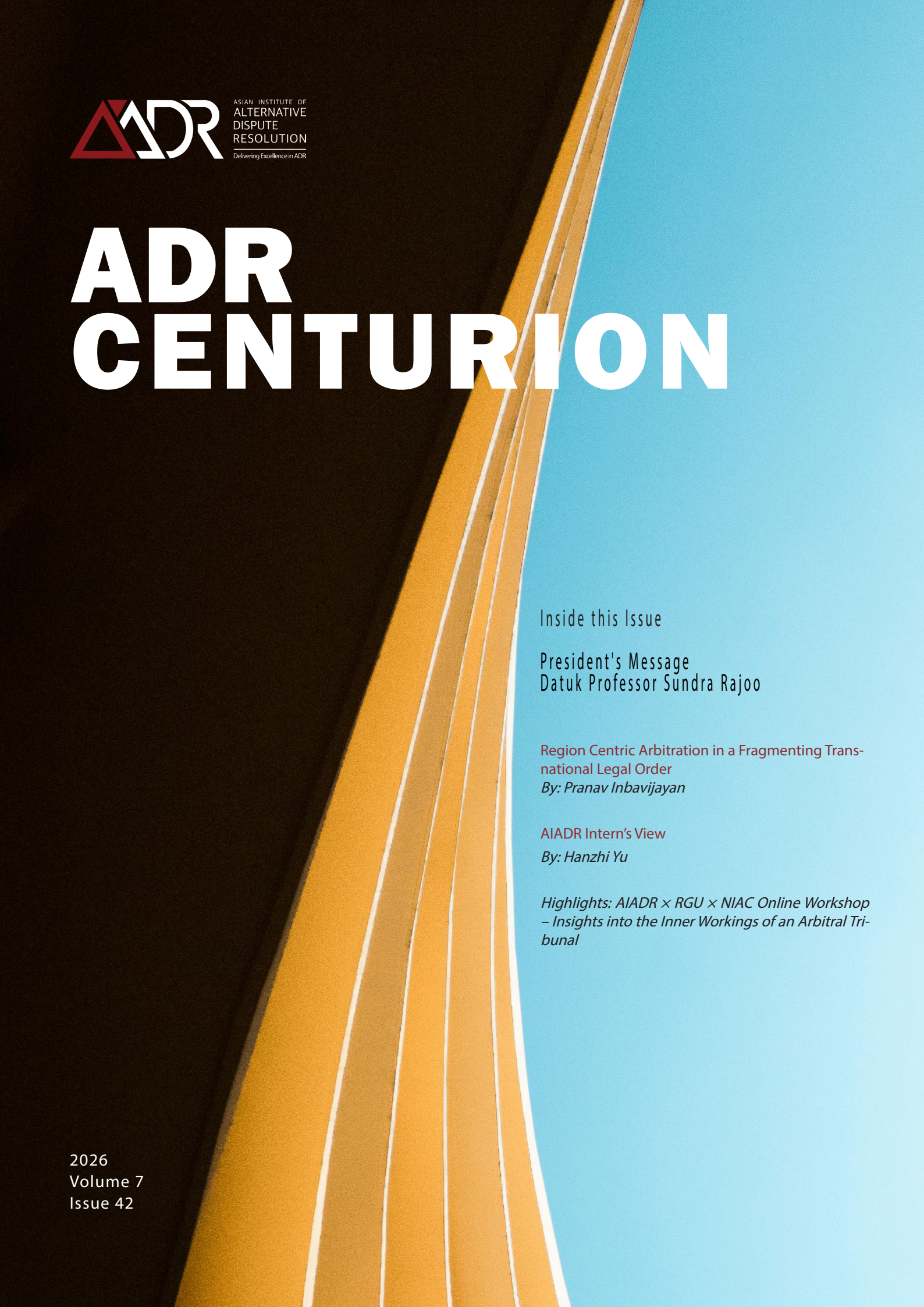
ASIAN INSTITUTE OF ALTERNATIVE DISPUTE RESOLUTION
Delivering Excellence in ADR

ADR CENTURION



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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.

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— AIADR Secretariat

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Dear Members,

Welcome to the 42nd issue of the ADR Centurion. A newsletter is, at one level, a record of activity. At another, it is the place where the work of the Institute becomes visible to its members, and where the President owes the membership some account, not just of what we have done, but of what it has been for. The months since the last issue have taken AIADR across three jurisdictions and into three distinct fronts of ADR practice. Before I turn to the items themselves, a word on the connection between them.

The recurring weakness of international arbitration and mediation as a field is that its intellectual depth outruns its working capacity. Conferences proliferate. Doctrine deepens. The case law of the leading appellate courts in Asia has, in the last five years, reshaped the landscape on judicial intervention, on the public policy ground for refusing recognition, on third-party funding, and on the choice of foreign seats by domestic parties. But the supply of practitioners, tribunal secretaries, and counsel with the working capacity to operate in this reshaped landscape has not kept pace with the doctrinal change. AIADR's contribution, on my reading of where the Institute is best placed to make a difference, lies precisely at that joint: training, teaching, and convening with the deliberate aim of moving substance into capability. The four activities reported in this issue each speak to a different aspect of that effort.

1. Overseas Lecture Series with the Shanghai University of Political Science and Law (24 April 2026)

Our Fellow Michael Cover delivered the latest in our Overseas Lecture Series, hosted online with the Shanghai University of Political Science and Law, on advocacy skills in international arbitration. The session was open to students and young practitioners, and it was a deliberate piece of capacity-building aimed at the cohort most likely to define the next decade of arbitration counsel work in this region.

What I particularly valued in Mr Cover's presentation was that he did not lecture on advocacy in the abstract. He worked through the actual choices that counsel face during an arbitration: where a tactical instinct trained in domestic litigation can mislead, where it can serve, and how to tell the difference. That is the kind of teaching the field needs more of. Advocacy in international arbitration is structurally different from advocacy in court. The audience is a tribunal that is generally less impressed by rhetoric than by precision. The procedural rules are not the rules of court. The standards of proof and the room for cross-examination operate differently. Students and young practitioners coming into the field from a court litigation background sometimes carry across instincts that work against them, and they do so without knowing it.

The questions from the audience, in particular from the SHUPL students, were of a quality that confirmed something I have been saying for some years. The future arbitration counsel of this region

will increasingly come from the law schools of Mainland China, India, and Indonesia, not exclusively from the established Asian arbitration capitals. AIADR's Overseas Lecture Series exists to build the bridges that will carry that talent into international practice. My thanks to Mr Cover for teaching in this register rather than the more conventional one, and to colleagues at SHUPL for hosting the session with us.

2. AIADR Tribunal Secretary Course, Kuala Lumpur

The tribunal secretary's role is one of the field's most quietly important and least systematically trained. A good tribunal secretary materially contributes to the quality, speed, and procedural integrity of an arbitration in ways that are largely invisible to the parties when done well, and unforgettable when done badly. There is no register of certified tribunal secretaries in most jurisdictions. There is no widely-adopted training standard. The work is learned on the job, in the hands of arbitrators who themselves had to learn it on the job. The result is a structural shortage of qualified tribunal secretaries across Asia precisely as the volume and complexity of arbitral proceedings continues to expand.

The AIADR Tribunal Secretary Course is the Institute's contribution to addressing that. The Course is structured around the working competencies that tribunal secretaries actually need: case management, drafting, research, procedural coordination, and the day-to-day mechanics of supporting an arbitral tribunal. The format deliberately combines didactic sessions with simulations, drafting exercises, and interactive discussion, because a tribunal secretary's working capability cannot be taught from a slide deck alone.

The Kuala Lumpur edition of the Course was taught by a faculty of three: Olga Boltenko, Vishal Aggarwal, and myself. Olga and Vishal teach as practitioners, not as theorists, and the simulations and drafting exercises they led were the heart of the programme. The feedback from participants confirmed what we suspected: the appetite in the region for practice-oriented, demanding training of this kind continues to outrun the available supply.

The Course will run again, and I would also like to record a related institutional development. AIADR has partnered with the International Arbitration and Mediation Centre in Hyderabad to deliver a parallel edition of the Tribunal Secretary Course on Indian soil, with successful participants becoming eligible for empanelment with both institutions. Together, the Kuala Lumpur and Hyderabad editions represent a serious expansion of training capacity in two of the most important emerging markets for international arbitration in Asia. There will be more in this direction.

3. CABE Malaysia International Conference 2026, Asian International Arbitration Centre, Kuala Lumpur

I was invited to address the CABE Malaysia International Conference 2026 on public policy and natural justice in international arbitration, with the conference hosted at the Asian International Arbitration Centre in Kuala Lumpur. The audience included members of the Bench, arbitrators, counsel, academics, and members of the wider ADR community.

I used the address to make a point that I believe matters for the next decade of arbitration in this region. The public policy ground for refusing recognition of an arbitral award is in the process of being reshaped, not abolished, and the reshaping is being done by the leading appellate courts of Asia with a coherence that is genuinely impressive. The high-level rule that public policy is to be construed narrowly and exhaustively is now settled across Singapore, Malaysia, Hong Kong, and India. The Federal Court's reasoning in Jan De Nul v Vincent Tan sits alongside the Singapore Court of Appeal's reasoning in PT Asuransi v Dexia Bank, the Indian Supreme Court's reasoning in Vijay Karia v Prysmian Cavi, and the Hong Kong Court of Appeal's reasoning in Grand Pacific Holdings in establishing a single regional doctrine that is neither expansively interventionist nor naively deferential.

The harder and more interesting work is now being done at the level just below that. The Federal Court's structured framework in Master Mulia on natural justice challenges is the most articulated

piece of intermediate-level doctrine produced anywhere in the region in the last five years. It calibrates judicial discretion between formal breach and material breach in a way that gives both tribunals and supervisory courts a workable framework. The parallel work being done by the Singapore courts on procedural irregularity, by the Indian Supreme Court on the construction of section 48 of the Arbitration and Conciliation Act in Vijay Karia, and by the Hong Kong courts in Grand Pacific and the line of first-instance decisions following it, is moving the region towards a shared understanding of what counts as a serious breach of natural justice such that an award is unsafe.

Conferences of this character matter, because they are where the doctrinal work of the appellate courts is translated into the practical expectations of practitioners. My thanks to CABE Malaysia for the invitation, and for assembling an audience that engaged with the substance rather than the headlines.

4. Global ADR Horizons 2026, Kota Kinabalu, Sabah (23 to 24 July 2026)

AIADR is a Supporting Organisation for Global ADR Horizons 2026, the flagship annual ADR conference of the Borneo International Centre for Arbitration and Mediation, to be held in Kota Kinabalu on 23 and 24 July. The conference is structured around two themes that I think are very well chosen. Day 1 focuses on ADR in the built environment, addressing dispute avoidance mechanisms, collaborative contracting approaches, and case studies in construction, infrastructure, and urban development. Day 2 expands into international developments, including cross-border practice, ESG and climate-related disputes, and technology-enabled resolution processes.

I recommend the conference to the membership. The programme reflects a serious effort to address the parts of the field where things are actually changing. If you are in a position to attend, you should. AIADR's support for the conference reflects our broader commitment to working with sister institutions across the region to build the convening infrastructure that the next decade of practice will need.

5. Looking ahead: the 8th AGM and the year to come

The Institute's 8th Annual General Meeting will be held on 19 June 2026. The Governance Council Report and the President's Report for the year will be tabled then, and the Council's agenda for the coming year will be set. I encourage all members to participate. The Institute is its membership, and the AGM is the moment when the membership has the most direct say in what AIADR does next.

Three priorities will shape what the Council asks the Institute to do in the year ahead. First, training that turns substance into capability, in the direction this issue's activities have already established. Second, cross-border institutional partnership, of which the IAMC collaboration is the most developed example and others are in active discussion. Third, structured engagement with the doctrinal questions that the appellate courts of the region are now actively shaping, through our publications, our conferences, and our member roundtables.

The substance of ADR practice is moving. The doctrine is moving. The institutional landscape across the region is moving. AIADR's task, as I see it, is to move with it, deliberately and with our particular emphasis on training that turns scholarly substance into working capability. That is what we have been doing since the last issue. That is what we will continue to do.

My thanks to the Governance Council, the Office Bearers, the committee members, the Secretariat, our partner institutions, our Fellows and Members, and our subscribers for the work that lies behind every item in this issue. The Institute owes you a great deal, and the next issue will report further progress because of you.

With warm regards,

Datuk Professor Sundra Rajoo
President
Asian Institute of Alternative Dispute Resolution

Region Centric Arbitration in a Fragmenting Transnational Legal Order

Pranav Inbavijayan

The author is a civil engineering graduate and a final year student of law, passionate about construction law and arbitration. His credentials include an Executive certification from King's College London and active young memberships in prominent arbitration institutions and organizations. The author actively contributes research works and food for thoughts in the ADR landscape.

ABSTRACT

The architecture of transnational dispute resolution, traditionally rooted in a paradigm of universalist delocalized arbitration and substantive law harmonization, is currently in a state of tectonic change. The increasingly rapid fragmentation of the international legal system, and the concurrent resurgence of sovereign interests and values in regulation and civilization, have led to a crisis of legitimacy and authority for traditional models of arbitration. This article proposes that a new taxonomy is necessary to chart this new landscape: region-centric arbitration. Moving beyond the traditional dichotomy of seat and venue, this new paradigm conceptualizes arbitration as a system of multiple decisional authority, through which the procedural, substantive, and enforcement characteristics of arbitration are increasingly mediated and contested through distinct regional legal complexes. This article outlines the constituent components of this new taxonomy, and its drivers through fragmentation, regulation, and civilizational particularism. It concludes that, whilst region-centrism poses a challenge to the integrity of the lex mercatoria, it is a more accurate and functionalist model for understanding arbitration in a multipolar world.

INTRODUCTION

The late 20th-century vision of transnational commercial arbitration was fundamentally cosmopolitan in nature.[1] Anchored in the New York Convention on 1958 and modelled on the basis of party autonomy and neutrality, it aspired to a stateless 'legal haven' for international commerce.[2] The arbitral seat (lex arbitri) was often a juridical abstraction, a neutral channel for rules crafted by international institutions like UNCITRAL and national court interventions. This paradigm was predicted upon the idea of a progressive convergence of national laws towards internationally accepted standards, a burgeoning *lex mercatoria* free of parochial sovereign influence.[3] This universalist project is currently subjected to a significant challenge. The geopolitical environment is marked by a strategic race and the "weaponization" of economic

1 Yves Dezalay and Bryant G. Garth, Dealing in Virtue: International Commercial Arbitration and the Construction of a Transnational Legal Order (University of Chicago Press 1996).
2 Jan Paulsson, 'Arbitration in Three Dimensions' (2011) 60 ICLQ 291.
3 Lord Mustill, 'The New Lex Mercatoria: The First Twenty-Five Years' (1988) 4 Arbitration International 86.

interdependence.[4] At the same time, a new era of "regulatory sovereignty" is emerging, with states seeking to assert jurisdictional control over cross-border disputes that are perceived to involve important areas of public policy, data protection, or strategic sectors.[5] This is, however, not just a matter of politics; there are also underlying contests over legal norms, as seen in the tensions between Western liberal approaches and those that are emerging in Asia, the Gulf, and elsewhere.[6] In this environment, arbitration can no longer plausibly pretend to a placeless, normative space. Its legitimacy is increasingly parsed, contested, and constructed regionally. This, therefore, calls for a move from a universalist to a region-centric approach to a taxonomy.

THE CONCEPT OF REGION CENTRIC

'Region' as a concept within this classification is not merely a geographical expression, but a legal-institutional one, and therefore a region is a cohesive space that is characterized by a shared or converging: (a) substantive legal and regulatory philosophy; (b) institutional ecosystems for dispute resolution; (c) judicial approach to arbitration; and (d) overarching geopolitical or civilisational orientation. The regions that are relevant to this analysis are the European Union as a supranational legal and regulatory region, the Gulf Cooperation Council States, the ASEAN economic community, and the Belt and Road Initiative region as an emerging legal sphere led by China.

Region-centric arbitration fundamentally changes the analytical perspective from a single, ultimate center of authority—the seat—to a complex of interacting and overlapping authorities, located on three planes:

1. The Procedural-Regulatory Plane: The seat's law remains a paramount consideration, and its nature has become increasingly regionalized .[7] Thus, a seat in the EU does not refer to a generic European seat, but a seat located within a Brussels regulatory world, subject to the jurisprudence of the CJEU on matters ranging from anti-suit injunctions to sanctions regulations.[8] On the other hand, a seat in either the DIFC or QFC constitutes a common law enclave within a civil law region, and its proponents deliberately cultivate a sense of regional hub identity.[9] The procedural rules are no longer merely those embodied in the UNCITRAL Model Law, but those Model Rules infused with a regionalized judicial perspective.

2. The Substantive-Normative Plane: The applicable law provision itself is undergoing a process of regionalization. The parties and tribunals increasingly interact with regional substantive law clusters, such as the Principles of Asian Contract Law or OHADA Uniform Acts in Africa.[10] However, what is perhaps more important, and indeed more critical, is the reference to overriding mandatory rules (*lois de police*) and public policy, expressed in terms such as EU competition law, GCC antitrust regulations, or Chinese national security regulations under Article 5 of the PRC Law on the Application of Laws.[11] The tribunal's ability to determine and apply regional order public assumes a critical, and indeed politically sensitive, dimension.

The Recognition-Enforcement Plane: The finality of a decision is premised on successfully navigating a fractured landscape of regional differences in approach to enforcement. The New York Convention remains the foundation, but its implementation and application are filtered through regional nuances. Enforcement within a region, such as within the GCC under the Riyadh Convention 1983, or within the EU under the ipse dixit of its Regulation 1215/2012 for intra-EU cases, may indeed be simplified.[12] However, cross-regional enforcement, such as a London award in China or a Paris award in India, poses a critical test,

4 Henry Gao, 'The Belt and Road Initiative and the International Economic Order: The Rise of a New *Lex Mercatoria*?' in Julien Chaisse and Jędrzej Górski (eds), *The Belt and Road Initiative: Law, Economics, and Politics* (Brill Nijhoff 2018).
5 Catherine A. Rogers, 'The Politics of International Investment Arbitrators' (2013) 12 Santa Clara J Int'l L 223.
6 Mansour Vesali Mahmoud & Hosna Sheikhattar, *A Call for Rethinking International Arbitration: A TWAIL Perspective on Transnationality and Epistemic Community*, 35 Law & Critique 405 (2024).
7 Nigel Blackaby et al., *Redfern and Hunter on International Arbitration* ¶ 3.01 (7th ed. 2022); Gary B. Born, *International Commercial Arbitration* 1535–40 (3d ed. 2021); Julian D.M. Lew et al., *Comparative International Commercial Arbitration* 78–80 (2003).
8 Case C-185/07, *Allianz SpA v. West Tankers Inc.*, 2009 E.C.R. I-00663; Case C-536/13, *Gazprom OAO*, ECLI:EU:C:2015:316.
9 DIFC Arbitration Law No. 1 of 2008 (Dubai Int'l Fin. Ctr.); QFC Arbitration Regulations No. 8 of 2005 (Qatar Fin. Ctr.); Michael Hwang & Khawar Qureshi, *The Development of Arbitration in the Middle East: DIFC and QFC as Arbitral Seats*, 27 Arb. Int'l 107 (2011).
10 The *Principles of Asian Contract Law* (PACL) project and the Organisation for the Harmonisation of Business Law in Africa (OHADA) system exemplify formal regional harmonisation efforts.
11 Zheng Sophia Tang, 'Chinese Conflict of Laws: A Restatement' (2021) 17 J Priv Int'l L 1.
12 The Riyadh Arab Agreement for Judicial Cooperation (1983) facilitates enforcement among Arab League states. Regulation (EU) No 1215/2012 of the European Parliament and of the Council on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters [2012] OJ L351/1 largely eliminates exequatur for intra-EU arbitral awards.

where divergentregional approaches to procedural fairness and order public are likely to collide.[13] It is indeed at this final plane, and indeed at this stage, that divergent approaches to regionalism are most acutely tested and indeed adjudicated.

DRIVERS OF THE REGIONALISATION OF ARBITRAL AUTHORITY

The development and application of this new taxonomy are motivated by factors that transcend ephemeral political tensions

First, the drivers of regulatory capitalism and the 'Brussels Effect'. The ability of the EU to unilaterally globalise its regulations and rules imposes a de facto regional legal hegemony.[14] Any arbitration involving data privacy (General Data Protection Regulation - GDPR), competition , or Environment, Social and Governance (ESG) regulations and rules must take into consideration the extraterritorial application of EU regulations, and any award is therefore susceptible to a review for public policy grounds at the enforcement stage.[15] This imposes a de facto region-centric alignment of arbitral authority, even if the seat is outside the region.

Second, the emergence of alternative institutional ecosystems is also a significant factor. New arbitral institutions are no longer just alternative commercial players; they are vectors for regional legal culture. The Singapore International Arbitration Centre (SIAC) and the China International Economic and Trade Arbitration Commission (CIETAC) are products of a distinct dispute resolution culture that is region-specific, such as the use of mediation-arbitration (med-arb) and a more interventionist approach to case management.[16] Their rules and practices acculturate users to a regionally-inflected model of arbitration.

Third, the influence of civilisational particularism and legal pluralism. The Western liberal foundations of the traditional lex mercatoria are no longer tenable. The concept of contractual good faith, the role of the state and its economy, and even the ontology of law are all region-specific. Islamic finance arbitration, for example, is governed by a normative universe that is driven by the application of Shari'a principles, and a region-centric or faith-centric approach to understanding its authority structure is therefore required.[17] This pluralism resists subsumption into a universalist model.

IMPLICATIONS AND CRITICAL ANALYSIS

The region-centric taxonomy has profound implications for theory and practice. For the theory of arbitration, it challenges the 'delocalisation' or 'a-national' thesis. Arbitration is decisively 're-localised,' but now at the regional, as opposed to the national, level. The idea of arbitral legality is no longer singular, as the 'law of arbitration' is replaced by the interaction of the regional systems. The legitimacy of the arbitral award is no longer founded upon the mythical idea of the 'community' but upon its 'justifiability' within the relevant regional normative orders .

For legal practitioners, this means a new form of strategic mapping. It is no longer sufficient to analyze the seat, but also the potential regions for enforcement, and the regional regulations that may be affected. The seat becomes a choice of the regional legal ecosystem. The drafting process may need to take into consideration potential regional public policy issues, including carve-outs or compliance.

In the case of the principle of uniformity, region-centrism can be seen as a regressive approach, which will lead to a Balkanized arbitration system .[18] Yet, one can also see region-centrism as an evolutionary answer to the multipolar world, which provides a more honest approach than the forced approach of the principle of universalism, which

13 See, e.g., the Indian Supreme Court's evolving and often restrictive jurisprudence on the public policy defence in enforcement, *e.g., Ssangyong Engineering & Construction Co Ltd v National Highways Authority of India* (2019) 15 SCC 131.
14 Anu Bradford, The Brussels Effect: How the European Union Rules the World (OUP 2020).
15 Case C-126/97, *Eco Swiss China Time Ltd. v. Benetton Int'l NV*, 1999 E.C.R. I-03055, ¶¶ 36–41; Gary B. Born, *International Commercial Arbitration* 3706–08 (3d ed. 2021); Alison Jones, Brenda Sufrin & Niamh Dunne, *EU Competition Law: Text, Cases, and Materials* 1082–84 (8th ed. 2023); Julian D.M. Lew, Loukas A. Mistelis & Stefan M. Kröll, *Comparative International Commercial Arbitration* ¶¶ 10-46 to 10-50 (2003).
16 Shahla Ali, *Court-Mediated Arbitration in Asia: A Comparative Analysis of the Singapore and Chinese Approaches* (Routledge 2017).
17 Abdulaziz H. Al-Fahad, 'Arbitration and Islamic Law: The Case of Saudi Arabia' (2018) 46 Int'l J Legal Info 1.
18 See Clive M. Schmitthoff, The Unification or Harmonisation of Law by Means of Standard Contracts and General Conditions, 17 INT'L & COMP. L.Q. 551, 555 (1968) (warning that "Regionalism is a regressive step [that] may lead to a new balkanisation of the law"); see also Emmanuel Gaillard, Sociology of International Arbitration, 31 ARB. INT'L 1, 12-15 (2015) (discussing the increasing procedural divergence and regionalization of arbitral practice).

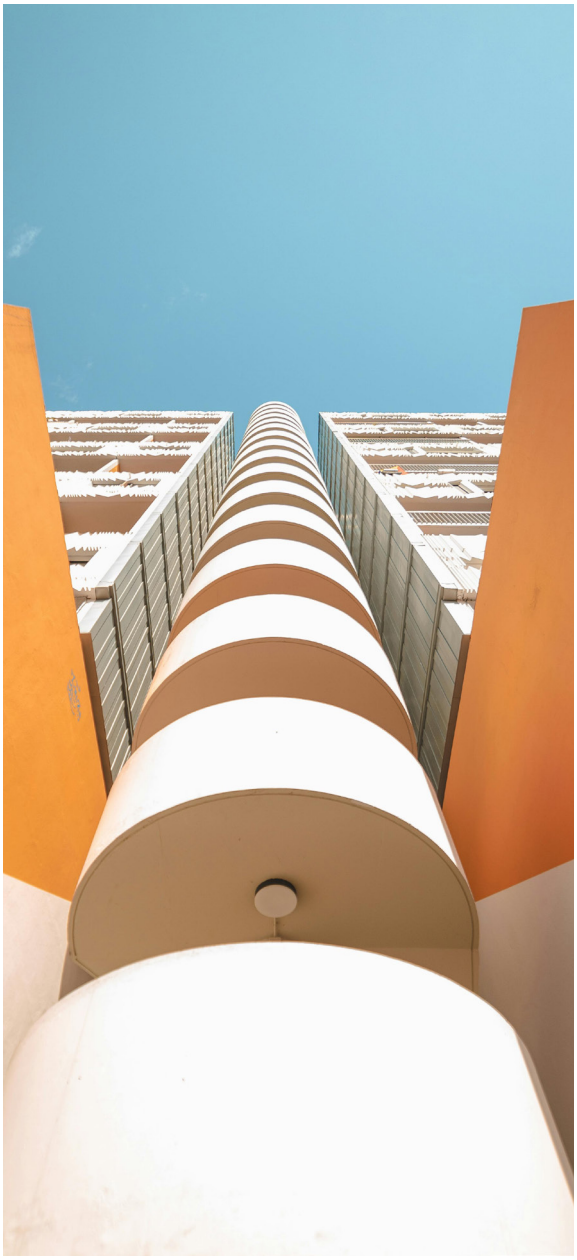
hides the normative cleavages. The rivalry of the different arbitration approaches can lead to creativity and the ability to respond to users' needs, while keeping the essential principle of fairness, as in the case of the New York Convention.

The main challenge will be the handling of inter-regional conflicts. How would a tribunal in Geneva approach a claim in damages, founded on a contract which is void under the mandatory foreign exchange regulations in China? The traditional approach to conflict of laws is not helpful, since it treats the conflict as one of sovereign commands, rather than one involving two regional legal complexes. A region-based taxonomy will require the development of new principles of inter-regional comity, which is an area in which very little is known.

CONCLUSION

The transnational legal order's fragmentation has made the traditional, universalist map of arbitration obsolete. The region-centric taxonomy offered here offers a more subtle and realistic map for navigating this new terrain. It assumes that decisional authority in arbitration is no longer concentrated, but rather distributed in a network of regional procedural, substantive, and enforcement spheres. This follows from the recalibration of sovereignty, the exportation of regulatory paradigms, and the resurgence of legal pluralism.

This regionalization of decisional authority in international arbitration, while potentially complicating the arbitral process and giving rise to new sources of conflict, is an inevitable and perhaps necessary recalibration. Arbitration, as a part of the broader legal and political world, must be recalibrated in response to a world in which universalist consensus is no longer possible. The future of transnational dispute resolution will not be found in resistance to fragmentation, but rather in the development of a sophisticated jurisprudence that accommodates interfaces between assertive, distinct regional legal orders. The region-centric taxonomy offered here is merely the first step towards understanding, and ultimately navigating, this complex new reality. The theme of ICCA Conference 2026 being ""International Arbitration: Local, Global or Both? "This paper ascertains that it is both local and global; it varies based on the parties and their autonomy.



AIADR Intern's View

Hanzhi Yu, Anhui University

At the start of 2026, I was honoured to undertake a three-month internship at the Asian Institute of Alternative Dispute Resolution (AIADR). Over the course of these three months, I gained a wealth of valuable experience that is difficult to acquire through textbooks or at university. I would like to express my sincere gratitude to all my colleagues, whose generous support and patient guidance saw me through this internship.

During my internship at AIADR, I undertook a series of significant professional tasks, which greatly enriched my practical experience and consolidated my theoretical knowledge of alternative dispute resolution.

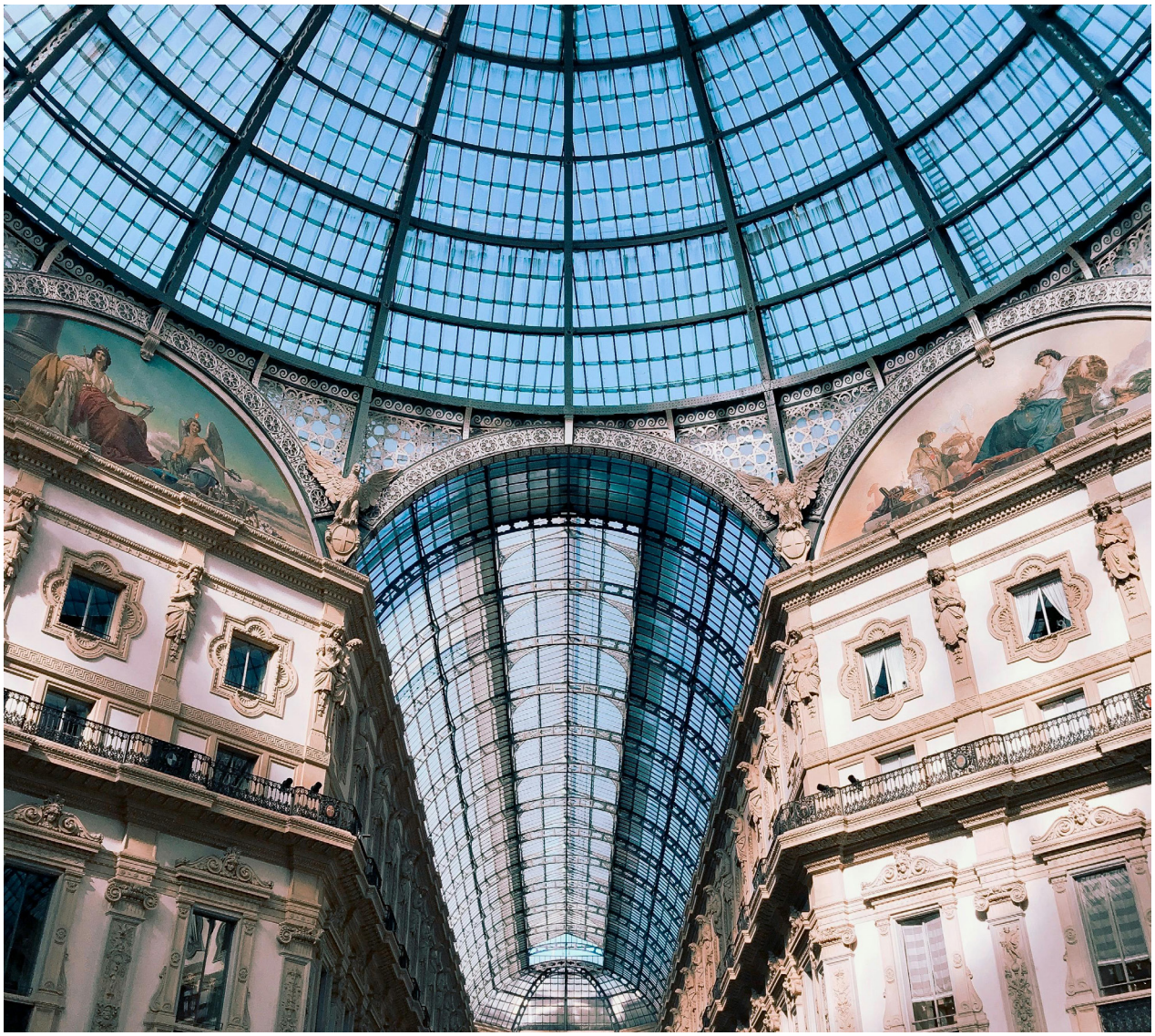
Upon joining AIADR, my first assignment was to revise the proposed structure for an upcoming Expert Witness Training Course. Based on recommendations from experts, my fellow intern and I carefully reviewed the original course framework, adjusted its logical structure, and proposed optimisation measures in line with the suggestions, which helped refine the overall layout and teaching arrangements of the training course.

Subsequently, I was responsible for the IMI Mediation Training Course resit assessment as role players. Although the subsequent work could not be fully completed due to overall scheduling constraints, during the preparation process I conducted in-depth research into arbitration rules, assessment criteria and the professional competency requirements for arbitrators. This experience enabled me to gain a more systematic and profound understanding of the theoretical framework and practical operations of arbitration.

A crucial task that ran throughout my internship was the drafting of teaching materials for the Expert Witness Training Course. To be honest, writing specialist teaching materials is no easy task for an undergraduate. However, through this project—from the initial challenges of drafting foundational materials to the later stages of developing more specialised advanced course content—my writing skills were honed and I gained significant insights. I collated relevant legal provisions, classic dispute resolution cases, professional practice standards and industry guidelines, distilled the core knowledge points, assisted in drafting the initial versions, and gained a relatively in-depth understanding of expert witnesses within ADR procedures.

Furthermore, I had the privilege of being the host of the online seminar, Beyond the Game's Rules: Mediation & Arbitration In International Sport. This rare opportunity allowed me to participate in the seminar's proceedings, listen to in-depth exchanges and discussions among domestic and international arbitration experts, explore the application of arbitration and mediation in the sports industry from an international perspective, and gain the latest practical insights.

This internship experience at AIADR has become a key milestone on my path to becoming a professional legal and ADR practitioner. I have gained solid professional knowledge, extensive practical experience and valuable interpersonal skills, and I hope to continue applying what I have learned to my future academic and professional development. I will always cherish the memories and experiences from these three months, and I sincerely wish AIADR continued success in advancing alternative dispute resolution across Asia and beyond.



Highlights: AIADR × RGU × NIAC Online Workshop – Insights into the Inner Workings of an Arbitral Tribunal

On 14 May 2026, the Asian Institute of Alternative Dispute Resolution (AIADR), in collaboration with Robert Gordon University (RGU) and the Nanning International Arbitration Court (NIAC), successfully organized an online workshop titled “Insights into the Inner Workings of an Arbitral Tribunal”. The programme brought together arbitration practitioners, academics, legal professionals, and students from various jurisdictions for an engaging and practice-oriented discussion on how arbitral tribunals function behind closed doors and how decisions are made throughout the arbitral process.

The programme featured an esteemed panel of speakers comprising Datuk Professor Sundra Rajoo, Dr. Johanne Cox, and Arran Dowling Hussey, all of whom shared perspectives drawn from their extensive experience serving as arbitrators, tribunal chairs, counsel, and tribunal members in international disputes. Through candid discussions and practical examples, the speakers provided participants with a rare opportunity to better understand how arbitral tribunals operate internally and how tribunal members collaborate throughout proceedings.

The programme commenced with a discussion on tribunal structure, role allocation, and collegial governance within arbitral tribunals. The speakers explained that while the tribunal chairperson commonly assumes responsibility for managing proceedings, coordinating procedural timelines, and guiding the overall conduct of the arbitration, decision-making within a tribunal remains fundamentally collaborative in nature. Procedural orders, directions, and substantive decisions are typically issued collectively, with all tribunal members contributing to discussions and approvals throughout the proceedings.

The panel further explored how responsibilities are divided in practice. While tribunal chairs often prepare initial drafts of procedural directions and organisational documents, co-arbitrators frequently contribute drafting comments, precedents, and strategic input to ensure consistency and efficiency in the management of the arbitration. Participants were given valuable insight into the internal coordination required among tribunal members and the importance of maintaining effective communication throughout the arbitral process.

The second segment of the workshop focused on tribunal chair appointments and internal tribunal dynamics. The speakers highlighted the critical role played by the tribunal chairperson in influencing the efficiency, procedural direction, and overall management style of the proceedings. Discussions centred on the considerations involved in appointing effective tribunal chairs, whether through institutional appointment mechanisms or selection by co-arbitrators.

The panel also addressed the interpersonal and professional dynamics that arise during tribunal deliberations. Drawing from practical experience, the speakers observed that differing communication styles, personalities, and professional backgrounds among arbitrators often contribute positively to deliberative discussions. While some arbitrators may adopt a more active or vocal role during deliberations, others may provide quieter but highly constructive contributions that ultimately shape balanced and well-reasoned outcomes. This discussion offered participants a deeper appreciation of the collaborative and human dimensions that influence tribunal decision-making.

Another key topic explored during the workshop was the impartiality and independence of party-appointed arbitrators. The speakers reaffirmed that arbitrators, regardless of which party appoints

them, are bound by a continuing duty to remain independent, impartial, and objective throughout the proceedings. They emphasised that party-appointed arbitrators are not representatives or advocates for the appointing party, but independent adjudicators responsible for evaluating all evidence, submissions, and procedural issues fairly and without bias.

The panel explained that this principle becomes particularly important during tribunal deliberations, where arbitrators must approach both procedural and substantive issues with neutrality and professional integrity. The discussion helped address common misconceptions surrounding the role of party-appointed arbitrators and reinforced the ethical standards expected within international arbitration practice.

In addition to tribunal ethics and decision-making, the workshop also addressed several practical operational challenges commonly encountered during arbitration proceedings. One of the key issues discussed was ex parte communication and the importance of maintaining strict communication boundaries in order to preserve procedural fairness and confidence in the arbitral process. The speakers shared practical observations on how tribunals should manage communications appropriately while safeguarding the integrity of proceedings.

The panel further examined the role of tribunal secretaries and the importance of proper supervision and delegation. Participants were introduced to practical guidance on ensuring that tribunal secretaries remain within administrative and supportive functions without encroaching upon the decision-making responsibilities of arbitrators. The speakers also discussed practical approaches for handling situations involving differing instructions or expectations among tribunal members, emphasising the importance of coordination, clarity, and internal communication.

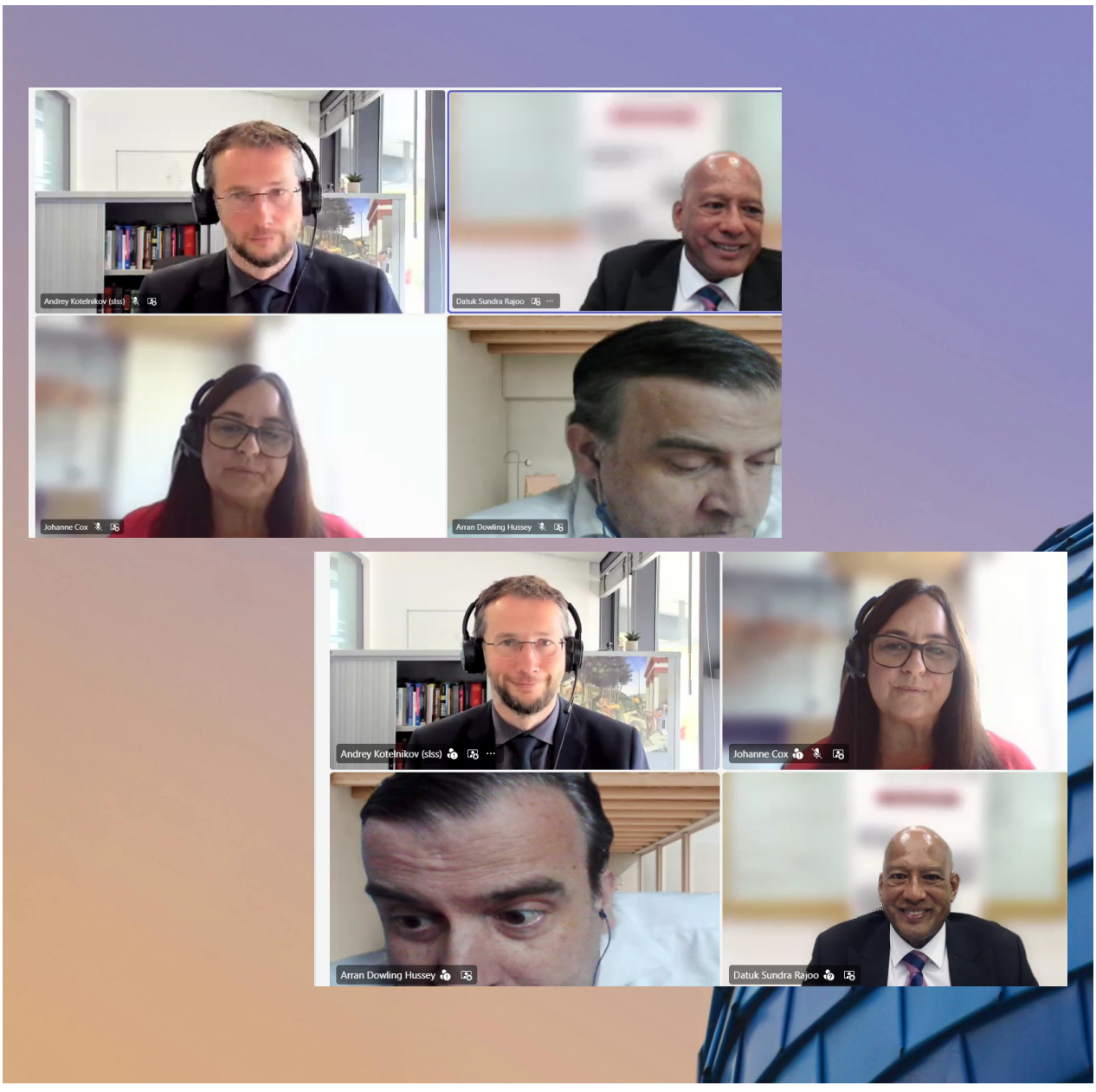
Another important aspect of the discussion centred on procedural distinctions between institutional arbitration frameworks and expedited arbitration proceedings. The speakers explained how different procedural rules may affect hearing structures, timelines, document production processes, and tribunal management strategies. These practical insights allowed participants to better understand how tribunals adapt their procedural approaches depending on the applicable arbitration framework and the complexity of the dispute.

The final substantive segment focused on arbitral appointments and the balance between industry expertise and procedural experience. The panel discussed the considerations parties and appointing authorities may take into account when selecting arbitrators, particularly in disputes involving highly technical subject matter. While industry-specific expertise may assist tribunals in understanding specialised factual and technical issues more effectively, the speakers noted that strong procedural knowledge and case management experience remain equally essential in ensuring fair and efficient proceedings.

The workshop concluded with an interactive question-and-answer session, during which participants engaged directly with the speakers on a range of practical arbitration issues. Questions raised by the audience included considerations for selecting effective tribunal chairs, methods for assessing credibility in upstream and downstream disputes, particularly within UAE FIDIC-based projects, as well as practical strategies for improving procedural efficiency in arbitration proceedings.

The highly interactive nature of the session enabled participants to gain deeper insight into how tribunals deliberate, address differing viewpoints, and manage complex procedural and substantive issues in practice. By moving beyond purely theoretical discussions, the workshop successfully provided participants with practical, experience-based guidance that can be directly applied within real arbitration settings. The programme also reinforced the importance of ethics, professionalism, effective communication, and sound tribunal management within international arbitration practice.

Moving forward, AIADR remains committed to organising more practical workshops, training programmes, and educational initiatives aimed at strengthening professional expertise and advancing understanding in the field of international arbitration and alternative dispute resolution. Through continued collaboration with institutions, practitioners, and industry stakeholders across different jurisdictions, AIADR will continue to provide meaningful platforms for knowledge sharing, professional development, and regional cooperation. As the global arbitration landscape continues to evolve, AIADR looks forward to further supporting the growth of the dispute resolution community by delivering accessible, practice-oriented programmes that respond to the needs of both current practitioners and the next generation of arbitration professionals.



Highlights From AIADR's Past Events

A picture of our fellow member Michael Cover delivering a guest lecture on behalf of AIADR for the Shanghai University of Political Science and Law

A Picture from the AIADR 2nd Tribunal Secretary Training Course in Malaysia

Highlights From AIADR's Past Events

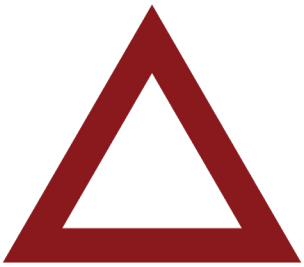
Some pictures from the AIADR 2nd Tribunal Secretary Training Course in Malaysia

Upcoming Events.

9th - 14th June 2026
AIADR Mediation Training Course

25th June 2026
Workshop : Fundementals of ADR

4th - 6th December 2026
AIADR 3rd Asia ADR Summit



ADR Centurion is the bimonthly Newsletter of AIADR containing contributions from individual authors, for distribution to the members of AIADR, ADR practitioners, professionals from trade & industry and associated organizations. The constructive feedback and comments from the readers are most welcomed.

Next Cut-off Date for Submission of Contributions:
Newsletter: 30th June 2026
Journal : 31st July 2026

Direct your queries to aiadr.editor@aiadr.world.

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