



Volume: 3 Number: 1

BIAC

Bangladesh International Arbitration Centre (BIAC)

The Institution for Alternative Dispute Resolution

BIAC Quarterly Bulletin

Dhaka, January-March 2014

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BIAC Dialogue “Relative Role of International Law and Domestic Law in International Commercial Arbitration” held.

A Dialogue entitled “**Relative Role of International Law and Domestic Law in International Commercial Arbitration**” was held on Tuesday 28 January at a local hotel organized by Bangladesh International Arbitration Centre (BIAC). The keynote speaker was the former Solicitor General of Australia Dr. Gavan Griffith, AO QC.



BIAC Chief Executive Dr. Toufiq Ali welcomed the participants and eminent senior advocate Dr. Kamal Hossain moderated the event. Dr. Hossain observed that in international commercial arbitration, national law and municipal law play important roles. But all concerned need to remain careful so that these do not lead to unnecessary delay or enhancement of cost in resolution of disputes.

In his keynote speech, Dr. Gavan Griffith took the audience through the evolution of the legal regime of international arbitration. In modern world, there is a clear preference for arbitration as the arbitration award is final, non-appealable, and enforceable in all the 148 signatory countries of the New York Convention. Parties have freedom to appoint their arbitrators.

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clear preference for arbitration as the arbitration award is final, non-appealable, and enforceable in all the 148 signatory countries of the New York Convention. Parties have freedom to appoint their arbitrators. These provide comfort to parties in entering into contracts with foreign partners. Without these, parties will feel insecure or ask for a premium. On the other hand, efficiency in arbitration is linked with prudence of the arbitrators, failing which international arbitration will experience regressive development.

BIAC Chairman Mahbubur Rahman observed that our economy is developing very rapidly, bringing its businesses into close contact with the outside world. Many foreign companies are now investing in Bangladesh. This interaction with the business world outside will require Bangladeshi firms to be aware of the international laws and conventions that deal with commercial arbitration. It is in this context



that Dr. Griffith's presentation is particularly valuable to us.

Distinguished Jurists including former Chief Justices Latifur Rahman, KM Hasan, Syed JR Mudasser Hossain, Justice Awlad Ali, Barrister Rafiqul Huq, former Caretaker Adviser Abdul Mueyed Chowdhury, Ajmalul Hossain QC, former Attorney General Fida M Kamal, Barrister Rokanuddin Mahmud, and business leaders including Rokia A Rahman President MCCI, M Shahjahan Khan President DCCI, attended the Dialogue and participated in the deliberations.

3rd Anniversary of BIAC to be observed

BIAC Council meeting held on 18 March 2014 under the Chairmanship of BIAC President Mahbubur Rahman decided to celebrate BIAC's 3rd Anniversary on 8 May 2014 in a befitting manner. On this occasion a Dialogue will be arranged at Ruposhi Bangla Hotel. On invitation from BIAC, Joseph R. Profaizer of

International Law Institute, Washington DC has agreed to deliver the Anniversary Speech at the Dialogue. Mr. Profaizer is also a partner in the Litigation practice of Paul Hastings LLP in the Washington, D.C. office. News paper supplements and Anniversary Souvenir will be brought out on this occasion.

Briefing Session for electronic media representatives held at BIAC

BIAC organized a Briefing Session for the representatives of electronic media on 18 March 2014 at BIAC office. The briefing was on 'Role of BIAC in promoting Out-of-Court-Settlement of disputes'. Representatives from six television channels participated in the programme. A presentation on BIAC activities was arranged for the team. The participants have shown keen interest in BIAC's programmes.



Dignitaries visiting BIAC

Dignitaries promoting FDI in the country are showing interest in BIAC. During



12 March : His Excellency Mr. William Hanna
Ambassador Head of Delegation of EU to
Bangladesh

January-March, the following dignitaries visited BIAC:



9 March: Ms. Anette S. Galskjot
Commercial Counsellor, Royal Danish Embassy



28 January: Dr. Gavan Griffith, AO QC, Former
Solicitor General of Australia, accompanied
former Chief Justice Tafazzul Islam to the BIAC
Office. Dr. Griffith will return to BIAC soon as
an arbitrator in a case between a multinational
and a Banglaadeshi entity.

Chief Executive of BIAC participated in Bangladesh Shrimp and Fish Foundation's Workshop on ADR Mechanism

Dr. Toufiq Ali, Chief Executive of BIAC attended Bangladesh Shrimp and Fish Foundation's Workshop on ADR Mechanism at Bangabandhu International Convention Centre on 30th March 2014 as special guest. The workshop was arranged to discuss on the formulation of ADR mechanism to settle worker – management disputes in Shrimp and Fish sector. Dr. Ali narrated the arduous way through which BIAC has formulated BIAC Arbitration Rules and BIAC Mediation Rules- incorporating global best practices at the same time conforming to Bangladesh domestic laws.

ADR Council on cards to deal RMG disputes- Commerce Minister

The government has decided to introduce an Alternative Dispute Resolution Council (ADRC) for the country's readymade garments sector to deal with workers complains and to comply with the conditions in regaining the suspended Generalized System of Preferences (GSP) in the US market. The Council will be formed by this month said Commerce Minister Tofail Ahmed. The Minister made the disclosure, after a meeting with US Ambassador in Dhaka Dan W Mozena at his secretariat office.

"We have decided to form an Alternative Dispute Resolution Council (ADRC) in the RMG sector to resolve the complaints relating to labour abuse and harassment," he said categorically, pointing out a condition set by the US administration to get back the GSP facilities.

"As there has been no exclusive authority to deal with the complaints, the workers have to run from door to door just to lodge their complaints."

He said the workers will be free to lodge their complaints with the ADRC, which will hear both the complainants and the delinquents. "Though it will not act as a court, the council will resolve the disputes after hearing both the sides. It will help reduce the tension in the garments sector and the RMG workers would get proper justice." The minister, however, said the

decision has just been taken. The name and formation process of the council has not yet been finalized. It is expected to take a shape after the minister returns on April 11 from Geneva after attending UNCTAD meeting and UAE Regional Ministerial Meeting of the Commerce Ministers from 7-10 April.

(Dhaka Tribune Report)

Door of justice should be opened for justice seekers equality: Law Minister

Minister for Law, Justice and Parliamentary Affairs Advocate Anisul Huq said the door of justice should be opened for all justice seekers equally. "As judge you have to remain active so that the door of justice should not be confined only for those affluent people" he said. The Law Minister said this pointing at the joint district and session's judges and law officers of same status while inaugurating as the chief guest the refreshers' course of 122nd batch at the Judicial Administration Training Institute in the city.

Anisul Huq said, "If you discharge your professional duties with honesty, sincerity, neutrally and efficiently in each of the phases of litigation then it will be possible to establish the dispensation of proper justice in accordance with people's expectations within a short span of time and the common people's trust on the judiciary will increase manifold."

The Minister said over 20 lakh cases are pending in the country and it's a big challenge for the judges to reduce this backlog. He said in its previous term the Awami League-led government took initiative for speedy disposal of cases by bringing amendments incorporating the 'ADR' provisions in the Civil Procedure Code and the Artha Rin Adalat Ain (Money Loan Court Act).

In continuation of the past initiatives, the Minister said, the present government would also initiate time-befitting changes in the

country's judiciary by bringing reforms in the century-old laws and procedures. He said the Plea Bargain Concept would be included by bringing reforms in the Criminal Procedure Code to expedite the criminal justice process.

Director General of the Judicial Administration Training Institute Justice Khondokar Musa Khaled chaired the function, also addressed, by director of the Institute Osman Haider.

In reply to a question of reporters after the function on introduction of evening court as suggested recently in the media by Chairman of the Parliamentary Standing Committee on the Law, Justice and Parliamentary Affairs Ministry Suranjit Sengupta, the Law Minister supported Sengupta's view.

Anisul Huq said, "He (Suranjit Sengupta) has come up with a novel suggestion. Evening courts are in operation in three cities in India. So, I think it's not an impractical proposal for Bangladesh. The matter is under purview of the Chief Justice as he determines the timing of the court." The Minister said, "We are serious to reduce case-jam and by this time, I have sought information from the courts across the country about the pending cases and the number of judges. We have to take short-term and long-term measures for speedy disposal of these cases."

(BSS Report)



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