

SPEECH BY:  
THE RIGHT HONOURABLE THE CHIEF JUSTICE OF MALAYSIA  
**DATUK SERI UTAMA WAN AHMAD FARID WAN SALLEH**

ON THE OCCASION OF THE  
**INTERNATIONAL COMMERCIAL AND ADMIRALTY DIVISION  
(ICAD)**

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Assalamualaikum and a very good morning.

1. It is with great pleasure that I welcome you to what I consider a significant moment in the development of Malaysia's judicial landscape — the official launch of the International Commercial and Admiralty Division, or ICAD, at the High Court of Kuala Lumpur.
2. I take this opportunity to thank and congratulate the Chief Judge of Malaya, YAA Datuk Seri Hashim Bin Hamzah, for his Lordship's swift and prompt action towards the establishment of ICAD. I recall how his Lordship was quick to attend to the matters concerning ICAD just a week after the Opening of the Legal Year.

Distinguished guests, ladies and gentlemen,

## **THE CONTEXT BEHIND THIS MOMENT**

3. Those who were present at the Opening of the Legal Year in January will recall that I spoke about the direction in which I intended to move our courts. I said then, and I repeat now, that the establishment of ICAD reflects a direction I consider both timely and necessary.
4. This is not a reform born of crisis. It is a reform born of foresight.
5. We live in an era defined by economic interdependence. The global economic environment has changed beyond recognition in the past two decades. Trade flows are more complex, investment structures more sophisticated, and commercial relationships more deeply cross-border than at any previous point in history. Multinational companies operating in this environment require not only strong markets and sound infrastructure — they require legal certainty. They require courts they can trust. And they require the knowledge that if a dispute arises, it will be resolved with competence, fairness, and speed.

## **THE ECONOMIC IMPERATIVE**

6. Let me say something that judges do not always say openly, but which I believe needs to be said: time is money.
7. This is not a diminishment of justice — it is an acknowledgment of reality. When a multinational company finds itself in a commercial dispute, every month that dispute remains unresolved carries a cost. It ties up capital. It disrupts business planning. It strains commercial relationships. It creates uncertainty on balance sheets. For investors and businesses operating across borders, prolonged litigation is not

merely an inconvenience — it is a material risk that factors into decisions about where to invest, where to incorporate, and where to resolve disputes.

8. ICAD is our institutional response to that reality. Through this division, I intend to place greater emphasis on the effective management and expeditious disposal of commercial cases involving multinational and international companies. Matters brought before ICAD will be managed with discipline and purpose, so that parties can expect their disputes to be resolved within a reasonable timeframe — not left to drift through the system for years on end.
9. This is a practical response to changing commercial realities. It is about ensuring that our courts remain relevant, responsive, and able to meet the expectations of those who place their trust in our justice system.

## **CERTAINTY, CONFIDENCE, AND THE INVESTOR'S QUESTION**

10. I am aware that for businesses and investors, confidence in the courts plays a real and practical role in deciding where to invest and how disputes are resolved.
11. When a foreign investor commits capital to Malaysia, or when a multinational company establishes operations here, they are making a calculation that goes far beyond tax incentives or infrastructure. They are asking — quietly, but seriously — what happens if something goes wrong? If a contract is breached, if a cargo is lost, if a financial instrument is disputed — will I be treated fairly? Will the

process be transparent and predictable? Will the law be applied consistently and competently?

12. These are not abstract concerns. They go to the heart of investor confidence. And investor confidence, in turn, goes to the heart of economic growth.
13. ICAD is designed to give a clear and affirmative answer to those questions. Parties who bring their disputes before this division can expect certainty — certainty in the law, and certainty in the judiciary. They can expect judges with genuine expertise in complex commercial and admiralty matters. They can expect clear timelines, active case management, and a firm institutional commitment to resolving disputes within a reasonable time. They can expect, in short, a court that understands their world and takes their concerns seriously.
14. If parties can be assured that their disputes will be managed fairly and efficiently, it strengthens confidence in Kuala Lumpur as a place to do business and to resolve disputes. That confidence matters not only to those already here — it matters to investors and investors-to-be who are, at this very moment, deciding whether Malaysia belongs on their shortlist.

## **WHAT ICAD OFFERS**

15. ICAD will bring together judges with deep specialisation in complex commercial and admiralty law. Cases will be actively managed from the point of filing, with proportionate procedures designed to match

the sophistication and scale of the disputes they are intended to handle.

16. The admiralty component of this division deserves particular mention. Malaysia sits at one of the world's most strategically vital maritime crossroads. The Strait of Malacca is among the busiest shipping lanes on the planet, and the maritime commerce that passes through our waters generates disputes of considerable complexity and value. ICAD signals clearly that Malaysia takes seriously its position not only as a trading nation, but as a maritime nation — and that our courts are fully equipped to serve that reality.

## **A DEDICATED APPELLATE PANEL**

17. I am also pleased to announce today that the Court of Appeal has recently established an additional commercial panel, in anticipation of a potential surge in appeals arising from ICAD, bringing the total to two commercial panels. For this initiative, I must thank the President of the Court of Appeal, YAA Datuk Seri Abu Bakar Bin Jais.
18. This is a deliberate and considered structural decision. Specialisation at the High Court level must be matched by specialisation at the appellate level. A dedicated Court of Appeal panel will ensure that the expertise cultivated at ICAD is not lost on appeal — that judges hearing these appeals bring the same depth of knowledge in commercial and admiralty law, and that the consistency and predictability of our jurisprudence in this area is maintained from first instance all the way through the appellate process.

19. This continuity is itself a form of certainty. It tells parties and their advisors that the specialised treatment of their dispute does not end at the High Court — that the entire appellate pathway has been designed with their needs in mind. For investors and multinational companies evaluating Malaysia as a judicial dispute resolution destination, this integrated approach should send a clear and reassuring signal.

## **THESE INITIATIVES IN THEIR BROADER CONTEXT**

20. ICAD does not stand alone. These initiatives, taken together — alongside our ongoing efforts to enhance judicial efficiency and relieve systemic pressure across our courts — are intended to relieve systemic pressure, enhance judicial efficiency, and reinforce confidence, both domestically and internationally, in Malaysia's administration of justice.

21. We are building an ecosystem. The goal is a judiciary that is not merely respected, but chosen — chosen by parties who have options, who could take their disputes elsewhere, but who elect to come to Kuala Lumpur because they trust our courts and value what we offer.

## **A WORD TO THE BAR**

22. To the legal profession, I say this: ICAD's success depends significantly on you.

23. The quality of advocacy before this division, the discipline with which counsel manage their cases, the willingness to embrace active case

management — these will shape the reputation that ICAD builds over time. I ask for your partnership in making this division everything it has the potential to be. Engage with the practice directions. Provide feedback through appropriate channels. Help us refine what we are building. We are committed to continuous improvement, and those in practice are often the first to identify where adjustments are needed.

## **CLOSING**

24. The launch of ICAD is not the end of a process. It is the beginning of one.
25. There will be challenges ahead — of adaptation, of capacity, of managing expectations both within and beyond our borders. But I am confident that the foundation we lay today is a sound one, and that ICAD will, in time, be recognised not only as a feature of Malaysia's judicial architecture, but as a mark of our seriousness and ambition as a jurisdiction.
26. Kuala Lumpur is a city of commerce, of investment, of enterprise. It has long deserved a court that matches its stature and serves its economic ambitions.
27. Time is money. Certainty has value. And justice, when delivered with both speed and integrity, is among the most powerful things a nation can offer to those who choose to do business within its shores.
28. Today, we take that step.

Thank you.

