

# MEETING – APRIL 24<sup>TH</sup> AIDA MOROCCO -MARRAKECH

The 4<sup>th</sup> meeting of the newly formed Dispute Resolution Working Party was held at the Savoy Marrakech Hotel during the AIDA Morocco meeting April 24<sup>th</sup> to 25<sup>th</sup> 2019

While we were unable to engage a Moroccan speaker for the session , excellent presentations were made by Jonathan Scragg of New Zealand , Richard Traub of the USA .and Satoshi Nakaide of Japan . Jonathan’s presentation was titled “ Resolution of Insurance Claims Arising out of the Canterbury Earthquakes ” . The presentation focused on a number of key areas including the role or function of the NZ Earthquake Commission , issues associated with the complexity of the earthquake claims themselves , the Dispute Resolution mechanisms adopted to deal with the variety of disputes arising during the management of the claims and finally proposals around formation of an Earthquake tribunal designed to deal exclusively with earthquake related disputes.

The second presentation by Rich Traub was titled – “Underlying Philosophies of Dispute Resolution”, with a particular focus on mediation . The address dealt with a range of issues including ownership of the dispute and the responsibility to attempt in good faith to resolve it , Empowerment , impartiality on the part of the mediator , the determination on the part of the mediator to avoid apportioning blame , confidentiality and finally to role of the mediator as a facilitator rather than an adjudicator .

The Third presentation by Satoshi was titled – “ADR for Insurance Disputes in Japan” The presentation outlined the fact that due to cultural factors disputes in the insurance sector are not as numerous as in the Western World and that dispute resolution in its various forms is a last resort mechanism .The Financial Ombudsmans scheme was highlighted but what was particularly notable was the general absence of litigation as a mechanism to resolve disputes . It was an excellent presentation and I would encourage members to access it on the website .

The final presentation by the author is titled – “ Australian Financial Services Royal Commission 2018 ” . Unfortunately due to time constraints it was unable to be presented but is attached below . It highlights the crucial findings of the 2018 Financial Services Royal Commission , with a particular focus on the general insurance aspects as they relate to the findings .

It is proposed that at the up coming meeting in Lima Peru in August 2019 the focus will be on the mechanism in Latin America to resolve insurance related disputes and at the final 2019 meeting in Lisbon , in October the focus will be on Arbitration particularly in the European context .