

**ASIAN MEDIATION ASSOCIATION
PROTOCOL FOR THE REFERRAL OF DISPUTES**

1. Referral of Disputes

- 1.1 When an Asian Mediation Association ("AMA") Member ("the Referring Centre") encounters a dispute which it deems itself not to be in the best position to mediate, or which it deems may be more appropriately mediated at another mediation centre, the Referring Centre shall, as far as possible, refer that dispute to another AMA Member ("the Referred Centre").
- 1.2 Such referral shall be in accordance with the terms of the AMA Protocol for the Referral of Disputes ("this Protocol").

2. Disputes Referred

- 2.1 An AMA Member may refer a dispute to another AMA Member in the following situations:
- a where a neutral venue for mediation is required;
 - b where the parties to the dispute request that mediation be conducted in the country of the Referred Centre;
 - c where the Referring Centre does not have the resources or expertise to handle the dispute which the Referred Centre has; or
 - d where the Referring Centre deems the dispute appropriate for such referral.
- 2.2 The Referring Centre shall be at liberty to decide to which Referred Centre a dispute should be referred. The Referring Centre should bear in mind the best interests of the parties to the dispute in making such a decision.

3. Referral Process

- 3.1 The Referring Centre shall initiate the referral process by sending a request for mediation to the Referred Centre. Such a request should state the nature and quantum of the dispute, and the names and contact details of the parties to the dispute, and their legal advisers.
- 3.2 The Referred Centre shall:
- a if it is unable or unwilling to handle the dispute, within 5 working days from the date of request, so inform the Referring Centre;
 - b if it is able and willing to handle the dispute, within 7 days from the date of request, contact all the parties to the dispute to initiate the mediation process.

- 3.3 The mediation will be conducted by the Referred Centre according to the mediation rules and procedure of the Referred Centre for the time being in force.
- 3.4 Subject to Clause 3.3, the Referred Centre will make the necessary arrangements for the mediation, including but not limited to:
- a appointing the mediator or mediators;
 - b organising a venue and assigning a date for the mediation;
 - c organising an exchange of information on the dispute and other documents; and
 - d providing case management and general administrative support.

4. The AMA Secretariat

- 4.1 The Referred Centre shall keep the AMA Secretariat informed of the status of all disputes covered by this Protocol and provide the AMA Secretariat with all the information it requests, including:
- a information on when the referral was made and by whom;
 - b nature and quantum of dispute;
 - c nationality of the parties to the dispute;
 - d identity of mediator or mediators;
 - e whether the parties proceeded with mediation at the Referred Centre and the date and duration of the mediation;
 - f whether the dispute was successfully resolved; and
 - g such other information which the AMA Secretariat may request.
- 4.2 The AMA Secretariat shall maintain statistical records on all disputes referred pursuant to this Protocol.

5. Legal Effect and Effective Date

- 5.1 This Protocol is not established as a formal or legal agreement. This Protocol is only a definite expression and record of the objectives and intentions of the AMA Members.

- 5.2 In the event that there is any conflict between the terms as set out in this Protocol and the AMA Charter, the terms and conditions of the AMA Charter shall prevail.
- 5.3 For avoidance of doubt, this Protocol in no way obliges an AMA Member to refer disputes to another AMA Member if it deems it inappropriate to do so.
- 5.4 This Protocol shall enter into force on the 18th day of April 2008.

Approved the eighteenth day of April in the Year Two Thousand and Eight.