



PRESS RELEASE

12 July 2017

MARC sets up new governance structure with some of the world's most eminent arbitration experts.

The MCCI Arbitration and Mediation Center (MARC), ADR arm of the Mauritius Chamber of Commerce and Industry), officially announced the composition of its new MARC Court during the opening of a high-level international conference on arbitration on the theme of 'Efficiency in Arbitration Proceedings', held on 12 July 2017, in Port Louis.

- **New governance structure for MARC, with some of the world's most eminent arbitration experts.**

During his welcome address at the Conference, the President of MCCI, Mr. Azim Currimjee, announced the new governance structure of MARC, which shall be composed of a MARC Court and a MARC Advisory Board. He also announced the names of the members of the MARC Court, which shall be presided by **Neil Kaplan**, a major figure of the world of international arbitration.

By setting up the MARC Court, MARC brings itself in line with international best practices in arbitration, in order to better serve the business community.

The President of the MCCI emphasized the importance of opting for institutional arbitration instead of ad hoc arbitration, outlining that a world of difference exists between the two systems, with the former involving more efficiency, accountability, transparency and ease of enforcement.

He also highlighted the important role of an arbitration institution such as MARC: *'Arbitration is private justice, and as an arbitration institution, our responsibility is a significant one: **to ensure that the right parameters are in place for arbitrations to take place as efficiently and as ethically as possible.**'*

The Attorney-General of Mauritius, Hon. Ravi Raj Yerrigadoo, guest speaker during the opening of the Conference, congratulated MCCI and MARC on this initiative: *'We would like to seize the present opportunity to congratulate MARC for contributing to place our country as an attractive venue for Arbitration in the region. The adoption of a new governance structure for MARC with leading eminent experts in the field of international arbitration headed by Mr. Neil Kaplan will surely comfort MARC position as a prime Arbitration Centre delivering services of high international standards,'* he said, reiterating his assurances that Government will give its full support to the promotion of arbitration in Mauritius.

➤ **Members of the MARC Court**

The MARC Court's tasks will include *prima facie* decisions on MARC's jurisdiction to accept a case, decisions as to the number or appointment of arbitrators in the absence of agreement between the parties, decisions on challenges raised against arbitrators and decisions on other issues related to procedure.

The members of the MARC Court are:

Neil Kaplan, President



Mr. Neil Kaplan CBE QC SBS has been a full-time practising arbitrator since 1995. During this period he has been involved in several hundred arbitrations as co-arbitrator, sole arbitrator or chairman. These arbitrations have included a wide range of commercial, infrastructure and investment disputes. Called to the Bar of England and Wales in 1965, Mr. Kaplan has practiced as a barrister, Principal Crown Counsel at the Hong Kong Attorney General's Chambers, and served as a Judge of the Supreme Court of Hong Kong in charge of the Construction and Arbitration List.

From 1991 to 2004, he was Chairman of the HKIAC, and in 1999 – 2000, he was President of the Chartered Institute of Arbitrators. Since 1995, he has been a Council Member and now Governing Board Member of the International Council of Commercial Arbitration. Between 2012 and 2016 Mr. Kaplan was also a Member of the ICC International Court of Arbitration. He is a Chartered Arbitrator and a Fellow of the Chartered Institute of Arbitrators, the Hong Kong Institute of Arbitrators, and the Singapore Institute of Arbitrators. He is a panelist of several other arbitral institutions including CIETAC. Since 2017 he has been the President of the Court of the Mauritius Chamber of Commerce and Industry Arbitration and Mediation Centre (MARC).

Aisha Abdallah



Aisha Abdallah is the Head of the Litigation Department at Anjarwalla & Khanna and is based at the head office in Nairobi. She is dual qualified in Kenya and England and Wales and has over 16 years of experience in dispute resolution. Aisha's practice focuses on domestic and international arbitration, commercial litigation, anti-corruption, insolvency and disputes over land, the environment and natural

resources. Much of her work involves cross border disputes. Aisha regularly writes and speaks on a wide range of contentious issues, including arbitration and anti-corruption. She is the co-author of the Kenyan chapter of the 6th, 7th and 8th editions of the International Arbitration Review.

Funke Adekoya



Appointed Notary Public in 1986 and elevated to the rank of Senior Advocate of Nigeria (SAN) in 2001, Funke Adekoya, was nominated and voted as the Most Outstanding Female Legal Practitioner of the Year 2007 by Financial Standard Newspaper and Women Entrepreneurs African Network. As a litigator, she represents clients regularly before the Nigerian courts at all levels, and has provided expert opinions and appeared as an expert witness on Nigerian law issues before the courts of England, United States and Turkey. In the field of arbitration, she represents both local and transnational parties as counsel in both domestic and international arbitration proceedings within Nigeria and abroad and has acted in numerous disputes as either - party appointed Arbitrator, Sole Arbitrator and Presiding Arbitrator.

Makhdoom Ali Khan



Makhdoom Ali Khan serves as Senior Counsel at Fazleghani Advocates. Mr. Ali Khan was the Attorney General of Pakistan during which time, he advised the Pakistani Government on all international arbitrations in which it was involved. He is a Senior Advocate of the Supreme Court of Pakistan, appearing in a large number of landmark cases, and he also appears before both domestic and international arbitral tribunals in commercial and investment disputes. He serves as a Director of American Arbitration Association. Mr. Ali Khan is the author of the Recognition and Enforcement Ordinance, by which the New York Convention was incorporated into the laws of Pakistan. He also authored the Arbitration Ordinance to implement the ICSID Convention.

Matthieu de Boisséson



Matthieu de Boisséson specializes in International Commercial Arbitration and International Litigation. He advises French and international companies in the fields of oil and gas, mining, construction, joint-ventures, government and defence contracts, distribution, telecom and high technologies, advertising, mergers & acquisitions and investments.

Laurence Burger



Laurence Burger's legal practice focuses mainly on international dispute resolution in investment and commercial arbitration. She has considerable experience representing parties in arbitral proceedings and has often been appointed to act as sole arbitrator, president or as a member of an arbitral tribunal.

Laurence also advises a wide variety of clients in various economic fields such as banking and finance, oil and gas, defense, information technology, sports, telecoms, construction, pharmaceuticals, shipping and the food and beverage industry on issues of Swiss commercial law and corporations. A dual Swiss and US-trained lawyer, Laurence is located in Geneva, Switzerland.

Cheng-Yee Khong



Cheng-Yee Khong specialises in international arbitration, having acted for parties at Freshfields Bruckhaus Deringer in Paris and administered arbitrations as the director and counsel of the Secretariat of the ICC International Court of Arbitration in Hong Kong. She is qualified to practise law in England and Wales as well as Malaysia. Her career to date spans Paris, Kuala Lumpur and Hong Kong. Cheng-Yee recently joined Allegiance Capital Partners, a third party funder based in Perth, Australia.

Achille Ngwanza



Dr. Achille Ngwanza teaches arbitration law and petroleum and mining law in several European and African universities. Author of several publications, he is also a practitioner of ICC arbitration, OHADA arbitration and various other systems of African arbitrations.

Marike Paulsson



Marike Paulsson is the Director of the University of Miami School of Law's International Arbitration Institute and Lecturer in Law. Marike has over fourteen years of practice and academic experience in public international law, international arbitration and cross-border litigation. She teaches in the US, the Middle East, India, Latin America and Europe and publishes extensively in the field of international arbitration and public international law. She is a leading expert on the 1958 U.N. Convention on the Recognition and Enforcement of Foreign Arbitral Awards (The New York Convention). She has assisted in the drafting of numerous expert opinions on the Convention and acts as an expert witness herself. She has co-authored and edited the ICCA Guide on the New York Convention (International Council for Commercial Arbitration) and co-founded the ICCA NYC Roadshow for the purposes of which she familiarizes judges around the world with the application of the Convention in the national space. She is the author of "The 1958 New York Convention in Action". She is the vice president for North America of the Global Legal Institute for Peace and Conflict Resolution Centre of the University of Sao Paulo. Marike, a Dutch national, speaks five languages and has degrees from Leiden University, University of Miami and Sciences-Po Paris, and is a member (and past member) of the Dutch, Bahraini and Belgian Bar and is a Foreign Legal Consultant in the US.

David Rivkin



David W. Rivkin is Co-Chair of the International Dispute Resolution Group of Debevoise & Plimpton and the Immediate Past President of the International Bar Association. A litigation partner in the firm's New York and London offices, Mr. Rivkin has served as counsel and arbitrator in international arbitrations throughout the world for more than 30 years. He is consistently ranked as one of the top international dispute resolution practitioners in the world. *Chambers Global* (2015, 2016, & 2017) identified Mr. Rivkin as one of the top fourteen international arbitration practitioners worldwide, and recognized his demonstrated "aptitude for complex, high-stakes disputes" in international arbitration. He has also served on the Board of many other international arbitration institutions.

Klaus Sachs



Klaus Sachs is a partner of the German law firm CMS Hasche Sigle. He has acted as arbitrator in more than two hundred international arbitrations, both commercial and investor-state disputes under various rules. He is member of the Governing Board of ICCA and a former Vice-President of the ICC Court. He is co-publisher of the German Arbitration Journal and teaches arbitration law as professor at the university of Munich.

Roger Wakefield



Roger Wakefield has been a director in Werksmans Attorneys Litigation and Dispute Resolution Department since 1996. Roger specialises in major commercial litigation with a focus on health, pharmaceutical & life sciences and technology. He has in-depth expertise in cross-border disputes, enforcements of foreign judgments, private international law and commercial litigation in the United States. He is also skilled in arbitration, mediation and alternative dispute resolution; IT litigation; administrative law; intellectual property law, trade marks & copyright law; healthcare and health funding; mining law; and corporate fraud. Roger has been involved in a number of foreign judgment cases that are now leading authorities in South African law. He is named as a leading commercial litigator in The International Who's Who of Commercial Litigators and in Best Lawyers.

MARC Conference on Efficiency in Arbitration Proceedings

The MARC Conference held on 12 July 2017 was a success. The audience had the opportunity to hear Neil Kaplan on the arbitrator's perspective on how to control cost and time in arbitration proceedings, Jalal El Ahdab on the counsel's perspective on how to enhance the efficiency of arbitration proceedings, Cheng-Yee Khong on third-party funding, and Jamsheed Peeroo on emergency and expedited proceedings.

About the MCCI Arbitration and Mediation Center (MARC):

MARC is the autonomous Alternative Dispute Resolution branch of the Mauritius Chamber of Commerce and Industry (MCCI). It was established as an initiative of the MCCI to provide the business community with neutral, rapid, efficient, flexible and confidential means of resolving disputes, through mediation or arbitration, as alternatives to litigation before national state courts. MARC benefits from the logistic facilities and services of the MCCI, the oldest private sector institution in Mauritius and the Indian Ocean Region, a well known actor of the world of business and very well-regarded by corporations, governments, legal professions and other private sector stakeholders. The MCCI pioneered institutional arbitration in Mauritius with the setting up of the MCCI Permanent Court of Arbitration in 1996, rebranded as MARC in 2012, and has since then constantly striven, through representations, sensitization campaigns, training, events to spearhead developments in the field of arbitration and ADR in Mauritius and the region.

For more information, contact us :

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