



BIAC

Bangladesh International Arbitration Centre

The Institution for Alternative Dispute Resolution

Volume: I Number: I

BIAC Quarterly Bulletin

Dhaka, January-March 2012

Co-operation between BIAC & Ministry of Law, Justice and Parliamentary Affairs

The Minister for Law, Justice and Parliamentary Affairs, Hon'ble Barrister Shafique Ahmed, inaugurated the Centre on 9th April 2011, and has since attended almost all the major events organized by BIAC, including the First Anniversary celebration in April 2012. BIAC has also received support from the officials of the Ministry.

BIAC is a not-for-profit organization sponsored by three prominent business chambers - ICC Bangladesh, DCCI and MCCI. For the first three years of its operation, it has support from the IFC (DFID & EU). Unlike several arbitration centres in the region, BIAC has not been the beneficiary of financial assistance from the Government. However, BIAC greatly values the support and co operation from the Ministry of Law, Justice and Parliamentary Affairs.



Hon'ble Law Minister and BIAC Chief Executive at a BIAC event.



Discussion Session at JATI on 26 October 2011.

BIAC organized a half-day discussion session on "Role of Courts in Arbitration" on 26th October 2011 at Judicial Administration Training Institute (JATI) - an Institute attached to the Ministry of Law, Justice and Parliamentary Affairs. The keynote speaker was Justice Syed Amirul Islam; other speakers included BIAC Chief Executive Dr. Toufiq Ali, Law Ministry's Joint Secretary Mr. Abu Ahmed Jamadar, and Director JATI Mr.Md. Mafizul Islam. Thirty-nine serving District and Additional District & Sessions Judges participated. This session emphasized the role of the senior judicial officers when arbitration-related cases are brought before their courts. Judicial intervention is desirable only in specific cases, which Justice Syed Amirul Islam outlined clearly.

BIAC Team visits Singapore

From 8-13 January 2012, the IFC arranged a joint exposure visit of officials of the Ministry of Law, Justice and Parliamentary Affairs and BIAC to Singapore International Arbitration Centre (SIAC), Singapore Mediation Centre, the Singapore Institute of Arbitrators and the Singapore Academy of Law.

The BIAC team comprised Chief Executive Dr. Toufiq Ali, Director A H M Nurul Islam, Counsels Mahbuba Rahman Runa and Afrin Ahmed. A two member IFC team (Dr. M. Masroor Reaz and Ms. Mahjabeen Quader) and a six-member team from Ministry of Law, Justice & Parliamentary Affairs

(Mr. Abu Ahmed Jamader, Joint Secretary (Opinion), Mr. Abu Saleh Sheikh Mohammad Jahirul Hoque, Joint Secretary, Mr. Md Mafidul Islam, Deputy Chief, Mr. Md Majibur Rahman, Senior Assistant Secretary, Mr. Md. Abdul Hannan, Senior Assistant Secretary and Mr. Md. Zakir Hossain, Director, JATI) also participated in the programme.

During the visit, BIAC team held discussion meetings with officials of Singapore International Arbitration Centre, Singapore Mediation Centre, the Singapore Academy of Law and the



BIAC Chief Executive Dr. Toufiq Ali presents a memento to SIAC Chief Executive Mr. Minn Naing Oo.



Delegation of BIAC, IFC-BICF and Ministry of Law at SIAC, Maxwell Chambers, Singapore.

Singapore Institute of Arbitrators. Over the course of the visit, the BIAC team learnt a great deal from these Singapore institutions, their rules and modus operandi, as well as from the personnel who run these organizations.

The experiences of these institutions in the early stages of their operation will be particularly valuable to BIAC. With the passage of time, there will be opportunities for further cooperation with the Singapore institutions.

Dialogue: "The Rise and Rise and the Rise and Fall of Investment Arbitration"

BIAC organized a dialogue under the title: "The Rise and Rise and the Rise and Fall of Investment Arbitration" on Thursday 26 January 2012 at Ruposhi Bangla Hotel. The Chief Guest was Minister for Law, Justice and Parliamentary Affairs, Hon'ble Barrister Shafique Ahmed. The keynote speaker at the Dialogue was Dr. Gavan Griffith, former Solicitor General of Australia. Senior Advocate Dr. Kamal Hossain moderated the session. A very distinguished group of participants attended, including former Chief Justices, Justices, Senior Advocates, business leaders and representatives of corporate houses and banks.

Dr. Griffith in his keynote speech said that internationally-recognized dispute settlement institutions are vital to encourage foreign companies to invest in the country; without such institutions in the country, they feel insecure and unprotected. Bangladesh has an excellent arbitration law, which conforms to internationally-recognized standards.

He added that investment arbitration is a tool to make the world a better place for trade and investment. Bangladesh has already signed the internationally-recognized New York Convention on Enforcement of Arbitral Award. In addition, Bangladesh is one of the 158 countries to have signed on to the World Bank-sponsored Convention on the Settlement of Investment Disputes between States and Nationals of Other States (Washington Convention) that established the International Centre for the Settlement of Investment Disputes (ICSID). Like other signatory states, Bangladesh had to give up some degree of sovereignty, but this has been done to "...create a level playing field

to attract foreign investment". Now, Bangladesh has to take steps to make arbitration a meaningful reality within the country. He suggested that appointment of honest and competent arbitrators is key to accelerating the process of settling investment disputes.

The Law Minister in his speech said that proper arbitration and investment protection law would encourage foreign investors. He also said that if required the relevant laws would be amended to ease resolution of business dispute through ADR including Arbitration and Mediation. He added that no commercial case should be admitted in the court before mediation and arbitration processes are exhausted.

BIAC Chairman Mahbubur Rahman said BIAC was established to institutionalize arbitration in the country. He added the Centre will not only provide arbitration facilities and services, it would gradually facilitate mediation and conciliation also. He thanked Law Ministry, and the Hon'ble Law Minister in particular, for extending their support to the Centre.

Earlier, BIAC Chief Executive Dr. Toufiq Ali gave an account of the facilities that the institution offers, and its progress in the less than one year it has been in existence.



BIAC CE Dr. Toufiq Ali, Dr. Kamal Hossain, Honble Law Minister, Chairman BIAC Mahbubur Rahman and Dr. Gavan Griffith, Ex-Solicitor Gen. of Australia at BIAC dialogue.

Workshop on "Arbitration as a Method of Commercial Dispute Resolution: Tool Kit for Practitioners".

BIAC arranged a workshop titled "Arbitration as a Method of Commercial Dispute Resolution: Tool Kit for Practitioners" on the 7th March 2012 at BIAC.

This workshop was designed for in-house lawyers and executives serving with different corporate houses. The Workshop was designed to facilitate the arbitration process, emphasizing the measures that could be taken at the time of drafting the commercial agreements to avoid possible subsequent disputes over procedural matters. Barrister Moyeen Firozee of the law firm, Legal Minds, conducted the session.



A view of workshop held at BIAC on 7 March 2012 at BIAC.

While conducting the session, Barrister Firozee discussed elaborately issues on drafting of the Agreement to Arbitrate, including the number of arbitrators, place of arbitration, rules and procedures, language and the governing law.

Exposure visit to Hong Kong

A BIAC team comprising Chairman Mahbubur Rahman, Chief Executive Toufiq Ali, Director AHM Nurul Islam, Counsels Mahbuba Rahman Runa and Afrin Ahmed, visited Hong Kong during 23-30 March 2012. Two members of IFC-BICF, Dhaka, Ms. Mahjabeen Quader and Mr. Majedul Islam, also participated in the programme. The visit was organized and sponsored by IFC-BICF under the Co-operation Agreement signed with BIAC. During the visit, the team held meetings with officials of the Hong Kong International Arbitration Centre (HKIAC), Hong Kong Mediation Centre (HKMC), the School of Law of The City University of Hong Kong. The range of activities of these institutions, their respective administrative organizations, and their outreach activities provided the BIAC team with useful lessons.



Chairman BIAC Mahbubur Rahman presents a memento to HKIAC Secretary General Chiann Bao.

For instance, although the name of the HKIAC refers to arbitration, an important part of their activities covers mediation as well. The mock mediation conducted by the HKIAC for the BIAC team provided an interesting perspective on mediation by trained experts.

The HKMC, on the other hand, is a private mediation centre run on a completely different business model, offering their services primarily to institutions. The School of Law of the City University runs regular academic programmes on arbitration; in addition, they also run interesting arbitration programmes for the Chinese judicial service.



Judges participating programme titled "Role of Courts in Arbitration" jointly organized by BIAC and Judicial Administration Training Institute (JATI) on 26 October 2011.



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