCREASE FROM THE TOTAL QUANTUM OF DISPUTES ADJUDICATED IN 2018.

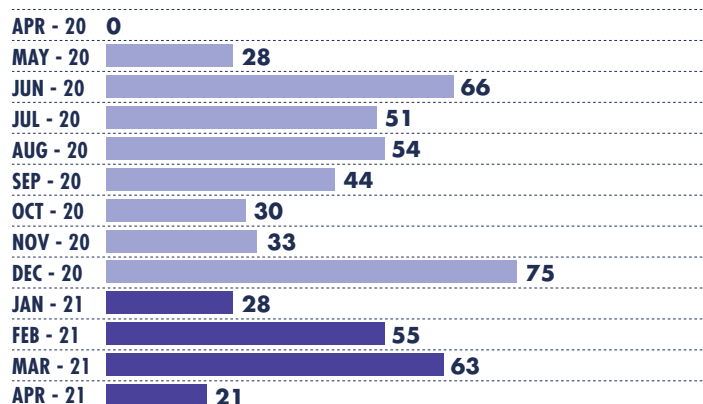


### 2020 Fiscal Year Monthly Case Registration



In the 2020 Fiscal Year, the month of August once again recorded the highest number of case registrations for adjudication (92) whilst April 2020 recorded the lowest number of case registrations (0) (see above for an explanation).

### 2021 Fiscal Year Monthly Case Registration



2018

RM2,284,132,141.99

2019

RM3,090,941,040.53

2020

RM273,074,032.89

## 2019 and 2020 Figures

During the 2020 Fiscal Year, the results were fairly similar with a total quantum of over RM2.7 billion. The highest payment claim amount during the 2020 Fiscal Year was approximately RM230 million (July 2019) and the lowest amount in dispute was RM1,240 (July 2019).

Comparatively, the total amount in dispute for adjudication in 2020 decreased by RM2,817,867,007.64, which represents a 91.17% decrease from the quantum of claims in 2019. This result correlates with the decreased case registrations in 2020.

During the 2021 Fiscal Year, the quantum of adjudication proceedings totalled approximately RM1.9 billion. The highest payment claim amount during the 2021 Fiscal Year was approximately RM190 million (March 2021) and the lowest amount in dispute was RM2,100 (December 2020).

The table below indicates the number of cases registered by the AIAC each fiscal year on the basis of the proposed categories of claims. Out of the 3,668 adjudications registered with the AIAC between 15<sup>th</sup> April 2014 and 15<sup>th</sup> April 2021, the quantum of approximately 57.1% of the claims was RM1,300,000 and below. This reinforces the strength of the CIPAA in resolving low value payment disputes. Interestingly, the 2020 Fiscal Year saw more high-value case registrations than previous years, although the same cannot be said for the 2021 Fiscal Year. This trend suggests that, in certain instances, the CIPAA may be considered a more cost-effective dispute resolution mechanism than other statutory debt recovery methods for high-value claims.

Number of Cases by Fiscal Year								
Categories of Claims (RM)	15/04/2014 - 15/04/2015	16/04/2015 - 15/04/2016	16/04/2016 - 15/04/2017	16/04/2017 - 15/04/2018	16/04/2018 - 15/04/2019	16/04/2019 - 15/04/2020	16/04/2020 - 15/04/2021	Total Number of Cases
Exceeding 15,000,000	5	14	15	15	42	228	26	345
10,000,001 - 15,000,000	5	4	8	20	15	64	6	122
5,000,001 - 10,000,000	3	19	44	40	42	120	13	281
3,300,001 - 5,000,000	4	14	33	38	41	61	33	224
2,800,001 - 3,300,000	2	7	21	19	23	26	12	110
2,300,001 - 2,800,000	1	1	10	27	20	35	25	119
1,800,001 - 2,300,000	1	6	26	29	25	36	29	152
1,300,001 - 1,800,000	4	12	32	42	57	46	27	220
800,001 - 1,300,000	6	13	44	77	76	51	57	324
300,001 - 800,000	17	48	135	161	165	66	115	707
150,001 - 300,000	10	22	53	111	96	12	79	383
Up to 150,000	26	47	126	186	162	8	126	681
<b>Total</b>	<b>84</b>	<b>207</b>	<b>547</b>	<b>765</b>	<b>764</b>	<b>753</b>	<b>548</b>	<b>3,668</b>

### Project Site Locations

In 2019, out of the 816 newly registered matters, 406 of them had their project site located in Malaysia's Klang Valley, representing almost half, that is 49.8% of total registrations. Specifically, the state of Selangor and the Federal Territories of Kuala Lumpur and Putrajaya each represented 26.5%, 20.8%, and 2.5% out of the total case registrations, respectively.



#### PSL in 2019

1 Selangor	216	7 Sarawak	31	12 Kelantan	14
2 Kuala Lumpur	170	8 Sabah	32	13 Terengganu	5
3 Putrajaya	20	9 Labuan	3	14 Penang	40
4 Melaka	37	10 Perlis	5	15 Pahang	28
5 Negeri Sembilan	28	11 Kedah	18	16 Perak	25
6 Johor	144				

In 2020, out of the 537 registered matters, 242 of them had their project site located in Malaysia's Klang Valley, representing about 45% of total registrations. The southern state of Johor had the next number of highest registrations (92), that is approximately 17.13% of the total registrations.

#### PSL in 2020

1 Selangor	134	7 Sarawak	14	12 Kelantan	9
2 Kuala Lumpur	99	8 Sabah	18	13 Terengganu	10
3 Putrajaya	9	9 Labuan	1	14 Penang	29
4 Melaka	26	10 Perlis	3	15 Pahang	21
5 Negeri Sembilan	27	11 Kedah	16	16 Perak	29
6 Johor	92				

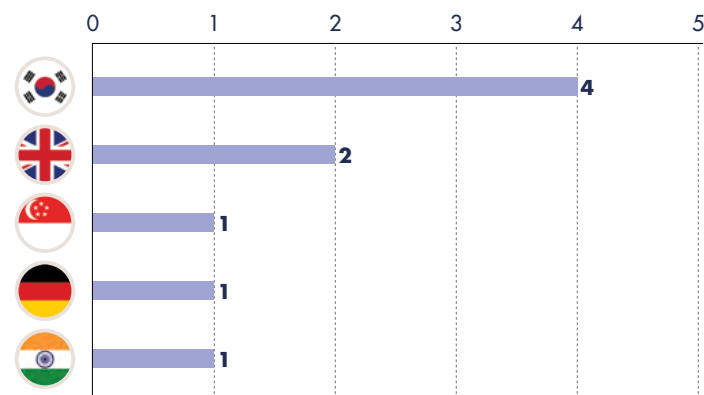
## 2019 and 2020 Figures

### Foreign Parties

In 2019, the AIAC saw 9 proceedings which concerned foreign parties i.e. non-Malaysian. 44% of the foreign parties were from Korea and the remainder of the foreign parties originated from India, the United Kingdom, Germany and Singapore.

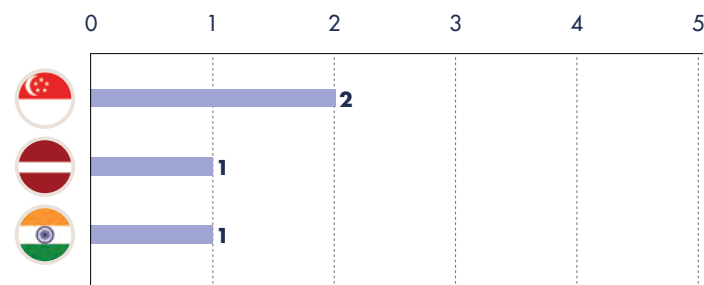
Of the overall number of adjudication matters registered in 2019, only 0.01% of the cases involved foreign parties.

### Foreign Nationalities In 2019



The AIAC saw 4 proceedings which concerned foreign parties (meaning, non-Malaysian) in the year 2020. 2 Claimants were from Singapore (50%), 1 Claimant was from Latvia (25%) and 1 Respondent was from India (25%).

### Foreign Nationalities In 2020

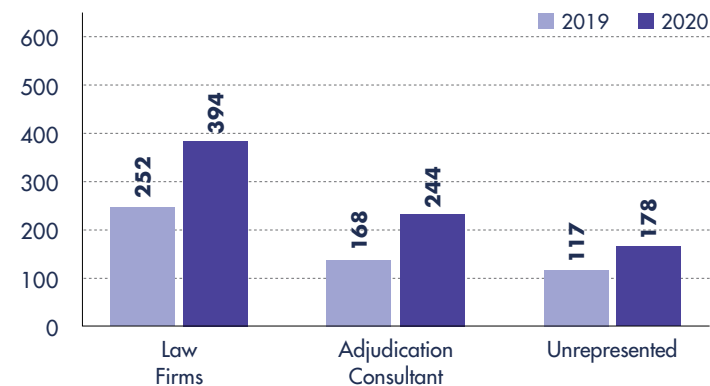


### Parties' Representatives

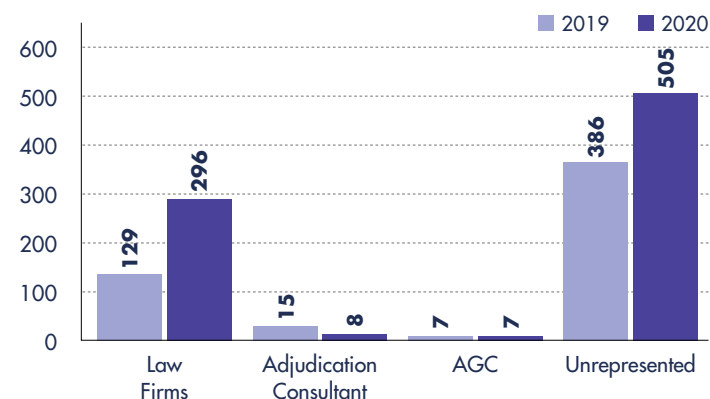
In 2019, the primary categories for parties' representatives were law firms, construction industry consultants, Attorney General's Chamber ("AGC") and others, such as duly authorised individuals and/or employees of the parties, etc.

In 2020, the primary categories for party representatives were law firms, adjudication consultants, individuals, other representatives and self-represented parties.

### Types of Claimants' Representative



### Types of Respondents' Representative



Conversion of numbers into percentages results in the following observations:

- Claimants' Representatives in 2019: 48.3% were represented by law firms, 29.9% were represented by construction industry consultants, and 21.8% were either unrepresented or self-represented.
- Respondents' Representatives in 2019: 61.9% were either unrepresented or self-represented, 36.3% were represented by law firms, 0.9% were represented by the Attorney General's Chamber, and the remaining 0.9% were represented by construction industry consultants.
- Claimants' Representatives in 2020: 46.93% were presented by law firms, 31.28% were represented by construction industry consultants, and 21.79% were either unrepresented or self-represented.
- Respondents' Representatives in 2020: 71.88% (that is, close to three-quarters) were either unrepresented or self-represented, 24.02% were represented by law firms, 1.30% were represented by the Attorney General's Chamber, and the remaining 2.79% were represented by construction industry consultants.

## MEDIATION STATISTICS

### Appointments of Mediators



The number of mediation appointments in 2019 in accordance with the AIAC Mediation Rules 2018 increased three-fold in comparison to the number of appointments made in 2018. However, in 2020, no appointments in mediation were made, due to an absence in the Director's office. Nonetheless, the AIAC is confident that this number will increase exponentially once Malaysia ratifies the United Nations Convention on International Settlement Agreements Resulting from Mediation ("Singapore Convention") through amendments to the Mediation Act 2012 [Act 749].

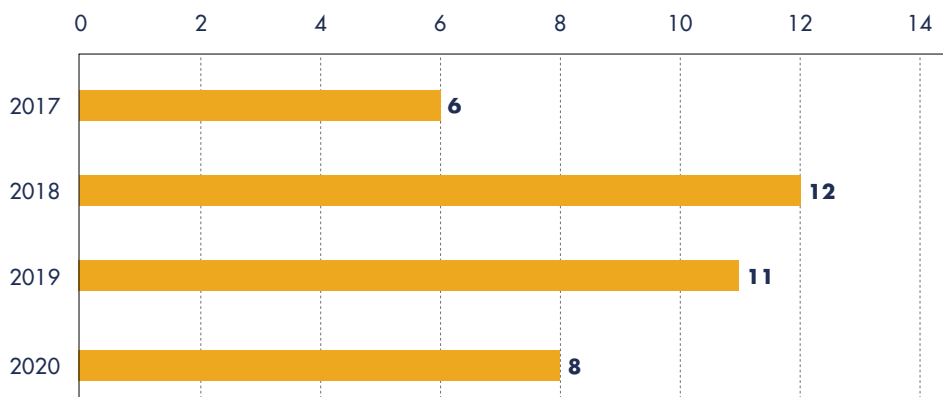
### Mediations Referred to the AIAC in 2019 and 2020



In 2019, a total of 4 mediation matters were referred to the AIAC. Out of the 4, 3 matters proceeded with the appointment of a mediator. Similarly, in 2020, a total of 4 mediation matters were referred to the AIAC. However, as no appointment requests for these matters were received during the year, no appointments were made in 2020.

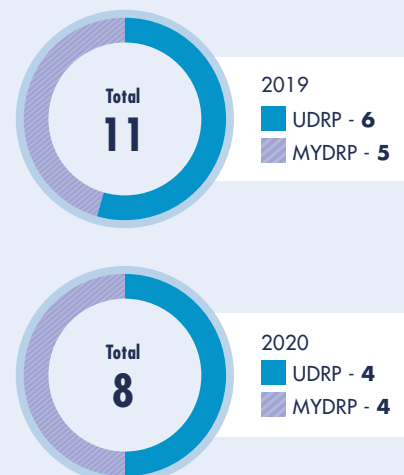
## DOMAIN NAME DISPUTE RESOLUTION STATISTICS

### Appointments Made for Domain Name Matters in 2019 and 2020



The number of domain name appointments made in 2019 and 2020 were fewer than those made in 2018. Such appointments include 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.

### Categories of Domain Name Matters in 2019 and 2020



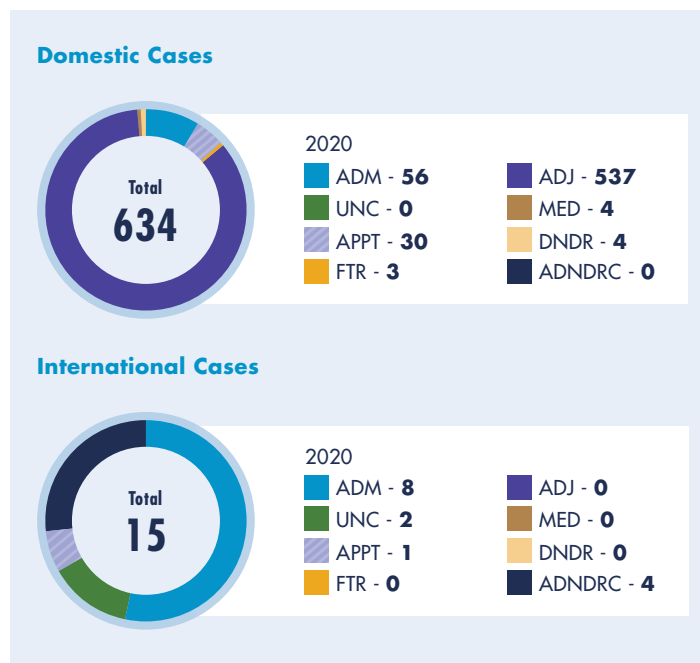
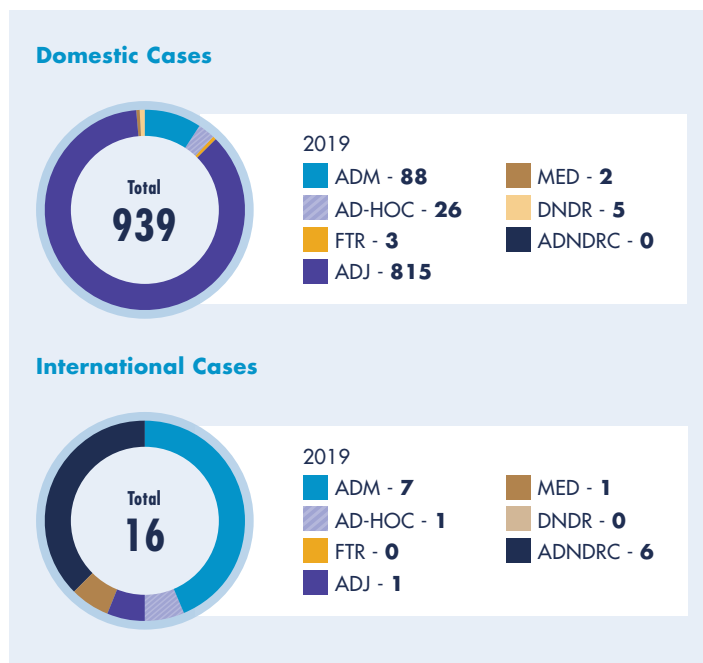
## 2019 and 2020 Figures

### Geographical Origins of Parties in UDRP Matters in 2019 and 2020



### DOMESTIC AND INTERNATIONAL REGISTERED CASES

#### Domestic v International Case Registrations



In 2019, the AIAC registered 16 international ADR matters and 939 domestic matters. The majority of the international matters related to arbitration proceedings. 6.4% of the total registered arbitration matters related to international arbitrations whilst 54.5% of the total registered domain name matters related to international disputes. These figures are roughly analogous to the 2018 figures save for the decrease in the international arbitration matters.

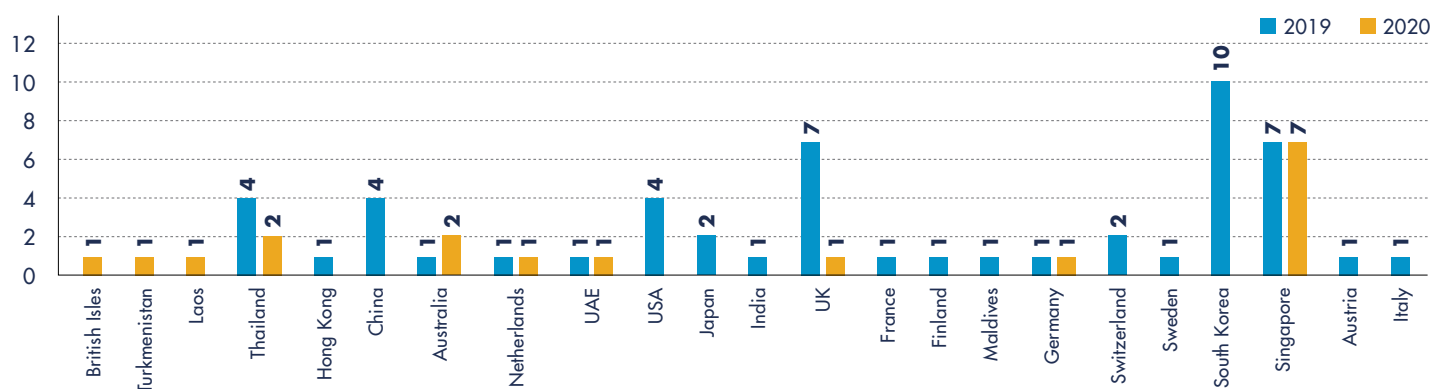
Similar observations could be made in 2020 with the AIAC registering 15 international ADR matters and 634 domestic ADR matters. Specifically, 11.00% of registered arbitration matters related to international arbitrations whilst 50.00% of the total registered domain name matters related to international disputes.

### Total Number of Domestic and International Users (no PFCs)

In 2019, although the total number of matters defined as international only amounted to 16, there were a total of 53 parties that were either foreign or foreign-related. In 2020, the number of matters that were defined as international with the number of foreign or foreign-related parties dropped to 40.

Parties who are considered foreign-related either, 1) have their headquarters in a foreign country, despite having a Malaysian address; 2) are a foreign party; or 3) are a subsidiary of a foreign company. These foreign-related parties represented 20 varying countries with the largest group outside of Malaysia being South Korea in 2019 and Singapore in 2020. Additionally, the Government of Malaysia was a party in six (6) administered arbitration matters and seven (7) adjudication matters in 2019 and five (5) administered arbitration matters and seven (7) adjudication matters in 2020.

### International Parties in International Matters in 2019 and 2020



### Users by Service

In 2019, 6.4% of the arbitration matters were defined as international. However, out of the total arbitration matters, 23.4% of those matters had a foreign-related party. Additionally, only one adjudication matter was international, whilst out of all the adjudication matters, 1.4% of the matters had a foreign-related party involved. Of the three (3) registered mediation matters, one was defined as international and was the only matter to have a foreign-related party. Of the domain name disputes, 42.9% of the matters were international with 54.5% of the parties being foreign.

Of the foreign-related parties in arbitration, the three largest nationalities represented were Singapore (1.9% of the total amount of parties), South Korea (1.6% of the total amount of parties), and China (1.6% of the total amount of parties). These figures were behind the number of times the Malaysian Government (or its related entities) was a party to a dispute (2.3%). In adjudication, South Korea was the foreign nationality with the highest number of representations, but this only constituted 0.6% of the total number of parties. Whilst in domain name disputes, the UK (10.7%), Japan (7.1%), the USA (7.1%), and Australia (7.1%) were the highest represented foreign-related parties.

## 2019 and 2020 Figures

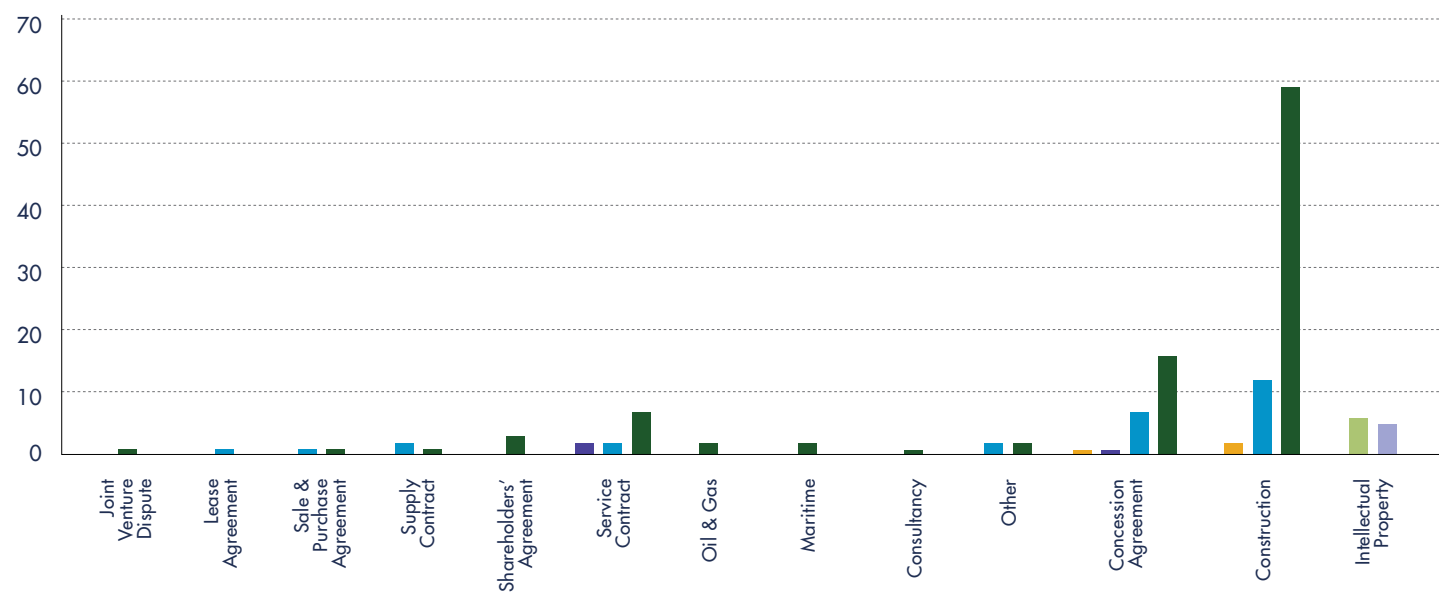
Foreign-Related Parties in Domestic Matters (2019)								
Country	ADM	APPT	FTR	ADJ	MED	DNDR	ADNDRC	Total
Italy					1			1
Austria	1							1
Singapore	4	1		2				7
South Korea	3	1		5			1	10
Sweden		1						1
Switzerland	2							2
Germany				1				1
Maldives				1				1
Finland	1							1
France	1							1
UK	2			2			3	7
India	1							1
Japan							2	2
USA		2					2	4
UAE	1							1
Netherlands	1							1
Australia							2	2
China	4							4
HK	1							1
Thailand	2	1					1	4
<b>Total Int. Element Parties</b>	<b>24</b>	<b>6</b>	<b>0</b>	<b>11</b>	<b>1</b>	<b>0</b>	<b>11</b>	<b>53</b>

Foreign-Related Parties in Domestic Matters (2020)									
Country	ADM	UNC	APPT	FTR	ADJ	MED	DNDR	ADNDRC	Total
Singapore	7		1		2				10
Indonesia	1								1
China	1								1
Hong Kong	1								1
France	1								1
USA	1				1		1		3
Laos	1								1
Thailand					2				2
Latvia					1				1
India					1				1
Turkmenistan	1								1
<b>Total by type of ADR</b>	<b>14</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>7</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>23</b>

## REGISTERED MATTERS BY INDUSTRY

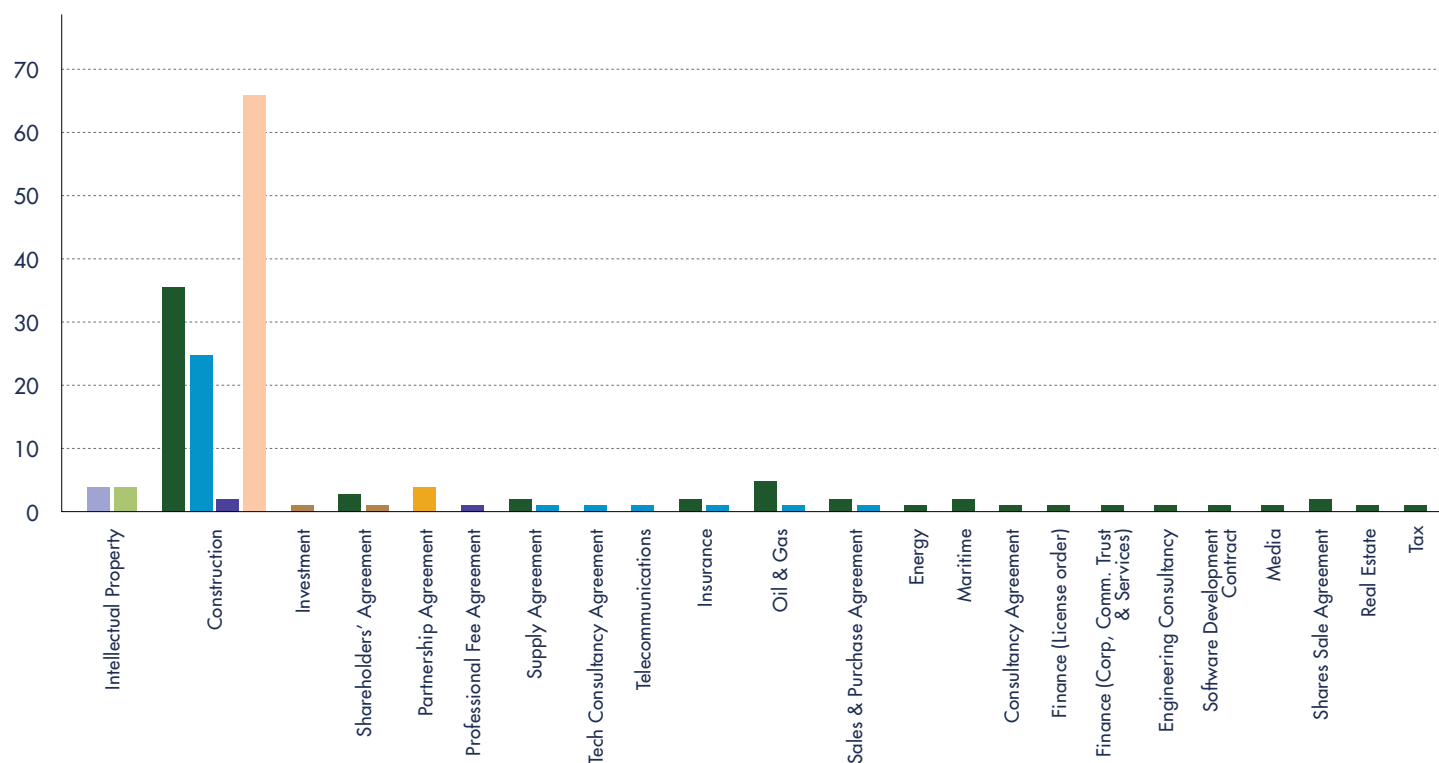
### Year 2019

ADNDRC DNDR MED FTR APPT ADM



### Year 2020

ADNDRC DNDR MED ADJ FTR UNC APPT ADM



## 2019 and 2020 Figures

In 2019, a majority of the matters related to construction contracts (93.0%), which is generally expected since all adjudication matters arise from construction contracts. This is followed by concession agreements (2.6%), intellectual property (1.2%), and service contracts (1.2%). Where arbitration matters are concerned, 56.8% related to construction contracts, 19.2% related to concession agreements, and 8.8% related to service contracts.

Similar observations could be made in 2020, where the majority of matters related to construction contracts (92.6%). This was followed by intellectual property (1.2%), oil & gas (0.9%), shareholders' agreements (0.6%), and partnership disputes (0.6%). Where arbitration matters are concerned, 64.0% related to construction contracts, 6.0% related to oil & gas, and 4.0% related to shareholders' agreements.

### Sector Analysis – Amount in Dispute

Amount in Dispute by Type - 2019				
Types	ARB	ADJ	MED	Total
Intellectual Property				RM0.00
Construction	RM1,634,283,095.45	RM3,090,941,040.53	RM3,920,887.15	RM4,764,054,633.04
Concession Agreement	RM1,002,866,871.80		RM9,807,800.00	RM1,012,674,671.80
Other	RM7,061,135.00			RM7,061,135.00
Consultancy	Unquantified			RM0.00
Maritime	RM8,177,441.79			RM8,177,441.79
Oil & Gas	RM94,584,370.87			RM94,584,370.87
Service Contract	RM147,635,124.44			RM147,635,124.44
Shareholders' Agreement	RM3,015,191.00			RM3,015,191.00
Supply Contract	RM3,512,822.17			RM3,512,822.17
Sale & Purchase Agreement	RM600,000.00			RM600,000.00
Lease Agreement	RM352,701,725.00			RM352,701,725.00
Joint Venture Dispute	Unquantified			RM0.00
<b>Total (MYR)</b>	<b>RM3,254,437,777.52</b>	<b>RM3,090,941,040.53</b>	<b>RM13,728,687.15</b>	<b>RM6,394,017,115.11</b>
<b>Total (USD)</b>				<b>\$1,562,183,512.12</b>

Amount in Dispute by Type - 2020			
Types	ARB	ADJ	Total
Intellectual Property			RM0.00
Construction (MYR)	RM1,301,269,952.68	RM273,074,032.89	RM1,574,343,985.57
Construction (USD)	\$13,303,806.59		\$13,303,806.59
Investment (USD)	\$450,000,000.00		\$450,000,000.00
Shareholders' Agreement			RM0.00
Partnership Agreement			RM0.00
Professional Fee Agreement	RM8,745,000.00		RM8,745,000.00
Supply Agreement	RM126,701,983.20		RM126,701,983.20
Tech Consultancy Agreement	RM794,375.78		RM794,375.78
Telecommunications	RM342,468.61		RM342,468.61
Insurance (MYR)	RM48,117,144.00		RM48,117,144.00
Insurance (USD)	\$4,466,553.50		\$4,466,553.50
Oil & Gas (USD)	\$160,765,947.25		\$160,765,947.25
Sales & Purchase Agreement	RM121,251,028.87		RM121,251,028.87
Energy	RM1,218,421.01		RM1,218,421.01
Maritime	RM1,066,456.50		RM1,066,456.50
Consultancy Agreement (USD)	\$845,218.77		\$845,218.77
Finance (License order)	RM3,420,640.00		RM3,420,640.00
Finance (Corp, Comm. Trust & Services) (USD)	\$3,003,742.28		\$3,003,742.28
Engineering Consultancy	RM670,000.00		RM670,000.00
Software Development Contract	RM1,816,961.02		RM1,816,961.02
Media	RM17,897,576.46		RM17,897,576.46
Shares Sale Agreement	RM1,900,000.00		RM1,900,000.00
Real Estate	RM412,934.70		RM412,934.70
Tax	RM1,844,321.97		RM1,844,321.97
<b>Total (MYR)</b>	<b>RM1,637,469,264.80</b>	<b>RM273,074,032.89</b>	<b>RM1,910,543,297.69</b>
<b>Total (USD)</b>	<b>\$632,385,268.39</b>		<b>\$632,385,268.39</b>
<b>Grand Total</b>			<b>RM4,450,834,920.81</b> <b>(\$1,107,999,731.34)</b>

# 2019 and 2020 Figures

## COST AND TIME BENEFIT ANALYSIS FOR 2019 AND 2020

### 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 16<sup>th</sup> December 2017 and 31<sup>st</sup> December 2019 (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

Since October 2013, arbitrations under three sets of the AIAC's arbitration rules have been administered by the AIAC:

- The AIAC Arbitration Rules 2013 ("2013 Rules") were operative between 24<sup>th</sup> October 2013 and 31<sup>st</sup> May 2017.
- The AIAC Arbitration Rules 2017 ("2017 Rules") were operative between 1<sup>st</sup> June 2017 and 8<sup>th</sup> March 2018.
- The AIAC Arbitration Rules 2018 ("2018 Rules") have been operative since 9<sup>th</sup> March 2018.

Save for four matters, the arbitrations examined during the Analysis Period were conducted under one of these three sets of rules.

The above-mentioned four matters examined during the Analysis Period were conducted

under the AIAC Fast Track Arbitration Rules 2018 ("FT 2018 Rules") which have been operative since 9<sup>th</sup> March 2018.

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 of the AIAC in accordance with Schedule 1. AIAC's Schedule of Fees caters separately for international and domestic arbitrations<sup>1</sup>.

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 of the AIAC within three months for a technical

review<sup>2</sup>. 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 and FT Rules 2018 during the Analysis period. A total of seventy-one (71) cases were considered in this Analysis.

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. The analysis is based on Interbank Foreign Exchange Market in Kuala Lumpur for currency conversion, and the exchange rate is calculated for rate confirmed by Bank Negara Malaysia on 31<sup>st</sup> December 2020.

<sup>1</sup> See AIAC Arbitration Rules 2013 Rule 12(2); AIAC Arbitration Rules 2017 and AIAC Arbitration Rules 2018 Rule 13(2).

<sup>2</sup> 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.

## Results

Domestic				
	Average Duration (months)	Tribunal's Fees	Administrative Fee	Total
Sole Arbitrator	27.60	USD20,436 RM82,326	USD5,155 RM20,768	<b>USD25,591</b> <b>RM103,094</b>
3 Member Panel	26.44	USD166,625 RM671,250	USD12,110 RM48,786	<b>USD178,735</b> <b>RM720,036</b>
Fast Track Rules	10	USD15,148 RM61,025	USD2,597 RM10,462	<b>USD17,745</b> <b>RM71,487</b>

International*				
	Average Duration (months)	Tribunal's Fees	Administrative Fee	Total
Sole Arbitrator	12.8	USD65,407 RMB427,176	USD9,854 RMB64,359	<b>USD75,261</b> <b>RMB491,535</b>
3 Member Panel	12.8	USD176,234 RMB1,150,986	USD15,223 RMB99,425	<b>USD191,457</b> <b>RMB1,250,412</b>

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

Claim Amounts		
	Domestic	International
Lowest Amount Claimed	USD 22,546 RM90,827	USD 91,233 RMB595,841
Average Amount Claimed	USD8,995,686 RM36,239,121	USD6,833,922 RMB44,632,345
Highest Amount Claimed	USD99,925,530 RM402,550,000	USD22,000,000 RMB143,682,000

RM - Ringgit Malaysia    USD - US Dollars    RMB - Chinese Renminbi

## Discussion<sup>3</sup>

The results indicate that during the Analysis Period, the average duration of a domestic arbitration was 27 months whilst the average duration of an international arbitration was 12.8 months.

The average fee of an arbitrator was RM167,820 (USD41,658) in domestic arbitrations and USD120,820 (RMB789,081) in international arbitrations.

The average administrative fee was RM34,777 (USD8,632) for domestic arbitrations and USD12,538 (RMB81,892) for international arbitrations.

In terms of claim amounts, the average claim for a domestic arbitration was for RM36,239,121 (USD8,995,686) whilst the average claim for an international arbitration was USD6,833,922 (RMB44,632,345).

Further, in domestic Fast Track arbitrations, the average duration was 10 months, where the average fee of an arbitrator was RM61,025 (USD15,148 / RMB98,809) and the average administrative fee was RM10,462 (USD2,597 / RMB16,940) arising from an average claim of RM8,307,467 (USD2,062,173 / RMB13,451,210).

<sup>3</sup> This discussion excludes an analysis of the results for Fast Track Arbitrations given that only two Fast Track Arbitrations were concluded during the Analysis Period.

## 2019 and 2020 Figures

### PANELLIST STATISTICS

During 2019, the AIAC empanelled a total of 40 individuals as arbitrators, adjudicators, mediators, and domain name dispute resolution (DNDR) panellists. The AIAC empanels individuals who possess a wide range of expertise from jurisdictions across the globe. The expertise of these individuals are not exhaustive nor exclusive to one industry, and may include commercial law, investment, energy, maritime, technology, and construction related sectors.

The numerical breakdown for empanelment in 2019 was as follows:



**21**

**Arbitrators**

(3 being domestic arbitrators and 18 being international arbitrators)

**2**

**Mediators**

(all of whom are international mediators)

**16**

**Adjudicators**

**1**

**domestic Domain Name Dispute Resolution (DNDR) panellist.**

In 2020, the AIAC only empanelled one (1) international arbitrator – no other empanelments were made.

#### Total Arbitrators Empanelled by the end of 2020

- Domestic Arbitrators - **14.28%**
- International Arbitrators - **85.72%**



As at the end of 2020, the AIAC empanelled, in total, **854** domestic arbitrators and **1,321** international arbitrators.

#### Total Adjudicators Empanelled in 2019

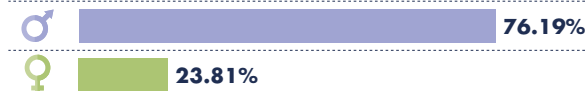
- Domestic Adjudicators - **100.00%**



In 2019, the AIAC empanelled a further **16 adjudicators**, all of whom had passed the CIPAA Written Examination as a pre-requisite to apply for empanelment as an Adjudicator with the AIAC. Additionally, these Adjudicators had satisfied the competency standard and criteria of adjudicators pursuant to Section 4 of the CIPA Regulations 2014 which provides that "...the adjudicator has working experience of at least seven years in building and construction industry in Malaysia...".

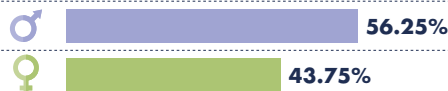
#### Gender Diversity of the Arbitrators Empanelled in 2019

Out of **21 arbitrators** that the AIAC empanelled in 2019, **16** of them were **male** arbitrators while **5** of them were **female** arbitrators.



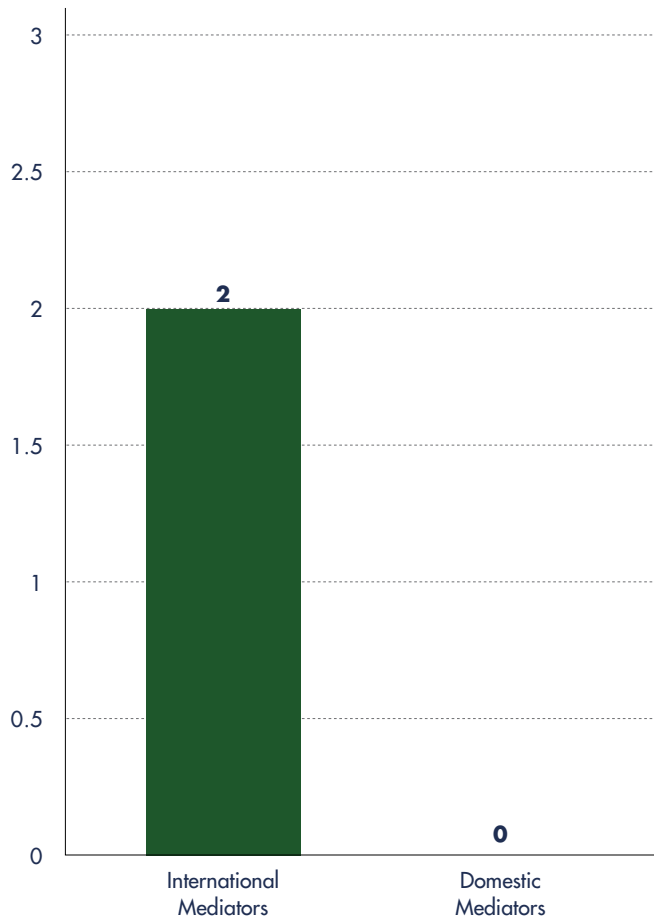
#### Gender Diversity of the Adjudicators Empanelled in 2019

The AIAC empanelled **9 male** adjudicators and **7 female** adjudicators in 2019.



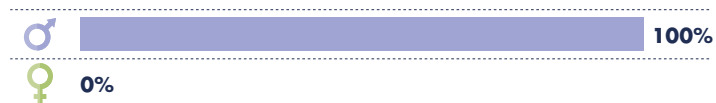
### Total Mediators Empanelled in 2019

In **2019**, the AIAC added **two (2) international mediators** into its panel of mediators.



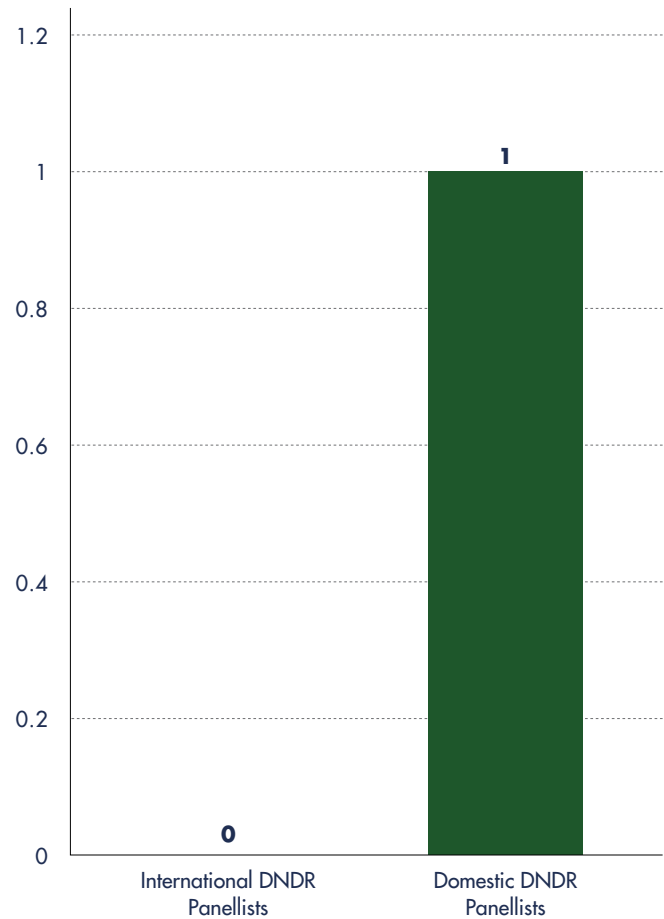
### Gender Diversity of the Mediators Empanelled in 2019

The **two (2) mediators** that the AIAC empanelled in 2019 were males.



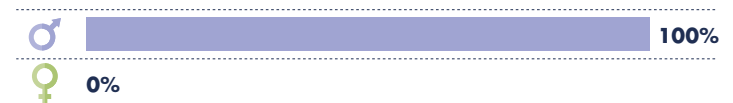
### Total DNDR Panellists Empanelled in 2019

In **2019**, **one (1) domestic DNDR panellist** was empanelled by the AIAC.



### Gender Diversity of the DNDR Panellist Empanelled in 2019

The AIAC empanelled **one (1) domestic male DNDR panellist** in 2019.



## 2019 and 2020 Figures

### SFC WEBSITE STATISTICS

The AIAC's Standard Form of Building Contracts (SFC) website is an online interactive platform which provides users an easy and accessible experience to customise, print and download their contracts. The AIAC 2018 suite of SFCs can be accessed for free and at no cost at [sfc.aiac.world](http://sfc.aiac.world), and include the Main Contract (SFC Main 2018), Sub Contract (SFC Sub 2018), Minor Works Contract (MW 2018), Design and Build Contract (D&B 2018) and Design and Build Sub-Contract (D&B Sub 2018).

Since the inception of the AIAC SFCs in 2018, there have been more than 20,000 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.

#### Website Visitors – Global Demographic

Country	Visitors
Malaysia	6,863
India	282
United States	285
Singapore	191
China	175
Hong Kong	108
United Kingdom	100
Japan	94
Indonesia	83
Australia	46

#### PDF Downloads – Country Wise

Country	PDF Download
Malaysia	2,642
Hong Kong	45
Singapore	61
India	27
United Kingdom	15
Japan	6
Australia	5
Nepal	5
South Korea	5
Indonesia	7
United States	7
Philippines	5
UAE	5
Sri Lanka	5

#### Website Visitors - Demographics within Malaysia

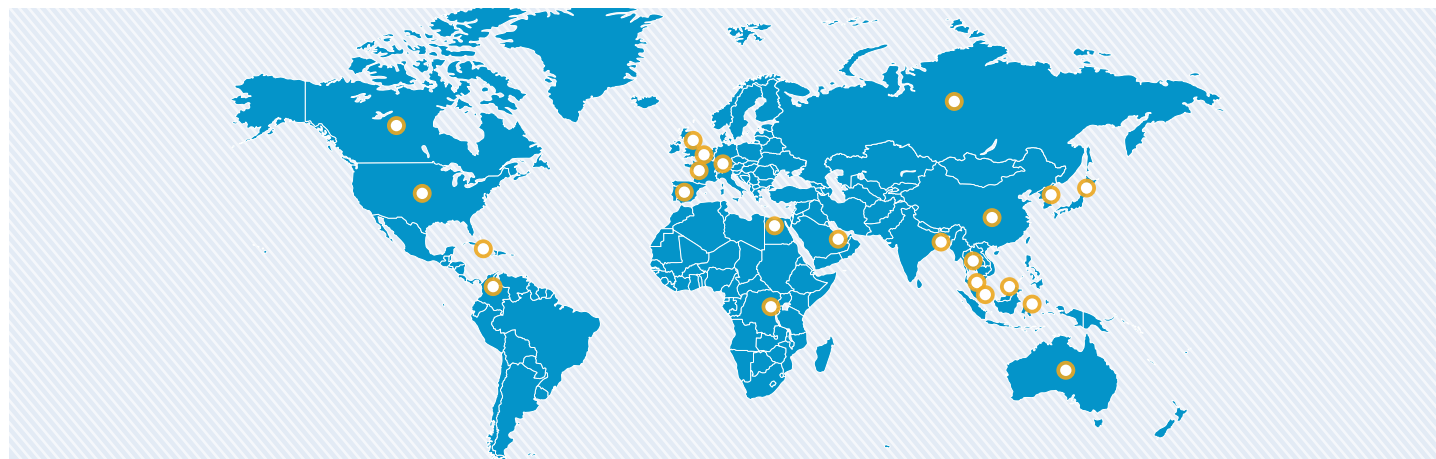
State/Federal Territory	Visitors
Federal Territory of Kuala Lumpur	3,829
Selangor	1,790
Johor	305
Sarawak	262
Penang	204
Sabah	135
Perak	90
Malacca	51
Negeri Sembilan	53
Pahang	41

#### PDF Downloads - Within Malaysia

State/Federal Territory	PDF Download
Federal Territory of Kuala Lumpur	1,079
Selangor	538
Johor	126
Sarawak	79
Penang	56
Sabah	56
Perak	5
Malacca	12
Negeri Sembilan	1
Putrajaya	2

## GLOBAL COOPERATION

As an ADR institution that strives to strengthen its global presence and footprint, the AIAC constantly keeps abreast of various ADR initiatives and foster domestic as well as international collaborations with its fellow ADR stakeholders. To date, the AIAC has entered into Memoranda of Understanding with over fifty (50) domestic and international organisations. Seven (7) new partnerships were forged in 2019 and 2020 alone.



- Asian Domain Name Dispute Resolution Centre (ADNDRC)
- Asian Institute of Alternative Dispute Resolution (AIADR)
- Badan Arbitrase Nasional Indonesia (BANI)
- Bangladesh International Arbitration Center (BIAC)
- Beijing Arbitration Commission (BAC)
- Beijing International Arbitration Center
- Bogota Chamber of Commerce Arbitration and Conciliation Centre
- Brunei Darussalam Network Information Centre Sdn Bhd (BNNIC)
- Cairo Regional Centre for International Commercial Arbitration (CRCICA)
- Camara Oficial de Comercio (La Camara)
- Chartered Institute of Arbitrators (CIArb)
- China-ASEAN Legal Cooperation Center
- China International Economic and Trade Arbitration Commission (CIETAC)
- Dorsett Regency Hotel (M) Sdn Bhd
- Hainan Arbitration Commission (HAC)
- Hong Kong International Arbitration Centre (HKIAC)
- International Chamber of Commerce (ICC)
- International Council of Arbitration for Sport (ICAS)
- International Malaysian Society of Maritime Law (IMSML)
- InvestKL
- Islamic Finance Lawyers (ISFIN)
- Kigali International Arbitration Centre (KIAC)
- Kobe University
- Korean Internet Address Dispute Resolution Committee (KIDRC)
- Labuan Financial Services Authority (Labuan FSA)
- Malaysian Corporate Counsel Association (MCCA)
- Malaysian Institute of Arbitrators (MIArb)
- Mona International Centre for Arbitration and Mediation Limited
- UWI Faculty of Law at Mona
- Monash University

- Russian Arbitration Association (RAA)
- Russian Asian Legal Association (RALA)
- Securities Industry Dispute Resolution Center (SIDREC)
- Shanghai International Economic and Trade Arbitration Commission (SHIAC)
- Taylor's University
- Thailand Arbitration Center (THAC)
- The Arbitrators, Mediators and Dispute Board Chambers (ArbDB)
- The Asian Football Confederation (AFC)
- The Associated Chinese Chambers of Commerce and Industry of Malaysia (ACCCIM)
- The British Columbia International Commercial Arbitration Centre (BCICAC)
- The Chartered Institute of Arbitrators (CIArb) (Malaysia Branch)
- The International Arbitration Institute of The University of Miami School of Law
- The International Centre for Settlement of Investment Disputes (ICSID)
- The Jamaica International Arbitration Centre (JAIAC)
- The Sharjah International Commercial Arbitration Centre
- The Society of Construction Law, Malaysia
- Universiti Kebangsaan Malaysia (UKM)
- University of Malaya (UM)

### New Partnerships – MOUs in 2019 and 2020

- International Islamic University Malaysia (IIUM)
- Bali International Arbitration and Mediation Center (BIAMC)
- Multimedia University (MMU)
- China International Economic and Trade Arbitration Commission (CIETAC)
- Hainan International Arbitration Court (HIAC)
- Centre for Mediation and Conciliation (CMC), Bombay Chamber of Commerce, India
- UOW Malaysia KDU College

# 2019 and 2020 Figures

## 2019 & 2020 HIGHLIGHTS



IN 2019, THE AIAC PLAYED HOST TO A SERIES OF INTRIGUING AND ENGAGING EVENTS ALL AIMED AT DISSEMINATING KNOWLEDGE ON THE TRENDS, PRACTICES AND IDEAS EMERGING IN THE ALTERNATIVE DISPUTE RESOLUTION SPHERE. SUBSEQUENTLY, IN 2020, THE AIAC CONTINUED ITS INITIATIVES EVEN DURING THE COVID-19 PANDEMIC VIA VIRTUAL PLATFORMS. BELOW IS A SUMMARY OF HIGHLIGHTS OF KEY EVENTS HELD BETWEEN JANUARY 2019 AND DECEMBER 2020.



### Adjudication Refresher Course

In February 2019, the AIAC supported the Refresher Course on Effective Drafting of Submissions in Adjudication organised by the Malaysian Society of Adjudicators (MSA). Keynote Speaker, Ir. Harbans Singh, provided the participants with key insights concerning the basic skills for drafting submissions, the objectives of CIPAA, and the application of the statutory adjudication to the construction industry. The AIAC also supported a further initiative by the MSA in May 2019, where it organized a talk on Drafting a Valid and Enforceable Adjudication Decision. Ir. Mr. Chong Thaw Sing presented as Keynote Speaker and spoke about the basic concepts of contract & evidence law, the intricate issues arising from CIPAA provisions, and a general approach to drafting adjudication decisions that are valid and enforceable under Malaysian law. The experts then shared their insights on up-to-date judicial precedents, as well as updates on procedural discrepancies.

### Asia ADR Week 2019

The AIAC held the 2<sup>nd</sup> edition of its flagship event for 2019, the Asia ADR Week, which was centered on the theme the “The Kintsukuroi Perspective – The Asian ADR Revolution”. The theme resonated with the world of ADR being a melting pot of talent, industries and cultures that mends the imperfections of the global economy. The event attracted a diverse attendance with over 90 domestic and international speakers and more than 200 participants in attendance from 19 jurisdictions.

Spanning over three days, the Asia ADR Week 2019 covered key issues including understanding the ADR Framework in Investment Agreements and Treaties, Project Financing Arrangements, the new era of mediation with the Singapore Mediation Convention, and regulations through public policy that affect and will shape the business, commercial and investment facets in various industries and sectors. The conference was

made up of 13 sessions, 3 breakout sessions, 3 workshop sessions and 2 impressive social events. The official launch of 2019 Asia ADR Week was initiated by a Welcoming Address from Mr. Vinayak Pradhan, the late Director of the AIAC. This was followed by a Keynote Address by Dato’ Mah Weng Kwai, who delved into the topic of international global order with respect to the rule of law and the role of international arbitration. All three days attracted an auditorium full of diverse participants representing various sectors with a plethora of informative sessions.

Some of the key sessions included:

- Breaking Down Walls: The Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)
- Bespoke or Off the Rack? Dispute Resolution in Project Financing Arrangement

- Specialist Arbitrations: Patent Disputes, Maritime, Investment, Domain Names and Fashion & Art
- Fellowship of the Judges: The Role & Impact of the Judiciary in Asia’s ADR Landscape
- Public Policy as a Shield: Enforceability of Contractual Obligations
- The Bullet Train: Summary & Expedited Procedures in Arbitration
- The Wireless Connection: Blockchain Technology and ODR
- Adjudication: What it means for the Global Construction Industry

The Asia ADR Week 2019 social events included the Welcome Cocktail Reception upon the conclusion of the first day of events and the Gala Dinner at The Majestic Hotel, Kuala Lumpur which took place on the evening of the second day.

The third day of the Asia ADR Week was dedicated to the Construction Industry Payment and Adjudication Act 2012 (CIPAA) Conference. The Keynote Address was delivered by YA Dato' Lee Swee Seng, then a Judge of the High Court of Malaya, Kuala Lumpur (Construction Court), who remarked that adjudications under the CIPAA are at risk of increased delays as there has been a growing number of stay and setting aside applications. The interesting aspect of the CIPAA Conference was the format of the workshops, where the attendees were given insights by experts on topics such as 'Common Mistakes Your AIAC Counsel Encounters', 'Submitting a CIPAA Claim and Dispelling Myths about CIPAA' and 'Construction Contracts Made Easy'.



#### AIAC Standard Form of Building Contracts 2019 Roadshow

On 3<sup>rd</sup> July 2019, the AIAC launched a first-of-its-kind, roadshow with familiarising key construction industry players with the AIAC SFCs, which includes: the AIAC 2019 SFC Main and Sub-Contracts, Design and Build Contracts, as well as Minor Works Contracts.

Following the launch of the AIAC 2019 SFCs in November 2018, the AIAC embarked on a series of events in Kuala Lumpur, Penang, Sabah, Sarawak, and Johor, to increase awareness of the AIAC SFCs amongst industry players. The events were attended by over 500 participants from across Malaysia and witnessed more than 40 speakers.

The AIAC 2019 SFCs roadshow highlighted to stakeholders how the AIAC SFCs filled in the gaps between local and foreign standard form contracts by taking into consideration the current laws and judicial precedents impacting the Malaysian construction industry, whilst simultaneously maintaining a recognisable model. The roadshow showcased the AIAC's commitment to all participating stakeholders who had placed faith in this dispute avoidance mechanism. Since the inception of the AIAC

SFCs in 2018, there have been more than 20,000 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 roadshow around Malaysia, and over 15,000 copies of the contracts had been disseminated as at the end of 2019.

The 2019 roadshow featured the following prominent speakers:

##### **Kuala Lumpur**

Lam Wai Loon, Sr. Isacc Sunder Rajan Packianathan, Kevin Prakash, Ratnalingam Vijayaratham, James Monteiro, Tan Swee Im, Leong Hong Kit, Serene Hiew, and AIAC's very own, Albertus Aldio Primadi.

##### **Penang**

Lam Wai Loon, James Monteiro, Sr. Isacc Sunder Rajan, Thayananthan Baskaran, Kevin Prakash, Tan Swee Im, Vijayaratham Ratnalingam, and Dr. Chan Yuan Eng.

##### **Sabah**

YB Tuan Mohamed Hanipa bin Maidin, then Deputy Minister in the Prime Minister's Department (Law), a Keynote Speaker; Lam Wai Loon, Dr. Chan Yuan Eng, Sr. Isacc Sunder Rajan Packianathan, Ratnalingam Vijayaratham, Ir. Harbans Singh, Thayananthan Baskaran, Grace Chaw, Chin Yuen Fong, Ho Kin Kong, Sr. Patmawati Paddong and AIAC's very own, Diana Rahman, and Chelsea Pollard.

##### **Sarawak**

YB Datuk Hajah Sharifah Hasidah Bt. Sayeed Aman Ghazali, Assistant Minister of Law, State-Federal Relations & Project Monitoring of Sarawak, a Keynote Speaker; Ir. Harbans Singh, Thayananthan Baskaran, Sr. Isacc Sunder Rajan Packianathan, Kevin Prakash, James Patrick Monteiro, Dato' Nitin Nadkarni, George Chapman, Abang Iwawan, Alex Ngu and Bibi Waheeda Arman Khan.

##### **Johor**

Lam Wai Loon, Dr. Chan Yuan Eng, Kevin Prakash, James Patrick Monteiro, Leslie Looi Meng, and N.G. Vinod (Vinodsagarana a/l Gunasakaren).

## 2019 and 2020 Figures

### AIAC September Sports Month 2019



In September 2019, the AIAC held its second edition of September Sports Month ("September Sports Month 2019"), which was dedicated to the promotion and development of sports law and a sports dispute resolution system. The AIAC's initiative arises from the immense potential for the utility of alternative dispute resolution in the sports industry in the Asia-Pacific region. It also reinforces the Court of Arbitration for Sports' (CAS) recognition of the AIAC as its only official alternative hearing centre in the ASEAN region. Asia's rise in the global sports sector has been phenomenal in the last decade, and ASEAN's contribution has been particularly significant. It is also notable that the number of Asian countries and athletes that participate and qualify for international sporting events has seen a dramatic increase. There has also been a surge of interest and awareness of sports law in the region as we witness growing discussion and developments in the law. Below is an outline of the key highlights from September Sports Month 2019.

#### **Documentary Screening on Match Fixing**

The September Sports Month kicked off with a screening of Al Jazeera's investigative documentary titled 'Cricket's Match Fixers' on 4<sup>th</sup> September 2019. This undercover documentary revealed how criminal gangs

and certain cricket players colluded to underperform in matches to gain millions as a result of a guaranteed outcome in sport, facilitating the seedy underbelly of the world of sports betting. The screening ended with an interview-styled discussion with James Kitching (Managing Director, Kitching Sports, presently, Director of Football Regulatory at FIFA).

#### **AIAC Futsal Tournament**

On 7<sup>th</sup> September 2019, the AIAC hosted its second edition of the AIAC Futsal Tournament which witnessed participation from 12 teams from the legal profession competing for the Championship title. The Championship trophy was won by team Solicitas from Selangor.

#### **Workshop on Drafting Sports Contracts**

On 12<sup>th</sup> September 2019, the AIAC held a Workshop on Drafting Sports Contracts. The aim of the Workshop was to focus on the contractual dynamics of professional sportsmanship as well as a simulation exercise on drafting doping, morality and image rights clauses in sporting contracts.

The panellists comprised: Richard Wee, Managing Partner of Richard Wee & Chambers, Izham Ismail, Chief Executive Officer of the Professional Footballers Association of Malaysia (PFAM), Susanah Ng & Associates of Kitching Sports, and Brian Song, Managing Partner of Messrs. Song & Partners.

#### **Workshop on the Constitutions of Sporting Bodies**

On 19<sup>th</sup> September 2019, the AIAC held a Workshop on the Constitution of Sporting Bodies aimed at providing insight into the overall framework and effect of the constitution of sporting bodies.

The workshop included a drafting exercise on the constitution of a mock sporting body known as "Global International Lepak Association." It was followed by a discussion on existing issues in the constitution of sports bodies. The event witnessed the honorary attendance of H.R.H. Tunku Tan Sri Imran Ibni Almarhum Tuanku Ja'afar, Honorary Life President of the Olympic Council of Malaysia.

The panellists included: Dr. CJ Jacobs, Dr. Wirdati Radzi, Samrith Kaur, Thomas Delaye-Fortin, and Dr. Jady Zaidi Hassim.

#### **AIAC's Certificate Programme in Sports Arbitration**

The 4<sup>th</sup> edition of the AIAC's 4-day Certificate Programme in Sports Arbitration was held between 23<sup>rd</sup> and 26<sup>th</sup> September 2019. The AIAC is the only institution in Asia which offers such a high quality and comprehensive certificate programme under the guidance of Prof. Richard H McLaren OC of the famed "McLaren Report" into Russian state-sponsored doping, and Paul J. Hayes QC (39 Essex Chambers), along with Malcolm Holmes QC (Eleven Wentworth) and Lau Kok Keng (Rajah & Tann LLP). The course offered a practical understanding of the mechanics of sporting disputes by the thorough examination of applicable substantive and procedural laws. Participants were introduced to all stages of dispute resolution processes, from the commencement of proceedings to the writing of sports arbitration awards and the subsequent judicial review of those awards, as well as a study of specific issues, such as the nature of doping violations, its related defences and sanctions, sports integrity and on and off field conduct.

### **AIAC International Sports Law Conference 2019**

To celebrate the ending of the September Sports Month 2019, the AIAC hosted the much-awaited International Sports Law Conference 2019. Themed, "Asia's Meteoric Rise in the World of Sports", the Keynote Speech was delivered by Prof. Richard H McLaren OC. The Conference witnessed speakers from all over the world addressing issues from match fixing, safety in sports, gender and race equality to evolving legal issues in esports. The event was graced by YB Steven Sim Chee Keong, the-then Deputy Minister of Youth and Sports, Malaysia, who delivered his Special Address which touched upon various developments and initiatives by the Youth and Sports Ministry, such as establishing the National Coaching Academy and supporting the development of esports in Malaysia. The conference was made up of 5 sessions, and concluded with a Cocktail and Dinner Reception involving games stalls for indoor games and virtual reality experiences.

The 5 key sessions included:

- Hot-Topics and Recent CAS Decisions;
- Match-Fixing: The Overlap Between Criminal Law and Sports Discipline;
- Safety in Sports: Protection of Athletes and the Scope of Duty of Care;
- Free Kick for Equality: Gender and Race in Sport;
- Esports: Evolving Legal Issues.

**This one-of-a-kind Sports Law Conference attracted an energetic crowd with over 40 domestic and international speakers and more than 380 participants in attendance.**



### **AIAC China Initiatives**

#### **Driving Forces Behind Belt and Road Initiative**

On 13<sup>th</sup> August 2019, the AIAC and the China International Economic and Trade Arbitration Commission (CIETAC) signed a Memorandum of Understanding (MOU) to cooperate and promote the use of arbitration in the region. The MOU was signed by Vinayak Pradhan, the late Director of the AIAC and Wang Chengjie, Vice Chairman & Secretary-General of CIETAC, and was witnessed by Loh Chang Woo, President of the Malaysia-China Legal Cooperation Society (MCLCS).

The AIAC, CIETAC and MCLCS also jointly hosted the 'Driving Forces Behind Belt & Road Initiative' seminar which led up to the signing ceremony of the MOU. The highlight of this seminar was a panel discussion on the "Role of Arbitration in the Belt & Road Initiative (BRI): Perspectives from China and Malaysia". The discussion focused on the role and the importance of an effective dispute resolution mechanism for disputes arising out of the BRI. The event witnessed 119 participants in attendance.

The speakers included: Loh Chang Woo of MCLCS, Brad Wang of CIETAC Hong Kong Arbitration Centre, Jerry Zhang of the Beijing Linli Law Office, Lam Ko Luen of Shook Lin & Bok and Choon Hon Leng of Raja, Darryl & Loh.

## 2019 and 2020 Figures



### China-ASEAN Legal Forum

On 13<sup>th</sup> November 2019, the AIAC in cooperation with Hainan International Arbitration Court (HIAC), the ASEAN Law Association Malaysia and China-ASEAN Legal Cooperation Center (CALCC) co-organised the “China-ASEAN Legal Forum”. The Forum brought together distinguished dispute resolution professionals from legal industries with expertise in China-related matters and shed light on current trends and developments within ADR in both China and ASEAN countries. The Opening Ceremony concluded with the exchange of the signed copies of the MoU concluded between the AIAC and HIAC.

The Forum also witnessed the very first Joint Empanelment Scheme for Arbitrators and Mediators launched by the AIAC and HIAC. The AIAC also announced that its Mediation Rules 2018 are available in Chinese.

The Forum was graced by the Chief Justice of Malaysia, the Right Honourable Tan Sri Tengku Maimun binti Tuan Mat as the keynote speaker for the Forum. In her Keynote Speech, her Ladyship highlighted the importance of ADR and how the judiciary has in recent times recognised the advantages of arbitration as well as other ADR mechanisms in developing a healthy framework of dispute resolution avenues. In discussing the work of the AIAC, her Ladyship stated that “the significant role of the AIAC cannot be understated [and] the work it has done in the past has greatly improved the

arbitration scheme in Malaysia [by not only its] tremendous job in establishing its own set of rules that parties may feel free to adopt ... [but] drafting of rules aside, the AIAC constantly undertakes efforts to ensure that our arbitration laws remain up to date.”

The Forum concluded with Closing Remarks delivered by Dato’ Ricky Tan, President of China-ASEAN Legal Cooperation Center Malaysia.

The Forum featured the following sessions:

- Harmonisation of Law in ASEAN and China: Uncharted Territory in Alternative Dispute Resolution (Panel 1);
- Enforcement of Arbitral Awards in China and ASEAN (Panel 2); and
- Call for Cooperation: ASEAN and China as Partners in the Belt and Road Initiative (Panel 3).

Distinguished speakers and moderators for the Forum included:

### Panel 1:

YA Dato’ Mary Lim Thiam Suan (Court of Appeal Judge, Malaysia), Prof. Shen Sibao (Director of the Institute of International Commercial Law in UIBE, Chairman of the China International Economic and Trade Law Association, Chairman of the Shenzhen Court of International Arbitration, Chairman of ADR and Arbitration Commission of ICC China) and Jiang Hong (Senior Consultant, Hui Zhong

Law Firm, Shanghai). Moderator: Dato’ Teh Tai Yong (Senior Partner, Teh Kim Teh, Salina & Co).

### Panel 2:

Professor Choong Yeow Choy (University of Malaya), Teng Haidi (King & Wood Mallesons), and YA Dato’ Lee Swee Seng (Court of Appeal Judge, Malaysia). Moderator: Dato’ Mah Weng Kwai.

### Panel 3:

Goh Siang-Joo (Partner of Goh Cheah & Chong), Robert Yao (Senior Partner of DHH Law Firm), Jay Patrick Santiago MCIArb (Senior Associate of Quisumbing Torres), Tony Ng (International Case Counsel, AIAC). Moderator: Raphael Tay (Partner of Lee Hishammuddin Allen & Gledhill).

### Malaysia-China Belt and Road Economic Cooperation Forum 2019

On 8<sup>th</sup> August 2019, the AIAC’s late Director, Vinayak Pradhan, spoke at a panel at the “Malaysia-China Belt and Road Economic Cooperation Forum 2019”. The panel discussion titled, “Risk Management and Dispute Prevention” was moderated by Addy Herg of Skrine and alongside Mr. Pradhan, featured Yee Wing Peng of Deloitte Malaysia, Liu Chao of China Council for the Promotion of International Trade (CCPIT) and Farah Jaafar-Crossby of Labuan IBFC Incorporated Sdn Bhd. During this session, Mr. Pradhan spoke on the role of the AIAC in dispute avoidance and dispute resolution along the Belt and Road.

### CIETAC Seminar on Enforcement of Arbitral Awards under New York Convention (Beijing)

On 8<sup>th</sup> November 2019, AIAC’s Deputy Head of Legal, Tatiana Polevshchikova, presented on the development of pro-enforcement legislation in Malaysia, the AIAC’s role in technical review and certification of awards, and shared recent enforcement statistics and cases. Other panel members included: Tim Meng (China), Dr. Ismail Selim (Egypt), B.C. Thiruvengadam (India) and Roman Zykov (Russia). Xing Xiusong (China) moderated the session.

## AIAC India ADR Training Initiative 2019



On 12<sup>th</sup> September 2019, the AIAC began its ambitious project with the focus on the dispute resolution stakeholders in India (the "India ADR Training Initiative"). As part of this initiative, the AIAC jointly organised with Symbiosis Law School, Noida, a mini-conference on international arbitration in Asia themed "The Malayan Tiger's Journey to India: A New Dawn of Alternative Dispute Resolution," held at the India International Centre Annexe, New Delhi.

The mini-conference began with a welcoming address by Prof. Dr. Chandrashekhar Rawandale, Director of Symbiosis Law School, who spoke about the role of academia to nurture the next generation of dispute resolution practitioners. This was followed by a special address by Sachin Datta, Senior Advocate, Supreme Court of India. He highlighted the background to the 2019 Indian Arbitration Amendments. The AIAC's Deputy Head of Legal, Michelle Sunita Kummar, spoke about the suitability of the AIAC's ADR services to the Indian arbitration framework. The keynote address was delivered by Honourable Justice

Sanjeev Sachdeva, Judge of the High Court of Delhi, who highlighted the collective role of the judiciary, dispute resolution practitioners, and academia to establish India as a pro-arbitration jurisdiction. This was followed by a panel session titled "Practitioners and the AIAC's views on Arbitration in India: Present and Future."

Prominent panel speakers included: Niraj Singh (Partner, RNS Associates), Raghvendra Singh (Partner, Concept Legal International), Kamraj Nayagam (Partner, Mah-Kamariyah & Philip Koh), Abinash Barik (International Case Counsel, AIAC), V. Inbavijayan (Advocate, India), and Anand Prasad (Chamber of Anand Prasad). Sonal Kumar Singh, Partner of AKS Partners moderated the session.

As part of the India ADR Training Initiative, the AIAC also held a training session with Nishith Desai Associates ("NDA") on 12<sup>th</sup> September 2019, and another training session with Cyril Amarchand Mangaldas ("CAM") on 11<sup>th</sup> September 2019 at their New Delhi

offices. The training was titled "Suitability of the AIAC's ADR Services for Construction and Commercial Disputes." These tailored trainings were conducted by Michelle Sunita Kummar, Deputy Head of Legal of the AIAC, Abinash Barik, International Case Counsel of the AIAC, and Kamraj Nayagam, Partner of Mah-Kamariyah & Philip Koh. The session saw participation from NDA's and CAM's various offices across the country through video call facilities. Vyapak Desai, Senior Leader and Head, International Dispute Resolution and Investigations Practice, of NDA and Radhika Bishwajit Dubey, Director, Dispute Resolution, moderated the training sessions respectively.

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### TEC Virtual Roundtable

On 11<sup>th</sup> June 2020, the AIAC hosted a private virtual roundtable to start brainstorming the purpose and goals of the Technology Expert Committee ("TEC"). During this virtual roundtable, the AIAC explained that following its success with its Standard Form of Building Contracts, it decided to explore a similar initiative within the technology ("tech") sector. It was decided during the roundtable that the first two products of the TEC would be: (a) to build a standard form contract, and (b) to produce a list of commonly used tech terms. Further, the AIAC consulted those who attended the virtual roundtable and created a survey for industry players to gain their perspective on the creation of a standard form contract. The survey was issued on 14<sup>th</sup> August 2020 and closed on 14<sup>th</sup> September 2020.

### DREx Talk Kuala Lumpur 2020

On 21<sup>st</sup> August 2020, the AIAC, together with DREx Talks, hosted the DREx Talk – Kuala Lumpur 2020 ("DREx Talk") via the AIAC's YouTube platform. This occasion marked the very first time a DREx Talk has been hosted in Southeast Asia. Dr. Michael Hwang S.C. (Barrister & Arbitrator at Michael Hwang Chambers LLC) acted as the DREx Speaker, and Christopher Leong (Managing Partner, Chooi & Company + Cheang & Ariff) acted as the DREx Introducer. Dr. Hwang delivered the talk on "Can an arbitral award be set aside under

Article 34 of the Model Law if the application is not made within the 3-month period permitted by Article 34(3)? Different approaches from the common law Model Law jurisdictions". His talk reviewed legal developments across eight jurisdictions, covering 7 Model Law jurisdictions and 1 Quasi-Model Law jurisdiction, namely, Australia, New Zealand, Ireland, Canada, India, Hong Kong, Singapore, and Malaysia. Michelle Sunita Kummar, Deputy Head of Legal of AIAC and a DREx Fellow Member, was the Master of Ceremonies and delivered the DREx

Talk's Welcoming and Closing Remarks. The DREx Talk, which premiered on YouTube, had 835 views.



### AIAC September Sports Month 2020

In September 2020, the AIAC held the third edition of September Sports Month ("September Sports Month 2020"), in an innovative and hybrid platform via physical workshops and virtual webinars dedicated to the promotion and advanced sports law and a sports ADR. In total 3 Workshops were conducted at the AIAC with physical in-person visit by the speakers and attendees adhering to the Standard Operating Procedure for in-person events and was attended by 198 participants. The Workshop was conducted in partnership with the Sports Law Association of Malaysia and supported by the Olympic Council of Malaysia, the Asian Football Confederation and the AIAC's Young Practitioners Group.

#### **AIAC Sports Month Workshop Series 2020 – Introduction to Sports Dispute Resolution (4<sup>th</sup> September 2020)**

On 4<sup>th</sup> September 2020, the AIAC held a Workshop on Introduction to Sports Dispute Resolution. The aim of the Workshop was

to focus on governing structures and legal principles applied in international sports law as well as key sporting issues relevant in sports dispute resolution.

The panellists comprised: Richard Wee, Managing Partner of Richard Wee & Chambers, Nik Erman Bin Nik Roseli, Partner of Amir Khusyairi & Associates, Sri Sarguna Raj, Partner of Christopher & Lee Ong, and Liu Jiahe of Asian Football Confederation.

#### **AIAC Sports Month Workshop Series 2020 - Understanding Esports: Legal Rights and Implications (11<sup>th</sup> September 2020)**

On 11<sup>th</sup> September 2020, the AIAC held a Workshop on Understanding Esports: Legal Rights and Implications. The aim of the Workshop was to provide an overview of esports as well as a metagame analysis on its legal and regulatory issues.

The panellists comprised: Bryan Boo, Partner of Bryan & Co., Joseph Cheah, Proprietor of Paul Cheah Associates, and Marlysa Razak, Partner of Richard Wee Chambers.

#### **AIAC Sports Month Workshop Series 2020 - Negotiating Sports Contracts and Agreements: What to Expect (18<sup>th</sup> September 2020)**

On 18<sup>th</sup> September 2020, the AIAC held a Workshop on Negotiating Sports Contracts and Agreements: What to Expect. The aim of the Workshop was to provide an illustration of the different types of sporting contracts and highlight the best practices and fundamentals of negotiating international sports contracts.

The panellists comprised: Brian Song, Partner of Song & Partners, Susanah Ng, Advocate Solicitor of Susanah Ng & Associates, and Stanley Bernard Samuel of Malaysian Football League.

In addition to the physical in-person event, the AIAC also conducted 5 September Sports Month Webinars to ensure wider participation and was attended by 750 participants across the world. The topics of the webinars spanned across Sports Arbitrator Career, Employment and Contractual issues to Regulations in Sports, as well as Athletes Rights and Sports Mediation.

- AIAC Sports Month Webinar Series 2020 – Building Your Career as a Sports Arbitrator (1<sup>st</sup> September 2020);
- AIAC Sports Month Webinar Series 2020 – Employment and Contractual Issues in Sports: Recent Developments Post-COVID 19 (8<sup>th</sup> September 2020);
- AIAC Sports Month Webinar Series 2020 – The Challenges in Regulating Sports: From Gender Equality to Anti-Doping Requirements (15<sup>th</sup> September 2020)

- AIAC Sports Month Webinar Series 2020 - International Sports Arbitration and Athletes' Rights – Maintaining a Level Playing Field (22<sup>nd</sup> September 2020); and
- AIAC Sports Month Webinar Series 2020 - Sports Mediation: An Underused Tool in Resolving Sporting Disputes (29<sup>th</sup> September 2020).



### AIAC Certificate in Adjudication

From 19<sup>th</sup> to 23<sup>rd</sup> September 2020, the AIAC conducted the Certificate in Adjudication programme aimed to train future adjudicators and providing the attendees with the necessary skills towards the conduct of adjudications. This is a 5-day training programme conducted by knowledgeable and experienced experts such as: Ir. Harbans Singh K.S., Thayananthan Baskaran, Lam Wai Loon, Ramdas Tikamdas, and Daniel Tan Chun Hao. This certificate programme was attended by 86 participants who successfully completed the course.

### AIAC-Supported Events

#### **Novice Arbitration Mooting Competition (NAMCO)**

The AIAC was the venue sponsor for the Novice Arbitration Mooting Competition (NAMCO) 2019 from 19<sup>th</sup> to 21<sup>st</sup> July 2019. The event witnessed 28 participating teams of first-time mooters from 5 countries. During the opening ceremony of the competition, the AIAC's Young Practitioners Group organised a panel discussion themed "Young Practitioner's Guide to Mooting". The AIAC's Case Counsel participated as arbitrators in the mooting competition, where Michelle Sunita Kummar, Deputy Head of Legal Services, who judged the final round alongside Dato' Mah Weng Kwai, Puan Hendon Mohamed, A.G. Kalidas and Mathew Thomas Philip. Prominent Panel Speakers included: Ong Johnson, Loi & Co and Adrian See, Belden.

#### **14<sup>th</sup> LAWASIA International Moot Competition**

The AIAC hosted and supported the LAWASIA and the Bar Council in organising the 14<sup>th</sup> LAWASIA International Moot Competition. The National Rounds were held from 24<sup>th</sup> to 25<sup>th</sup> August 2019 at the AIAC. The moot problem was drafted by the AIAC's Case Counsel who also arbitrated the national rounds.

#### **ADNDRC CONFERENCE 2019 "Manage Domain Names and Trademarks in the E-Business World"**

On 11<sup>th</sup> September 2019, the AIAC participated in the 2019 ADNDRC Conference held at the Marco Polo Hotel in Shenzhen, China. The Conference was jointly hosted by the Hong Kong International Arbitration Centre (HKIAC) and the China International Economic and

Trade Arbitration Commission (CIETAC), with the Korean Internet Address Dispute Resolution Committee (KIDRC) also in attendance. The purpose of the Conference was to address emerging issues in domain name dispute resolution. The theme for the Conference was Manage Domain Names and Trademarks in the E-business World. INTA's Chief Representative for Asia Pacific, Seth Hayes delivered the Keynote Remarks. AIAC Case Counsel, Diana Rahman spoke during Panel Session 1. Key Panel Sessions included:

- Insider's Views on Procedural Issues;
- Panellist View on Substantive Issues;
- Protecting and Recovering domains and trademarks registered in bad faith before the Chinese courts;

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- Tackling Domain Name and Trademark-squatting - Regulation, Law and Practice;
- ICANN new gTLD programme next round: what brand owners should know;
- Online Dispute Resolution (ODR) for Resolving IP Disputes.

Prominent Speakers included: Dr. Fan Yang of the China International Economic and Trade Arbitration Commission ("CIETAC"), Wesley Pang of HKIAC and Hyun Jun Kim of the Korean Internet Address Dispute Resolution Committee ("KIDRC"), Dr. Christopher To of Gilt Chambers, Hong Kong, Jacob Chen, Sebastian Hughes, Chloe Lee and Xun Yang, Peng Guo, Min Yang and Ally Zhuang, Gary Gao, Ligu Zhou, Eugene Low, Wen Zou and Phoebe Tang, Dennis Cai, Julien Chaisse and Nathan Yang, Daniel Lam BBS, JP, Douglas Clark, Joe Simone and Peter Cheung SBS.

### AIAC – BAR COUNCIL – CIARB JOINT CONFERENCE 2019

On 4<sup>th</sup> October 2019, the AIAC co-organised an inaugural conference with Bar Council of Malaysia and CIARB Malaysia Branch, titled "Developing a Career in International Arbitration". The Conference included the following sessions:

- **Session 1 "Evolution – What The Future Holds For The Arbitration Industry?"**

Speakers included: Dato' Nitin Nadkarni (Chairman, Bar Council Arbitration Committee), Michael McIver (Director & Chief Executive Officer, Plus 3 Consultants), Foo Joon Liang (President, CIARB Malaysia Branch), Dr. Noorfajri bin Ismail (Senior Lecturer, Universiti Teknologi Malaysia), Tatiana Polevshchikova (Deputy Head of Legal, AIAC). The session was moderated by Tan Hui Wen (Skrine).

- **Session 2 "Tips for Advancing Your Career in International Arbitration"**

Speakers included: Mak Hon Pan (Partner, Messrs. Azman Davidson & Co.), Ir. Ang Kok Keng (Director, Synergy Building Solutions Sdn Bhd, Benson Lim (Senior Associate, Hogan Lovells Lee & Lee), Oliver Watts (Senior Director, FTI Consulting) and Jay Patrick Santiago (Senior Associate, Quisumbing Torres). The session was moderated by Diana Rahman (Case Counsel, AIAC).



### AIAC Evening Talk Series

Throughout 2019, the AIAC hosted a number of evening talks on a broad range of topics centered around ADR mechanisms and niche areas of the law, such as energy law and FinTech industry, as well as other talks focused on the practical and procedural issues encountered in arbitrations. The evening talks, attended collectively by 593 participants, provided a unique platform for experienced local and international legal practitioners and experts to share their knowledge & experience on pertinent issues

and developments in their respective legal fields with the diverse Malaysian legal community. The evening talk is a forward-thinking initiative that aims to provide a platform for ADR stakeholders to deliberate the issues of the next dawn.

The evening talks held at the AIAC between January and December 2019, and, January 2020 are listed below:

- Management Techniques in International Arbitration – Opposing Perspectives:

Counsel and Arbitrator (29<sup>th</sup> April 2019);

- To be, or Not To Be ... A 'Trial' Lawyer (24<sup>th</sup> June 2019);
- Expedited Proceedings and Interim Measures (5<sup>th</sup> August 2019);
- Introduction to Legal Tech (15<sup>th</sup> August 2019);
- Driving Forces Behind Belt & Road Initiative (13<sup>th</sup> August 2019);
- The Transparency Debate: Asian Perspective on Investor-State Dispute Settlement (11<sup>th</sup> September 2019);

- Alternative Dispute Resolution for FinTech (18<sup>th</sup> September 2019);
- Understanding Your Contract's Dispute Resolution Mechanism (3<sup>rd</sup> October 2019);
- Energy Contracts and Arbitration (15<sup>th</sup> October 2019);
- Singapore Convention on Mediation: Can Mediation Finally Challenge Arbitration? (6<sup>th</sup> November 2019);
- Dispute Resolution: An International Approach (27<sup>th</sup> November 2019);
- Advocacy in International Arbitration (4<sup>th</sup> December 2019).
- Business and Human Rights Arbitration: A New Frontier (21<sup>st</sup> January 2020)



#### ADR Online: An AIAC Webinar Series

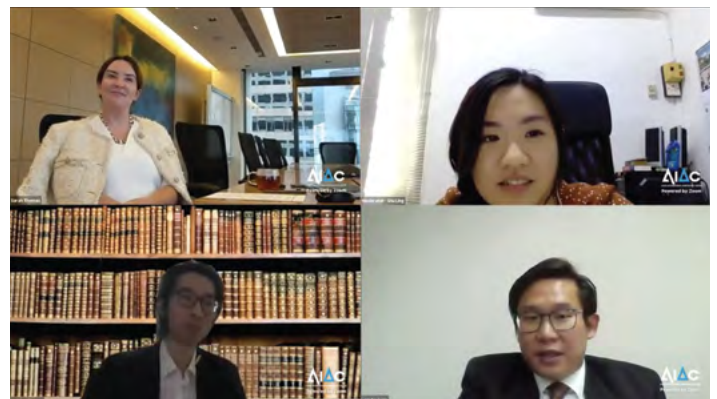
As the world came to a standstill in 2020 due to the COVID-19 Pandemic along with the Movement Control Order (MCO) in Malaysia and many jurisdictions of the world, the AIAC continued with its capacity building initiatives virtually through a thought-provoking and informative webinar series "ADR Online: An AIAC Webinar Series". Since its inception in March 2020, the AIAC's Webinar Series has hosted 62 webinars including the AIAC's 8 most coveted Special Webinar Series. The webinars addressed all ADR related sectors under public and private international as well as domestic laws. The webinars provided practical, procedural issues as well substantive issues encountered in arbitrations, mediations, and dispute avoidance. The webinars were attended collectively by 10,960 participants from around the world, which sets a very high attendance towards the AIAC's innovative virtual platform. This unique platform provided all experienced local and international legal practitioners and experts with the opportunity to share their knowledge and experience on various webinar topics. ADR Online unlocked many possibilities of virtual reality and aims to ensure a steady platform for ADR stakeholders to deliberate the future issues as the world slowly adapts to hybrid mechanisms.

The ADR Online Webinars hosted virtually by the AIAC between March and December 2020 are listed below:

- ODR Advocacy Skills (24<sup>th</sup> March 2020);
- Using Technology to Optimise Legal Services (27<sup>th</sup> March 2020);
- Computer-side Chit Chat with Peter Godwin (30<sup>th</sup> March 2020);
- Arbitration Proceedings in a Contactless Society, Impact of COVID-19 and Beyond (1<sup>st</sup> April 2020);
- Exploring the Intersection of Insolvency and ADR (2<sup>nd</sup> April 2020);
- Protecting Your Domain Names: the UDRP Mechanism (3<sup>rd</sup> April 2020);
- Rebuilding the Construction Industry Post COVID-19 (6<sup>th</sup> April 2020);
- ADR at Crossroads: Strategic Considerations for Indian and Southeast Asian Parties (7<sup>th</sup> April 2020);
- Current Trends in Arbitration Careers (8<sup>th</sup> April 2020);
- Changing Tides: Has Advocacy Been Transformed? (9<sup>th</sup> April 2020);
- Understanding Capital Markets with Matthew Emsley (13<sup>th</sup> April 2020);
- A Sports Arbitration Response to the COVID-19 Pandemic: A Game Changer? (14<sup>th</sup> April 2020);
- 2020 Economic Stimulus Package: What it Means for You and Your Business (16<sup>th</sup> April 2020);
- Mediation Post COVID-19: The Way Forward (17<sup>th</sup> April 2020);
- Debating the Realities of Working from Home: Tik Tok, Pyjamas, Doraemon and More (20<sup>th</sup> April 2020);
- A Young Lawyer's Wellbeing and Mental Health - The Impact of the COVID-19 Pandemic (21<sup>st</sup> April 2020);
- Impact of COVID-19 on Shipping Disputes (22<sup>nd</sup> April 2020);
- The Future of Investment Arbitration: The ICSID Rules and Regulations Amendments (23<sup>rd</sup> April 2020);
- Asian Energy Disputes: Project Finance, Price Review and Arbitrations (24<sup>th</sup> April 2020);
- Sports in the New Age of Physical Distancing: What an Athlete, a Sports Practitioner and Sporting Associations Have to Say About It (27<sup>th</sup> April 2020);
- The Elephant in The Room: What is a Good Arbitral Award? (28<sup>th</sup> April 2020);
- Keeping Confidentiality: How to Safeguard your Privacy in ODR (30<sup>th</sup> April 2020);

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- Cultural Differences in International Arbitration (6<sup>th</sup> May 2020);
- Damaging Defects: Liability and Resolving Construction Disaster Disputes (7<sup>th</sup> May 2020);
- Statutory Rescue: Whether Introducing a COVID-19 Act can Save the Economy? (8<sup>th</sup> May 2020);
- Navigating Turbulent Skies: Alternative Dispute Resolution in the Aviation Sector (11<sup>th</sup> May 2020);
- IP and Tech Disputes - To Litigate or Arbitrate? (13<sup>th</sup> May 2020);
- Arbitration Tales: Predicting the Future Through the Looking-Glass of Past Recessions (18<sup>th</sup> May 2020);
- Essential Skills for Securing Your Next Legal Job (20<sup>th</sup> May 2020);
- Ethics in International Arbitration: Regulatory Body to be in charge of Disciplinary Matters in Arbitration? (21<sup>st</sup> May 2020);
- Financial Crime in Arbitration - An Industry Perspective (27<sup>th</sup> May 2020);
- Debate Special: Viability and Utility of Employment Arbitration in a Post COVID-19 World (28<sup>th</sup> May 2020);
- Current State of World Trade: A Level Playing Field (2<sup>nd</sup> June 2020);
- Confessions of a Shopaholic: Dispute Resolution and E-Commerce (4<sup>th</sup> June 2020);
- The Pulse of the Human Race: Resolving Disputes in the Life Sciences and Healthcare Sector through ADR (9<sup>th</sup> June 2020);
- Post Covid-19 and Dispute Resolution: The New Normal for Arbitration and Litigation (11<sup>th</sup> June 2020);
- Belt & Road After COVID-19 and ADR – Legal Business Continuing Plan (16<sup>th</sup> June 2020);
- Roundtable on Managing Expert Witnesses: Hot-Tubbing Included! (18<sup>th</sup> June 2020);
- Seat Shopping: The Important Considerations in Choosing Your Seat (23<sup>rd</sup> June 2020);
- Resolving Banking Disputes in the COVID-19 Era: Tailor-Made Solutions (25<sup>th</sup> June 2020);
- Judiciary and ADR – Embracing Mediation for Justice Post COVID-19 (27<sup>th</sup> June 2020);
- Lights! Camera! ADR: Arbitration and Mediation in the Entertainment and Media Industry (30<sup>th</sup> June 2020);
- Show Me the Money: The Importance of Expert Evaluations in Arbitration (2<sup>nd</sup> July 2020);
- The Balancing Act: Responding to COVID-19 and Investment Treaty Protections (7<sup>th</sup> July 2020);
- Environment Arbitration: To Revisit or To Recalibrate? (22<sup>nd</sup> July 2020);
- Multi-Party Arbitration: Too Many Cooks in the Kitchen? (28<sup>th</sup> July 2020);
- MESA Energy, Infrastructure & Resource Disputes: Avoidance and Resolution in 2020s (30<sup>th</sup> July 2020);
- Steering Clarity on C.A.R. (10<sup>th</sup> September 2020);
- Enforcement Issues and the New York Convention: To March with the Status Quo or to Petition for Change? (24<sup>th</sup> September 2020);
- State of Affairs: Corruption Allegations in Arbitration (1<sup>st</sup> October 2020);
- The Modern-day Changes & Challenges to the Construction Industry (21<sup>st</sup> October 2020);
- À La Mode: Latest Dispute Resolution Trends in the Fashion Industry (5<sup>th</sup> November 2020);
- Creating a Sphinx: The Perfect ADR Mechanism (19<sup>th</sup> November 2020); and
- Promoting the Use of Mediation in Investor-State Dispute Settlement (3<sup>rd</sup> December 2020)



### ADR Online: An AIAC Webinar Special Series

The AIAC with continuous endeavours during the pandemic to propel its presence with ADR Online, also initiated its very own Webinar Special Series which provided a virtual platform for thought-provoking topics ranging from Diversity in Arbitration, to celebrating Malaysia & Indonesia's Independence Days and commemorating the establishment of the Malaysian federation in 1963. The AIAC hosted 8 Special Webinars recognising Diversity in Arbitration Week, Merdeka and Malaysia Day. The Special Webinars were witnessed by a total of 1,288 attendees including 701 Diversity Week attendees, 368 Merdeka attendees and 219 Malaysia Day attendees. The ADR Online Webinar Special Series hosted virtually by the AIAC in July, August and September 2020 are listed below:

#### Webinar Special: Diversity in Arbitration Week ("DAW")

- Diversity in Arbitration Week - Remotely Personal (14<sup>th</sup> July 2020);
- Diversity in Arbitration Week - Roundtable on Age Diversity in International Arbitration: An Imagined or Real Problem? (15<sup>th</sup> July 2020);
- Diversity in Arbitration Week - Professional Diversity in Arbitration – Inevitable or Idealistic? (16<sup>th</sup> July 2020); and
- Diversity in Arbitration Week - Globalising Arbitration – Enhancing Racial and Ethnic Diversity (17<sup>th</sup> July 2020).

#### Webinar Special: Merdeka

- Merdeka Special Webinar: Alternative Dispute Resolution for Construction Dispute in Indonesia: Growth, Challenges and Opportunities (24<sup>th</sup> August 2020);
- Merdeka Special Webinar: The Garuda and the Tiger: The Indonesian Law No. 30 of 1999 on Arbitration and Alternative Dispute Resolution and the Malaysian Arbitration Act 2005 (25<sup>th</sup> August 2020); and

- Merdeka Special Webinar: One to Remember: Malaysia's Journey in Alternative Dispute Resolution (27<sup>th</sup> August 2020)

#### Webinar Special: Malaysia Day

- Malaysia Day Special Webinar: The Birth of a Nation - ADR in the East and the West of Malaysia (17<sup>th</sup> September 2020)



## 2019 and 2020 Figures

### Around the World in 30 Days

During November 2020, the AIAC embarked on a tour of the world through its virtual aeroplane, where 30 arbitration practitioners, from 30 different countries, gave us a glimpse of their country whilst speaking about arbitration and their experiences. During the travels, we started in Afghanistan and ended in Malaysia, the home of the AIAC. The purpose of this initiative was to highlight various arbitrators and practitioners as well as arbitral seats around the world, in an effort to promote and enhance diversity in arbitration. The pilots representing their home jurisdictions comprised of: Naseebullah Esmaty (Afghanistan), Mariana Lozza (Argentina), Joachim (Jo) Delaney (Australia), Suhan Khan (Bangladesh), Sergio M. Mannheimer (Brazil), Janet Walker (Canada), Alejandra Aguad D. (Chile), Arthur Dong (China), Inji Fathalla (Egypt), Thomas Parigot (France), Shaneen Parikh (India), Tony Budidjaja (Indonesia), Yoshimasa Furuta (Japan), Dr. Jamsheed Peeroo (Mauritius), Cecilia Flores Rueda (Mexico), Amin Hajji (Morocco), Marnix Leijten (the Netherlands), Nicola Swan (New Zealand), Adedoyin Rhodes-Vivour SAN (Nigeria), Zahid F. Ebrahim (Pakistan), Sultan M. Al-Abdulla (Qatar), Pavel Boulatov (Russia), Charis Tan (Singapore), Des Williams (South Africa), Joongi Kim (South Korea), Christopher Boog (Switzerland), Fatima Balfaqeeh (United Arab Emirates), Leigh-Ann Mulcahy (United Kingdom), Nancy Thevenin (United States of America), and Tan Swee Im (Malaysia). This virtual travel was telecasted on Facebook and has collectively gathered 3,642 views.

### AIAC's Outreach and Capacity Building Initiatives

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 organised, hosted and endorsed a number of educational workshops and conferences throughout 2019 and 2020, both within Malaysia and overseas, including the following:

- The Jonathan Yoon MI Arb Debate Series;
- Mooting Workshop: A Star is Born;
- ADR and 21<sup>st</sup> Century Diplomacy – An Introduction and Networking Event for Asia's Diplomatic Corps;
- CABE Malaysia Annual Conference 2019: Pathways to Excellence;
- Refresher Course on Effective Drafting of Submission in Adjudication (MSA);
- Drafting a Valid & Enforceable Decision (MSA);
- 2019 Kuala Lumpur Summit on Commercial Dispute Resolution in China;
- Joint Seminar with Malaysian Bar Council and Korean Bar Association;
- International Malaysian Society of Maritime Law's Evening Interaction Series "Fire on Board";
- Public Forum on the Reforms to the CIPAA 2012;
- CABE Malaysia Annual Conference 2020: Achieving Professional Excellence
- Interview Series: Know the Masters of Law with Toby Landau QC 2020;
- Young Society of Construction Law (YSCL) Malaysia Classroom Series: Resolving Construction Disputes in the Time of COVID-19;
- Young Society of Construction Law (YSCL) Malaysia Classroom Series: CIPAA Simplified: A Practical Guide to Construction Adjudication;
- Funding Infrastructure Disputes: Using Litigation Finance as a Strategic Tool;
- The Interaction between Climate Change Obligations and International Arbitration" by the DAA Investment Arbitration Committee;
- Arbitration in Practice: A Close Look at the IBA Guidelines for Drafting International Arbitration Clauses, IBA Asia Pacific Arbitration Group (Four-Part Series);
- The Malaysian Institute of Arbitrators: COVID-19 Webinar: The Institutions Strike Back;
- THAC International ADR Webinar Series 2020", by the Thailand Arbitration Centre;
- AIAC & MCCA Webinar: Chasing Efficacy - The Capability or Chaos of Alternative Dispute Resolution;
- 6<sup>th</sup> Annual GAR Live Singapore, Global Arbitration Review;
- Arbitration Committee Webinar: COVID-19 Business Interruption Claims – How Will the Insurance and Reinsurance Disputes be Resolved, and Is Arbitration the Answer?;
- 5<sup>th</sup> CARTAL Conference on International Arbitration - Riding New Tides: Arbitration in a Changing World, India;
- Society of Construction Law - Masterclass on Cross-Examination of Expert Witnesses;
- AIAC & UM Webinar: Arbitration in the Asia Pacific Region: An Overview and Recent Developments;
- RICS-AIAC Mediation Training Programme 2020;
- Masterclass on Cross-Examination of Expert Witnesses", Society of Construction Law Malaysia; and
- APEC Alternative Dispute Resolution - Mediation in Post COVID-19 Times, Malaysia External Trade Development Corporation.

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 2019 and 2020, the AIAC Legal Services Team participated in a range of external speaking engagements via physical and virtual events including the following:

- Speaker, Conference "The Fundamentals of International Legal Business Practice" by IBA/Japan Federation of Bar Associations, Tokyo, Japan (27<sup>th</sup> February 2019);
- Participant, 22<sup>nd</sup> Annual Arbitration Day "Beyond the Governing Law: Mandatory Rules, Lois de police, Trade Sanctions and Other Conflicts of Laws", IBA, Montreal, Canada (14<sup>th</sup> – 15<sup>th</sup> March 2019);
- Moderator, Legal 500 Malaysia Summit, Kuala Lumpur, Malaysia (28<sup>th</sup> March 2019);
- Keynote Speaker, Opening Ceremony of Mediation Skills Course, Penang, Malaysia (30<sup>th</sup> March 2019);
- Speaker, 13<sup>th</sup> Annual Generations in Arbitration Conference by the Moot Alumni Association, Hong Kong (31<sup>st</sup> March 2019);
- Speaker, INTA Roundtable on WIPO Mediation and Arbitration Rules, Shearn Delamore & Co., Malaysia (1<sup>st</sup> April 2019);
- Speaker, CI Arb YMG East Asia Conference, Hong Kong (8<sup>th</sup> April 2019);
- Speaker, "Dispute Resolution for Transportation of Goods: Conventional and Alternative", Laws of Shipping and Admiralty: Are We in Sink, UiTM Shah Alam, Malaysia (11<sup>th</sup> April 2019);
- Speaker, "Arbitration in Malaysia, CIPAA 2012 and Mediation", meeting with the Attorney General's Chamber of Brunei and Attorney General's Chamber of Malaysia (12<sup>th</sup> April 2019);
- Speaker, "AIAC's Drive and Innovation", Shanghai International Arbitration Forum, China (20<sup>th</sup> April 2019);
- Guest Lecturer, "The Singapore Mediation Convention and Its Implication", Taylors University Lakeside Campus, Selangor, Malaysia (17<sup>th</sup> May 2019);
- Guest Lecturer, "Independence and Impartiality in Arbitration", Introduction to ADR, Taylor's University, Malaysia (19<sup>th</sup> May 2019);
- Speaker, The African Arbitration Academy, London, England (14<sup>th</sup> – 15<sup>th</sup> June 2019);
- Speaker, "Unconscious Bias in International Arbitration", Arbitral Women, AIAC (26<sup>th</sup> June 2019);
- Keynote Speech, Certificate Presentation Ceremony of Mediation Skills Course, Penang, Malaysia (30<sup>th</sup> June 2019);
- Speaker, "AIAC Standard Form of Building Contracts 2019 Roadshows Sabah", AIAC, Kuala Lumpur, Malaysia (3<sup>rd</sup> July 2019);
- Keynote Speaker, "The Role of In-House Counsel and Company Secretaries in the Emerging Asian Arbitration "Ecosystem", 2<sup>nd</sup> Annual General Counsel & Company Secretary Conference, Kuala Lumpur (18<sup>th</sup> July 2019);
- Speaker, "Presentation of the LawAsia Moot Problem", Opening Ceremony of the LawAsia International Moot Competition (National Rounds), Asian International Arbitration Centre, Kuala Lumpur, Malaysia (23<sup>rd</sup> August 2019);
- Presenter, Taylors University Awards Ceremony, Kuala Lumpur, Malaysia (28<sup>th</sup> August 2019);
- Speaker, "The BRICS Technology Transfer Summit Forum and International Commercial Arbitration Service Seminar", Kunming International Commercial Arbitration Service Centre (KICASC), Kunming, China (2<sup>nd</sup> September 2019);
- Trainer, "Suitability of the AIAC's ADR Services for Construction and Commercial Disputes", AIAC India ADR Training Initiative, Cyril Amarchand Mangaldas, New Delhi, India (11<sup>th</sup> September 2019);
- Speaker, "Insider Views on Procedural Issues", ADNDRC Conference 2019, Shenzhen, China (11<sup>th</sup> September 2019);
- Speaker, "Practitioners and the AIAC's views on Arbitration in India: Present and Future", AIAC India ADR Training Initiative, New Delhi, India (12<sup>th</sup> September 2019);



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- Speaker, "Construction 4.0: Bridging the Knowledge Gap", Kuala Lumpur, Malaysia (17<sup>th</sup> September 2019);
- Speaker, "Workshop on Arbitration, Construction Law and Adjudication", ILKAP (Judicial and Legal Training Institute), Malaysia (19<sup>th</sup> September 2019);
- Participant, UNCITRAL Working Group II (Dispute Settlement), 70<sup>th</sup> Session, Vienna, Austria (23<sup>rd</sup> - 30<sup>th</sup> September 2019);
- Panellist, "Trademark and the world: Accessing Madrid Protocol", INTA Roundtable and Workshop on Trademarks and Brands: A Nepal Trademark Dialogue Global Trade and Best Practices, Nepal (30<sup>th</sup> September 2019);
- Moderator/Speaker, "Tips on Developing Your Career in International Arbitration", AIAC Bar Council-CI Arb Joint Inaugural Conference 2019, Asian International Arbitration Centre, Kuala Lumpur, Malaysia (4<sup>th</sup> October 2019);
- Speaker, "Introduction to Adjudication and the AIAC's ADR Services", SEGI University, Kota Damansara, Malaysia (8<sup>th</sup> October 2019);
- Speaker, "Diversity in Arbitration", KL Bar Council Gender Equality & Diversity Committee, Kuala Lumpur, Malaysia (8<sup>th</sup> October 2019);
- Moderator, "Artificial Intelligence in the Legal World", LawTech Hackathon 2019: Supernova Summit, Found8, Kuala Lumpur, Malaysia (21<sup>st</sup> October 2019);
- Speaker, "ADR and the Role of the AIAC", Legalink's General Meeting, Kuala Lumpur, Malaysia (25<sup>th</sup> October 2019);
- Participant, ASEAN Business and Investment Summit 2019, ASEAN, Bangkok, Thailand (2<sup>nd</sup> - 3<sup>rd</sup> November 2019);
- Speaker, "CIPAA: Maximising the Chances of Success", Lee Hishammuddin Allen & Gledhill's Thursday Talk Series, Lee Hishammuddin Allen & Gledhill, Kuala Lumpur, Malaysia (7<sup>th</sup> November 2019);
- Speaker, Seminar "Enforcement of Arbitral Awards under New York Convention", CIETAC, Beijing, China (8<sup>th</sup> November 2019);
- Speaker, AIAC YPG Roadshow at Brickfields Asia College "Arbitration Moot Workshop", Brickfields Asia College, Petaling Jaya, Malaysia (14<sup>th</sup> November 2019);
- Speaker, AIAC YPG Roadshow at KDU College "Alternative Dispute Resolution Workshop and Moot Arbitration Workshop", KDU College, Damansara, Malaysia (14<sup>th</sup> November 2019);
- Speaker, AIAC YPG Roadshow at SEGi College Sarawak "Alternative Dispute Resolution Workshop and Moot Arbitration Workshop", SEGi College, Sarawak, Malaysia (15<sup>th</sup> November 2019);
- Arbitrator, 17<sup>th</sup> CIETAC Cup International Commercial Arbitration Moot, CIETAC, Beijing, China (17<sup>th</sup> - 22<sup>nd</sup> November 2019);
- Speaker, "Arbitrators Powers and Duties Under the Arbitration Act of Malaysia", University of Malaya, Kuala Lumpur, Malaysia (19<sup>th</sup> November 2019);
- Speaker, "AIAC Standard Form of Building Contracts 2019 Roadshows Sabah", Hyatt Regency Kinabalu, Sabah, Malaysia (23<sup>rd</sup> November 2019);
- Speaker, Philippine Arbitration Day Convention, Philippine Institute of Arbitrators, Philippines (25<sup>th</sup> November 2019);
- Speaker, "How to Write a Valid Arbitration Award – What is Needed to Avoid an Appeal to the Courts", University of Malaya, Kuala Lumpur, Malaysia (26<sup>th</sup> November 2019);
- Speaker, 6<sup>th</sup> Annual Law Review by the Malaysian Institute of Arbitrators, Kuala Lumpur, Malaysia (28<sup>th</sup> November 2019);
- Speaker, "AIAC Standard Form of Building Contracts 2019 Roadshow in Sarawak", Malaysia (29<sup>th</sup> November 2019);
- Speaker, "AIAC YPG Roadshow at ATC Penang "Alternative Dispute Resolution Workshop and Moot Arbitration Workshop", ATC, Penang, Malaysia (30<sup>th</sup> November 2019);
- Speaker, "AIAC Standard Form of Building Contracts 2019 Roadshow Johor", Johor, Malaysia (5<sup>th</sup> December 2019);
- Speaker, Joint Seminar with Malaysian Bar Council and Korean Bar Association, Kuala Lumpur, Malaysia (6<sup>th</sup> December 2019);
- Speaker, APRAG Annual Conference 2020, Bangkok, Thailand (17<sup>th</sup> January 2020);
- Speaker, CABE Malaysia Annual Conference 2020: Achieving Professional Excellence (17<sup>th</sup> January 2020);



- Speaker, Public Forum on the Reforms to the CIPAA 2012 (26<sup>th</sup> February 2020);
- Speaker, L2 Construction Series: An Interview with Chelsea Pollard, Kuala Lumpur, Malaysia (4<sup>th</sup> April 2020);
- Panellist, "Advocacy 101: Arbitration", NAMCO Outreach Series, Novice Arbitration Mooting Competition (19<sup>th</sup> April 2020);
- Co-Examiner, "Interview with Toby Landau QC", Interview Series: Know the Masters of Law, Organised by Young Arbitration Practitioners Group (India) and Indian International & Domestic Arbitration Centre (15<sup>th</sup> May 2020);
- Panellist, Young Society of Construction Law (YSCL) Malaysia Classroom Series: Resolving Construction Disputes in the Time of COVID-19 (16<sup>th</sup> May 2020);
- Panellist, Young Society of Construction Law (YSCL) Malaysia Classroom Series: CIPAA Simplified: A Practical Guide to Construction Adjudication (30<sup>th</sup> May 2020);
- Panellist, "Pursuing a Career in International Law – Episode 3: Arbitration Institution", Organised by the Indonesian Society of International Law (10<sup>th</sup> June 2020);
- Panellist and Moderator, The Malaysian Institute of COVID-19 Webinar: The Institutions Strike Back (12<sup>th</sup> June 2020);
- Speakers, "Introduction to ALSA International Mediation Competition 2020", ALSA International Mediation Competition (19<sup>th</sup> June 2020);
- Presenters, "Overview of the AIAC", Online Judicial Training, Organised by the AIAC and the US Department of Justice (22<sup>nd</sup> June 2020) (Private Webinar);
- Presenters, "Overview of Statutory Adjudication, Arbitration, Mediation and Domain Name Dispute Resolution", Online Judicial Training, Organised by the AIAC and the US Department of Justice (23<sup>rd</sup> June 2020) (Private Webinar);
- Guest Lecturer, "Careers in Arbitration", Organised by Universiti Teknologi MARA (30<sup>th</sup> June 2020);
- Guest Speaker, "Part I: Pre-Dispute Management", Inception to Enforcement: Practical Issues Webinar Series, Organised by Skrine and Allen & Overy (3<sup>rd</sup> July 2020);
- Guest Speaker, "An Introduction to Arbitration", Organised by the United Kingdom and Eire Malaysian Law Students' Union (KPUM) (4<sup>th</sup> July 2020);
- Panellist, "Part II: Practical Aspects of Managing Disputes", Inception to Enforcement: Practical Issues Webinar Series, Organised by Skrine and Allen & Overy (17<sup>th</sup> July 2020);
- Moderator, "ADR Webinar", Organised by the AIAC and the Malaysian-German Chamber of Commerce and Industry (Private Webinar) (21<sup>st</sup> July 2020);
- Panellist and Moderator, "Chasing Efficacy: The Capability or Chaos of Alternative Dispute Resolution", Organised by the AIAC and Malaysian Corporate Counsel Association (24<sup>th</sup> July 2020);
- Speaker, AIAC & MCCA Webinar: Chasing Efficacy - The Capability or Chaos of Alternative Dispute Resolution (24<sup>th</sup> July 2020);
- Speaker, "Working Abroad 101", Legal Training and Workshop Online, Organised by the Asian Law Students' Association (29<sup>th</sup> July 2020);
- Presenter, "Adjudication under CIPAA 2012", Persatuan Konsultan Indonesia (PERKINDO) (Closed Webinar) (12<sup>th</sup> August 2020);
- Speaker, Introductory Workshop on International Arbitration for Universiti Kebangsaan Malaysia (UKM) (14<sup>th</sup> August 2020);
- Speaker, "Discussion on disruptions, legal challenges, mediation and arbitration in commercial contracts, in these challenging pandemic times" French Australian Chamber of Commerce & Industry (27<sup>th</sup> August 2020);
- Presenter, "Secret of Successful Dealmaking: How to Create a Valuable Deal in Negotiation", Alternative Dispute Resolution Enhancement Society, Universitas Gadjah Mada (29<sup>th</sup> August 2020);
- Presenter, "The Infamous Truth of Alternative Dispute Resolution as Compared to Common Court Trials", Gavelcast by ALSA Malaysia and ALSA BAC (Podcast) (September 2020);
- Speaker, THAC International ADR Webinar Series 2020 - Session 11: The Future of ADR – How modern technology will change the Game? (8<sup>th</sup> September 2020);
- Judge, International Virtual Client Counselling Competition-2020, GD Goenka University, India - Semi Final (27<sup>th</sup> September 2020);
- Moderator, "Evolving Landscapes: Updates to International Arbitration," AMCHAM Malaysia (15<sup>th</sup> October 2020);
- Presenter, "Analysing Commercial Disputes Settlement Method Under National Law and International Law", ALSA UGM (11<sup>th</sup> November 2020);
- Panellist, AIAC & UM Webinar: Arbitration in the Asia Pacific Region: An Overview and Recent Developments (18<sup>th</sup> November 2020);
- Presenter, "Overview of Arbitration Act and its Amendments" SEGi Sarawak Lecture Series (25<sup>th</sup> November 2020).

**Throughout 2019 and 2020, the AIAC Legal Services Team also showcased its products and services in the course of weekly and monthly visits of its premises prior to restrictions implemented during COVID-19 pandemic, and followed by virtual and telephonic interactions by domestic and international legal professionals, representatives of local and foreign judiciary and arbitrators, students and ADR-related professionals.**

## 2019 and 2020 Figures

### NEWS

#### Collection of Administrative Fees by the AIAC (2020)

On 23<sup>rd</sup> January 2020, the High Court of Malaya at Kuala Lumpur delivered its decision in the case of Mega Sasa Sdn Bhd v. Kinta Bakti Sdn Bhd and 6 others.

By way of background, in August 2019, the Plaintiff, Mega Sasa Sdn Bhd, commenced injunctive proceedings against the Defendants – Kinta Bakti Sdn Bhd (First Defendant), Soh Lieh Sieng (the appointed adjudicator – Second Defendant), and the late Vinayak P. Pradhan (then, Director of the AIAC – Third Defendant). Aside from seeking an injunction restraining the First and Second Defendants from continuing with the adjudication proceedings, the Plaintiff sought several declarations, primarily that the purported appointment of the adjudicator in this matter by the Director of the AIAC was null and void, that sub-Sections 18(1), 19(3) and 19(4) of the CIPAA were invalid for contravention of Article 8(1) of the Malaysian Federal Constitution, and that the AIAC Adjudication Rules & Procedure were invalid.

In dismissing the application, the High Court held that the CIPAA is not discriminatory in violation of Article 8(1) of the Federal Constitution, stating “[t]here is a strong presumption of constitutionality of a statute” and quoting Gopal Sri Ram JCA, “the primary approach of a court to all written law is to act upon the presumption that Parliament does not intend an unfair or unjust result ... It is a strong presumption. But it is rebuttable. And only when it is rebutted does the constitutionality of the particular written law become an issue” [at 53].

The judgment of the High Court further confirmed that the AIAC administrative fee as provided in the CIPAA is, in principle, for services rendered which is permissible following the Federal Court case of Malaysia Airports (Sepang) Sdn Bhd & Anor v Federal Express Brokerage Sdn Bhd & Ors (Attorney General Malaysia, Intervener) [2013] 6 MLJ 774.

An appeal of the decision of the High Court has been lodged at the Court of Appeal and is presently pending.

#### Prospective Application of the Construction Industry Payment and Adjudication Act 2012 (2019)

On 24<sup>th</sup> October 2019, the AIAC welcomed the Federal Court of Malaysia decisions delivered on 16<sup>th</sup> October 2019 in the cases of Jack-In Pile (M) Sdn Bhd v. Bauer (Malaysia) Sdn Bhd and Ireka Engineering & Construction Sdn Bhd v. PWC Corporation Sdn Bhd.

In the grounds of judgments of the decisions, the Federal Court held that the Construction Industry Payment and Adjudication Act 2012 (the “CIPAA 2012” or the “Act”) is prospective and does not apply to construction contracts entered into before the coming into force of the Act, that is, contracts executed before 15<sup>th</sup> April 2014.

In light of these judicial developments, the AIAC advised and notified the users of the CIPAA 2012 that the AIAC will not register payment disputes arising from construction contracts executed prior to 15<sup>th</sup> April 2014. For the avoidance of doubt, the AIAC confirmed that the registration of payment disputes arising from construction contracts executed on or after 15<sup>th</sup> April 2014 remained unaffected.

Notwithstanding the above, should there be any disagreement, question or issue between the parties relating to the date the construction contract is executed or is deemed to have been executed, or is to be treated as having been executed, which affects the AIAC’s assessment of the application of the CIPAA 2012 viz-a-viz, the Federal Court’s decisions, the AIAC will proceed to register such matter and take it under further advisement by referring the same for determination by the appointed adjudicator. Appointments of adjudicators shall proceed in the usual manner. Parties are also put on notice that the registration of these matters, and any continuance of the proceedings thereafter, are strictly and solely at their own risk.

### Preservation of the AIAC's Immunity from Suit and Legal Process

On 26<sup>th</sup> April 2019, the AIAC welcomed the decision delivered by the High Court of Kuala Lumpur dated 25<sup>th</sup> April 2019, where the honourable court struck out the Judicial Review proceedings commenced by One Amerin Residence Sdn Bhd, against, amongst others, the AIAC. The High Court allowed the AIAC's application to strike out One Amerin Sdn Bhd's suit against the AIAC, preserving the privileges and immunities afforded to the AIAC as a neutral and independent organisation pursuant to the International Organizations (Immunities and Privileges) Act 1992, and in its capacity as administrative authority for adjudication proceedings commenced under the Construction Industry Payment and Adjudication Act 2012.

This decision reaffirms the AIAC's position as an international independent organisation, as envisioned by the Host Country Agreement signed between the Government of Malaysia and the Asian-African Legal Consultative Organization (AALCO).

### AIAC Arbitration Rules Selected for the Willem C. Vis International Commercial Arbitration Moot, 2022

The AIAC is pleased to announce that its Arbitration Rules have been selected for the 29<sup>th</sup> Willem C. Vis International Commercial Arbitration Moot in Vienna, Austria and the 19<sup>th</sup> Willem C. Vis East International Commercial Arbitration Moot in Hong Kong SAR in 2022 (collectively referred to as "the Vis Moot"). Previously, the AIAC had collaborated with the International Court of Arbitration of the International Chamber of Commerce. The Vis Moot is an international competition for law students designed to foster the study of international commercial law and arbitration. Mr. Vinayak Pradhan, late Director of the AIAC, stated "the AIAC is determined to carry the spirit of inclusivity of the Vis Moot. What makes this Pre-Moot unique is that we welcome non-participating teams at Vienna and Hong Kong to come and experience the Vis Moot through us. Through this initiative, we are able to bring together an outstanding group of law students from Asia who struggle to obtain the resources to get to Vienna or Hong Kong."

The use of the AIAC Arbitration Rules in the Vis Moot will be a beneficial learning experience for students and arbitration practitioners, and help increase awareness regarding Malaysia as a jurisdiction, and AIAC as a leading alternative dispute resolution provider in the Asia-Pacific region.

### Still Cost Effective – Global Arbitration Review Survey 2019

On 4<sup>th</sup> February 2020, Global Arbitration Review released its Survey Results as part of its Guide to Regional Arbitration. For the 3<sup>rd</sup> consecutive year, the AIAC has been considered to offer the lowest room hire rates of the institutions surveyed. This reiterates that the AIAC is one of the most affordable arbitral institutions not only in Asia, but globally.



## Our Next content

### Products and Services

1. Institutional Products
2. Ancillary ADR Services
3. AIAC's State of the Art Facilities



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# Products and Services

## INSTITUTIONAL PRODUCTS

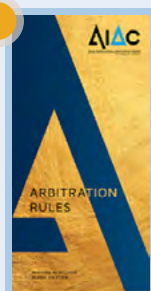


OVER THE COURSE OF FORTY-TWO YEARS, THE AIAC CREATED MULTIPLE EDITIONS OF ITS ARBITRATION RULES. THE EXPANSION OF ITS SERVICES REQUIRED THE AIAC TO DIVERSIFY ITS PRODUCTS AND REVISE THE OUTDATED ONES TO KEEP UP-TO-DATE WITH MODERN INDUSTRY TRENDS. THE MOST RECENT EDITIONS OF ALL PRODUCTS ARE EXPLAINED BELOW.



### ARBITRATION

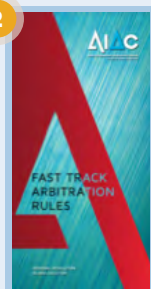
1



#### Arbitration Rules 2018

The AIAC Arbitration Rules 2018 introduced several key additions which included comprehensive provisions for the arbitral tribunal to award pre-award interest; option for parties to an international arbitration to pay fees in currency other than USD; additional improvements to the joinder and consolidation provisions; improvements on the emergency arbitrators provisions; setting barriers for frivolous challenges to the arbitrators by requiring further formalities including time limits and monetary requirements as well as introducing the compulsory technical review of Final Awards.

2

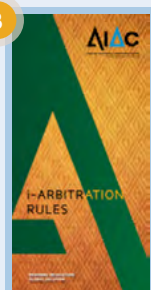


#### Fast Track Arbitration Rules 2018

The AIAC's Fast Track Arbitration Rules 2018 ("FTA Rules") have been re-designed to meet international standards and tailored specifically for least complex and small matters. The FTA Rules provide for shorter time limits to ensure the speedy resolution of disputes.

This is because arbitration proceedings under the FTA Rules are generally on a documents-only basis and designed to last no longer than 180 days.

3



#### i-Arbitration Rules 2018

Recognising the market demand for a flexible, yet Shariah-compliant dispute resolution mechanism, the AIAC introduced its award-winning i-Arbitration Rules in 2012 which are designed for arbitrating disputes arising from commercial transactions premised on Shariah principles. The i-Arbitration Rules 2018 as it currently stands embodies the key principles and practices found in the Arbitration Rules, the distinguishing feature being that the former includes a specific provision for the reference of issues of Shariah law to the relevant Shariah Advisory Council or a Shariah expert for determination. Being modelled after our Arbitration Rules, the i-Arbitration Rules 2018 underwent similar revisions to ensure consistency in interpretation, integrity of the arbitral proceedings and enhanced party autonomy, such as comprehensive provisions for the arbitral tribunal to award pre-award interest; option for parties to an international arbitration to pay fees in currency other than USD; additional improvements to the joinder and consolidation provisions as well as improvements on the emergency arbitrators provisions.

# Products and Services

## ADJUDICATION

4



### AIAC Adjudication Rules & Procedure

The Construction Industry Payment and Adjudication Act 2012 (the 'CIPAA') is a legislative mechanism for the speedy resolution of payment disputes in the construction industry, specifically for projects located in Malaysia. Upon the coming into force of the CIPAA on 15<sup>th</sup> April 2014, the AIAC plays a key role as the default appointing and administrative authority under the CIPAA. In this capacity, the AIAC not only administers adjudication proceedings and sets competency standards and criteria for adjudicators, but it also determines the standard terms of appointment of adjudicators and fees for the services of adjudicators. Additionally, the Centre also issues periodic circulars to the community in response to court judgments and industry or legislative updates. This serves to streamline the CIPAA adjudication process and provide guidance to stakeholders.

## MEDIATION

5



### AIAC Mediation Rules 2018

The AIAC Mediation Rules 2018 provide a flexible framework for the conduct of mediation, yet effectively deal with particularly complex situations that may arise. A fusion of mediation and arbitration called Mediation-Arbitration ("Med-Arb") is also available under the AIAC Arbitration Rules 2018, allowing parties to initiate mediation before resorting to arbitration. If the parties are unable to resolve their dispute through mediation, they may then attempt to settle their dispute through arbitration. The AIAC Mediation Rules 2018 are also available in Chinese.

## DOMAIN NAME DISPUTE RESOLUTION

6



### Guide to Domain Name Dispute Resolution

The AIAC provides a wide variety of services in relation to the domain name disputes:

- it administers disputes under the Uniform Domain-Name Dispute-Resolution Policy (UDRP) mechanism and the Uniform Rapid Suspension System (URS).
- it serves as an exclusive dispute resolution services provider under the Malaysian Network Information Centre's Berhad (MYNIC) policy for '.my' domain names;
- it has also been appointed by the Brunei Darussalam Network Information Center (BNNIC) to administer '.bn' domain name disputes.

The AIAC's Guide to Domain Name Dispute Resolution contains notes on the policies, rules, procedures and the applicable timelines and stages for the UDRP and URS processes, as well as MYNIC's Domain Name Dispute Resolution Policy (MYDRP) and MYNIC's Sensitive Name Dispute Resolution Policy (SDNRP).



# Products and Services

## AIAC STANDARD FORM OF BUILDING CONTRACTS



The AIAC's Standard Form of Building Contracts (SFCs) is a suite of standard form contracts that aims to address the needs of the stakeholders 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 is the first ever CIPAA-compliant suite of building contracts focusing on the prevention of disputes. However, in the event of a dispute, the AIAC SFCs provide the parties with various tailor-made alternative dispute resolution mechanisms. The implementation of such provisions encourages the parties to continue construction works through the dispute, thus preventing delays and deadlocks which can lead to unfinished projects.

The AIAC SFCs are accessible for free and at no cost. They can be found at [sfc.aiac.world](http://sfc.aiac.world). The online platform allows its users to customise the AIAC SFCs to their specific needs.

## ANCILLARY ADR SERVICES

In addition to administrative services provided in matters conducted under the AIAC suite of rules, the Centre offers a variety of ancillary services for ADR users. For more information, please reach out to us via [enquiry@aiac.world](mailto:enquiry@aiac.world).

### Fund Holding Arrangements

For convenience of the parties and tribunals in ad hoc arbitration matters, the AIAC often acts as a deposit holder pursuant to the written agreement concluded between the Centre, members of the tribunal and the parties. The tribunal's fees and expenses are disbursed in accordance with the agreed schedule and tribunal's directions. All payments can be processed in multiple currencies.

### Alternative Hearing Venue

The AIAC continuously expands the list of its partner institutions to make its state-of-the-art facilities available as an alternative hearing venue to a wider audience. As of 2019, more than 25 collaboration agreements and memoranda of understanding signed with international institutions include provisions referring to the AIAC as an alternative hearing venue. Examples of our long-standing venue partnerships include the International Chamber of Commerce (ICC), the International Centre for Settlement of Investment Disputes (ICSID), the Permanent Court of Arbitration (PCA) and the Court of Arbitration for Sport (CAS).

### Tribunal Secretaries

The exponential growth of arbitration in Malaysia has created a demand for tribunals requiring secretarial services. In 2019, the AIAC started appointing tribunal secretaries in arbitration matters administered under its rules. A written request for a tribunal secretary can be made by a tribunal to the Director of the AIAC, whereby any appointment of a tribunal secretary is made by the Director on a case-by-case basis.

### Transcribing Services and Video Conferencing

The AIAC has recently equipped all extra-large, large and medium-sized hearing rooms with advanced and affordable transcription systems. The Centre also offers a variety of video conferencing options and provides IT support to its users free of charge.

### Juris Library

The AIAC's facilities are also famous for its Juris library which houses a wide variety of books, journals, case reports, etc. The Juris library is accessible to the public, and usual working hours are 9:00 AM to 5:00 PM, Monday to Friday. Should the tribunal or the parties need to use the library's resources and available research databases, extended working hours can be considered on a case-by-case basis. Printing, scanning, and photocopying services are also available upon request. To schedule an appointment, please drop an email to [library@aiac.world](mailto:library@aiac.world) or dial +60 (3) 2271 1000.

### Virtual Proceedings

The AIAC is able to assist in the conduct of virtual meetings and/or virtual hearings catering to the specifications and preferences of the parties and tribunals. For further information regarding the AIAC's virtual hearing solutions, please contact the AIAC Reservations Team at [reservations.team@aiac.world](mailto:reservations.team@aiac.world).

## AIAC'S STATE OF THE ART FACILITIES

### Bangunan Sulaiman – A National Heritage Building

The Asian International Arbitration Centre (“AIAC”) is widely recognised as a premier hearing centre in Asia. Since its move in 2014 to one of Malaysia’s most iconic heritage buildings, the Bangunan Sulaiman, the AIAC sits strategically in the heart of Kuala Lumpur’s golden triangle.

Our state-of-the-art facilities reflect our drive to continuously offer all-inclusive quality experiences. These facilities include: 21 Small to Large Hearing Rooms equipped with projectors, 12 Breakout Rooms, Specialised ADR & Construction Law Library, an Auditorium, and a Private Dining Room.

In September 2014, the AIAC also unveiled its latest addition to its facilities – the Pavilion building – which was constructed next to the Bangunan Sulaiman and has free underground car park. The Pavilion comprises of 2 Seminar Rooms which can easily be converted into extra-large hearing rooms or used for mid-size events (i.e. up to 60 persons). The rooms are equipped with LED screens, as well as modern sound and video conferencing systems. Both Seminar Rooms are popular among our partner institutions for the conduct of arbitration proceedings in Malaysia.



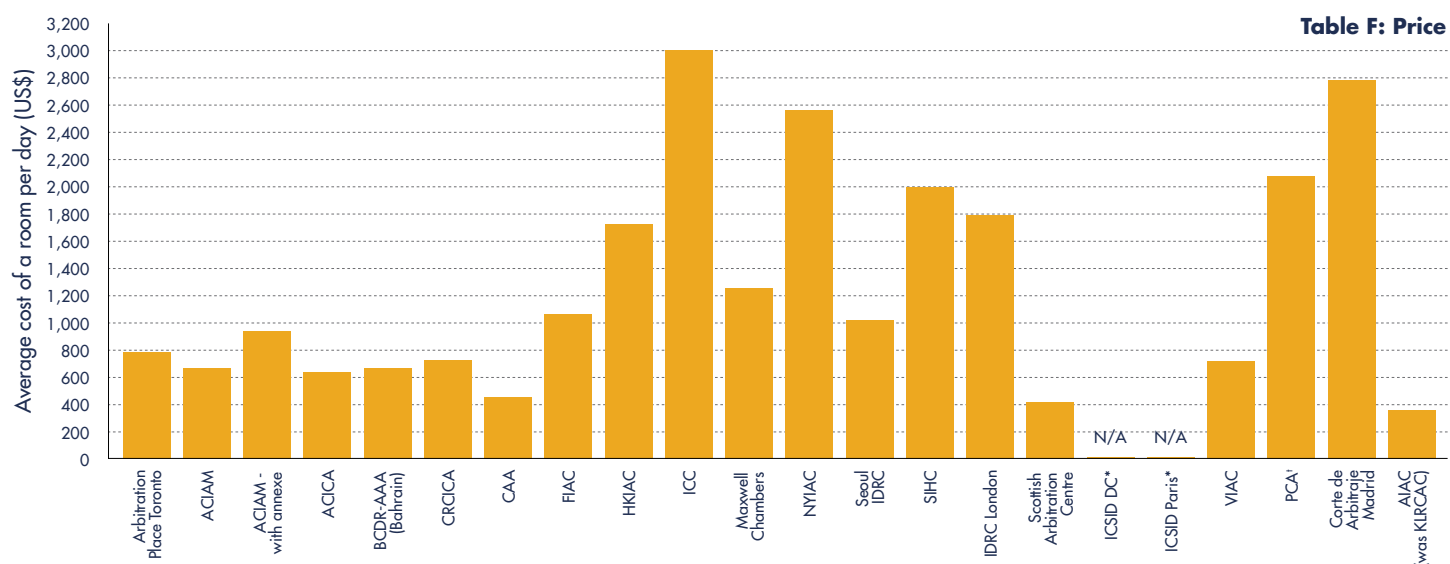
## Products and Services

### The Most Cost-Efficient Hearing Centre in The World – Recognition by GAR Two Years in a Row

The AIAC is cognisant of the fact that alternative dispute resolution (ADR) as a whole thrives on being as accessible as possible. One method of ensuring the accessibility of ADR is to make the process as cost-efficient as possible.

The AIAC continuously strives to provide value for money, and thus aims to provide quality services while keeping costs to an absolute minimum. As can be seen in the charts below published in Global Arbitration Review's Guide to Regional Arbitration (Volumes 7 and 8), the AIAC has been notably identified as having the lowest room rental rates in 2019 and 2020, when compared to other leading arbitral institutions.

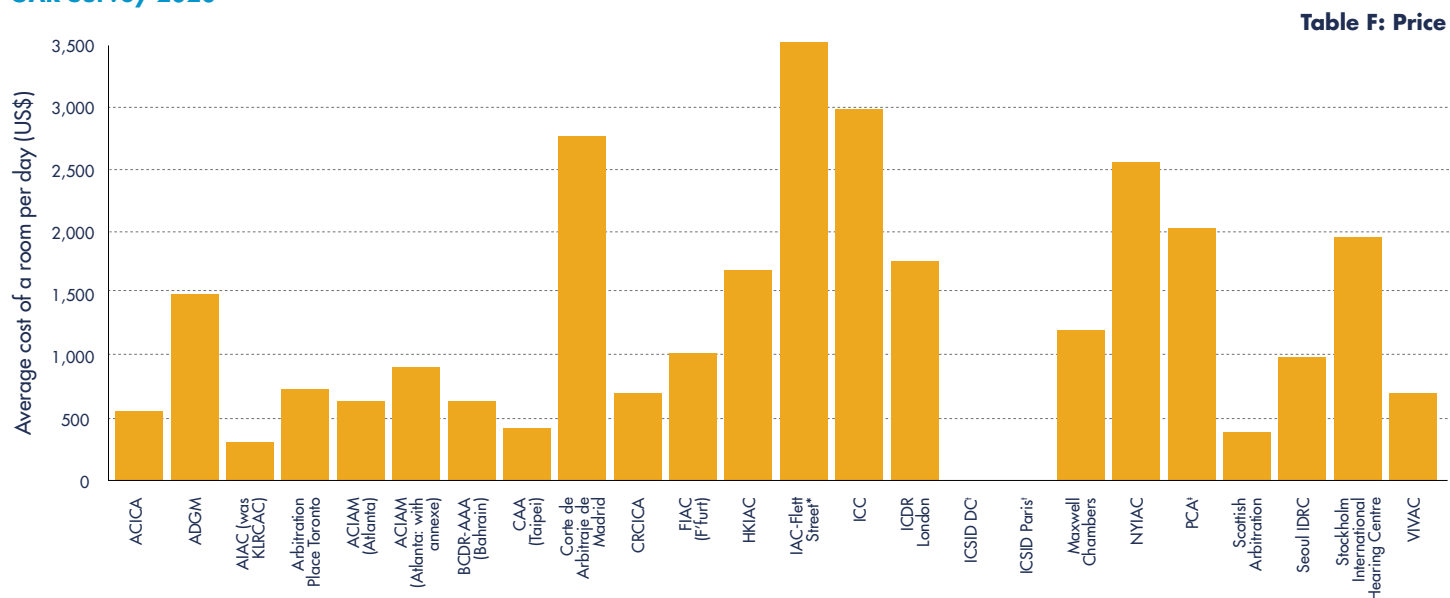
#### GAR Survey 2019



\* Included in ICSID booking fee of US\$42,000; requires a state party to the case

† Price for a hearing suite

#### GAR Survey 2020



\* Calculated without ref to discounts available on longer booking

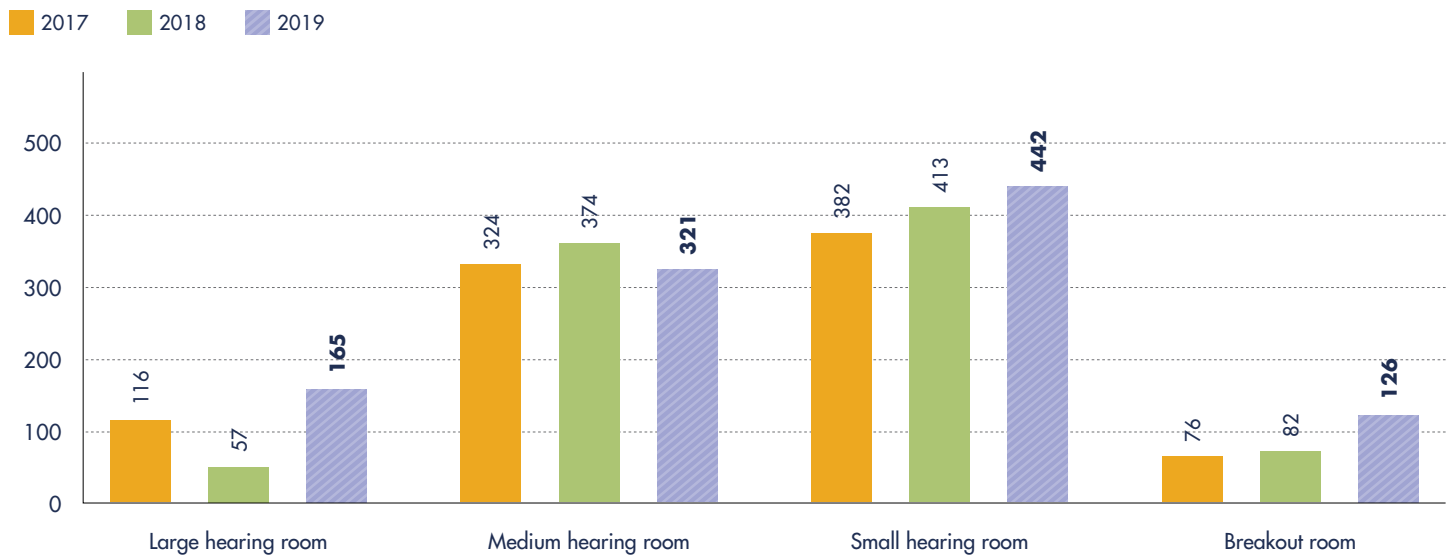
† Included in ICSID US\$42,000

‡ Price for a suite

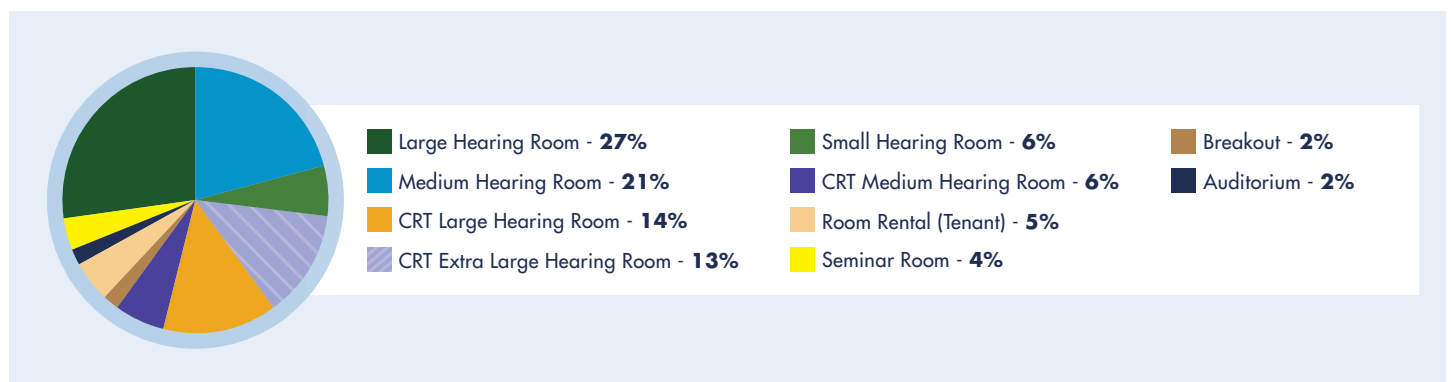
### Breakdown of Bookings by Sizes of Hearing Rooms

The spacious Bangunan Sulaiman hosts a significant number of rooms for the usage of our patrons. To cater to all the preferences of the parties and to attend to their particular needs, the AIAC offers 24 hearing rooms which can be categorized into 4 types: Large Room (22 pax); Medium Room (14 pax); Small Room (10 pax) and Breakout Room (4 – 6 pax).

The booking breakdown for the years 2017 – 2019 are provided in the chart below. On average, our users had a preference for small hearing rooms during these years.



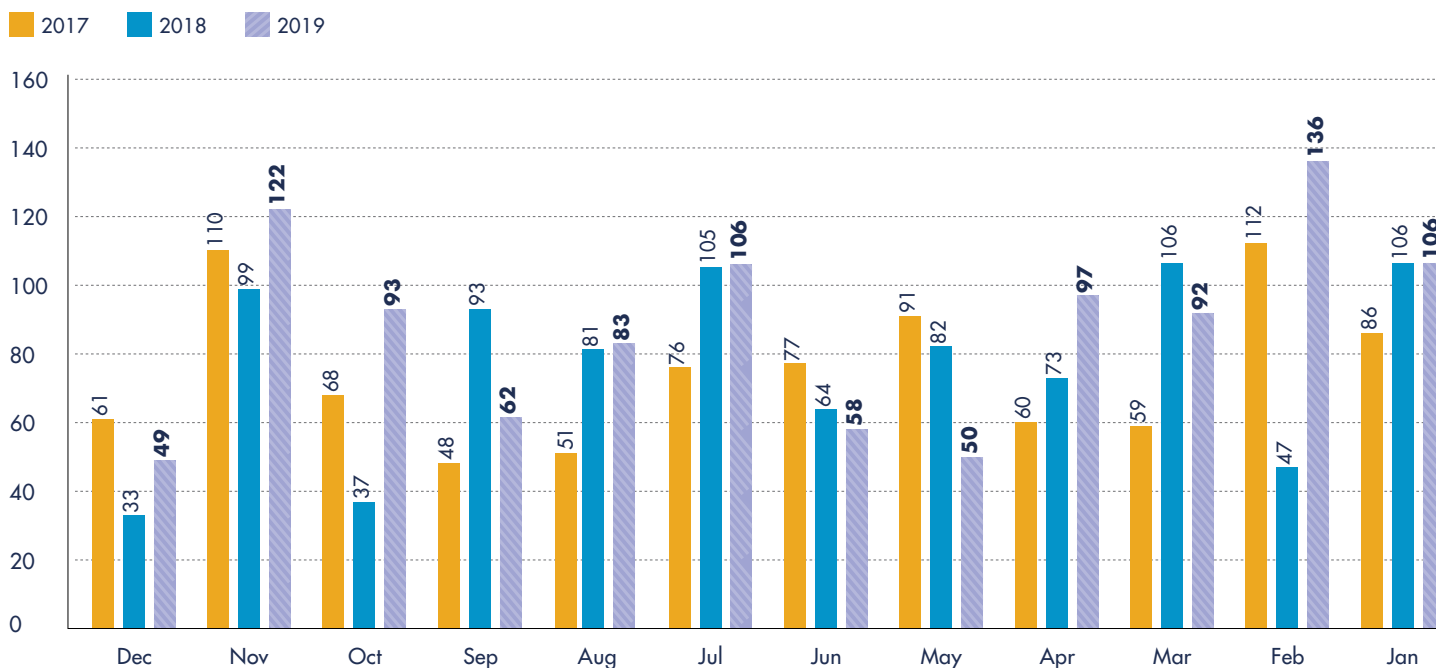
In 2020, the COVID-19 pandemic resulted in an increased preference for medium hearing rooms to implement social distancing measures, as evidenced in the chart below.



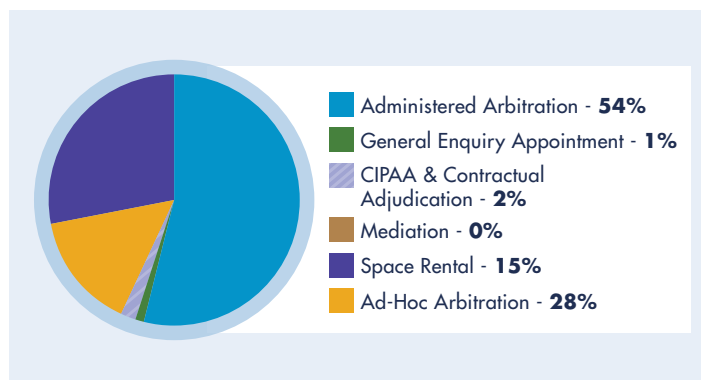
## Products and Services

### Mark Your Calendar: Most Booked Month of The Year

The chart below illustrates the room bookings made throughout the year. The busiest months of the year varies each year. In 2017, February was marked as the busiest month whilst in 2018, January and March were considered the busiest. In 2019, the month with the greatest level of activity was February. Overall, it appears that there is a decrease in activity in the middle of the year, whilst the 1<sup>st</sup> quarter and the month of November usually sees significant activity each year.



In 2020, the Malaysian Government placed restrictions on the convening of physical gatherings to limit the spread of the COVID-19 pandemic. This resulted in the AIAC being unable to make its hearing facilities available to the public for certain portions of the year. Nonetheless, when the AIAC's facilities could be used, the main reason for use was for the conduct of ad hoc and administered arbitration proceedings, as shown below.



### Minimising Cost and Enhancing Hearing Efficiency

Recognised as a premier hearing centre, the AIAC offers state of the art hearing facilities at a mere fraction of the cost as compared to alternative venues (such as hotel seminar rooms). As an illustrative comparison shows, a user who uses the AIAC's cutting-edge hearing rooms for meetings, on average, spend about RM71.20 whereas the average spending per person for a seminar room at a hotel located in the Klang Valley would have cost them upwards of RM200 in 2019.

This means the AIAC has saved our users close to RM946,960 in hearing venue costs in 2019 alone.

Minimising cost also works in tandem with our objective of enhancing hearing efficiency. This is because aside from finding a hearing location that provides value for money, users also desire for the venue to be designed in a legal setting; and users more often than not require certain facilities familiar to court 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 in these legal necessities and would not be able to accommodate such needs.

Furthermore, the AIAC also provides an ample amount of complimentary services for the benefit of our users. From the complimentary use of whiteboards and flipcharts, to the free supply of writing pads and stationery, our patrons can be rest assured that the nitty gritty details of their hearing or meeting requirements will be met, even during the hectic business hours of the day.

The AIAC also promotes cutting-edge technology to ensure users can enjoy the full benefits modern technology is able to provide. 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 sorts of enquiries, users can rest easy knowing they have the most efficient tools possible to aid them in working through the tribulations of an arbitration hearing.

Bangunan Sulaiman also offers an impressive array of hospitality spaces that is suitably designed to indulge the need for comfort and privacy of the guests.

The building offers guests individually secured rooms, which includes but is not limited to exclusive access to the arbitrators' lounge, where tribunal members can appreciate the privacy and freedom for discussions, alongside readily served refreshments during break hours amidst a heavy day of hearings.

Each room is custom-built, outfitted with modern furnishings and contemporary technology that can be configured to suit the special requirements of your hearing, conference, or meeting. The AIAC provides a vast range of individualised services that are capably handled by our professional, multi-lingual support staff.

The cost-efficiency and hearing efficiency of the AIAC seems to be incredibly successful in retaining and increasing the number of patrons who trusts our centre to conduct hearings. This can be clearly seen in the rise of number of rooms being booked from the year 2017 (which had a total of 898 room bookings) to 2019 (which had a total of 1,054 room bookings).

### Convenient, Accessible and Hassle Free

What makes the AIAC's Bangunan Sulaiman special is also its strategic location right in the middle of the bustling city centre of Kuala Lumpur, Malaysia with a range of hotels and F&B options abound.

Malaysia is at the heart of Southeast 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 Terminal II, which itself 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 conveniently within walking distance from the AIAC.

Additionally, a common concern when it comes to arranging for hearings is also arranging for the necessary accommodations. Issues may arise relating to costs and availability, and therefore booking a hotel room for the duration of a hearing may prove logistically difficult.

This is not the case for the AIAC, as we are conveniently situated across the street from The Majestic Hotel Kuala Lumpur, a 5-star heritage hotel. Other than that, there are also a range of other hotels in the vicinity of the AIAC that are easily accessible and are affordable.



## Our Next content

### Engaging the Future ADR Generation

1. AIAC & The Youth
2. AIAC Young Practitioners' Group
3. AIAC-YPG Roadshows 2019 and 2020
4. AIAC Internship Programme



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# Engaging the Future ADR Generation

## AIAC & THE YOUTH



THE AIAC IS, AND ALWAYS HAS BEEN, DEDICATED TO THE CAUSE OF CAPACITY BUILDING, ENGAGING ALL STAKEHOLDERS IN THE ADR CULTURE NOT ONLY IN MALAYSIA, BUT ALSO ACROSS THE ASIA REGION. AMONG THESE OPPORTUNITIES, OF PARTICULAR SIGNIFICANCE ARE MOOTING COMPETITIONS AND JOINT CONFERENCES, BRINGING UNDER A SINGLE ROOF TRAINING IN ADVOCACY, CULTURAL LEARNING, NETWORKING, AND THE ABILITY TO INTERACT WITH THE INDUSTRY'S FINEST.



As our late Director, Mr. Vinayak Pradhan, remarked in the AIAC Mooting Workshop in January 2019, creating leaders in the demanding career of dispute resolution, "is a product of intense refinement". Moots are a fertile source of such refinement, where students work in a team, manage their time, and most importantly, learn from their mistakes early on. Our unyielding commitment to this cause is the bedrock upon which we hosted the 3<sup>rd</sup> Joint ICC Young Arbitrators' Forum and AIAC's Young Practitioners' Group Conference ("Conference") and a record breaking 3<sup>rd</sup> edition of the AIAC-ICC Vis Pre-Moot ("Pre-Moot").



### Curtain Raiser: ICC YAF-AIAC YPG Conference

The Conference was held on 21<sup>st</sup> March 2019, drawing participation from a diverse mixture of participants, coaches and arbitrators of the Pre-Moot. The conference was poised as a prelude for the Pre-Moot, where experienced practitioners and academics dissected the anatomy international arbitration in four sessions, with a special emphasis on the legal issues revolving around the problem of the 26<sup>th</sup> Willem C. Vis International Commercial Arbitration Moot ("Vis Moot"). The first session

began with opening the Pandora's box of procedural issues, focusing on the implied powers of arbitral tribunals, as well as elaborating on the role of expert witnesses. The Conference moved on to the discussion of substantive issues of the Vis Moot problem, including choice of law, force majeure and hardship clauses in international sales contracts. The final session was dedicated to the recognition and enforcement of foreign arbitral awards. from the Conference concluded with the traditional panel discussion themed "Careers in International Arbitration: Reflections from the Front Lines".



### Main Feature: 3<sup>rd</sup> AIAC-ICC Pre-Moot

The 3<sup>rd</sup> Pre-Moot held on 22<sup>nd</sup> to 24<sup>th</sup> March, 2019 featured multiple record numbers making it the largest Vis Pre-moot internationally:

**180** hearings

**200** arbitrators from 33 countries

**90** teams (380 students from 21 countries)

Throughout Friday and Saturday morning, all teams each pleaded on a total of four occasions in the General Rounds, gathering valuable feedback and perspective from seasoned arbitrators as they progressed. The Elimination Rounds commenced on Saturday afternoon, featuring the top 32 teams, battling it out in the Round of 32, Round of 16 and Quarter Finals. The final day saw the Semi-Finals, the Malaysian Final and International Final, culminating in the Awards Ceremony.

The Pre-Moot closed with the Pre-Moot's signature Cultural Gala Dinner featuring traditional Malaysian dances to celebrate the diversity of the students, arbitrators and coaches. The Pre-Moot demonstrated continuous success of its unique model: with tremendous financial support of our sponsors, media support of our partner institutions and dedicated Organising Committee, we managed to develop this initiative to an unmatched size, from the very first edition in 2017 becoming the largest in the Asia Pacific to the largest Vis Pre-Moot internationally in three years. Through the very generous contributions of many, we were also able to make a difference and provide equal opportunities to less privileged students. In 2019-2020, significant number of the Pre-Moot participants graduated from law schools and continued pursuing their careers in arbitration in Malaysia and abroad. As a forward-thinking institution, the AIAC will continue its commitment to the Pre-Moot in future with assistance and support of its talented alumni.

Inherent in an international competition of this size is also an opportunity to make the Vis Moot more inclusive, and more accessible to the Asian region. In this spirit, the Pre-Moot did not require the teams to participate in the actual Vis Moot in Hong Kong or in Vienna. This meant that the



teams who were unable to bear the financial commitment of travelling to the Vis Moot(s), were able to enjoy a similar experience in Kuala Lumpur, the melting pot of the East. Further, the AIAC sponsors the registration fee for participation in the Vis Moot Hong Kong or Vienna for the winner of the Malaysian final, with the hope that more Malaysian students may achieve laurels in the Vis Moot. These initiatives are a reflection of our philosophy: being an Asian-oriented, Asian-serving and Asian-marketed premier arbitral institution.



## Take A Bow: Awardees Of The 3<sup>rd</sup> AIAC-ICC Pre-Moot

The Organising Committee congratulates the following winners of the 3<sup>rd</sup> edition of the Pre-Moot:

### Teams

Champion

**AIAC-ICC Award**

Runner Up

**AIAC Award**

3<sup>rd</sup> Place

**AIAC Award**

4<sup>th</sup> Place

**Shearn Delamore & Co Award**

Champion of the Malaysian Final

**Lee Hishammuddin Allen & Gledhill Award**

Runner-Up of the Malaysian Final

**Munhoe & Mar Award**

Spirit of the Pre-Moot

**Aarna Law Award**

National Law Institute University  
(Bhopal)

National Academy of Legal Studies and Research,  
University of Law

National Law School of India University,  
Team 1

Pontifical Catholic University of São Paulo

International Islamic University Malaysia,  
Team 1

Brickfields Asia College,  
Team 3

American University of Central Asia

### Individual Oralists

Best Oralist of the International Final

**Cecil Abraham & Partners Award**

Best Oralist of the Malaysian Final

**Sivabalan Sankaran Award**

Best Oralist of the Elimination Rounds

**MAC Construction Consultant Sdn Bhd Award**

Best Oralist of the Preliminary Rounds

**Shearn Delamore & Co Award**

Runner Up Best Oralist of the Preliminary Rounds

**Joy Ramphul Arbitration Chambers Award**

3<sup>rd</sup> Best Oralist of the Preliminary Rounds

**Joy Ramphul Arbitration Chambers Award**

4<sup>th</sup> Best Oralist of the Preliminary Rounds

**Shearn Delamore & Co Award**

5<sup>th</sup> Best Oralist of the Preliminary Rounds

**Shearn Delamore & Co Award**

6<sup>th</sup> Best Oralist of the Preliminary Rounds

**Shearn Delamore & Co Award**

Aditya Wadhwa, National Law Institute University,  
Bhopal

Nur Zulaikha Rohaizat, International Islamic University Malaysia,  
Team 1

Nur Zulaikha Rohaizat, International Islamic University Malaysia,  
Team 1

Ern Xu Seah, Erasmus University Rotterdam

Shreyas Sridhar, West Bengal National University of Juridical  
Sciences

ESiddharth Jain, National Law University Odisha

Isabela Porto, Pontifical Catholic University of São Paulo

Subash Jai Devaraj, Advance Tertiary College (Kuala Lumpur),  
Team 2

Prerona Banerjee, National Law University Odisha

## Engaging the Future ADR Generation

### Best Memorandum and Outlines

Best Memorandum on behalf of the Claimant

**James Monteiro Award**

Best Memorandum on behalf of the Respondent

**James Monteiro Award**

Best Outline on behalf of the Claimant

**LexisNexis Malaysia Award**

Best Outline on behalf of the Respondent

**LexisNexis Malaysia Award**

Honourable Mention for the Best Memorandum on behalf of the Claimant

**Joy Ramphul Arbitration Chambers Award**

Honourable Mention for the Best Memorandum on behalf of the Respondent

**Joy Ramphul Arbitration Chambers Award**

Honourable Mention for the Best Outline on behalf of the Claimant

**Chambers of Shanta Mohan Award**

Honourable Mention for the Best Outline on behalf of the Respondent

**Ramesh Bharani Nagaratnam Chambers Award**

Dar Al-Hekma University

Brickfields Asia College,  
Team 1

Advance Tertiary College (Kuala Lumpur),  
Team 2

International Islamic University Malaysia,  
Team 2

Ateneo de Manila University

Erasmus University Rotterdam

International Islamic University Malaysia,  
Team 7

International Islamic University Malaysia, Team 4

The AIAC also thanks the sponsors, supporting organisations, arbitrators, volunteers and participating students for their invaluable contribution to the continuous success and unprecedented growth of the Pre-Moot.

### AIAC Pre-Moot Virtual Practice Rounds

Between 13<sup>th</sup> and 15<sup>th</sup> March 2020, the AIAC successfully conducted the AIAC Pre-Moot Virtual Practice Rounds ("VPR"), in lieu of the 4<sup>th</sup> AIAC Pre-Moot.

In light of the escalating situation posed by COVID-19, the AIAC decided to cooperate with the Immediation platform and host the VPR on its platform. The VPR were aimed at uplifting the spirit of the teams and to honour their hard work in preparing for the highly anticipated 27<sup>th</sup> Willem C. Vis International Commercial Arbitration Moot in Vienna and the 17<sup>th</sup> Vis (East) Moot in Hong Kong.

A total of 36 teams from eleven countries were arbitrated by 65 dispute resolution professionals from thirteen countries, who shared their valuable observations, constructive criticism, and advice in great detail for the benefit of the participants.

The AIAC would like to thank the team at Immediation, who provided highly responsive technical support and a tailor-made User Manual for students and arbitrators to ensure easy access to the online platform. Amongst many other exceptional features, the platform allowed arbitrators to place the teams in a "private room," which enabled the arbitrators to deliberate without the presence of the teams, and to put them back in the room once the deliberation concluded.

The AIAC extend our deepest gratitude to all participating teams, arbitrators, and especially to Immediation. Without the support of all, it would have been impossible for the AIAC Pre-Moot to go virtual.

## AIAC YOUNG PRACTITIONERS' GROUP

Acknowledging the importance of youth empowerment, the AIAC established a Young Practitioners' Group ("YPG") under its auspices on 17<sup>th</sup> March 2017. The YPG brings together dispute resolution practitioners below the age of 40 and students interested in building their careers in this fast-growing and dynamic field. The YPG is managed by two Co-Chairs and includes seven committees (Commercial Arbitration, Investor-State Arbitration, Maritime Arbitration, Sports Arbitration, Belt and Road, Adjudication, Mediation), each comprised of three young dispute resolution practitioners.

The Co-Chairs of the AIAC YPG for the 2019-2020 term were Tatiana Polevshchikova of the AIAC and Aniz Ahmad Amirudin of Cecil Abraham & Partners. The Co-Chairs of the AIAC YPG for the 2020-2021 term are Irene Mira of the AIAC and Lim Tse Wei of Herbert Smith Freehills. Below is an outline of initiatives undertaken by the AIAC YPG in 2020.

### Webinar: Forging a New Path Through the Belt and Road Initiative



Before the COVID-19 pandemic, the Belt and Road Initiative (BRI) was always a trending topic which garnered interest and generated many discussions. However, with no signs of the pandemic subsiding, the impact of the same on the BRI was uncertain. To address this dilemma, on 14<sup>th</sup> August 2020, the AIAC YPG Belt and Road Committee hosted its very first AIAC YPG webinar, titled "Forging a New Path Through the Belt and Road Initiative" to consider the potential BRI disputes that may arise due to the pandemic and provide a general outlook for the BRI in the near future. This session was moderated by Tony Ng of the AIAC with a distinguished panel of speakers, namely – Crystal Wong Wai Chin of Lee Hishammuddin Allen & Gledhill, Lars Markert of Nishimura & Asahi, Weina Ye of Herbert Smith Freehills Kewei, and Jay Santiago of Quisumbing Torres.

### ALSA International Mediation Competition (AIMC)

The AIAC and the AIAC YPG partnered with the Asian Law Students' Association (ALSA) (Malaysia) for the inaugural ALSA International Mediation Competition (AIMC) that was held between 16<sup>th</sup> and 18<sup>th</sup> October 2020. Being held virtually, the AIMC offered a platform to promote and encourage the study of international commercial law and mediation among students. The competition was open to law students from around the world, with a total of 30 teams, consisting of 23 international teams and 7 local teams, participating in this pilot edition. Kudos to the 2020 AIMC Champion, Team 1015 from the University of Indonesia.

# Engaging the Future ADR Generation

## Careers 2.0: Find Your Niche

As businesses and corporations grapple with the effect of the COVID-19 pandemic and a reduced workforce to manage costs and overheads, job opportunities traditionally available to young practitioners can be expected to be impacted. However, with the change comes new opportunities. Fresh graduates and young practitioners often try to fit into the existing frameworks and opportunities rather than gaining an eclectic set of knowledge and skills to enhance their marketability. To increase awareness of specialised areas of law and alternative dispute resolution (“ADR”), the AIAC YPG introduced a new initiative titled, “Careers 2.0: Find Your Niche”. This initiative involves a series of monthly webinars aimed at providing a platform for students and young practitioners to connect with experienced practitioners from all over the world who can share their success stories and give tips on building careers in specialised areas of ADR.

### To Infinity And Beyond: A Career In Air And Space Law



On 28<sup>th</sup> August 2020, the AIAC YPG hosted the first webinar under the Careers 2.0 series titled, “To Infinity and Beyond: A Career in Air and Space Law”. This session was moderated by Ms. Sharon Chong of Skrine, and featured prominent industry-experts, namely Professor Dr. Frans von der Dunk of Black Holes BV Consultancy, Mr. Jean-Claude Vecchiatto of Bird & Bird Paris, Ms. Rachael O’Grady of Mayer Brown International LLP, and Upasana Dasgupta of McGill University, all of whom provided an overview of air and space law and the applicable treaties. This was then followed by the panellists sharing the humble beginnings of their respective careers to the niche areas of air and space law they are now in. Having the passion to learn about the sector, the people, the business, and technological know-how are among the key traits towards achieving a successful career in this industry.

### Contours of a Legal Career in Islamic Finance



The second webinar in the series was held on 25<sup>th</sup> September 2020 with the title, “Contours of a Legal Career in Islamic Finance”. Opened by Chong Wan Yee (Monica) on behalf of The Asia-Pacific Forum For International Arbitration, this session was moderated by Nereen Kaur Veriah of Christopher & Lee Ong which featured prominent speakers, namely Farmida Bi from Norton Rose Fulbright LLP, Arif Jamal from National University of Singapore, Jal Othman from Shook Lin & Bok Malaysia, and Azlin Ahmad from Herbert Smith Freehills. In the session, the panellists provided an insight into what is involved for young practitioners minded to pursue a career in Islamic finance and shared from their academic and professional experience how their professional journey took them to the road less travelled in specializing in Islamic banking and finance.

### Game Player ADR: The Interplay of Arbitration and Technology



The third webinar titled “Game Player ADR: The Interplay of Arbitration and Technology” was held on 23<sup>rd</sup> October 2020. Moderated by Chelsea Pollard of the AIAC and Veronika Pavlovskaya of Arzinger Law Offices, this session featured a diverse panel of speakers, namely, Jay Patrick Santiago of Quisumbing Torres, Jean-Rémi de Maistre of Jus Mundi, Sophie Nappert (an independent arbitrator), Catherine Rogers of Queen Mary University and Arbitrator Intelligence, Mauricio Duarte of Legal Plus, Adeline Chin of LawTech Malaysia, and Maurice L. Rabb, Esq. of Baker McKenzie. The panellists discussed what type of technology and artificial intelligence (“AI”) is available in arbitration, how AI can influence and be useful for arbitration, obstacles faced in the industry, who the panellists believe should be the driving force behind the legal technology industry, the professional skillset needed to take on such roles, challenges faced when moving from counsel work to the legal tech industry, and many more. The panellists provided practical and encouraging advice to participants, before concluding with an interactive Q&A session.

## AIAC YPG ROADSHOWS 2019 AND 2020

In furtherance to its mission to disseminate awareness and impart knowledge on arbitration and ADR, the AIAC and the AIAC YPG embarked on roadshows to various universities in Malaysia in 2019 as listed below:

• 14 <sup>th</sup> November 2019	<b>Brickfields Asia College</b>
• 14 <sup>th</sup> November 2019	<b>KDU College</b>
• 15 <sup>th</sup> November 2019	<b>SEGi College, Sarawak</b>
• 30 <sup>th</sup> November 2019	<b>ATC Penang</b>
• 6 <sup>th</sup> December 2019	<b>UKM</b>
• 7 <sup>th</sup> December 2019	<b>UM</b>
• 8 <sup>th</sup> December 2019	<b>UNISZA</b>
• 10 <sup>th</sup> December 2019	<b>UUM</b>
• 13 <sup>th</sup> December 2019	<b>IIUM</b>
• 13 <sup>th</sup> December 2019	<b>MMU Melaka</b>
• 21 <sup>st</sup> December 2019	<b>USIM</b>

A Case Counsel from the AIAC and a young practitioner from the AIAC YPG took the students through advocacy trainings, arbitration module workshops, and also intellectually-stimulating group exercises, as part of the roadshows.

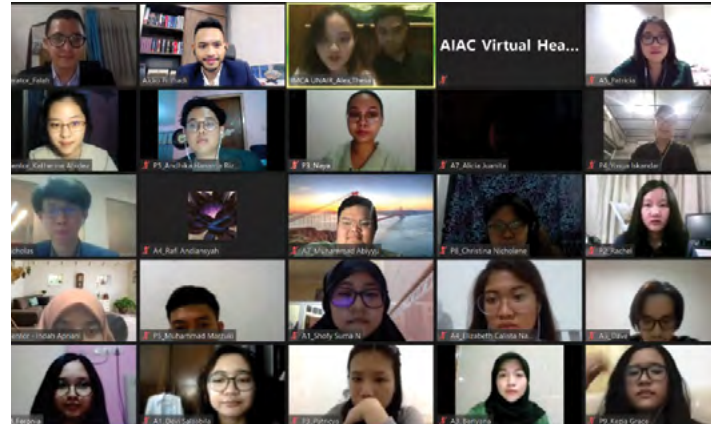


## Engaging the Future ADR Generation

In 2020, the AIAC YPG continued with its annual roadshows with virtual workshops targeted at the following Indonesian universities:

- 27<sup>th</sup> November 2020 **Universitas Gadjah Mada (UGM)**
- 28<sup>th</sup> November 2020 **Universitas Indonesia**
- 4<sup>th</sup> December 2020 **Universitas Airlangga (UNAIR)**
- 12<sup>th</sup> December 2020 **Universitas Katolik Parahyangan**

Each workshop was conducted by an AIAC Case Counsel with 2-3 Indonesia-based arbitration practitioners who imparted their wisdom on the principles of international arbitration and the essence of drafting arbitration agreements, after which the students participated in role plays in virtual breakout sessions.



### AIAC INTERNSHIP PROGRAMME

The AIAC Internship Programme is designed to enable undergraduate and postgraduate law students to learn more about the various forms of ADR offered at the AIAC by providing first-hand, practical experience on the role and functions performed by a leading global arbitral institution. Our aim is to stretch the intellectual capacities of our interns and give them a sense of what arbitration and ADR are about in preparation for their future careers with hope that this programme can be a decisive stepping stone in defining their careers. As a matter of fact, 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.

Interns are expected to work five days a week (8.30 a.m. – 5.30 p.m.) in key departments of the AIAC, carrying out their tasks under the supervision of a staff member – their supervisor – and will be requested to undertake tasks in connection with the ongoing projects of the AIAC. An intern's assignment could include assisting with the research and preparation of legal and administrative texts or studies about international/domestic arbitration, assisting with the drafting of promotional material, website-documents and pages, conducting related background studies and internet-based research, undertaking ad hoc legal and administrative tasks as requested, and assisting with the collection and analysis of case law in the field of domestic and international arbitration.

To inquire more details, please email us at [careers@aiac.world](mailto:careers@aiac.world).

## Our Next content

What's Next in 2021



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# What's Next in 2021



In an era of sophisticated arguments, complex contracts, multi-jurisdictional disputes, and expansive legal representation, the AIAC is presented with a new-age opportunity, as it continues to balance assuring excellent ADR mechanisms and systems, with keeping on top of the latest trends and practices adopted by competing interests. The Centre has over the years, provided the best possible resources, services and innovations for its users, adapting to the needs and requirements of the members of the ADR industry. As the AIAC moves into the new decade, it will continue pioneering initiatives to strengthen Malaysia's footing in the global dispute resolution map.

## **Revision of the AIAC Arbitration Rules**

The AIAC's suite of Arbitration Rules, which are revised from time to time, showcase the Centre's commitment to its users. These revisions aim to

ensure our relevance within the contemporary ADR ecosystem and consolidate globally accepted, and expected, ADR practices, in relation to the AIAC's administered cases. The Centre is gearing towards its goal to launch the newest version to the AIAC Arbitration Rules this year, bringing further clarity and utility to its users. The revised AIAC Arbitration Rules 2021 shall encompass expanded rules and guidelines which are clearer, unambiguous, and adaptive, serving the needs of the arbitral community.

## **Amendments to the Arbitration Act 2005**

The Malaysian Bar Council is currently working towards the amendments to the Arbitration Act 2005 [Act 646] particularly in relation to the previously repealed section 42 as well as third party funding. The discussions pertaining to these proposed amendments will involve all

stakeholders including arbitration practitioners be it counsels and arbitrators, the AIAC as well as the general public. These amendments are aimed at striking a balance between making Malaysia a more attractive seat for arbitration and increasing the public's confidence in adopting arbitration as a preferred mode of dispute resolution.

## **Establishment of the AIAC TEC Committee**

Keeping abreast with technological advancements, the Centre is excited to announce the creation of its Technology Expert Committee ("TEC"). The purpose of the TEC is to spearhead initiatives related to ADR and the technology industry. The TEC aims to create a community in which lawyers and key players within the technology industry can discuss recent developments, brainstorm solutions to current issues, collaborate with one another



on projects and disseminate information on the advancement both within ADR and the technology industry. The Centre will be focusing on these capacity-building opportunities, by bringing new technology to existing end-users.

### **Reforms to the Construction Industry Payment and Adjudication Act 2012 ("CIPAA 2012")**

The Centre is also joining forces with the Bar Council Construction Law Committee to spearhead the feasibility of reforms to the CIPAA 2012. As the first step, the AIAC and the Bar Council Construction Law Committee circulated a survey regarding the proposed reforms to CIPAA 2012 to all construction stakeholders. The result of this survey was then translated as a point of discussion in the recent CIPAA 2012 Public Forum in February 2020. The Public Forum was attended by various representative in the construction industry and

served as a platform to develop a collective thought regarding the necessity to reforms CIPAA 2012. It is anticipated that the draft bill for the proposed amendments to the CIPAA 2012 will be circulated later in 2021.

### **Reforms to Malaysian Mediation Framework**

Insofar as its focus on mediation is concerned, in addition to the existing AIAC Mediation Rules, the Centre proposes to work hand in hand with all relevant agencies and authorities, looking to amend the national Mediation Act 2012, so as to reflect the necessary statutory and legislative framework for adopting the United Nations Convention on International Settlement Agreements Resulting from Mediation (Singapore, 2019). The key strength this will offer our legal fraternity, particularly the advocates for mediation as a preferred form of ADR, is the enforcement of international settlement agreements, resulting from mediation, concluded in writing by parties to resolve a commercial dispute. The upcoming changes will certainly broaden the horizon of holistic dispute resolution and the Centre looks forward to collaborating with diverse institutions across the globe to enforce this initiative.

### **Introduction of Virtual Proceedings**

Similar to other arbitral institutions faced with challenges due to the COVID-19 pandemic, the AIAC will actively work towards providing sophisticated technological solutions to ensure the smooth conduct of virtual hearings and meetings. In 2021, the AIAC will strengthen its virtual hearings offering by releasing a virtual hearing protocol that will assist parties and arbitral tribunals in conducting virtual hearings, whilst also providing users with the option of choosing between at least 2 virtual hearing platforms that the AIAC has been licensed to use.

### **ADR Online – An AIAC Webinar Series**

In times of social distancing, innovative initiatives are required to engage in capacity building and information dissemination activities. In March 2020, the AIAC took active steps to increase its online presence by launching its inaugural webinar series titled, "ADR Online: An AIAC Webinar Series". The series aims to provide an easily accessible platform to share knowledge and discuss several ADR related best practices with local and international ADR practitioners and other industry participants. In the first 5 weeks of launching, approximately 22 webinars were presented on the platform to approximately 6,000 registered participants, with more than 15,500 views in total on the AIAC's Facebook Live page. Given the highly positive testimonials and feedback received to this initiative, the AIAC will continue to conduct virtual capacity building and information dissemination events throughout 2021.

### **Pro Bono Mediation**

As the COVID-19 pandemic still continues to affect nearly every sector of society, the AIAC is cognisant that access to dispute resolution may prove to be a hurdle for certain segments of society. To overcome this hurdle, the AIAC launched its AIAC Pro Bono Mediation Initiative with effective from 1<sup>st</sup> January 2021. The AIAC Pro Bono Mediation Initiative is aimed at providing easy and affordable access to mediation, through the AIAC's mediation services, on a pro-bono basis, whilst simultaneously increasing public awareness on the benefits of mediation. The AIAC has laid out the criteria for the applicability of the AIAC's Pro Bono Mediation Initiative, according to which parties stand to gain from a list of non-exhaustive advantages, including the assistance of the AIAC's Case Counsels to monitor and supervise the mediation process and discounted administrative fees.

# What's Next in 2021

## Adjudicator Evaluation Form

As the sole administrative authority under the CIPAA 2012, the AIAC is responsible for continually ensuring the quality and competency of its Empanelled adjudicators in order for the effectiveness of the adjudication process to be maximised. To this end, the AIAC launched the Adjudicator Evaluation Form ("AEF") in December 2020. The AEF allows each party, at the conclusion of an adjudication proceeding, to complete a confidential questionnaire, for the sole use of the AIAC, on the conduct of the proceeding and any feedback they may have on the appointed adjudicator. Such feedback is imperative for understanding the strengths and weaknesses of adjudicators given that empanelled adjudicators have a wide range of professional expertise and competence. As such, the AEF feedback will play a key role in the AIAC's identification and development of adjudicator training programmes whilst also enhancing the effectiveness of the AIAC's empanelment and appointment process.

## AIAC Adjudicators' Continuing Competency Development (CCD) Workshop Series

As part of the AIAC's commitment to enhancing the competency of adjudicators, the AIAC launched its "Adjudicators' Continuing Competency Development ("CCD") Workshop Series" in January 2021. The CCD will see monthly workshops on a range of adjudication-related topics such as case law updates, financial and payment documentation in adjudication proceedings, how to draft effective adjudication decisions, etc., targeted at bridging any knowledge gaps in both legally trained and non-legally trained individuals. The overarching role of the CCD is to enhance the reliability of the adjudication decision-making process and all empanelled adjudicators, as well as those interested in the adjudication process generally, are encouraged to participate. Further information



regarding the CCD Workshop series will be made available on the AIAC's website and social media platforms in due course.

## Arbitration-In-Practice Workshops

In June 2021, the AIAC in collaboration with the Chartered Institute of Arbitrators (Malaysia Branch) launched its Arbitration-In-Practice ("AIP") Workshop series for 2021. Aimed at providing continuous practical and professional development training to certified arbitrators, this platform serves as a refresher and provides insight into the conduct of arbitration proceedings. The AIP Workshop series will be designed in a lecture format with the requirement for advance preparation of case studies as well as breakout discussions with tutors and the conduct of mock advocacy exercises on, amongst others, examination of

witnesses, conduct of hearings, and drafting of arbitral awards. Selected senior and prominent arbitrators will feature as lecturers and tutors throughout these workshops. Further information regarding the AIP Workshop series is available on the AIAC's website and social media platforms.

## Launch of the AIAC UNCITRAL Protocol

On 10<sup>th</sup> February 2021, the AIAC launched its Protocol for the Administration of Arbitrations pursuant to the UNCITRAL Arbitration Rules ("AIAC UNCITRAL Protocol") to provide a framework for the AIAC's administration of arbitrations conducted solely pursuant to the UNCITRAL Arbitration Rules. The AIAC UNCITRAL Protocol applies to the 2013 version of the UNCITRAL Arbitration Rules,



however it can be opted into by the Parties for an earlier version of the UNCITRAL Arbitration Rules. AIAC UNCITRAL Protocol covers matters such as the registration and commencement of the arbitration, collection of deposits and the release of fees, challenges to an arbitrator, and matters relating to the use of the AIAC's services and facilities such as its technical review service and the appointment of a tribunal secretary. With the launch of the AIAC UNCITRAL Protocol, the AIAC is hopeful that parties will find the AIAC's services more lucrative for the administration of disputes under the UNCITRAL Arbitration Rules.

### **AIAC Sports Arbitration Rules**

Taking a major leap further towards the development and advancement of sports law and sports arbitration in the region, the AIAC

is also currently working on introducing its own AIAC Sports Arbitration Rules, combining a set of procedural rules specifically designed for sports-related disputes with a reference to a specialist panel of sports arbitrators, coupled with a cost-effective fee structure. Along the way, the AIAC will be working closely with all major stakeholders in the Malaysian sporting industry, including the Olympic Council of Malaysia (OCM) as well as the Ministry of Sports and Youth. The AIAC is hopeful that the introduction and adoption of the AIAC Sports Arbitration Rules will further demonstrate the usability of arbitration as an effective medium for resolving sporting disputes.

### **2021 Empanelment Scheme**

As part of its continuous commitment to provide the best services in alternative dispute

resolution, the AIAC is currently looking into setting a new empanelment requirement which is set to be released in 2021. This initiative is premised upon users' feedback, the growth of the AIAC's caseload, and the AIAC's goal in implementing diversity factors and enhancing the quality of empanelled individuals considered by the Director of AIAC in appointing neutrals in his/her capacity as appointing authority. The AIAC intends to maintain its roster of empanelment as diverse as it is now consisting of professionals from multiple backgrounds and jurisdictions.

### **Revival of the AIAC's i-Arbitration Initiatives**

In furtherance of its commitment to the Islamic finance industry, the AIAC will be embarking on a number of initiatives throughout 2021 to augment its i-Arbitration offerings. To this end, the AIAC has entered into a Cooperation Agreement with the Abu Dhabi Global Market (ADGM) Arbitration Centre which will see a number of cross-institutional initiatives over the coming months, such as the first collaborative webinar titled "i-Arbitration Rules in MESEA". Also in the pipeline is the revision of the AIAC i-Arbitration Rules 2018 to enhance the Shari'a compliant nature of these rules, whilst also providing a modernised product that reflects best international practices in arbitration.

### **Conclusion**

The highlights and innovations for 2021 certainly are promising, proving true the AIAC's testament that growth and opportunity are closely linked to change. The AIAC looks forward to continue its facilitation and management of efficient and effective ADR practices and processes, as well as the promotion of the Centre's business expansion ventures, and education and training programmes, in its work with global ADR stakeholders, in jurisdictions across the globe.



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