

INTERNATIONAL ARBITRATION LAW LIBRARY



**NEW FRONTIERS IN
ASIA-PACIFIC INTERNATIONAL
ARBITRATION AND
DISPUTE RESOLUTION**

EDITED BY LUKE NOTTAGE,
SHAHLA ALI, BRUNO JETIN &
NOBUMICHI TERAMURA

 Wolters Kluwer

CHAPTER 9

Malaysia's Involvement in International Business Dispute Resolution

A. Vijayalakshmi Venugopal

Malaysia has had some early but comparatively limited involvement in formally resolving trade disputes, but more engagement in investor-state dispute resolution – including as a home state for investors bringing claims, not just as a host state respondent. Some companies in Malaysia and its main international arbitration centre have also been involved in domain name dispute resolution. That centre and some other organisations have long promoted various types of Alternative Dispute Resolution (ADR), with renewed efforts in recent years to develop new procedures and attract more international commercial arbitrations. Malaysia has also been quite active in negotiating free trade agreements (FTAs). This creates a solid platform to continuing becoming more of a rule-maker in international investment law as well as a significant regional hub for international business dispute resolution services, although Malaysia still has a way to go in both respects compared to larger Asia-Pacific economies and/or more established hubs.

§9.01 INTRODUCTION

This chapter presents an overview of international business dispute resolution cases involving Malaysia. Malaysia's commitments to international organisations and agreements have resulted in Malaysia being subject to actual and potential international business dispute resolution cases, as well as the nation or its investors initiating some others. Malaysia has also been renewing efforts to become a popular regional seat for international commercial arbitration, not only involving Malaysian parties. This is not a definitive discussion of the broad range of such cases but illustrates some of the issues and contexts arising from Malaysia's involvement in international business dispute resolution.

Overall, Malaysia has had some early but comparatively limited involvement in formally resolving trade disputes, but more engagement in investor-state dispute