



ASIAN INSTITUTE OF  
ALTERNATIVE  
DISPUTE  
RESOLUTION  
Delivering Excellence in ADR

# ADR CENTURION

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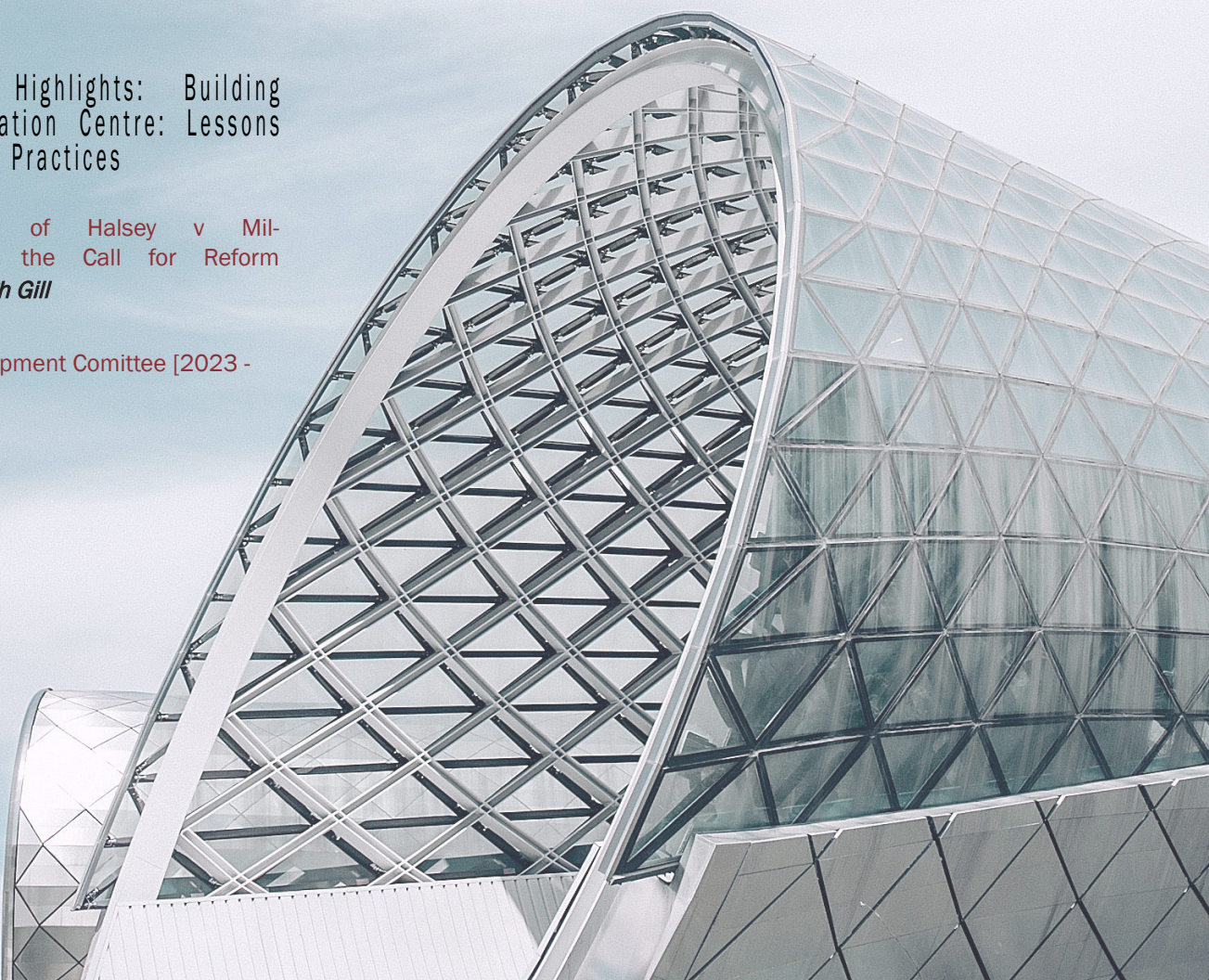
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The AIADR shall be a repertoire of global jurisprudence, formed by professional membership, recognized by international institutions, striving for the advancement of alternative dispute resolution methodologies, for amicable conflicts management and effective dispute resolution.

The ADR Centurion is the Bimonthly Newsletter of AIADR published six times per year by the Editorial Committee of AIADR for the members of the AIADR (the "Institute") and general readers interested in ADR subject and practices.

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Nachman of Breslov



## Join the spotlight - submit your profile to the AIADR Newsletter



**Submission requirement:**

1. Profile Picture
2. Biodata (150 - 200) words

- Available only to AIADR Active Members
- Limited to 5 slots for each issue.

**To submit, kindly email [aiadr.editor@aiadr.world](mailto:aiadr.editor@aiadr.world)**

## Membership

### Collaborate with us!

Members are welcome to reach out to the Secretariat for assistance or collaboration in organizing webinars on ADR topics of their choice. No charges are levied. Do not miss out on this great opportunity to enhance your resume by delivering a webinar for the benefit of other members and the ADR fraternity. Email us to register your interest!

### Upgrade Your Membership!

Members can now upgrade their membership level or get accredited as a Certified Practitioner through our fast-track path by virtue of having comparable membership or accreditation from equivalent international ADR organisations (e.g. Chartered Arbitrator with CIArb)

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# PRESIDENT'S MESSAGE

*DATUK SUNDRA RAJOO*

Dear members,

I am delighted to present you with the 25th Issue of the ADR Centurion. I would like to take this opportunity to thank all individuals for their constant support and trust in the work of the institute to achieve our vision of building a global platform in alternative dispute resolution (ADR).

I would also like to take this opportunity to thank the Governance Council, Office Bearers, committee members, AIADR Secretariat, partner organizations, valued members, and our newest subscribers for driving AIADR towards its goals. Please keep an eye out for our updates and posts on various social media platforms including Facebook, LinkedIn, Twitter, Youtube, and Instagram.

Now, please allow me to update all our members on our recent endeavours and initiatives at the Asian Institute of Alternative Dispute Resolution (AIADR). The past two months have been remarkably eventful for AIADR and its members. We have thoughtfully organized a series of diverse events and engagements, catering to a wide range of interests within the field of ADR.

Firstly, I am proud to announce the official launch of the AIADR's new website. This achievement signifies a monumental step forward for AIADR and reinforces our commitment to provide the best experience to our members.

Our newly redesigned website has been meticulously crafted to enhance accessibility, streamline processes, and provide an enriched experience for our valued members and visitors.

Allow me to highlight some key features that underscore the transformation of our website:

- 1.Streamlined Membership Application Process
- 2.Live-chat Function
- 3.Learn Without Limitation: Empowering Education Through E-Learning Platforms
- 4.Effortless Profile Updates for Members
- 5.Revamped 'Forums & Resources' Section
- 6.Multilingual Platform: Bridging Language Barriers

Secondly, I am thrilled to share with you the resounding success of our recent courtesy visit to Beijing, China, on 13-14 July 2023. This visit stands as a historical milestone for our institution, as we continue to foster global partnerships and expand our horizons in the ADR field. I had the privilege of being accompanied by our Vice-President, Dato' Quek Ngee Meng on this visit.

The primary objective of our visit was to forge stronger bonds and cultivate collaboration with our admirable counterparts in China. Our discussions revolved around mutual growth, emphasizing the promotion of ADR through education and training, vitalizing international trade through ADR, and the exchange of professional knowledge. I am glad to announce that the engagement was fruitful in laying the foundation for enduring partnerships and furthering our mission to elevate AIADR's international significance.

During our courtesy visit, we had the privilege of meeting with distinguished organizations such as the China Maritime Arbitration Commission (CMAC), Commission of



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International Economic and Trade Arbitration Commission (CIETAC), China Council for Promotion of International Trade (CCPIT), Beijing Arbitration Commission (BAC), and the International Commercial Dispute Prevention and Settlement Organization (ICDPASO).

As we return from this journey, we are invigorated by the possibilities that lie ahead. Our institution is now more poised than ever to champion the cause of ADR on an international platform.

Thirdly, on 16th June 2023 AIADR organized a special AGM Seminar titled "Building the Ideal Arbitration Centre: Lessons Learned and Best Practices". The AGM seminar was moderated by Adrian See Jooi Hong, partner of Belden Advocates & Solicitors, and the distinguished panel of speakers were, Dr Christopher Malcolm from Jamaica International Arbitration Centre (JAIAC), Dr Liu Chao from ICDPASO, Mr. Mohamed Shahdy, the Chairman of Maldives International Arbitration Centre (MIAC), and me.

The speakers in the session shared their visions for establishing an ideal arbitration center and discussed the future of ADR in Maldives, Malaysia, Jamaica, and China. They emphasized the post-pandemic need for enhancement and adaptability in the ADR field, offering important lessons and best practices for ADR practitioners going forward.

Next, our esteemed Chairperson of the Business Development & International Relations Committee (BDIRC), Dato' Ricky Tan represented AIADR at the "Exchange Conference on Empowering High-quality Development by Producer Services of China (Guangxi) Pilot Free Trade Zone Nanning Area" on 26th June 2023. This conference aligns with AIADR's core mission to strengthen ties with ASEAN countries and expand the institute's presence in the Asian-Pacific region. It marks a breakthrough in achieving AIADR's objective of promoting the use of ADR in international commerce.

Similarly, Dato' Ricky Tan represented AIADR in participating at the "Stakeholder

Engagement and Capacity Building seminar on the APEC Collaborative Framework on Online Dispute Resolution (ODR)" held on 15th June 2023 in Indonesia. This seminar presents a wonderful opportunity for AIADR to actively engage with stakeholders from various APEC member economies and contribute to the advancement of ODR practices in the region. Through Dato' Ricky's participation, AIADR has demonstrated its commitment to promoting best practices in ADR and strengthening regional collaborative ties. We look forward to continuing our active engagement with stakeholders, sharing knowledge, and gaining further insights to enhance the implementation and utilization of other ADR mechanisms.

Finally, AIADR has endorsed various impactful conferences both locally and globally. First, I am proud to announce that AIADR supported the prestigious 'China High-level Dialogue on Maritime and Commercial Arbitration' held on 16th June 2023 at Embark Grand Hotel, Beijing, P.R.C. This exceptional conference serves as a platform to unite international experts, legal professionals, and industry leaders, fostering discussions on the most critical issues within the ADR field with particular focus on maritime arbitration.

Second, AIADR supported the highly anticipated Asian International Arbitration Centre's (AIAC) Construction Industry Payment and Adjudication Act 2012 (CIPAA) Conference: 'Prospects of Adjudication in Malaysia' on 22nd June 2023. As its name suggests, this conference highlighted the paramount significance of adjudication in the context of construction disputes, particularly its ability to facilitate the expeditious resolution of payment disputes among construction parties. The conference aimed to collaboratively enhance and refine the existing CIPAA framework, elevating its effectiveness and relevance to the evolving needs of the construction industry in Malaysia. In line with our vision, AIADR will assist and work diligently alongside industry leaders and legal practitioners, encouraging a collective approach to enhance the efficacy of ADR avenues. By nurturing a strong culture of ADR adoption, we envision an optimistic future where disputes are amicably resolved and commerce



flourishes with increased trust and transparency.

In closing, I would like to extend my appreciation to all our members for their unwavering participation and support in our various activities and events. We are grateful for your continued engagement, as it is your involvement that fuels the success and impact of our endeavors.



# Building the Ideal Arbitration Centre: Lessons Learned and Best Practices"

### Introduction

AIADR is excited to share with you the highlights of the recent special AGM Seminar on “Building the Ideal Arbitration Centre: Lessons Learned and Best Practices”. This seminar was a hybrid event which took place on 16th June 2023 both in-person at AIAC and via zoom. This was an exceptionally enlightening session as the esteemed speakers shared their unparalleled visions of establishing an ideal arbitration centre and discussed their insightful opinions on ADR’s future progression in Maldives, Malaysia, Jamaica and China. The post-pandemic need for enhancement and high adaptability in the ADR field is acute, whereby the speakers critically imparted the participants with important lessons to be learned and best practices for ADR practitioners moving forward. Join us as we delve into the crucial highlights from this AGM seminar and obtain in-depth understanding about the development of ADR.

### The AGM Seminar:

The AGM seminar was moderated by Adrian See Jooi Hong, partner of Belden Advocates & Solicitors, and the distinguished panel of speakers were our own President, Datuk Sundra Rajoo and, Dr Christopher Malcolm from Jamaica International Arbitration Centre (JAIAC), Dr Liu Chao from International Commercial Dispute Prevention and Settlement Organisation (ICDPASO) and Mr. Mohamed Shahdy, the Chairman of Maldives International Arbitration Centre (MIAC).

One of the key takeaways from the AGM Seminar was the importance of building stakeholder confidence in favour of ADR mechanisms over orthodox courtroom litigation. In doing so, the speakers all concur that a tremendous amount of time, patience, effort, and resources must be invested in educational initiatives such as providing practical workshops and training courses to the legal community, practitioners, end-users like businesses and policymakers. In particular, the speakers are resolute in seeing potential by promoting awareness and interest in arbitration

through education. They strongly believe that the best method in increasing demand for ADR mechanisms depends significantly on filling the ‘knowledge gap’ and persuading end-users to entrust ADR as reliable options capable of resolving disputes satisfactorily.

Another important point which all the speakers repeatedly emphasised is that the paramount focus of arbitral institutions should be end-user centric. All speakers, albeit in different expressions, stressed this common need of ensuring that arbitral institutions as ADR service providers should always be sensitive and responsive to the needs of the parties. Arbitral institutions should always be innovative and proactive in providing cost-efficient and swift dispute resolution without unnecessary delays, while simultaneously guaranteeing satisfactory service for the parties.

Building on the previous paragraph, arbitration centres should always be self-aware and self-reflective in being ahead of the curve and to outshine its competition. The speakers have provided distinctive insights on how arbitration centres can sell its unique brand and establish itself in the ADR field. As a general outline, the speakers’ opinion mainly touches on the need to refine arbitral rules to enhance performance of its ADR services, building a solid local/regional foundation before kickstarting international ventures and to remain flexible enough to meet the ever-changing circumstances surrounding ADR’s potential.

Dr Liu Chao from ICDPASO believed that crafting excellent arbitral rules is the ultimate force that drives an arbitration centre to success. Such rules must be unique compared to existing arbitration centres in terms of overall performance and efficiency. He stressed that high arbitration costs and long delays are persistent concerns with arbitration, and therefore arbitration centres must conduct comprehensive studies to directly address this plagued concern. Dr Liu Chao also suggested a fast-track ADR mechanism which affords greater accessibility to smaller or



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medium-sized enterprises (SMEs) and small claims disputes.

For him it is quite unrealistic and impractical to merely focus on larger claims and expensive disputes, while completely ignoring the voluminous SME and small claims disputes. There is a real business opportunity in catering a more inclusive form of ADR to SMEs and small claims disputes. He was also quick to endorse current developing mechanisms such as Online Dispute Resolution (ODR) as one of the most effective and suitable forums for resolving SME and small claims disputes at very low costs.

Finally, it was importantly highlighted that arbitration centres should invest in ADR mechanisms other than arbitration to diversify the variety of options made available to end-users. This way, the parties in dispute can choose the best ADR method which caters specifically to their dispute and allowing them to make decisions to their best interests, which inevitably contributes to end-user satisfaction.

The other three speakers took quite a different route from Dr Liu Chao. Instead, they tend to focus more on building local and regional confidence in arbitration centres as a to international presence.

Dr Christopher suggested that a successful arbitration centre, at least in the international sense, always tend to have a strong local framework with consistent internal support from its domestic country and/or nearby regions. He acknowledged that the quality of rules is strategic but considerably limited by intense competition. He stressed that the primary focus should be on building confidence in the arbitration centre itself, and that the best tactic is to change mindsets through training and education. Mr. Shahdy concurred in saying that as end-users grow familiar with ADR mechanisms as being reliable dispute resolution forums, so will arbitration centres garner more attention and assume greater importance both internationally and locally. This underscores the importance in investing educational initiatives to persuade not only end-users, but also stakeholders such as the government,

legal fraternity, educational institutions, etc.

Dr Christopher made a very important observations that arbitration centres must always be innovative and flexible in providing excellent quality of ADR services. In doing so, arbitration centres should always be diligent in re-evaluating themselves to maintain constant positive presence among end-users and stakeholders. Arbitration centres should always meaningfully reassess its rules and leadership, to always be aware of the changing times and improve where necessary. Dr Christopher had a very specific vision in mind, namely cost-effectiveness. It is not uncommon to hear complains about the expensive costs and pain-staking delays involved in arbitration proceedings. He mentioned that a successful arbitration centre should always be thinking ahead in terms of cost-analysis and never shy to experiment such as adopting greater digital use in the arbitration process.

For Datuk Sundra, what he felt most crucial for an arbitration centre's success is the need for stability, both externally and internally. Support from both private and public realms are necessary.

In terms of external stability, Datuk Sundra reiterated that the national political environment ultimately determines the extent of an arbitration centre's growth and vitality. Political stability is crucial in pushing improvement to arbitration: a facilitative government will provide valuable opportunities and foundation for an arbitration centre to flourish; an unsupportive or unstable one will stall or even interrupt any intended growth of the arbitration centre. Dr Christopher strongly agreed on Datuk Sundra's comment and added that support from the judiciary is equally important. Specifically, arbitration centres should strive to develop a complementary culture and working relationship with courts, working in some constructive partnership to assist one another with the civil cases workload.

He highlighted that this ideally meets the broader needs of society in ensuring better access to justice. Establishing effective arrangements and appropriate delegation between the courts and

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arbitration institutions will of course increase presence and opportunities for arbitration centres and ADR as a whole.

On the internal aspect, Datuk Sundra pointed out that leadership of an arbitration centre is pivotal. He noted that leadership roles in arbitration centres should always include passionate experienced arbitrators willing to uplift the institution. Furthermore, Datuk Sundra believed that leaders of arbitration centres should always be prepared for crisis management. He or she must always anticipate any contingencies in the future and invest appropriately in backup plans. For him, adaptability is the key defining factor which makes or breaks an arbitration centre. There is a strong need for revitalisation because the ADR environment is constantly fluctuating, and arbitration centres must keep abreast with its time to sustain itself in the long run.

able insight and practical experiences from esteemed leaders of arbitration centres from China, Maldives, Jamaica, and Malaysia.

This AGM Seminar underscored the infallible importance of continued education and need for self-enhancement in the ADR field. The need for ADR practitioners to upskill their digital literacy should not be overlooked too. Instead, practitioners should take this as an opportunity to re-evaluate themselves, to upgrade their skillsets, collectively promote and to fortify market confidence in ADR mechanisms.

AIADR is confident that the opinions and insights shared in this AGM Seminar will motivate and encourage participants to actively engage in constructive dialogues with themselves as ADR professionals, with their peers, clients, and scholars, etc. We look forward to hosting more events in the future that continue to provide valuable insights and practical knowledge to practitioners and scholars alike.

### Conclusion:

In conclusion, the AGM Seminar was an overwhelming success. The participants gained valu-







# The Implications of Halsey v Milton Keynes and the Call for Reform

By : Jashveenjit Singh Gill



Jashveenjit Singh Gill is a driven and ambitious legal professional with a strong academic background and practical experience. He graduated with Honors from the University of London with an LL.B degree and is currently working as a Legal Executive at The Asian Institute of Alternative Dispute Resolution.

Jashveenjit is passionate about the legal field and is currently pursuing his Certificate of Legal Practice in hopes of one day being called to the Malaysian Bar. He has a keen interest in alternative dispute resolution.

In light of a recent announcement on the 27th of June 2023, the Civil Mediation Council (CMC), Chartered Institute of Arbitrators (CIARB), and Centre for Effective Dispute Resolution (CEDR) have joined forces to intervene in the Court of Appeal case of *Churchill v Merthyr Tydfil County Borough Council*<sup>1</sup>. Their objective is to challenge and potentially overturn the precedent established by the 2004 case of *Halsey v Milton Keynes General NHS Trust* (*Halsey*)<sup>2</sup>. This provides an excellent opportunity to explore and understand the developments and motivations behind the endeavour

to reverse the *Halsey* case.

In the United Kingdom (UK), the promotion of alternative dispute resolution (ADR) methods as a means of resolving disputes is not a novel idea. Since the 1990s, there has been a noticeable shift in the UK civil justice system's approach to dispute resolution in the courts. Lord Woolf's 'Access to Justice Reforms' marked an initial stride towards courts promoting the utilization of Alternative Dispute Resolution (ADR) in lieu of conventional court proceedings<sup>3</sup>. Subsequent to

1 <https://www.ciarb.org/news/cmc-ciarp-and-cedr-unite-to-intervene-in-court-of-appeal-case-critical-to-mediation/> [As accessed on 28th June 2023]

2 *Halsey v Milton Keynes General NHS Trust* [2004] EWCA (Civ) 576

3 *Alternative Dispute Resolution and Access To Justice In The 21st Century*, Katrina Bochner

[As accessed on the 28th of June 2023: <https://law.adelaide.edu.au/ua/media/976/Alternative%20Dispute%20Resolution%2and%20Access%20to%20Justice%20in%20the%2021st%20Century.pdf>]

Lord Woolf's significant remarks, his recommendations were incorporated into the Civil Procedure Rules, granting the courts the authority to actively encourage parties to pursue ADR as a means of resolving their disputes.<sup>4</sup>

The case of *R (Cowl and Others) v Plymouth City Council*<sup>5</sup> provided Lord Woolf with an opportunity to reinforce the principles he had outlined in his reforms, particularly emphasizing the significance of resorting to, and actively participating in ADR. He expressed his strong disapproval of public bodies neglecting to utilize ADR, which resulted in the unreasonable expenditure of public funds.

Subsequently, cases like *Dunnett v Railtrack*<sup>6</sup> followed a similar pattern, reinforcing the growing trend. In *Dunnett* it was established that if a party unreasonably rejects mediation despite the court's encouragement to use it, cost sanctions may be imposed as a consequence. This landmark ruling played a crucial role in solidifying the court's position on ADR and set a precedent for the imposition of cost sanctions when a party fails to actively engage in mediation.

MR. Justice Lightman in the case of *Hurst v Leeming*<sup>7</sup> reaffirmed the position in *Dunnett* by making it clear that “mediation is not in law compulsory, but alternative dispute resolution is at the heart of today’s civil justice system”, and that where a party fails to properly consider mediation, there is a “real possibility that adverse consequences may be attracted”. He even went a step further by holding that the fact that a party believes that he has a watertight case again is no justification for refusing mediation<sup>8</sup>. This case had

significant implications as it established that parties could no longer rely solely on the perceived strength of their case to reject alternative dispute resolution (ADR) methods. In essence, a stringent standard was established to require parties to demonstrate that their refusal to mediate was reasonable, discouraging them from immediately resorting to litigation to resolve their disputes.

However, In in 2004, a significant shift occurred with the case of *Halsey v Milton Keynes General NHS Trust*<sup>9</sup>. In this case, Lord Justice Dyson held that the court could not compel a party to engage in mediation as this would breach their Article 6 right to a fair trial of the European Convention on Human Rights (ECHR)<sup>10</sup>. He further went on to create the Halsey guidelines which consists of a set of factors that the court is to consider when deciding whether a party in a particular case is acting unreasonably by refusing to engage in ADR<sup>11</sup>.

While the establishment of the Halsey Guidelines aimed to provide clarity and consistency regarding unreasonable refusal to engage in ADR, certain factors within the guidelines have been criticised for being overly lenient towards parties who decline to participate in ADR. While Halsey did not eliminate the court's authority to impose cost sanctions, the inclusion of the merits factor in the Halsey Guidelines made it exceedingly challenging for a failure to engage in ADR to be deemed unreasonable.<sup>12</sup>

The merits factor, as outlined in the Halsey Guidelines, stipulates that if a party can establish a reasonable belief in the strength of their case, their reluctance to participate in ADR is not unreasonable.

4. Civil Justice Reform And Alternative Dispute Resolution (Lecture By Sir Rupert Jackson: Chartered Institute Of Arbitrators) [20th September 2016][As accessed on 28th June 2023: <https://www.judiciary.uk/wp-content/uploads/2013/03/lj-jackson-cjreform-adr.pdf>]

5. *Regina (Cowl and others) v Plymouth City Council* [2001] EWCA Civ 1935.

6. *Dunnett v Railtrack PLC* [2002] EWCA Civ 303

7. *Hurst v Leeming* [2001] EWHC 1051 (para 10)

8. *Ibid* (para 12)

9. *Halsey v Milton Keynes General NHS Trust* [2004] EWCA Civ 576

10. *Ibid* (para 9)

11. *Ibid* (para 16)

12. *Ibid*



This factor, however, has been criticised for being troublesome because when parties decide to pursue litigation, they almost always have faith in the merits of their case. After all, why would a party willingly submit to the judicial system's challenges if they didn't trust in the strength of their case<sup>13</sup>. As a result, the merits factor establishes a low bar that virtually all litigating parties can clear, allowing them to escape cost penalties and essentially avoid mediation.

It has also further been argued that the justification of the existence of the merit's factor is also a flawed one<sup>14</sup>. Lord Justice Dyson in *Halsey* opined that, if the merit's factor was not present, there would be a risk of claimants using the threat of cost sanctions to coerce settlements from defendants, even in cases without merit<sup>15</sup>.

However, critics have argued, the notion that a party, needs protection from potentially unmeritorious claims creates a misconception that proposing alternative dispute resolution (ADR) will always involve seeking a financial settlement. While it is true that the majority of civil disputes that utilize ADR, such as negotiation, mediation, or other ADR processes, may involve some form of financial resolution, this is not the case for all situations. Some claimants may simply seek an apology or may be content with a settlement that involves non-monetary terms, such as restoring business relationships<sup>16</sup>.

As a consequence, the inclusion of the merits factor has had a negative impact on how courts evaluate whether a party has reasonably engaged with mediation. However in recent years, there have been a number of cases that signify an important

step back to the thinking which was adopted in the case-law pre-*Halsey*. For example, in the case of *PGF v OMFS Company* [2013]<sup>17</sup> the court held that silence to an invitation to mediate amounted to an unreasonable refusal. A similar trend was observed in the case of *Thakkar v Patel* [2017]<sup>18</sup>, where it was determined that if a party obstructs or undermines the mediation process without valid justification, such behaviour will be deemed unreasonable, and cost sanctions may be imposed.

Indeed, there seems to be a growing trend where the courts are attempting to move away from Lord Justice Dyson's decision and raise the threshold for determining unreasonableness. Even the Civil Justice Council (CJC) acknowledges that the rules established by *Halsey* have been far too generous and recognise that they are outdated and need to be reviewed<sup>19</sup>.

With that, it remains to be seen the stance the Court of Appeal in the case of *Churchill v Merthyr Tydfil County Borough Council* will take in relation to the *Halsey*. However, one thing is clear, If society is to engage more reasonably with ADR, there must be a push coming from the courts to educate the public about what options are open to them to settle their disputes.

13. The Merits Factor in Assessing an Unreasonable Refusal of ADR: a Critique and a Proposal by Masood Ahmed (pg 7)

14. Ibid (pg 8)

15. *Halsey v Milton Keynes General NHS Trust* [2004] EWCA Civ 576 (para 18)

16. *Supra* (n14)

17. *PGF II SA v OMFS Company 1 Limited* [2013] EWCA Civ 1288.

18. *Thakkar & ANR v Patel & ANR* [2017] WL 11884

19. Civil Justice Council ADR Working Group Final Report, ADR and Civil Justice, November 2018 [8.23(2)]



### ***Introduction to the Members of AIADR Membership Development Committee for the term of 2023-2025***

The Membership Development Committee (MDC) is a vital entity within the AIADR, responsible for spearheading the development and growth of our esteemed community of members. As an organization dedicated to promoting and advancing alternative dispute resolution in the Asian and African region, the MDC plays a pivotal role in shaping the composition and professional progression of our membership.

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The primary mandate of the MDC is to develop and uphold policies, regulations, rules, standard operating procedures, and guidelines that govern the management and supervision of the Institute's membership. The committee endeavours to ensure that our membership remains a dynamic and diverse group of professionals committed to excellence in the field of alternative dispute resolution.

In accomplishing its mandate, the MDC is tasked with formulating and maintaining the Membership Rules for the approval of the Council. Additionally, it oversees the procedures for reviewing and accepting new membership applications or, where necessary, recommending the rejection of applications that do not meet the Institute's eligibility criteria.

Furthermore, The MDC serves as a dedicated platform to address the issues and concerns of our valued members, providing a listening ear and collaborating with the Secretariat to resolve any escalated matters promptly and efficiently.

The committee takes an active role in establishing annual targets for membership growth and subscription collections, contributing significantly to the Institute's sustainability and expansion. It also collaborates closely with the Professional Development and Education Committee (PDEC) to establish assessment criteria for members' qualifications and develop courses that enhance the professional competence of our members.

In summary, the Membership Development Committee (MDC) is a pivotal entity within AIADR, responsible for fostering the dynamic growth and professional excellence of our diverse community of members in the Asian and African regions.



## Highlights



**Dr. Navin G. Ahuja**

Chairperson - Membership Development Committee (MDC)

Navin is in practice development at Pinsent Masons MPillay LLP supporting the firm's international arbitration practice. He earned his doctorate focusing on guerrilla tactics in international commercial arbitration and has subsequently published a book entitled "Taming the Guerrilla in International Commercial Arbitration: Levelling a Playing Field", endorsed by well-known arbitration practitioners.

Navin has also contributed to several publications and was, more recently, a Visiting Fellow at the City University of Hong Kong where he taught students about international arbitration, international sales law, and mootng. Navin is the Co-President of the Moot Alumni Association (MAA) and an editorial board member of the International Arbitration Law Review.



**David Bateson**

Member - Membership Development Committee (MDC)

David Bateson is a leading international arbitrator who has been involved in over 200 arbitrations in Asia, Europe, and the Middle East. He has acted as Chairman, party-appointed arbitrator, or sole arbitrator in arbitrations under the rules of the AIAC, BANI, CIETAC, DIAC, KCAB, HKIAC, LCIA, ICC, PCA, SIAC, TAI and VIAC, or in ad hoc arbitrations.

He has extensive experience in disputes in a variety of industry sectors including, construction, resources, commodities, insurance, joint ventures, shareholder agreements, shipping and telecommunications, and investor state.

He has been variously described by guides as "pre-eminent and widely experienced, one of the top arbitrators in the region" who is "excellent at pretty much everything he is doing" and "a very good arbitrator, writing a very good award, well able to control an arbitration and culturally sensitive".

He is listed in Chambers Most In Demand Arbitrators in Asia and Singapore (Band 1).

He has over 42 years of legal experience and is a specialist in all forms of dispute resolution including arbitration, litigation and alternative dispute resolution. He has been resident in Asia since 1980, and before that he lived in Africa, Fiji and New Zealand. He is now based in Singapore.

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**Charles Ho Wang Mak**

Member - Membership Development Committee (MDC)

Charles Ho Wang Mak is a Lecturer in Law (Assistant Professor) at Robert Gordon University, a Fellow at the Transatlantic Technology Law Forum at Stanford Law School, a Fellow of the Centre for Chinese and Comparative Law at the City University of Hong Kong, an Honorary Fellow of the Asian Institute of International Financial Law at the University of Hong Kong, a Research Affiliate at SovereignNet at The Fletcher School, Tufts University, and a Research Associate at China, Law and Development Project at the University of Oxford.

Charles is a Fellow of the Chartered Institute of Arbitrators (FCIArb), the Hong Kong Institute of Arbitrators (FHKI Arb), the Arbitrators and Mediators Institute of New Zealand (FAMINZ (Arb/Med)), and the Asian Institute of Alternative Dispute Resolution (FAIADR). He is also the Chairperson of the Young Members Group at the Asian Institute of Alternative Dispute Resolution."



**Pranit Bag**

Member - Membership Development Committee (MDC)

A legal counsel based in Calcutta, West Bengal, India and practising law in its varied dimensions and fields. Enrolled as a member of the Bar Council of West Bengal on December 6, 2010. Called to the Bar of England and Wales as a Barrister from The Honourable Society of Gray's Inn on March 17, 2022. A Fellow of the Chartered Institute of Arbitrators, London, UK.

He is a part of the Membership Insight Panel (MIP) of CIArb. He is also a Fellow of the Asian Institute of Alternate Dispute Resolution, Kuala Lumpur (AIADR). He is a panel arbitrator with AIADR for the term 2022-2025. A life-time member of the Indian Council of Arbitration.

He primarily practices in civil laws including arbitration disputes, company matters, writs, service matters, matters relating to breach of environmental laws, taxation matters (both direct and indirect taxes), Intellectual Property Rights, family laws, clinical negligence, suits and industrial disputes. He has also appeared and argued criminal matters including bail matters, criminal appeals and revisions."





## PLATINUM SPONSOR

Seminar on "Building the Ideal Arbitration Centre: Lessons Learned and Best Practices"

For opportunities to sponsor AIADR events and seminars, please email [thesecretariat@aiadr.world](mailto:thesecretariat@aiadr.world)



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# HIGHLIGHTS FROM AIADR'S PAST EVENTS





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Enhancing Dispute Resolution

## WAIVER OF RIGHT TO CHALLENGE THE AWARD WHEN AND HOW IT CAN BE DONE?



**DMITRY MARENKOV**  
Moderator



**KIM MARGARET ROONEY**  
Speaker



**DELPHINE HO**  
Speaker



**MARK DEMPSEY**  
Speaker

**FREE ADMISSION!**

 **2ND JUNE 2023, FRIDAY**

 **3:00PM - 4:00PM MYT (GMT+8)**

 **VIA ZOOM**

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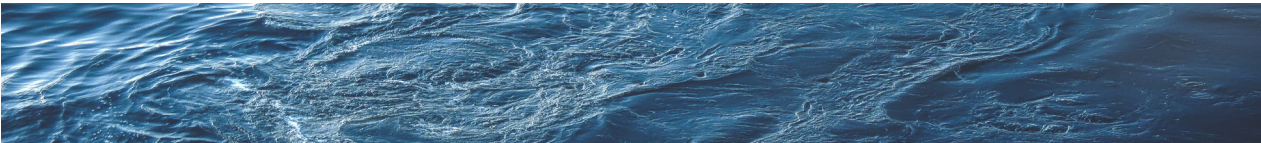
## WAIVER OF RIGHT TO CHALLENGE THE AWARD

When and How Can it be Done?



*Thank you*

PICTURES FROM AIADR'S WEBINAR ON 2ND JUNE 2023





MOU signing ceremony between AIADR and the China Asean Legal Research Center (CALRC)



Some pictures from the AIADR AGM Seminar on Building the Ideal Arbitration Centre





Pictures from Exchange Conference on Empowering High-quality Development in Guangxi China



Pictures from the recent AIADR Courtesy Visit to various stakeholders in Beijing China

# Upcoming Events.

## **24 September 2023**

North Bund Judiciary and Arbitration Thematic Forum & the 5th China Maritime Justice and Arbitration Summit

## **28 September 2023 - 30 September 2023**

ALSA International Moot Court Competition

## **17 October 2023 - 22 October 2023**

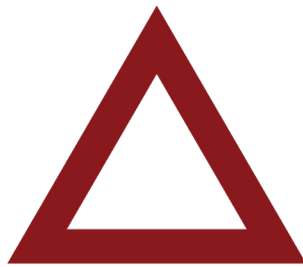
ASEAN Law Association General Assembly 2023





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