

Webinar on

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***International Commercial Arbitration and Mediation- An Overview***

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Organized by

Research Club, School of Law, Presidency University, Bangalore

**PRESIDENCY UNIVERSITY**  
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**WEBINAR**  
on  
***International Commercial Arbitration and Mediation – An Overview***  
Organised by  
***Research Club, School of Law***

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**October 30, 2021 | 13:00 to 14:30 | Microsoft Teams**

**DISTINGUISHED SPEAKER**

**Prof. Steve Ngo**  
International Arbitrator  
(Academic and Arbitration specialist)  
Founding President of Beihai Asia  
International Arbitration Centre, Singapore



**Prof. (Dr.) Tufail Ahmad Khan**  
Professor & HoD in-charge  
School of Law, Presidency University

**Convener:** Prof. Amlanika Bora  
Assistant Professor  
School of Law, Presidency University

**Student Coordinators :**  
Mr. Divya Prakash Mishra : 7879338040  
Ms. Riya Gupta : 73659 59378

**Co-convener:** Prof. (Dr.) P S Ramya  
Assistant Professor  
School of Law, Presidency University

 **sol\_researchclub**

Date-30th October, 2021 /Duration: 2:06:05 hrs/ **Platform: Microsoft Teams**

## INAUGURAL SESSION



### MR. SHAUN GEORGE JOE (WELCOME REMARKS)

*(Moderator, Alumni of School of law, Presidency University 2016 batch currently pursuing his LLM at the University of Glasgow in the United Kingdom)*

At the outset, **Mr. Shaun George Joe**, warmly welcomed the esteemed speaker of the event, **Mr. Steve Ngo**, Honorable Vice-Chancellor & Chairman, Dr. Nissar Ahmed, Presidency University, Honorable Vice-Chancellor Dr. D Subhakar, Presidency University, Honorable Pro Vice-Chancellor Dr. Muddu Vinay, Presidency University, Dr. Tufail Ahmad Khan, head of the department & Professor of School of Law, Presidency University, faculties and participants of the event.

Further, the moderator, Mr. Shaun began explaining the theme and aim of organizing the webinar titled “**International Commercial Arbitration and Mediation: An Overview**”. This webinar aims at providing an overview of the comparison and use of arbitration and mediation in International Dispute Resolution. In addition, he also mentioned that the challenges and current trends of international arbitration and mediation will also be discussed. Before beginning the session, he invited the respected head of the department, Dr. Tufail Ahmed Khan to extend an official welcome to Professor Senior in a few lines.

As the current Head of Department of School of Law, Presidency University Mr. **Tufail Ahmed Khan** expressed his pleasure and welcomed our distinguished guest also a speaker. He stated that this is the timing of where we are lacking. Our domain is limited. So to fulfil that gap we invite expert people or those soldiers who are there in the field. We're taking care of the real policy matters policy interventions. He further meant on to get on-hand experience and to have the real-life feeling to fulfill that subject requirement. We are time-limited. He appreciated Prof. Amlanika. Furthermore, Mr. Tufail Ahmed looked forward to participating and to gaining new knowledge and asked the moderator to proceed with the event.

The moderator Mr. Shaun thanked Dr. Tufail Ahmed for his kind words and further requested Professor Amlanika Bora, Head of Research Club, School of Law, and Presidency University to formally introduce the respected speaker for the day.

Prof. Amlanika Bora began her address by thanking the moderator of the event. She expressed her greetings to everyone present in the meeting. Prof. Amlanika warmly welcomed and introduced the speaker. **Professor Steve Ngo** is an International Arbitrator, Academic, and arbitration specialist. He is the founding President of Beihai Asia International Arbitration Centre, Singapore. He has advised public and private entities not only on how to dispute matters but negotiation mediation and dispute management. Over the past two decades, he has focused on Indonesia and China. The two key growth economies of Asia and Southeast t Asia. Professor Steve has extensive experience dealing with policies from all over the world, bringing strong cross-cultural proficiency to international dispute resolution processes and strategizing references team has been appointed to various positions at various reputed universities in India, including honorary professor of law national law University Delhi, international Visiting Professor Kid University's School of Law Odisha. Further, without any further delay, she kindly requested the speaker to address the audience.

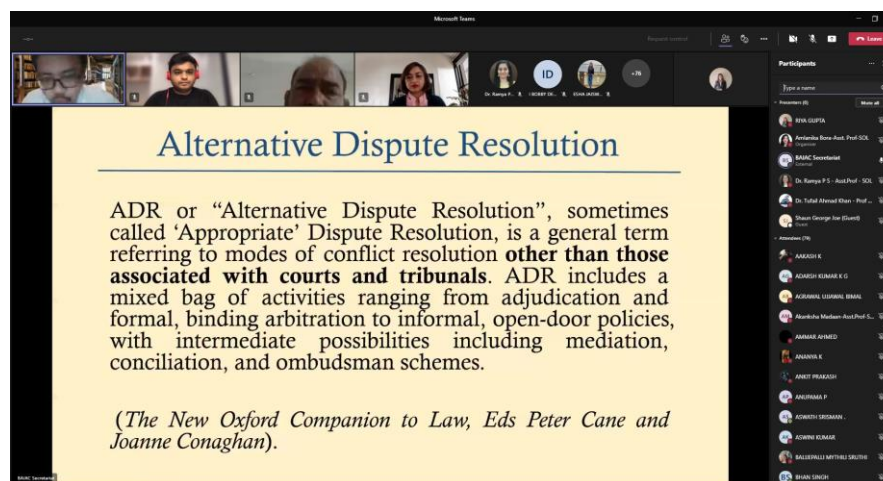
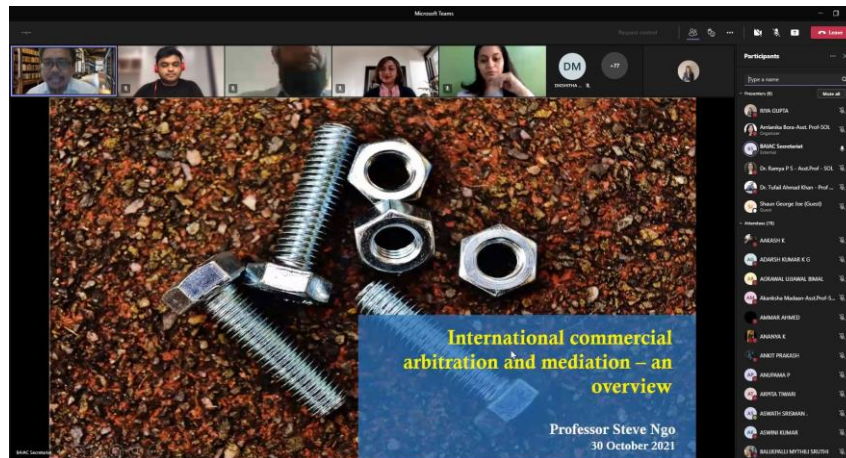
### **MR. STEVE NGO (REMARKS)**

*(Speaker, International Arbitrator, Academic and arbitration specialist, Founding President of Beihai Asia International Arbitration Centre, Singapore)*

The speaker **Mr. Steve Ngo** started the session by extending his gratitude to the organizers for inviting him to deliver his remarks at this very short presentation. The speaker explained I call it short because the thing is, in a way, not only that learning is a lifelong process, but also this is a very interesting and dynamic topic that is constantly evolving and a topic that is, of course,

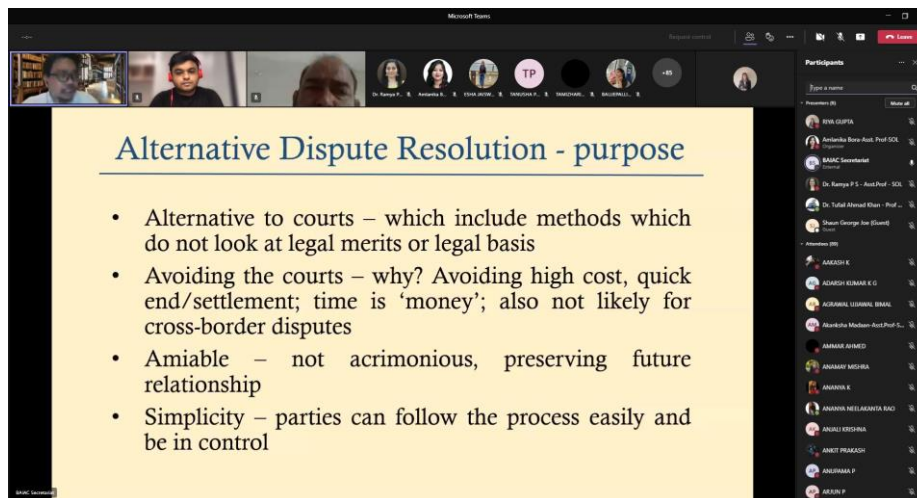
very close to his heart. And he considers this as a good opportunity to continue to pass on this knowledge and said that “It's up to us, the sky is not the limit.”

So he looked forward not just to deliver one of one seminar and walking away and that was not his intention.



To start with this topic, the speaker said that it was the court that was selected for publication many years ago because we all know that the dynamics of the rule of law every 234 years are sometimes different. Now, what's interesting is that ADR is exactly the opposite. First, we have two methods of confrontation, dispute resolution disputes involving courts and jurisdictions. Now people sometimes wonder what that entails because arbitration is a court and sometimes to make matters worse we adjudicate arbitral tribunals with a panel of judges. True to all he said today, that given the nature of arbitration, the way it will behave, we can expect an arbitration process to be in place now and what, not just at present. Party for months or years, but the longest. This is a question that he has seen since today. So not as often as before, but he still hears situations or people who have received a notice of arbitration and think it is not

another important announcement, to witness a settlement. Dispute. And they choose to ignore it.



The image is a screenshot of a Microsoft Teams meeting. The main content is a slide with a yellow background and blue text. The slide title is "Alternative Dispute Resolution - purpose". Below the title is a bulleted list of four points. The top of the screen shows a video gallery with several participants. On the right side, there is a "Participants" list with names and profile pictures.

**Alternative Dispute Resolution - purpose**

- Alternative to courts – which include methods which do not look at legal merits or legal basis
- Avoiding the courts – why? Avoiding high cost, quick end/settlement; time is 'money'; also not likely for cross-border disputes
- Amiable – not acrimonious, preserving future relationship
- Simplicity – parties can follow the process easily and be in control

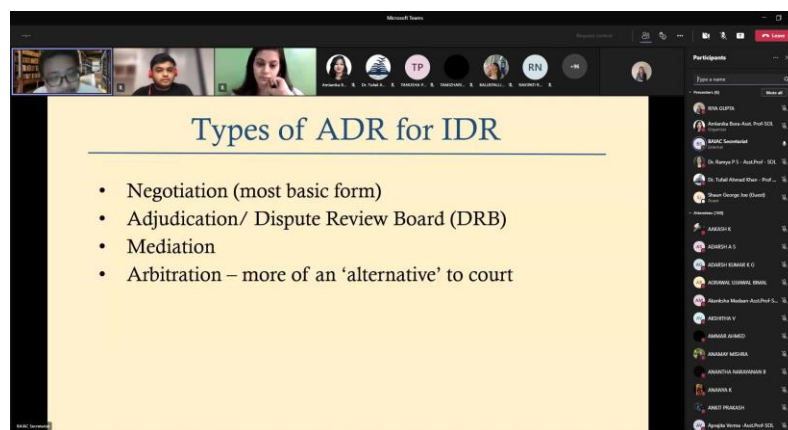
The speaker further raised the question why should this become a real-life legal process? The idea of alternative dispute resolution makes sense from the whole, wherever we invent philosophy, towards necessity and need for a solution that takes us away from the judicial system, Singapore, and India. Degree. We are part of the global legal system because we understand that the civil law system has its problems too, not the problem of releasing oil for a very long time. Courts have been viewed as an esoteric method of where or how employees use cuts that are not easily understood by the general public and ordinary people. That's right, that is, if you go to court today, you'll likely need an attorney to represent you.

And the lawyer decided, the lawyer decided on a lot of aspects of the dispute resolution, the proceedings, because they are also taken seriously but in the case of alternative dispute resolution, the costs will be fully applicable to civil disputes where the parties wish to have better control. And not just there, they want to use methods that combine them. Or bring that to the fore. The kind that can be consumed both complicates and hurts and all of these exist.

The speaker mentioned that all of these are common problems we encounter when litigating in the court system. After that, he explained the facts with a help of a joke that once upon a time, people told this joke that there was an elephant who was an elephant in the forest and went to work. And suddenly the baby elephant saw a buffalo running out of the forest, very frightened, was about to run away when the elephant looked at the map. The elephants at the buffalo house said they surrounded the older horses.

He noted that there are two things in life that you should avoid. Well, the reason why we avoid going to court, the cost is high and then we want to try alternative expedited methods, a Thomas agency and sometimes like in mediation it allows the parties to go come to an amicable rather than harsh solution, and he sometimes finds the parties trying to resolve the issue amicably because they want to continue the business or contractual relationship, and thus preserve the future relationship. Because the point is if you bring a dispute to litigation or arbitration including arbitration and he wanted to emphasize that and wanted to talk about it because it's very easy to fight, that's not must be a method of settling disputes that the parties will fight. Again, he mentioned that he is not saying mediation is a guaranteed process, but it will help.

It is not necessary to understand things that you do not even understand because it describes an action in the old English language, but it is present in the mediation, the mediators or the parties coming together, only That's it, you see like this is right what you see is what you get.



So he said that he would view arbitration as an alternative to the court rather than an ADR process. We will post, arbitrate, conciliate or conciliate as ADR, but he warned that arbitration is known as a real alternative due to many legal characteristics of arbitration among others, of course, our experts passed, among others. Once you have an arbitration clause in your contract, there is certainly no alternative unless both parties agree to either avoid the arbitration clause or opt-out of the arbitration which both parties have already decided. To summon. But if not, you certainly cannot get out of the arbitration clause unilaterally.

Therefore, that's the reason why he had always argued that it's wrong to discuss arbitration not as ADR, but as wrong because it's not an alternative dispute resolution method. When it comes to an alternative, however, it means you have the choice to go to court or take the trip to someplace, but above all discuss it.

The screenshot shows a Microsoft Teams meeting interface. At the top, there are several video thumbnails of participants. Below them is a slide with the following text:

## What is Mediation

According to the International Chamber of Commerce (ICC):

Mediation is a **flexible and consensual technique in which a neutral facility helps the parties reach a negotiated settlement of their dispute**. The parties have control over the decision to settle and the terms of any agreement. Settlements are contractually binding and widely enforceable.

The mediation process is designed to give parties a better understanding of each other's business needs. As such, **each can look for a win-win solution that upholds their respective interests**. The result always remains in the parties' hands, which reduces potential risks that are so often associated with other forms of dispute resolution.

Mediation is a useful approach when parties in dispute have an ongoing relationship that they wish to preserve, such as a joint venture or long-term supply contract. With mediation, this is possible whereas there is unlikely to be any legal basis for seeking such relief in arbitration or litigation.

On the right side of the slide, there is a 'Participants' list with names and profile pictures, including Rita Gupta, Anilanka Bose, BAAC Secretariat, Dr. Ranjya P S, Dr. Tabal Ahmad Khan, Shaun George, Aakash K, Adarsh A S, Adarsh Kumar K G, Agrawal Ushwal, Anandita Madam, Akshitha V, Ammar Ahmed, Anamay Mishra, Anantha Narayanan B, Ananya K, Ankit Praakash, and Anjali Verma.

Another area mentioned by Mr. Steve was Mediation. Like, what is mediation that he can describe himself considering some of these definitions present in the above slide, one thing is for sure the ICC has described what mediation is very well. It is flexible, unanimous, in that a neutral basis helps the parties reach a negotiated settlement of disputes. He further, mentioned that sometimes people go overboard and overzealous with the overseers, and sometimes they describe mediation in a way that we don't understand, also describing mediation in a way that is not what it is supposed to be.

Mr. Steve also talked about the Mediation process where he stated that space means your legal right to mediation, but we can't talk about it. Because there is a decision-maker for the parties in arbitration or litigation, judge or arbitrator, but not in mediation. The mediator is not required to make decisions for the parties unless requested by the parties.

The speaker stated that this is where the strengths and weaknesses of arbitrary mediation must be understood. And that's why at the end of this presentation, he wanted to talk about the potential for cooperation between mediation and arbitration, which has been around for a long time, why and how we can harness the power of arbitration. The amount of power of most of these disputes to resolve. Process for him to work together. So in a few words, Mr. Steve said that this is reconciliation. Some of the basics are there but three pieces of information or explanation about mediation.

The screenshot shows a Microsoft Teams meeting interface. At the top, there are three video thumbnails of participants. The main content is a slide with the title "Mediation" in blue. Below the title is a list of five bullet points. On the right side, there is a "Participants" list with names and profile pictures.

**Mediation**

- A trusted and respected person by both disputing parties, helping to reconcile and solve problems
- Mediation does not need to look at legal basis or legal merit
- Mediation looks at win-win outcomes; but not always how it's often portrayed to be
- Some mediation centres have some rules and structure to mediation sessions to give it some structure. But it is usually more fluid than arbitration.

The speaker explained that the mediator is just one person. And for one thing, this mediation works. Mediation is therefore very flexible.

The screenshot shows a Microsoft Teams meeting interface. At the top, there are three video thumbnails of participants. The main content is a slide with the title "Mediation - outcome" in blue. Below the title is a list of three bullet points. On the right side, there is a "Participants" list with names and profile pictures.

**Mediation - outcome**

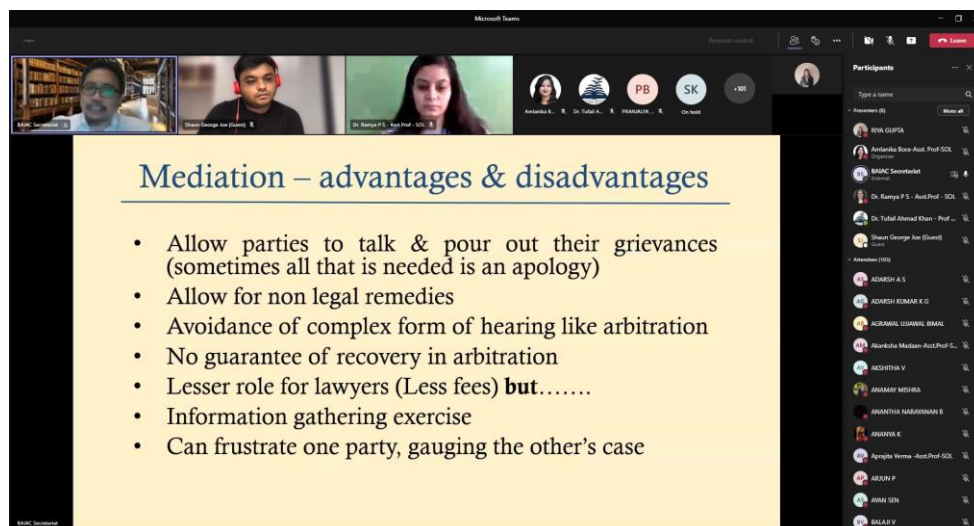
- In mediation parties arrive at a solution which is contained in a Mediation Agreement. In the event of a default you will still need to sue on the Settlement Agreement.
  - Not effective as you will need to go to court
  - Defeats the purpose of resolving disputes out of court system
- Change in situation – **United Nations Convention on International Settlement Agreements Resulting from Mediation** "Singapore Convention" (*entry into force: Belarus, Ecuador, Fiji, Qatar, Saudi Arabia, Singapore: Honduras and Turkey in 2022*)
- In arbitration, the arbitrator makes an award after hearing parties
  - No further appeal
  - Appeal on limited grounds like fraud, against public policy or mistake

Mr. Steve elaborated the concept of mediation outcome via participants where he stated that participants will usually go through a mediation process, they will have the contractual terms of a debt contract, which may indicate that others can ask the parties to arbitrate first-party matters. , but like he noted that 'It is right, it's voluntary, whether it's the act itself to come to reconciliation, and voluntary service in terms of spirit, state of mind, you can't force anyone it in its place. He or she can boldly participate in the mediation process with his or her mind. It's not like when you go to arbitration or a court you'll agree, but it's the decision of one decision-maker for the parties. He mentioned about congress that it is in the process of removing the poor cousin syndrome from arbitration or focusing on arbitration, in the sense that from now on, the date of amicable settlement is to pursue an agreement that allows the centre or not just



resolved amicably. And has set them to be enforceable by being enforceable in many of your world's countries or jurisdictions, like the New York convention. Therefore, he mentioned that the convention allows enforcement of an award or arbitral award in many countries and almost all countries in the world, which is even more powerful than an internal dispute, because in the case of an internal dispute if suppose some person and he has a dispute, the person will sue him in the following courts and get a judgment in his favour, good judgment. He further said one in Singapore, but differently, if it is arbitration because one can apply it under the New York convention.

Mr. Steve explained the context with an example that he can also impose Singapore arbitration award in India understatement of costs under Indian law which requires the country to be unified under section 44 of Arbitration Mediation Act but it is now under Mediation case in New York for the settlement agreement. Now it is the first step to replicating the New York convention. But more than Mr. Steve said, if you add the situations, you can see that almost every country in the world has ratified the New York convention, but the new convention is still in progress. So of course in the case of the Singapore convention, not only because it takes time and sometimes for the convention to be implemented, the country needs to either pass the law or be able to adapt it.



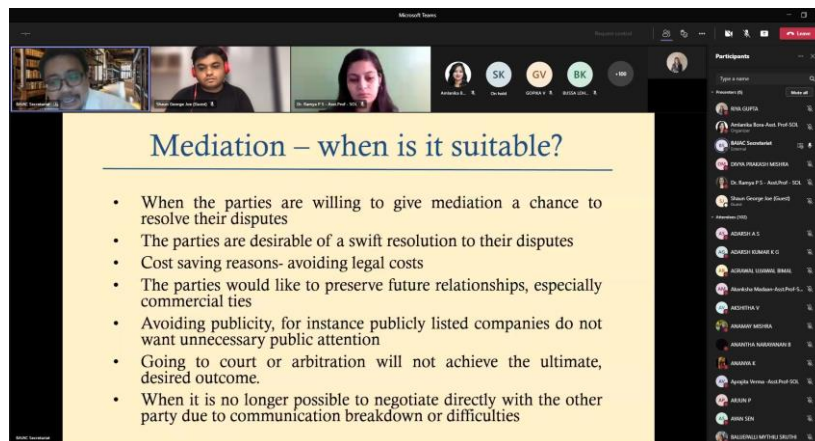
The image is a screenshot of a Microsoft Teams meeting. The main content is a slide with a yellow background and blue text. The slide title is "Mediation – advantages & disadvantages". Below the title is a bulleted list of seven points. The top of the screen shows a video gallery with several participants. On the right side, there is a "Participants" list with names and profile pictures.

**Mediation – advantages & disadvantages**

- Allow parties to talk & pour out their grievances (sometimes all that is needed is an apology)
- Allow for non legal remedies
- Avoidance of complex form of hearing like arbitration
- No guarantee of recovery in arbitration
- Lesser role for lawyers (Less fees) **but**.....
- Information gathering exercise
- Can frustrate one party, gauging the other's case

The speaker, Mr. Steve elucidated the advantages and disadvantages of mediation. He recognized that it is possible to avoid a complicated theory like arbitration, he even assured that it is quite complicated nowadays not creating a win-win situation. As a Mediator, one will be second so we will use the same standard therefore, it's pretty complicated, if someone changes the arbitrator too it's just a process and at the time of arbitration it's completely arbitrary, one might not necessarily get what he/she wants.

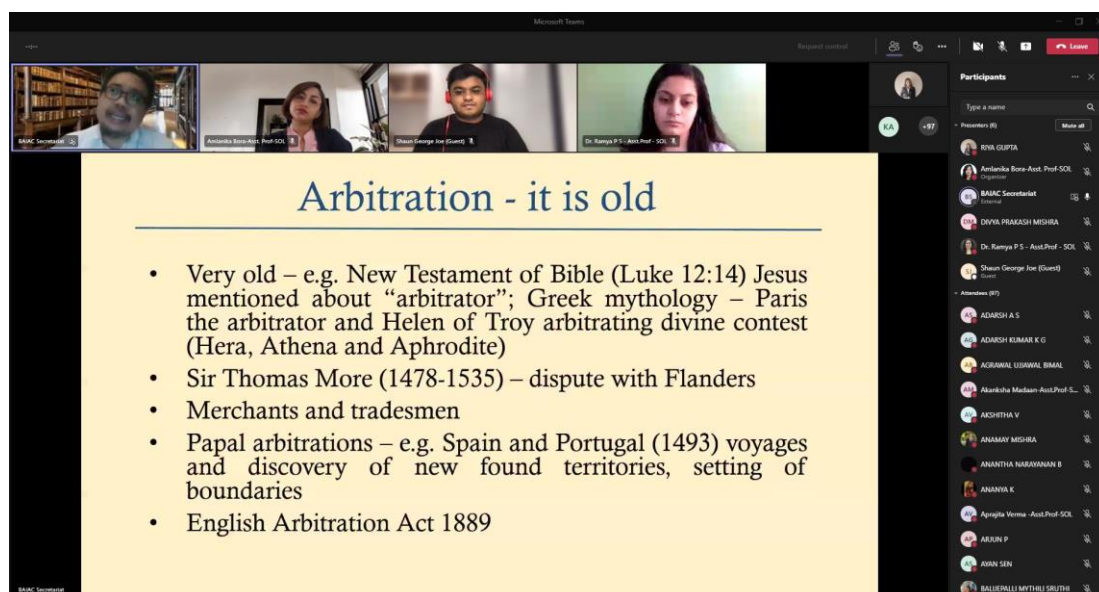
He further admitted that there are also some downsides to public mediation that is no guarantee of settlement.



**Mediation – when is it suitable?**

- When the parties are willing to give mediation a chance to resolve their disputes
- The parties are desirous of a swift resolution to their disputes
- Cost saving reasons- avoiding legal costs
- The parties would like to preserve future relationships, especially commercial ties
- Avoiding publicity, for instance publicly listed companies do not want unnecessary public attention
- Going to court or arbitration will not achieve the ultimate, desired outcome.
- When it is no longer possible to negotiate directly with the other party due to communication breakdown or difficulties

Mr. Steve believed that even mediation is causing someone to leave you with only money. One must accept responsibility. Mediation can be like talking to someone talking to someone other than that, keeping the economics of the war for real because there are issues of liability and it's not as simple as the real business world. Many balances after the comments also ended early. Mr. Steve repeated by saying that arbitration commences between the parties and representatives, even if the arbitration does not undergo a full six hearing or a full hearing. Because the parties very quickly realize that there are too many resources, time, and time involved, and they decide to drop the whole thing and walk away. While haphazard arbitration is sometimes questioned as a method of resolving disputes between the parties that may arise. That is why we are looking at this information and trying to understand that these people will consider mediation and try it.



**Arbitration - it is old**

- Very old – e.g. New Testament of Bible (Luke 12:14) Jesus mentioned about “arbitrator”; Greek mythology – Paris the arbitrator and Helen of Troy arbitrating divine contest (Hera, Athena and Aphrodite)
- Sir Thomas More (1478-1535) – dispute with Flanders
- Merchants and tradesmen
- Papal arbitrations – e.g. Spain and Portugal (1493) voyages and discovery of new found territories, setting of boundaries
- English Arbitration Act 1889

After that Mr. Steve went on to explain that arbitration is an old method of dispute resolution. The first arbitration no more than in the 1800s was rejected. So the English that interests him is the beginning of more than the beginning of modern arbitration law and practice law.

The screenshot shows a Microsoft Teams meeting interface. At the top, there are four video thumbnails of participants. The main content is a slide with the following text:

## What is arbitration?

- Arbitration is a private and impartial legal dispute resolution method. It is backed by the state legal system. Lord Mustill in the foreword to a book, summarized arbitration:
- *The great advantage of arbitration is that if combines strength with flexibility. Strength because it yields enforceable decisions, and it backed by a judicial framework which, in the last resort, can call upon the coercive powers of the state. Flexible because it allows the contestants to choose procedures which fit the nature of the dispute and the business context in which it occurs.* (Foreword to D Mark Cato, Arbitration Practice and Procedure, 2nd Edition, 1997, LLP)
- Service to the public - Lord Donaldson MR, a former senior British judge said that *'arbitrators and judges are partners in the business of dispensing justice; the judge in the public and the arbitrator in the private sector'*.

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## What is arbitration?

- According to *Redfern & Hunter on International Arbitration* (Blackaby, Partasides, Redfern & Hunter, Oxford University Press, 2015), it is a method of resolving commercial disputes:
  - Where the disputants mutually agree, in the form of an **arbitration agreement**, to submit their disputes to a decision maker. It is a **private and consensual method of dispute resolution**.
  - The decision maker is an **'arbitrator'** who is a private individual
  - The arbitrator will **consider all the facts and the arguments presented by the parties then makes a decision which is final and binding on the disputants**
  - The arbitration process will not make reference to a court of law, in other words, the dispute resolution will be conducted entirely in private. However, enforcement under the New York Convention will require the assistance of a court of law if the losing party refuses to adhere to the arbitral decision of 'award' voluntarily.

Focusing on Arbitration, Mr. Steve gave the reason for this is primarily that arbitration has been extremely helpful in helping courts reduce their civil case precedent. The court system judges the employee on a fix. So this leads to delay. Justice delayed is justice denied so that is to say, law and justice are not just done or just done, they are served only when they are designed to be done, all you all know is this. So, in a civil justice system or a dispute resolution system, when it comes to this investigation, the dispute settlement system, the court can not only be overwhelmed, but also because when the court is overwhelmed, so in such discussion, plastic is to pay a price. The courts should focus on matters of public interest rather than dealing with your business jurisdiction, your dispute, and by disputing our civil business disputes.

**Types of arbitration**

- **Inter-state (State-state)**
  - Territorial disputes
- **Investor-State**
  - Under BITs
- **Private parties**
  - Business disputes

Outlining Arbitration the speaker explained that there are has three types. So in the common pretext of normal, commercial, private, it's the international commercial arbitration that we come across so often. But when we really of legal age and boom, we will probably know it for some of the more recent cases involving Reliance's addiction to testing scripts.

**Types of arbitration**

- **Inter-state (State-state)**
  - Permanent Court of Arbitration (PCA), International Tribunal For the Law of the Sea (ITLOS) – *compromise d'arbitrage*
- **Investor-State**
  - Under BITs – ICSID, UNCITRAL Rules
  - Also referred to as 'ISDS' (Investor-State Dispute Settlement) for disputes arising under Bilateral Investment Treaties. Foreign investors take governments to arbitration for expropriation or discriminatory treatment e.g. Karaha Bodas, Churchill Mining or Yukos arbitration.
- **Private parties**
  - Ad hoc or institutional arbitration. This is the most common arbitration, involving disputes between private parties. They include disputes arising from joint venture, sale & purchase, loans, construction, mining, import & export, etc

So what they are right that they often say about the Permanent Court of Arbitration clauses in territorial disputes is just to get lost. The speaker further explained the concept with a help of an example which is mentioned in the *below slide*, the most famous investor-state arbitration is the arbitration or taxing of political parties and unconstitutional arbitration.

**How 'big' can arbitration gets?**

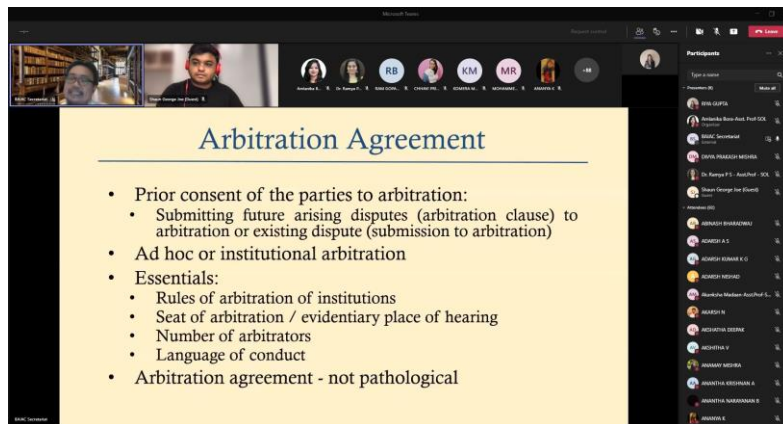
- **Yukos v Russian Federation (PCA) (2014)**
  - Amount claimed: **US\$ 114,174,000,000** but awarded **US\$ 50,000,000,000**
  - US\$ 50 billion = Thali meal (USD 2) x 3 times a day for everyone in Madhya Pradesh (72 million) for 115 days
  - Equivalent to about 100 Airbus A380

**About arbitration law & practice**

- The use of arbitration in commercial and non-commercial dispute resolution is very IMPORTANT
- Increase in international trade, cross-border investments or commercial transactions requires dispute resolution method of final and binding nature
- Arbitration is an alternative to court litigation but is a legal proceedings which requires special training and knowledge
- Also a subject very important to postgraduate business students and senior business executives

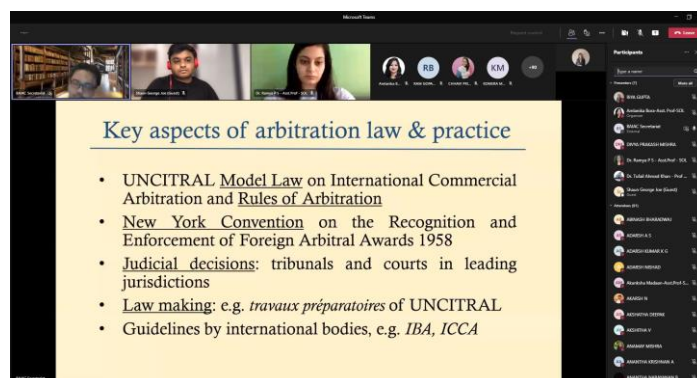
In addition, Mr. Steve also talked about the usage of arbitration to settle commercial and non-commercial disputes stating that it is very important due to the growth of international trade, investment, cross-border relations, and all types of trade. And trade transactions between the parties. Here he was talking about investment protection. This is why arbitration facilitates this kind of cooperation between the parties, but when doing business, they enter into a contractual relationship because there are dispute resolution mechanisms that allow the parties to choose a neutral venue for this decision.

He further mentioned that it is final and binding that deem binding, and the opportunity is important so long as the parties' autonomy chooses to return them. One may choose to take the course of seriously agreeing to this and apply it to them. This is why mediation is so important. And arbitrage, especially as an alternative to coaching, is growing a newspaper or business.



After that Mr. Steve, elaborated that the strategic concept of an arbitration agreement where he informed the audience he runs a reading comprehension program by writing a law school where it is always important to give lectures, make drafts or arbitration agreements, and understand how the voluntary retirement agreements and arbitration agreements we send to our budget are written. In an arbitration agreement, he explained that it can be, but the point is a conservative crop, a place of intervention, and a place. Therefore, it is very important from the outset when drafting an arbitration agreement, pathologically appropriate arbitration agreement. This means that arbitration agreements make sense for their existence today.

It was because doctors, drafters of legal documents, and lawyers were not very professional. Arbitration is the omission of this citation without citation, bad arbitration agreement, class. This may be because the parties are vulnerable to current past arbitration clauses. Comments should give up very good arbitration agreements and arbitration agreements that not only affect arbitration and arbitration resolution but most importantly prevent disputes from arising within disputes. Often they are not parties to disputes with arbitration clauses. This is not a pathology of lawyers in that the arbitration clause is too vague to enforce the arbitration agreement on the arbitration agreement due to the ambiguity of the arbitration agreement.



Due to limited duration of time, he told he may not be able to talk about each commodity, but capital, arbitration, law and practice, central authority law, arbitration law rules, and the UNCITRAL order law are the models to use



The screenshot shows a Microsoft Teams meeting interface. The main content is a slide with the following text:

### Unique features of arbitration

- Not part of local court/judiciary system (alternative to national court)
- "Party autonomy"
- Equal treatment of parties
- Private and usually conducted in strict confidentiality (however this may not necessarily apply to public listed companies whereby reporting requirement may compelled disclosure)
- Final and binding
- Enforceable in other parts of the world

The esteemed speaker, Mr. Steve while referring to the unique features believed that this is more than just talking about the party's full potential, it represents the party's business, and not every opportunity means it's an absolute opportunity. It should be remembered, however, that the inherent nature of arbitration due to the party autonomy, the party's treatment, the parties controlling the confidentiality, and the final and binding nature of the arbitration may be enforced elsewhere.

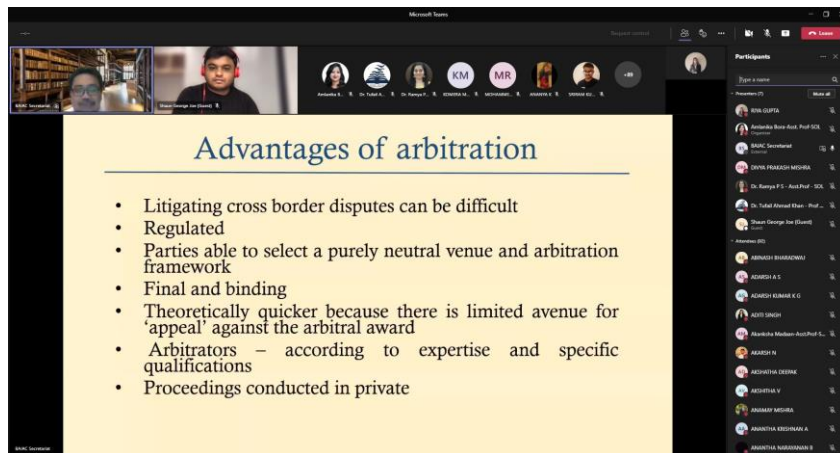


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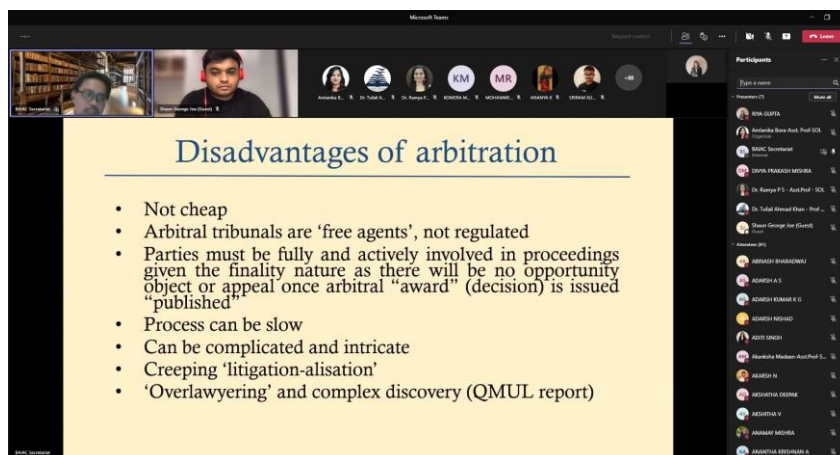
### What arbitration is NOT

- A court system
- 'Preliminary' dispute settlement process
- Mediation
- Retractable process (unilaterally)
- Voidable and optional when a valid arbitration agreement exists
- Friendly and amicable process

Most importantly, arbitration is not a judicial system, not a preliminary course. That is to say that mediation is not crazy.



The speaker further pointed out a few advantages of it and continued by stating that this Dispute, and therefore this Arbitration, is generally contested and has nothing to do with Singapore except for the place of arbitration or applicable law. That is why neutral arbitration can be used precisely by the parties for neutral use. And a potential solution to a neutral position.



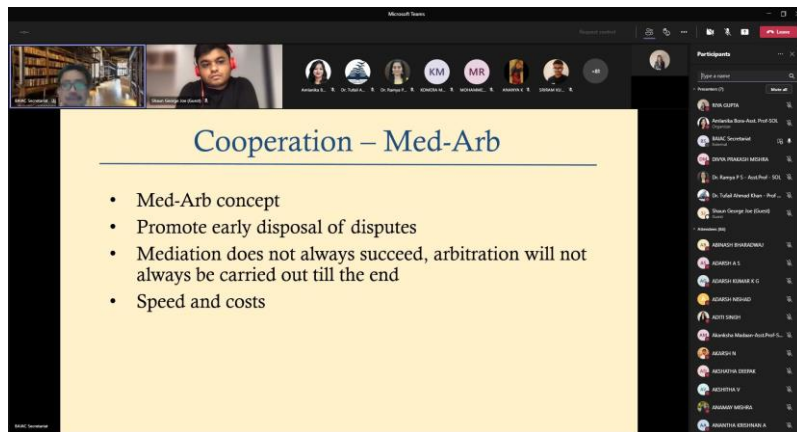
The speaker also highlighted some of the downsides of arbitration that it is not cheap, and arbitration courts have to pay. It can be complex, complex, slowly approaching globalization or judicial legalization of arbitration, or an overload of lawyers. Some commercial relations, civil matters of our time, we probably know or do not know, but it is not. But it tends to involve much more complex problems. Mr. Steve recalled that he recently got involved in an arbitration, and the aviation industry is so complicated that you don't even think about aviation or you like airplanes. Like most people, like most boys and girls, we all love flying, but he believed that we don't need to learn about the aviation industry, the licensing system, the manufacturing process because it's complicated. And advice from advisors, experts, and experts in arbitration that may be expended on paid work for such defense complex cases.







After that, Mr. Steve mentioned the problems faced in the arbitration that there is an opportunity to support them by waiving arbitration and arbitration.



Discussing the last topic the esteemed speaker, Mr. Steve suggested that in reality there may be more collaborations. We can think of something like Med-Arb and see it as a hybrid process rather than a current one to try and develop more to get the parties to settle disputes fairly. This is because arbitrations do not always take place at the NSF, so arbitrations are always successful. He concluded by reiterating that the students have a good chance and get off to a good start. And looked forward to interacting with students in the Q & A round.



## **Q & A SESSION**

Some of the major questions asked were as follows:

- 1) Why are we not able to reduce the cost? What is the reason why it has become very costly and beyond the approach of common people?
- 2) Are there any tests that can be performed to ensure transparency in previous arbitrations?
- 3) Is the arbitral tribunal currently handling contractual disputes? Can you expect to deal with criminal arbitration disputes in the near future? Probably a small one, not a big one?
- 4) What is the future of the hybridity of mediation and arbitration? Can the hybrid mechanism bridge the arbitration and mediation gap?
- 5) Given your age and location, you've spent a lot of time in this field. What difficulties did you face in the initial process in inculcating the belief in the arbitration process in people?
- 6) How can we inculcate the belief of the arbitration process in the people of India as any solution offered apart from the judiciary is not given much value?

## **PROF. (DR.) P S RAMYA (VOTE OF THANKS)**

*(Co-convener, Co-ordinator of Research Club, School of Law, Presidency University)*

Prof. Ramya remarked that it was very fascinating listening to Mr. Steve Ngo, and just to reiterate it was a very lively presentation that region chested all the aspects. On behalf of Presidency University, expressed her sincere thanks and gratitude to the esteemed speaker of this program. She extended her deepest regards to the speaker who took the time and effort and sharing such valuable insights on a very pertinent topic. She highlighted that his presentation was not only highly valuable, but he also drew on the concept of legal through realism and tied it particularly to the complexities of arbitration. She appreciated his way of explanation mentioning that she was particularly drawn to how he spoke about arbitration being a burden paper, using the burden of the courts, which she believed is a universal problem for the judiciary. She summarized the speaker's thought most importantly that his reflections and analysis reveal how the frames of arbitration despite being portrayed as very successful come with their baggage and drawbacks, which are often overlooked. She highlighted that the

