



THE MALAYSIAN INSTITUTE OF ARBITRATORS

ANNUAL REPORT 2019/2020

1.0 COUNCIL MEMBERS FOR THE 2019/2020 TERM

President	: Ms Sharon Chong Tze Ying
Deputy President	: Ms Hor Shirley
Vice President	: Ms Victoria Loi Tien Fen
Honorary Secretary	: Ms Nereen Kaur Veriah
Honorary Treasurer	: Ms Dawn Wong Keng Jade
Imm. Past President	: Mr Sudharsanan Thillainathan
Council Member	: Mr Mak Hon Pan
	: Mr Anish Wadia
	: Mr Wai Chan Ming
	: Ms Nina Lai Jian Xian
	: Mr Verghese Aaron Mathews
	: Mr Muhammad Suhaib Mohamed Ibrahim

For the 2019/2020 term, the Council met eleven (11) times on the following dates:

- (1) 18 July 2019
 - (2) 29 August 2019
 - (3) 26 September 2019
 - (4) 7 November 2019
 - (5) 5 December 2019
 - (6) 9 January 2020
 - (7) 26 February 2020
 - (8) 12 March 2020
 - (9) 20 April 2020
 - (10) 14 May 2020
 - (11) 17 June 2020
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2.0 COMMITTEES

The following Committees were formed and chaired by the following Council Members to organise activities for the Institute:-

No.	Committees	Chairs / Co-Chairs
1.	Special Projects	Sharon Chong Tze Ying
2.	Education and Training	Hor Shirley / Victoria Loi Tien Fen
3.	Events and Talks	Dawn Wong Keng Jade / Nereen Kaur Veriah
4.	Editorial, Publicity and Public Relations	Nina Lai Jian Xian
5.	International Affairs and Regional Liaison	Victoria Loi Tien Fen / Anish Wadia
6.	Review of Panel of Arbitrators	Sharon Chong Tze Ying
7.	Young Members Committee	Mak Hon Pan / Nina Lai Jian Xian
8.	Membership	Nereen Kaur Veriah
9.	Social Events	Mak Hon Pan / Wai Chan Ming

3.0 THE REPORTS OF THE COMMITTEES

3.1 SPECIAL PROJECTS

The Special Projects Committee was chaired by Ms Sharon Chong Tze Ying for the 2019/2020 term.

3.1.1 The Institute's Webinar Series

3.1.1.1 Due to the COVID-19 pandemic and the movement control order imposed by the Malaysian government, the Institute's plans for conferences, talks, seminars, courses and events were disrupted. The Institute was in the midst of planning the organisation of the inaugural joint arbitration conference with the Singapore Institute of Arbitrators when the outbreak occurred and brought all plans to a halt. As a result of the pandemic and the movement restriction order, the Institute has not been able to carry out any of its in-person events.

- 3.1.1.2 The Council had then decided to take its talks and events online and had launched its webinar series in June 2020. The Special Projects Committee worked together with the Editorial, Publicity and Public Relations Committee, with the assistance of the Secretariat, to ensure that the webinars were run smoothly.
- 3.1.1.3 On 12 June 2020, the Institute kicked off its first webinar, entitled “*Covid-19 Webinar: The Institutions Strike Back*” with a panel discussion comprising Ms Tatiana Polevshchikova (Deputy Head of Legal, AIAC), Ms Delphine Ho (Registrar, SIAC), and Mr Abhinav Bhushan (Regional Director for South Asia, ICC Arbitration & ADR), moderated by our President, Ms Sharon Chong Tze Ying. The panel engaged in a lively discussion on how various arbitral institutions in the region had responded to the global pandemic and shared their thoughts on the way forward. The webinar was held on the Institute’s Zoom platform and due to overwhelming response, it was also live-streamed on the Institute’s Facebook page. The webinar was well-received and has reached out to more than 450 viewers.
- 3.1.1.4 On 24 June 2020, the Institute held its second webinar, entitled “*Mediation: The New Norm?*” with a panel discussion comprising Ms Shanti Abraham (Shanti Abraham & Associates, Malaysian Mediation Centre), Ms Samrith Kaur (Samrith Sanjiv & Partners), Mr Lok Vi Ming S.C. (Singapore International Mediation Centre), and Mr See Chern Yang (Drew & Napier), moderated by our Vice President, Ms Victoria Loi Tien Fen. The panel spoke about the shift in favour of mediation as a means of alternative dispute resolution and regaled the participants with stories of their own varied experiences. The webinar was well-received and has reached out to almost 250 viewers.
- 3.1.1.5 The Institute will hold its next webinar on 10 July 2020, entitled “*Adjudication Decisions: Weathering the Challenges*” with a panel discussion comprising Ms Tan Swee Im (International Arbitration Member, 39 Essex Chambers), Mr Christopher Chuah (Partner, WongPartnership), Mr Sanjay Mohanasundram (Partner, Sanjay Mohan), moderated by our Deputy President, Ms Hor Shirley. The panel will be sharing their views on whether adjudication has been a success in Malaysia and Singapore.
- 3.1.1.6 The Committee thanks all the members of the Institute, the speakers, and the participants of the webinars for the support and for making the webinars a success. The Institute have lined up more webinar sessions which will be held over the next few months.

3.2 EDUCATION AND TRAINING

The Education and Training Committee was co-chaired by Ms Hor Shirley and Ms Victoria Loi Tien Fen for the 2019/2020 term.

3.2.1 Diploma in International Arbitration (DIA) [In collaboration with Brickfields Asia College (BAC)]

3.2.1.1 Between July 2019 and June 2020, there was one intake of the DIA Course in August 2019. We had a big group of students enrolled for that intake; 50 students.

3.2.1.2 Of the 50 students who were enrolled, 49 students (including two re-sitters and one student who deferred from the last intake) sat for the examination. The overall passing rate for the August 2019 intake was 87.8%.

3.2.1.3 Due to the COVID-19 outbreak and the movement control order, the intended intake scheduled for March/ April 2020 had to be deferred.

3.2.1.4 The DIA Committee has been in discussion with BAC on the planning and conduct of classes for the future intakes. The unprecedented disruption and situation brought about by the COVID-19 intake have created a lot of challenges, in particular the manner in which classes are conducted, traditionally, in-person. The DIA Committee is looking into and working with BAC on the alternative to switch from in-person teaching to online learning.

3.2.1.5 The DIA Committee will continue to work closely with BAC on this and hopes to see greater number of students enrolling for the future intakes.

3.2.2 Joint Courses on Alternative Dispute Resolution held jointly with IEM, PAM and RISM

3.2.2.1 On 31 July and 1 August 2020, the Institute in collaboration with Pertubuhan Akitek Malaysia, Royal Institution of Surveyors Malaysia and The Institution of Engineers Malaysia (DARP Subcommittee) organised the Joint Courses on Alternative Dispute Resolution for Practitioners. The Course was a two-day course on arbitration, adjudication, mediation and a discussion on common issues in construction contract management.

3.2.2.2 The Institute managed the session on “*Arbitration: Practical Aspects*” and delivered three lectures titled “*Introduction to Arbitration. Why Arbitrate?*”, “*The Hearing Process Procedure and Practice & Managing the Expert Witness*” and “*Enforcing the Arbitral Award*”. Representing the Institute were our Past President, Mr Kevin Prakash, and our current Deputy President, Ms. Hor Shirley.

3.2.2.3 The Joint Course was very well received.

3.3 EVENTS AND TALKS

The Events and Talks Committee was co-chaired by Ms Nereen Kaur Veriah and Ms Dawn Wong Keng Jade for the 2019/2020 term.

3.3.1 The MIArb 6th Annual Law Review & Year End Party, a perennial fixture on the Institute’s calendar, was held on 28 November 2019. Session 1 was entitled “*Mediation – Beyond the Horizon, or at our Doorstep?*” and featured Mr Lok Vi Ming S.C., Ms Shanthi Abraham, and Ms Diana Rahman, with Mr Edward Kuruvilla moderating. Session 2 was entitled “*Section 42 of the Arbitration Act 2005: Back in Black?*” and featured the Honourable Justice Dato’ Mary Lim Thiam Suan, Mr Sanjay Mohan, and Ms Chelsea Pollard, with Mr Kevin Prakash moderating. The event was very well-received, with 82 participants in attendance.

3.3.2 The fourth installment of the Jonathan Yoon Debate Series, as conceptualised and chaired by Mr Gregory Das, was held on 20 February 2020 in honour of the late Mr Jonathan Yoon. The motion for the debate was “*This House Believes That Party Autonomy Must Prevail to Preserve the Sanctity of Arbitration*”. The speakers in favour of the motion were Mr Kamraj Nayagam and Ms Janice Tay, while Mr Ooi Huey Min and Mr Lam Ko Luen opposed the motion. The debate was a closely fought contest which attracted wide participation from the floor.

3.3.3 Ultimately, the arguments “Against” the motion were upheld by the floor and the motion was defeated. The debate was then followed by an evening cocktail reception. The Institute would like to extend a special thank you to Mr Yoon Shee Leng and the rest of the Yoon family for their continued support of the event.

3.3.4 The Committee thanks all the members of the Institute, the speakers, and the participants of this term’s events for their unwavering support of the Committee and its events.

3.4 EDITORIAL, PUBLICITY AND PUBLIC RELATIONS

The Editorial, Publicity and Public Relations Committee was chaired by Ms Nina Lai Jian Xian for the 2019/2020 term.

- 3.4.1 Apart from revamping the Institute's LinkedIn page, the Committee has also created an Instagram account for the Institute to connect with the younger members of the Institute. Utilising these platforms as well as Facebook, the Institute has been successful in creating more awareness for the events organised and/or supported by the Institute.
- 3.4.2 Recently, the Institute's webinar series launched for the purpose of holding online talks received overwhelming response from its members as well as other arbitration and ADR practitioners and users. The live stream of these webinars through the Institute's Facebook page also attracted more interest to the Institute's Facebook and LinkedIn pages.
- 3.4.3 The Editorial and Publicity Committee thanks all who have supported and assisted the Institute, and hopes that by playing a more active role on the various social media platforms, it would help the Institute gain more traction in terms of member recruitment and event participation.
- 3.4.4 The Editorial Committee is in the midst of producing the next issue of its newsletter to capture the events held and the recent developments.

3.5 INTERNATIONAL AFFAIRS AND REGIONAL LIAISON

The International Affairs and Regional Liaison Committee was co-chaired by Ms Victoria Loi Tien Fen and Mr Anish Wadia for the 2019/2020 term.

- 3.5.1 The main part of this Committee is to maintain strong collaborative relationships with international and regional ADR institutions, industry associations and centres of higher learning, at the same time reaching out and building new ties with other institutions as it positions itself as the national institute of arbitrators.
- 3.5.2 The Institute is proud to announce that in this term, it has promoted and supported International and Regional events, as follows:-

- 18 & 19 October 2019 SCL Certificate in Construction Delay & Extension of Time Assessment
- 20 November 2019 YSIAC Conference 2019
- 6 December 2019 Regional Arbitral Institute Forum (RAIF) Conference, Brunei
- 5 June 2020 Webinar: Arbitration in Practice: A close look at the IBA Guidelines for Drafting International Arbitration Clauses

3.5.3 The Institute also continues to be an active member of the Regional Arbitral Institutes Forum (RAIF). The Institute was represented by its Vice President, Ms Victoria Loi Tien Fen, at the annual RAIF Conference, which was hosted by Arbitration Association Brunei Darussalam (AABD) on 6 December 2019 at the Rizqun International Hotel, Bandar Seri Begawan. The RAIF Conference was well attended by local and international delegates.

3.5.4 At the RAIF Meeting, amongst the issues discussed was the inclusion of Thailand Arbitration Center (THAC) as a member of RAIF. It was also decided that the next RAIF Conference will be held in the Philippines in 2020. All current members of RAIF have since agreed to the inclusion of THAC as a member of RAIF and are in the midst of finalising the documentation to admit THAC as a member.

3.6 REVIEW OF PANEL OF ARBITRATORS

There were no arbitrators empanelled for the term 2019/2020.

3.7 YOUNG MEMBERS COMMITTEE

The Young Members Committee was co-chaired by Mr Mak Hon Pan and Ms Nina Lai Jian Xian for the 2019/2020 term.

3.7.1 The Young Members Committee had planned to organise events together with the Institute's supporting organisations for purposes of reaching out to younger practitioners. However, due to the COVID-19 pandemic this year, such plans did not come to fruition. Nevertheless, in light of the Institute's recent Zoom subscription in embracing the "*new normal*", the Young Members Committee looks forward to organising virtual get-togethers to enable the younger practitioners to network and socialise from the comfort and safety of their own homes.

3.7.2 On another note, with the help of the Editorial, Publicity and Public Relations Committee, the Institute now has an Instagram account, and has revamped its LinkedIn page, with the aim to be more active on social media. The Young Members Committee hopes that with this, the Institute will be able to attract the attention of more young practitioners.

3.8 MEMBERSHIP

The Membership Committee was chaired by Nereen Kaur Veriah for the 2019-2020 term.

3.8.1 As at June 2020, the Institute has 548 members. This is an increase from the number of members as at May 2019 which was 464.

3.8.2 The significant increase in the Institute's membership is encouraging as it boosts the Institute's visibility and also provides a stream of income to the Institute by way of the membership fees.

Table 1: Summary of Membership 1993-2020

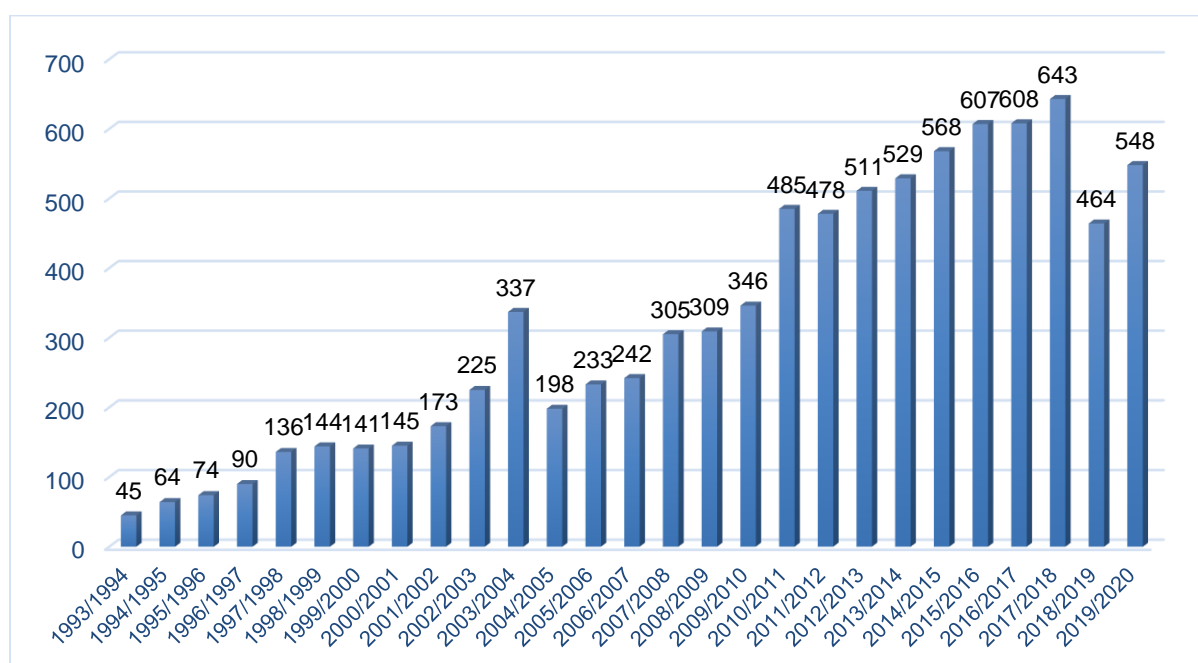
YEAR	TOTAL MEMBERSHIP
1993/1994	45
1994/1995	64
1995/1996	74
1996/1997	90
1997/1998	136
1998/1999	144
1999/2000	141
2000/2001	145
2001/2002	173
2002/2003	225
2003/2004	337
2004/2005	198
2005/2006	233
2006/2007	242
2007/2008	305
2008/2009	309
2009/2010	346

YEAR	TOTAL MEMBERSHIP
2010/2011	485
2011/2012	478
2012/2013	511
2013/2014	529
2014/2015	568
2015/2016	607
2017/2018	643
2018/2019	464
2019/2020	548

Table 2: Membership as at June 2020

Grade	B/f from May 2019	Adjustment	New	Upgraded	Resigned/ Deceased	Defaulters Terminated	Current Total
Fellow	124	-	29	1	(1)	-	153
Member	253	-	25	-	(1)	-	277
Associate	67	-	27	-	-	-	94
Affiliate	20	-	5	(1)	-	-	24
TOTAL	464	-	86	-	(2)	-	548

Table 3: Fig. 1 Histogram of membership 1993-2020



3.9 SOCIAL EVENTS

The Social Events Committee was co-chaired by Mr Mak Hon Pan and Mr Wai Chan Ming for the 2019/2020 term.

3.9.1 The purpose of this Committee is to encourage and maintain relationship between the members of the Institute through its social events. To achieve this purpose, the Committee organised the Year End Party of 2019, in conjunction with the Institute’s 6th Annual Law Review, held on 28 November 2019. The Party was attended by participants of the Annual Law Review, and invited guests from the Judiciary and representatives from the other professional bodies. The Year End Party was a huge success with approximately 80 attendees.

3.9.2 Due to the outbreak of the COVID-19 pandemic as well as the resulting movement control order, conditional movement control order, and recovery movement control order, no other social events were organised by the Committee for health and safety reasons.

4.0 SPECIAL APPRECIATION

4.1 The Council would like to record its thanks and appreciation to Puan Raja Junaidah from the Secretariat for her hard work and commitment in making the 2019/2020 term a successful one for the Institute, and to all our Members for their continued support.

Dated the 6th day of July, 2020.



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SHARON CHONG TZE YING
President



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NEREEN KAUR VERIAH
Honorary Secretary