

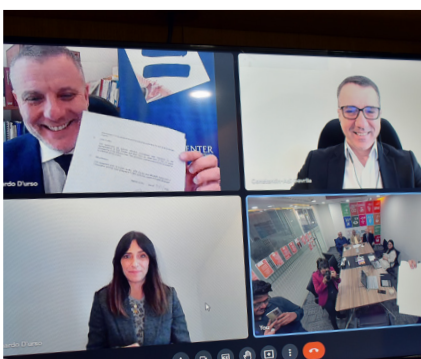
# ENDEAVORING TO CREATE A ROBUST **ADR** ECOSYSTEM IN PAKISTAN

Alternative Dispute Resolution is a universally accepted dispute resolution mechanism that is quickly gaining global traction.

The rising popularity of ADR can be explained by the number and amounts of settlements achieved, ADR being more cost-effective than litigation, a preference for confidentiality, and the desire of some parties to have greater control over the selection of the individual(s) who will decide their dispute. And that's what we are trying to bring to Pakistan.



## Highlights



### Reforming Legislation

from Karachi to Gilgit - introducing and implementing model Mediation Bills to cabinet members of the Legislative Assembly and the Superior and District Judiciary.

### National & International conferences

Held across Pakistan which contributed towards the implementation of a sustainable mediation ecosystem.

### Our partnerships

with leading commercial entities and financial institutions across Pakistan to develop ADR mechanism across the nation.



# From the desk of Justice (R) Arif Hussain Khilji Managing Director, MICADR



As Managing Director of MICADR, I, on behalf of our esteemed Board Members and our team here at MICADR, am pleased to launch the first version of 'The Musaliha Bulletin' – an initiative by MICADR to keep our valued partners and members informed of the latest development in the Alternative Dispute Resolution landscape and MICADR's contribution to the ecosystem.

Allow me to begin by our greatest milestone since our inception. It gives me immense pride to inform you that MICADR has achieved a phenomenal success rate of 96% in over 60 mediations conducted at the center since January 2023. The Almighty has been kind. This outstanding accomplishment is a testament to the dedication and expertise of our mediators and the trust placed in us by our members. It gives me even greater pleasure to announce that the majority of these mediations were conducted on a pro-bono basis for parties who could not afford to pay but had been seeking justice in Courts for years. We are also grateful to the Courts for referring such matters to our center for their expedient and expeditious resolution.

MICADR is the Pakistan's first Alternative Dispute Resolution

center that has been graciously accredited, recognized, and notified in Sindh as well as Islamabad by the Sindh High Court and Ministry of Law and Justice, respectively as per relevant ADR laws and Accreditation Rules. In this regard, I would like to express my profound regards and gratitude to the Supreme Court of Pakistan's Alternative Dispute Resolution Committee, the Sindh High Court, the Islamabad High Court and the Ministry of Law and Justice. The increased emphasis on ADR across Pakistan has only been possible because of the alignment of all key state actors to pursue ADR as a high priority agenda item.

MICADR has forged collaborations with Pakistan's leading private and publicly-listed companies including Karachi Electric, Sui Southern Gas Company, Ismail Industries Limited Limited, Gul Ahmed Textile Mills Limited, Alkaram Textile Mills Pvt. Ltd. and more to provide their management and in-house counsels the support needed to prepare themselves for mediation through awareness and training programs. These partnerships reflect the trust placed in us by the commercial sector and reinforce our commitment to providing effective and efficient dispute resolution services to businesses who are looking for low-cost, time-effective, confidential, amicable and enforceable resolution to their disputes. We value these collaborations and remain dedicated to upholding global standards of ADR practice in Pakistan. We welcome Pakistan's commercial sector to use our Alternative Dispute Resolution clauses and opt mediation as a first means

of civil and commercial dispute resolution.

With an International Advisory Panel consistent of some of the world's most prominent ADR practitioners and policy experts, an ADR practitioner pool of 100 Accredited Civil and Commercial Mediators notified by relevant High Courts, and more than 12 seasoned Arbitrators from a plethora of thematic areas including but not limited to energy, construction, intellectual property, finance and banking, family etc., MICADR is equipped to provide mediation and arbitration services at par with those offered globally.

In conclusion, I invite you all to join us on this remarkable journey of reshaping the landscape of dispute resolution in Pakistan. Together, we can foster a culture of collaboration, understanding, and fairness. Our mission is not only to resolve disputes but also to promote peace, harmony, and justice. Let us continue to work hand in hand to build a future where ADR is recognized as an invaluable tool for resolving conflicts and where a lesson of amicable settlement and conciliation taught to us 1,400 years ago, is mainstreamed once more.

Thank you for your continued support.

Sincerely,  
**Justice Arif Hussain Khilji**  
Managing Director, MICADR  
Former Judge of the Supreme Court of Pakistan.



# About MICADR

**Musaliha International Center for Arbitration and Dispute Resolution, established by the Legal Aid Society, is Pakistan's first private ADR center to be recognized by the Federal Government of Pakistan (Ministry of Law and Justice) and the High Court of Sindh.**

MICADR provides state-of-the-art dispute resolution services to local and foreign investors, corporate bodies, regulatory bodies, individuals, and other disputants in accordance with nationally and provincially recognized Alternative Dispute Resolution (ADR) laws and global standards. MICADR maintains an esteemed panel of recognized Arbitrators, over 80 internationally and nationally accredited civil and commercial Mediators, national, and an International Advisory panel consisting of leading ADR practitioners across MENA, the

UK, and Asia.

In addition to providing ADR and training services, MICADR contributes to the development of a robust ADR ecosystem in Pakistan by providing key state institutions such as the judiciary and the executive, with research and policy support.

As per its commitment to providing dispute resolution services to all, MICADR also provides pro-bono services to parties that cannot afford to pay its standard fee.



**MICADR currently holds a 96% success rate for all mediations referred to the center since January 2023.**

**MICADR provides pro-bono mediation services to those individuals who cannot afford to pay the mediation fee.**

# MICADR becomes Pakistan's first private ADR center to be recognized and notified by the Federal Government and the High Court of Sindh

## The High Court of Sindh Notification

**THE HIGH COURT OF SINDH AT KARACHI**  
No. Gaz/Recognition/ADR/4/2022 Karachi dated 23<sup>rd</sup> December, 2022

### ORDER

Consequent upon satisfying the criteria laid down under Order X Rule 1C of the CPC, as amended under the Code of Civil Procedure (Sindh Amendment) Act, 2018, the Hon'ble Administration Committee of this Court headed by the Hon'ble Chief Justice in its meeting held on 13.12.2022, has resolved to accept the application of **Musalika International Center, Karachi**, Legal Aid Society, (LAS) and accord recognition as approved Alternate Dispute Resolution Centers, consisting of mediators / conciliators listed in Appendix 'A' hereto, on the following terms:-

#### Terms:

- 1) The cases referred to by the Courts must be assigned to the forty-seven (47) empanelled accredited mediators only, as per Appendix A.
- 2) This certificate/order valid for a period of one year. For successive renewals, the center shall update the list of its accredited mediators / conciliators.

  
**(ABDUL RAZAQ)**  
REGISTRAR

#### Copy forwarded for information to:

1. Mr. Justice (R) Khijji Anif Hussain, Chief Legal Advisor, Legal Aid Society (LAS) Karachi.
2. The Advocate General Sindh, Karachi.
3. The Prosecutor General Sindh, Karachi.
4. All the learned District & Sessions Judges, in Sindh.
5. The Official Assignee, Karachi.
6. The Secretary, Sindh Judicial Academy, Karachi.
7. The Secretary, High Court Bar Association Karachi.
8. The Secretary, Sindh Bar Council, Karachi.
9. The Secretary, Government of Sindh, Law Department, Karachi.
10. The Additional Registrar, High Court of Sindh, Bench at Sukkur and Circuit Courts at Hyderabad and Larkana.
11. The I/c Director I.T. of this Court, for uploading on official Website of High Court of Sindh.
12. All the Officers/Assistant Registrars/Court Associates to Hon'ble Judges/Librarians.
13. All the Registrars, Tribunals/Special Courts in Sindh.
14. Office file.

On 23<sup>rd</sup> December 2022, MICADR was notified as a Court-Recognized ADR center by the Sindh High Court, in line with the 2019 Amendments to CPC sections 89A & B. The Sindh High Court also notified all MICADR-empaneled Civil and Commercial Mediators who met the stringent criteria for notification set by the Sindh High Court

**Mediation is a confidential process and mediation proceedings cannot be presented in any court of law as evidence.**

## Gazetted Notification by MoLJ

REGISTERED No. M-302  
L-7646

**The Gazette of Pakistan**

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

ISLAMABAD, WEDNESDAY, APRIL 12, 2023

### PART II

Statutory Notifications (S. R. O.)

GOVERNMENT OF PAKISTAN  
MINISTRY OF LAW AND JUSTICE

NOTIFICATION

Islamabad, the 11th April, 2023

S. R. O. 457(I)/2023.—In exercise of the powers conferred under section 4 of the Alternative Dispute Resolution Act, 2017 (XX of 2017) read with rule 3 of the Alternative Dispute Resolution (Accreditation) Rules, 2023, Musalika International Center for Arbitration and Dispute Resolution (MICADR) is hereby accredited as ADR Centre at Islamabad by the Accreditation Committee.

[No. F. 4(99)/2019-LR.]

SAADAT IQTIDAR ALAM,  
Section Officer.

(1209)

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[771 (2023)Ex. Gaz.]

On 11<sup>th</sup> April 2023, the Federal Government of Pakistan, through a Gazetted Notification by the Ministry of Law and Justice, recognized and notified MICADR and 39 of its empaneled civil and commercial mediators in accordance with the Mediation Eligibility and Accreditation Rules 2023 and the Islamabad ADR Act 2017.

These notifications have enabled MICADR to receive court-referred cases for mediation and arbitration across Sindh and Islamabad, and have enabled settlement agreements from MICADR mediators to become Orders of the Court. Settlement agreements arising out of mediations conducted by MICADR and its empaneled and notified mediators can be filed in any civil court in respective jurisdictions and be made orders of the Court to enhance judicial enforcement.

This development is a testament to the visionary leadership of leading commercial entities across Pakistan and the robustness of the ADR ecosystem being actively developed in the country that will have substantial advantages for local and foreign investors in terms of time and cost savings for dispute resolution services.





## Leading Commercial Entities across Pakistan join MICADR as Platinum Members

Realizing the monetary and temporal benefits of ADR, in addition to the fact the mediation proceedings are confidential and amicable settlements result in sustained business relations, some of Pakistan leading commercial enterprises have officially joined the ADR ecosystem by becoming Platinum Members of MICADR.

Gul Ahmed Textile Mills Limited, Ismail Industries

Limited, Alkaram Textile Mills Pvt. Ltd. (Pvt) Limited, Dalal Industries, K-Electric, and Sui Southern Gas Company Limited (SSGC) have all joined MICADR as Platinum members, thereby allowing these entities to avail mediation, arbitration, and other disputed resolution services at a discounted rate. In addition, MICADR-certified training programs on mediation advocacy, negotiation, etc. will be open for the staff members of these organizations.



### Our Platinum Members



# Partnering with MICADR

## Sindh High Court Bar Association for Mediation Advocacy Program

Realizing that ADR is the future of dispute resolution and the benefits of mediation advocacy for members of the legal fraternity, the progressive leadership of the Sindh High Court Bar Association has partnered with MICADR to provide Certified MICADR Mediation Advocacy Training to more than 500 of its member advocates.

Through this partnership, MICADR will equip advocates with legal, behavioral, and psychological knowledge to represent their Clients effectively in mediation proceedings, along with the essential negotiation skills required during a mediation proceeding. The training is aimed at enabling the legal community to better serve their Clients by providing cost and time-effective dispute resolution services.

Understanding (MOU) was signed on the 6<sup>th</sup> of May, 2023 at MICADR (Legal Aid Society) office. The SHCBA delegation was led by Mr. Saleem Mangrio, the President, Dr. Khalid Hayat, the Vice President, Mr. Aamir Nawaz Warraich, the General Secretary and Barrister Imran Mithani, the Joint Secretary along with Additional Joint Secretary, Ms. Maimoona and members of the Managing Committee, Ms. Rehana and Mr. Nazeerullah.

The Memorandum of



## Pakistan Banks Association

The banking industry in Pakistan is in a need for a platform that provides alternative mechanisms for its dispute resolution without having to knock the doors of the court.

To cater to this situation and provide banks with an expeditious and cost effective forum, we hosted an awareness session for Pakistan Banks Association where we promoted alternative dispute resolution as the only viable mean for banks-to-banks and banks-to-consumer disputes in Pakistan.



The session received an overwhelming response from the senior management of various banks present at the event. We specifically thank Tim Hardy, an international finance ADR practitioner for taking out the time to apprise the audience with scope of ADR landscape globally.

We are also grateful to the Pakistan Banks Association for joining hands with us, and becoming a part of the ADR ecosystem in Pakistan.



# MICADR and FPCCI Join hands

## to promote Commercial Mediation in Pakistan

The Federation of Pakistan Chambers of Commerce and Industry (FPCCI) entered into an Advocacy Partnership with MICADR through an MoU signed on 9<sup>th</sup> of February 2023. Through this collaboration, FPCCI will promote mediation as a time and cost-effective dispute resolution mechanism for commercial entities across Pakistan through its member Chambers. MICADR will assist in the dissemination of information regarding the benefits of mediation as well as its services by arranging information sessions across the

country through FPCCI member Chambers.

Commercial entities in Pakistan will enjoy substantial cost and time advantages by opting for Alternative Dispute Resolution mechanisms such as mediation. The promotion of Commercial Mediation in Pakistan will also attract foreign investors who want to be protected by a dispute resolution mechanism that guarantees time and cost-effectiveness, confidentiality, judicial enforcement, and sustained business relations.



## Mediation Seminar arranged for Judges of the Islamabad High Court

On 14<sup>th</sup> January 2023, the Legal Aid Society (LAS) and MICADR collaborated with the Federal Judicial Academy (FJA) to conduct an interactive discussion with judges from the Islamabad High Court, Civil/Family Judges of the Islamabad District Judiciary, and the Member Inspection Team (MIT). The discussion focused on Alternative Dispute Resolution (ADR), ADR Act 2017, ADR Rules 2018, and their implementation in Islamabad. The MICADR team, along with an international mediation expert, Mr. Samuel Nderitu, conducted a mock mediation in order to acquaint the participants with the mediation process.

ongoing effort to sensitize judges and lawyers to become familiar with the current legislation on ADR. The objective of the discussion was to introduce the judiciary to ADR mechanisms and encourage them to divert more cases towards ADR, especially mediation, which is cost-effective and time-saving. Mediation provides parties with the opportunity to effectively contribute to the discussion and decide on the terms and conditions of the settlement between the parties. This initiative is a significant step towards promoting the use of ADR as a primary dispute resolution mechanism in Islamabad.

MICADR and FJA have been working on an



## MICADR conducts Pakistan's First International Conference

on Mediation with Industries, Regulators, and the Judiciary

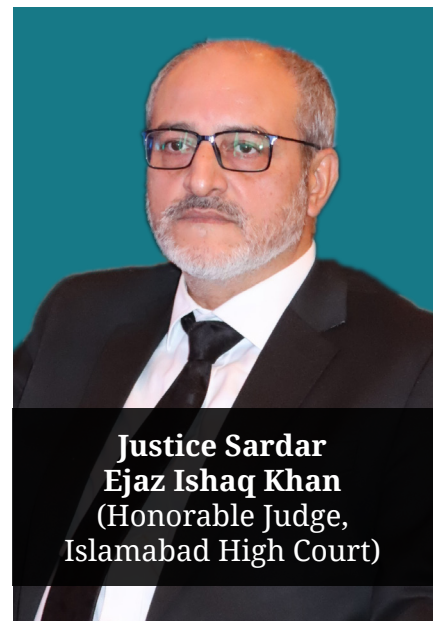
MICADR organized Pakistan's first National Conference on "Dispute Resolution through Mediation: Alternative Dispute Resolution (ADR) and Opportunities for the Industry" in collaboration with the Federation of Pakistan Chambers of Commerce and Industry (FPCCI). The conference was held at the Serena Hotel in Islamabad and was aimed at promoting mediation as a premier means of dispute resolution in Pakistan.

The conference highlighted how mediation is now legally recognized and enforceable in Pakistan through provincial ADR laws in Sindh (CPC Amendments to Sections 89A and B, 2019), Islamabad (2017), Punjab (2019), KP (2020), and Balochistan (2021). Settlement agreements mutually agreed upon by disputing parties can, under respective provincial ADR laws, be submitted in civil courts to become the Rule of Courts. In addition, mediation experts also explained how the aforementioned ADR laws guarantee complete

confidentiality for mediation proceedings, and provide a cost and time-effective mechanism for amicable settlement of disputes.

The conference emphasized the need for state regulators to adopt mediation procedures within their dispute resolution bylaws. Foreign investors actively seek to invest in countries that have robust ADR systems as the four critical components of interest i.e. cost, time, confidentiality, and sustained relations are guaranteed by dispute resolution mechanisms such as mediation.

The conference was attended by the Special Advisor to the Prime Minister on revenue Mr. Tariq Pasha, Former Supreme Court and High Court judges such as Justice Mohammad Ather Saeed, Justice Mushir Alam, the Federal Tax Ombudsperson, Presidents of Faisalabad and Rawalpindi Chambers of Commerce, and representatives from Attock Group of Companies, national telcos, development sector organizations, and the Special Technology Zones Authority.



**Justice Sardar Ejaz Ishaq Khan**  
(Honorable Judge, Islamabad High Court)

“We need mediation to be adopted across commercial sectors and develop quality mediators and mediation centers.”





The conference concluded with the distribution of MICADR membership certificates to newly Internationally Accredited Civil and Commercial Mediators from within Islamabad's legal fraternity who are now licensed to practice mediation across 150 jurisdictions around the world. The conference was a resounding success, and its participants left with a renewed commitment to promoting mediation as a means of dispute resolution in Pakistan. With the increasing recognition of ADR in the country and the tireless efforts of organizations such as MICADR, the future looks bright for mediation in Pakistan as a means of dispute resolution.

## MICADR successfully trains

### Pakistan's first batch of Certified and Bar Council-Recognized Mediation Advocates in Islamabad

Mediation Advocates are a critical component of the mediation ecosystem. Since mediation proceedings have very little to do with law and precedent and mostly revolve around the parties' issues, interests, concerns, and potential options for an amicable settlement, it is imperative for members of the legal fraternity to be acquainted not only the process of mediation but also the nuanced skills of interest-based negotiation in order to effectively represent their Clients in mediation proceedings.

MICADR designed Pakistan's first Certified Mediation Advocacy Program which was very graciously recognized by the Islamabad Bar Council. In partnership with Islamabad Bar Council (IBC), Islamabad High Court Bar Association (IHCBA), and Islamabad District Bar Association (IDBA), MICADR organized Pakistan's First Certified Mediation Advocacy Program which was attended by 28 members of the legal fraternity in Islamabad. The 2-day program was held in March had a resounding success as all 28 participants passed the Mediation Advocacy Assessments.

Pakistan's first batch of MICADR-trained and Islamabad Bar Council-certified Mediation



Advocates graduated on 14<sup>th</sup> June 2023 in a certificate distribution ceremony presided by Adil Aziz Qazi, member of Islamabad Bar Council with Justice Sardar Ejaz Ishaq Khan as Chief Guest. Justice Sardar Ejaz emphasized Mediation Advocacy as a key pillar of the mediation ecosystem which is fast developing in Pakistan and acknowledged and efforts of MICADR in assisting the state in doing so. He reiterated the need for mediators and mediation advocates to be proactive in diverting cases to ADR and recommended strenuous and thorough data collection to ensure informed policy-making in the future.

All 28 graduates of the program have joined MICADR as mediation advocates.





## Reforming Legislation

### Gilgit Baltistan Model Mediation Bill 2023

MICADR, together with the Legal Aid Society's Alternative Dispute Resolution program team, drafted and presented the Gilgit Model Mediation Bill 2023 to cabinet members of the Gilgit Baltistan Legislative Assembly and members of the Superior and District Judiciary.

This model law, drafted by Mr. Fahad Mehsood, a legislative expert working with the Legal Aid Society (LAS) and MICADR, aims to establish a robust mediation ecosystem in the region and is based on the best practices of the prevailing

provincial ADR laws in Pakistan as well as international legislative instruments.

MICADR collaborated with the Chief Court of Gilgit Baltistan for the dissemination of the model law to relevant stakeholders across the region. To further promote the use of mediation as a primary dispute resolution mechanism in Gilgit Baltistan, LAS and MICADR conducted Accredited Civil and Commercial Mediation Trainings for 54 members of dispute resolution forums, community leaders, religious leaders, and members

of the legal fraternity from 22<sup>nd</sup> till the 28<sup>th</sup> of May 2023. This training program has equipped Gilgit Baltistan with a robust supply of mediators trained on international standards who are able to resolve disputes amicably.

The introduction of the Gilgit Baltistan Mediation Law will lay a strong foundation for the supply and demand of mediation services in the region and help establish Gilgit Baltistan as a center for ADR services.







## The World's First Mock Mediation Video in Urdu featuring Judges of the Superior Judiciary

Want to know what mediation looks like?

Click or Scan the QR Code here to access the mock mediation video



## Roundtable with Commercial Legal Development Program (CLDP), Trade Dispute Resolution Organization (TDRO), and Trade Development Authority of Pakistan (TDAP)



MICADR hosted Ms. Cristen Bauer, Legal Advisor CLDP, and Ms. Sydney Dinenberg, International Program Specialist CLDP, at its Head Office for a joint collaborative Roundtable arranged by CLDP and MICADR to promote

mediation in Pakistan. The roundtable aimed to discuss the significance of Mediation as a dispute resolution mechanism, global best practices, along with the role played by mediation service providers globally.

Mr. Umar Afridi, the Executive Director General of TDRO was a part of the roundtable and shared invaluable insights and perspectives on the effectiveness of mediation in resolving cross-border commercial disputes.



## MICADR and Legal Aid Society leadership meets with the Chair of the Supreme Court ADR Committee

The Honorable Chief Justice of Pakistan has set up an Alternative Dispute Resolution (ADR) Committee headed by Justice Ijaz ul Ahsan to ensure that concerted efforts are made to implement ADR laws in Pakistan. The leadership of LAS and MICADR met with Hon'ble Mr. Justice Ijaz Ul Ahsan on 12<sup>th</sup> January 2023 to discuss the progress made towards institutionalizing ADR

in Pakistan and the roles being played by MICADR and LAS in this regard. MICADR and LAS delegation was headed by Justice Arif Hussain Khilji, former judge of the Supreme Court of Pakistan and Managing Director MICADR. Ms. Haya Zahid, CEO of LAS, and Mr. Shahzar Ilahi, Associate Director MICADR, gave a detailed overview of the recent developments and efforts to create a robust ADR

ecosystem and also presented workable suggestions for the way forward.

Honorable Mr. Justice Ijaz Ul Ahsan appreciated the efforts of LAS and MICADR and also shed light on initiatives being taken by the Committee to promote and institutionalize Alternative Dispute Resolution across the country.



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