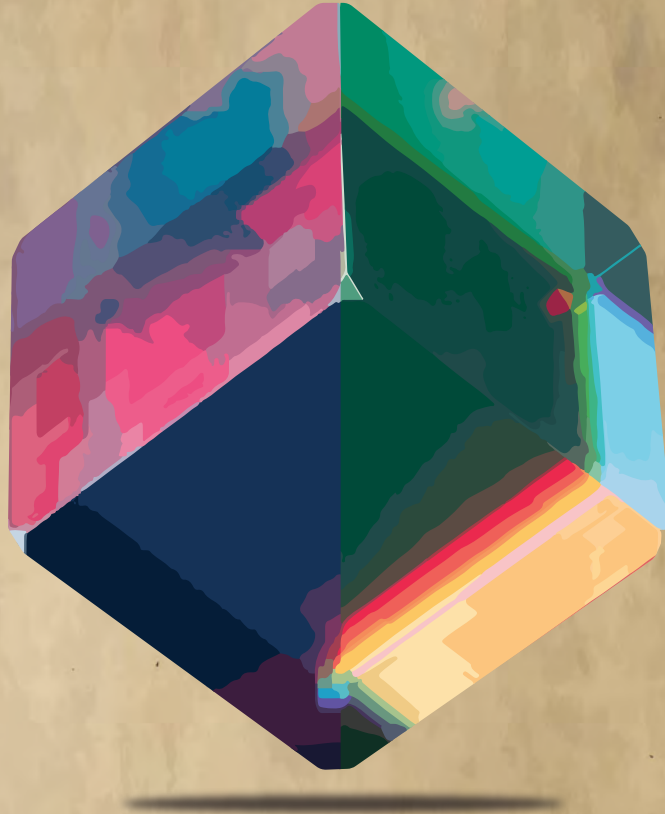




COMPASSUS
THE ODYSSEAN COURSE
TO MODERN ADR



RULES DAY

MONDAY, 3RD OCTOBER 2022

For further information, please contact events@aiac.world/ +603 2271 1000

PROGRAMME

16:00 – 16:30 Registration

16:30 – 18:00 **Session 1 - The Tale of 1001 lights: Islamic Arbitration a Beacon of Inclusivity**

Arbitration as an alternative mode of dispute resolution can be traced to diverse sources, chief among which is divine law. Whether it is known as “*Mohamedan law*” or Shariah law, the Islamic legal system has always been a proponent of ADR mechanisms. These mechanisms are different, yet, not incompatible with modern concepts, such as arbitration. *Prima facie*, a similitude exists between the concept of *tahkim* and arbitration. Yet, this likeness has led to a considerable amount of misapprehensions with the possible compatibility of both concepts. The idea of Islamic Arbitration is deeply rooted in the Islamic tradition yet reinvigorated with modern concepts that draw inspiration from positive law. In spite of the weight of misconceptions, the AIAC has invested considerable time and energy in guaranteeing the practicality of Islamic Arbitration by amending its suite of i-Arbitration Rules with its recent publication of the AIAC i-Arbitration Rules 2021 on 1st November 2021.

In this session, our esteemed panel of speakers will address the particularity of Islamic Arbitration and the manner in which the AIAC i-Arbitration Rules 2021 have sought to guarantee a cohabitation between tradition and modernity. Through this discussion, clarity and understanding will dispel any misconception that might surround Islamic Arbitration.

Tune in to the in-depth discussions by Shariah Experts from differing schools of thought and jurisdictions, litigators from international arbitration practice groups, and not to mention academicians in Islamic Finance.

18:00 – 18:30 **Networking Session**

18:30 – 20:00 **Session 2 - The AIAC 2021 Rules in the Face of Controversies and Cultural Nuances**

In the last couple of years, we have witnessed a wave of reforms on the arbitration rules and practices by the leading arbitral institutions to respond to the various evolutionary needs of the arbitration community worldwide. On 1st August 2021, the AIAC amended its suite of Arbitration Rules and published the AIAC Arbitration Rules 2021 (“2021 Rules”), reflecting the latest innovations and developments in arbitration practice. The set of revised rules forming such “Winds of Reforms” not only respond to the needs of the current pandemic, but also aims to strike an ideal balance between cost-effectiveness and efficiency of the arbitral proceedings, whilst deviating from being a mere “postbox” and appointing authority.

In this session, the international External Advisory Committee responsible for the revision of the AIAC Arbitration Rules (AIAC’s Rules Revision Committee) and practitioners from civil law and common law jurisdictions, will provide participants with insight into the unwritten aspects of arbitration at the AIAC through its 2021 Rules, as well as highlighting the challenge of international arbitration, litigating the crossroads of the common law and civil law traditions and the aptness of the Rules between two legal systems.

20:00 **Networking Session**





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CONTRACTS DAY

TUESDAY, 4TH OCTOBER 2022

For further information, please contact events@aiac.world/ +603 2271 1000

PROGRAMME

16:00 – 16:30 **Registration**

16:30 – 18:00 **Balancing Business and Budgets in the Technology Industry: The Role of Standard Forms in Technology Dispute Avoidance**

The debate over the minutiae in the job of contracts drafting, negotiating, and execution may cause legal advisors of tech industry players to overlook the demands of the technology industry. Often time, executing successful technology projects require flexibility and the ability to pivot quickly and smoothly to meet the demand of end users, and also involve intricacies like outsourcing to affiliate companies. This is very different from working on the production of products such as cars, houses, or planes, which from the very inception, can be visualised in its close-to-finish form. As Malaysia's digital landscape continues to rapidly expand and feature global entities, it is increasingly important for all project players in the technology industry to reach a level of sophistication and specialisation when tailoring new contractual terms and conditions for their projects in the world of software products and services. In this panel discussion, the AIAC Technology Expert Committee (AIAC TEC) will discuss the key issues considered by various corporations, software products and solutions providers, clients and end users when balancing the needs of their businesses against the constraint of budgets. The session will also provide attendees with actionable tactics and deeply insightful takeaways on the way forward in order to mitigate risks and manage technology contracts.

18:00 – 18:30 **Networking Session**

18:30 – 20:00 **Calming the Doldrums of the Construction Industry: The Role of SFC in Construction Dispute Avoidance**

The existence of various standard-form construction contracts, such as those published by the International Federation of Consulting Engineers (FIDIC), Pertubuhan Akitek Malaysia (PAM) and the Public Works Department (PWD) have not freed the construction industry from experiencing challenges in construction projects, as we've seen over the years. Few examples of the challenges faced include cost and time overrun, fragmentation between project stages, financial constraints and labour unproductivity. These challenges are not unique to the Malaysian construction landscape, which is indeed a global phenomenon that causes adverse effects to the detriment of project players and stakeholders of the construction industry. In this session, the AIAC Standard Form of Building Contracts Expert Advisory Committee (AIAC SFC EAC) will discuss the balance of responsibilities to be borne by the employer, consultant, project administrator, contractors and subcontractors in a construction project. The panel will also delve into the AIAC Standard Form Contract and how the AIAC Standard Form Contract can be tailored to meet specific needs for the construction project, thus improving the construction quality standard.

20:00 **Networking Session**





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INTERNATIONAL DAY

WEDNESDAY, 5TH OCTOBER 2022

For further information, please contact events@aiac.world/ +603 2271 1000

PROGRAMME

08:00 – 08:30

Registration

08:30 – 10:00
(USA Session)

10:00 – 11:30
(Asia Session)

14:00 – 15:30
(Middle East Session)

15:30 – 17:00
(Africa Session)

17:00 – 18:30
(Europe Session)

Arbitration in the Age of Globalization

Diversity in arbitration allows disputants and the tribunal to consider the different perspective to the proceedings within a wider socio-economic and cultural backdrop. This in turn, improves how arbitration is viewed in the eyes of its users and stakeholders. Procedurally, arbitrations have been observed to be practiced around the world pursuant to its respective jurisdictions. As such, it is imperative to identify the distinctive features in the execution and administration of arbitration internationally. This is to call for better diversity and inclusivity in global arbitral practice.

In these knowledge sharing sessions, distinguished speakers representing arbitral institutions as well as dispute resolution practices in selected continents will gather for a roundtable discussion on the varying jurisdictional experiences and exchange views on the institutional perspectives in international arbitration.

These sessions will also highlight the key distinctive features and commonalities of each region's arbitration procedure in hopes to discover sustainable futuristic outcomes in the ADR landscape.

18:30

Networking Session

