



How ARIAS Asia's
arbitration and mediation
can fit into stepped/multi
layered dispute resolution
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ARIAS Asia's arbitration and mediation fits into stepped/multi layered dispute resolution

Overview

- Escalation/stepped/multi layered dispute resolution
- ARIAS Asia

ARIAS Asia's arbitration and mediation fits into stepped/multi layered dispute resolution

Escalation/stepped/multi layered dispute resolution

- Attempt ADR before arbitration or litigation

Benefits

- Chance at settlement
- Preserve commercial relationship
- Narrow issues

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Escalation/stepped/multi layered dispute resolution - Drawbacks

- Binding?
- Conditions precedent?
- Waste time/expense?
- Complex disputes - Omitting additional claims
- Time Bars

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Guidance in *Ohpen Operations UK Ltd v Invesco Fund Managers Ltd* [2019] EWHC 2246

- (i) Agreement must create enforceable obligation to engage in ADR
- (ii) Obligations must be expressed clearly as condition precedent to litigation/arbitration
- (iii) Dispute resolution process does not have to be formal but must be sufficiently clear and certain iro objective criteria including machinery to appoint a mediator or other necessary steps without requiring further agreement by the parties
- (iv) Court has a discretion to stay proceedings commenced in breach of clause

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ARIAS ASIA

- ARIAS - AIDA Reinsurance Insurance Arbitration Society

AIDA- Association Internationale de Droit des Assurances

- Formed in 1960, promote and develop international and insurance law and related matters

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Aims of ARIAS Asia

- Promotion and improvement of re/insurance ADR
- A resource to arbitral institutions, practitioners, users to locate suitably qualified arbitrators and mediators
- Panel of Arbitrators and Mediators who have been suitably trained, provide training to those not yet suitably trained



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