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BIAC

Bangladesh International Arbitration Centre (BIAC)

The Institution for Alternative Dispute Resolution

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Government may recognise ADR institutions in the upcoming Mediation Rules - Law Minister at BIAC 4th Anniversary Seminar

This year Bangladesh International Arbitration Centre (BIAC) - country's first and only Alternative Dispute Resolution (ADR) institution, has stepped into its 5th year of functioning. As part of its 4th anniversary celebration, BIAC organised a Seminar on “**Alternative Dispute Resolution- The Way Forward**” on Saturday, 12th September 2015 at Pan Pacific Sonargaon Hotel. Mr. Mahbubur Rahman, Chairman-BIAC presided at the Seminar. Hon'ble Tofail Ahmed, MP, Minister for Commerce graced

one roof. Observing a high interest from different organisations to be associated with BIAC, Mr. Rahman has announced launching of its Membership Enrolment Programme. Chairman-BIAC thanked all who supported BIAC in its formative years.

Hon'ble Tofail Ahmed in his speech as Chief Guest congratulated BIAC on successful completion of four eventful years. He acknowledged that inclusion of ADR clauses in government contracts is a



the event as Chief Guest, while Hon'ble Anisul Huq, MP, Minister for Law, Justice & Parliamentary Affairs was present as Special Guest.

Welcoming the guests, Chairman-BIAC acknowledged the economic growth of Bangladesh over the past decades. He highlighted the role of an ADR Institution in enhancing country's economic development through building a business friendly environment. Over the last four years BIAC has conducted many training courses in Arbitration and Mediation and regularly organised outreach programmes to create awareness about ADR. Besides, the Centre successfully facilitated arbitration and mediation by providing international standard Arbitration and Mediation facilities under

common practice in developed and developing countries, including Bangladesh and suggested the adoption of ADR under BIAC Rules in such cases.

Hon'ble Anisul Huq, in his speech, accredited BIAC for its effort and commitment to promote ADR in the country. He mentioned that the Law Ministry is making all out effort to finalise the Mediation Rules to complement the Civil Procedure Code and hinted at the possibility of recognition of ADR institutions, such as BIAC, in the said Rules. He further mentioned that the Government has instructed for inclusion of arbitration clause in every government contracts having a value of up to US\$ 50 million and seat of arbitration to be at Dhaka.

Former Chief Justice Latifur Rahman, one of the

keynote speakers in the Seminar, mentioned that effective steps towards alternative dispute resolution is vital to make Bangladesh an investment oriented country. Mr. Mohammad Shahidul Haque, Secretary, Legislative & Parliamentary Affairs Division highlighted the need to implement the ADR provisions already incorporated in our laws. Barrister Ajmalul Hossain, QC suggested for introduction of the provision of sole Arbitrator in default situation, in place of three arbitrators provided in our arbitration law to save time in Arbitration, as practiced internationally.

Ms. Sarah Cooke, Head of DFID Bangladesh stated that DFID is very happy to be associated with BIAC in creating an investment friendly climate in Bangladesh. Dr. M. Masrur Reaz, Program Manager, IFC, Bangladesh, Mr. Anis A. Khan, Acting President, MCCI, Dhaka and Mr. Humayun Rashid, Acting President, DCCI, congratulated BIAC on its successes and achievements in their speeches.

Former Chief Justices and Justices, senior lawyers, senior government officers, distinguished business leaders and prominent businessmen attended the Seminar.

Meeting on the “Role of BIAC in promotion of ADR” held

A meeting on the “Role of BIAC in promotion of ADR” was held on 4th August 2015 at Pan Pacific Sonargaon Hotel. Hon’ble Anisul Huq MP, Minister for Law, Justice & Parliamentary Affairs was present in this interactive meeting with the business leaders and eminent jurists as Chief Guest. Chairman, BIAC Mr. Mahbubur Rahman presided at the meeting. Welcoming the guests, Mr. Rahman observed that Bangladesh has a burdensome court litigation process that most businesses find frustrating. This is viewed as an impediment to our private sector development- he commented. A fundamental requirement for trade and investment to flourish, is quick and cost-effective methods to resolve commercial and investment disputes, he observed. Institution like Bangladesh International Arbitration Centre (BIAC) provides this option to businesses, he commented. According to the latest data, around 3 million cases are now lying pending in different courts of Bangladesh. Huge amount of public and private capitals are stuck in these disputes. These pending cases create stagnation in the economy and lower investors’ confidence. He further stated that Government has demonstrated its commitment to ease case logjam in courts by amending Civil Procedure Code in 2012 making mediation mandatory in all civil cases. But the amendment is not put into operation as yet. Mediation Rules

formulated to put this amendment into operation also remain yet to be approved.

In response, Hon’ble Law Minister has narrated the steps taken by the government in implementing ADR in the country effectively. He felicitated BIAC in supplementing government’s initiative in implementing ADR. He further stated that government is working on formulating Rules for implementing changes in the Civil Procedure Code introducing mandatory mediation provisions.

Among others, President of FBCCI Abdul Matlub Ahmed, Secretary Legislative & Parliamentary Affairs Division Mohammad Shahidul Haque, Secretary Law & Justice Division Abu Saleh Sheikh Md. Zahirul Haque, Former Secretary & Former Adviser to the Care Taker Government Abdul Mueyed Chowdhury, Former Advisers to the Care Taker Government and Former Presidents of MCCI Rokia Afzal Rahman and Tapan Choudhury (who is also currently President of Bangladesh Textile Mills Association (BTMA), Former Presidents of FBCCI Mir Nasir Hossain, A K Azad, Justice Awlad Ali, eminent lawyer



Barrister Rafique-ul Huq, Ajmalul Hossain QC and Barrister Nihad Kabir, President, DCCI Hossain Khaled, Former President of DCCI Matiur Rahman, President of Bangladesh Insurance Association Sheikh Kabir Hossain, Managing Director of Mutual Trust Bank Anis A Khan, Managing Director of BRAC Bank Syed Mahbubur Rahman, Former President BKMEA

Fazlul Haque and CEO-KAFCO Dr. Toufiq Ali spoke at the meeting and extended their full support for implementation of mandatory ADR provisions incorporated in Civil Procedure Code. They also urged the government to help resolve commercial disputes through ADR and help businesses to flourish and avoid complicated and time consuming court proceedings.

Day-long training programme on Mediation for the officials of Mercantile Bank held at BIAC

One-day training on **“Mediation Process and its Application in Artha Rin Adalat Ain”** was organized by BIAC on Saturday 8 August, 2015 for the officials of Mercantile Bank.

BIAC started Mediation Training by its own resources in 2015. Those who have been trained as Mediation Trainers by Centre for Effective Dispute Resolution (CEDR), UK conducted the training at BIAC. This training focused on the concept of mediation and its application under the Artha Rin Adalat Ain. The training covered: Overview of Alternative Dispute Resolution, Principles and Process of Mediation, Skills of a Competent Mediator, Mediation under Artha Rin Adalat Ain and Civil Procedure Code and Mediation under BIAC Mediation Rules. This course was a basic level training on mediation.

Certificates were awarded to the participants at



the end of the training. Resource person for this training were Barrister Fida M. Kamal and Shireen Scheik Mainuddin - both of whom are Accredited Mediators of CEDR and members of BIAC's List of Mediators. Total number of 20 (twenty) senior officials from different branches of Mercantile Bank Ltd. participated in the course.

At the inauguration of the programme Md. Abdul Jalil Chowdhury, Additional Managing Director and Javed Tariq, Principal of Mercantile Bank Training Institute were present.

Day-Long Training on “Mediation Process and its Application held at BIAC.

BIAC organised a Day-long training course on “Mediation Process and its Application” on Saturday, 22 September, 2015. The concept of mediation and its application under Bangladesh laws, particularly Artha Rin Adalat Ain were incisively discussed. The training covered Overview of Alternative Dispute Resolution, Principles and Process of Mediation, Skills of a Competent Mediator, Mediation under Artha Rin Adalat Ain and Civil Procedure Code and Mediation under BIAC Rules. Certificates were awarded upon successful completion of the course.

Twenty participants from different institutions, namely, banks and law chambers attended the training. The trainers were Mr. Shahariar Sadat and



Barrister Syed Afzal Hossain. Both the trainers were accredited by UK- based institution: Centre for Effective Dispute Resolution (CEDR) and are Members of BIAC List of Mediators.

Two Bangladeshi Judges appointed for dealing with International Disputes

Former Chief Justice Md Tafazzul Islam and former Judge of the High Court Division Justice Md Awlad Ali have been appointed as members of Permanent Court of Arbitration at The Hague to hear international disputes. Both the Justices are distinguished members of BIAC's Panel of Arbitrators.

The judges have been appointed for the next six years under Article 44 of the 1907 Hague Convention for peacefully resolving the international disputes. The Bangladeshi jurists have obtained the membership of PCA for the first time, a Foreign Ministry press release stated. The appointments are the reflection of Bangladesh's endeavour to establish peace in the world through



*Former Chief Justice
Md Tafazzul Islam*



Justice Md Awlad Ali

close involvements with the legal organisations in The Hague, the press release observed, adding that the International Bureau of the PCA has welcomed the appointments.

Muhammad A. (Rume) Ali will join BIAC as Chief Executive Officer



Muhammad A. (Rume) Ali will join Bangladesh International Arbitration Centre (BIAC) as Chief Executive Officer on Thursday, October 01, 2015.

Muhammad A. (Rume) Ali started his career with ANZ Grindlays Bank in Bangladesh in 1975 after completing Masters in Economics from the University of Dhaka. In 1997, he was appointed CEO of the Bank's Bangladesh operations. His career with ANZ Grindlays included stints with their offices in Mumbai, London and Melbourne. In 2000, ANZ in Bangladesh was taken over by the Standard Chartered Group, and Rume Ali continued as the CEO, Bangladesh of the combined operations of the two Banks. In November, 2002 he joined Bangladesh Bank as Deputy Governor and was

responsible for driving the regulatory reforms in the banking sector, especially in the Risk Management and Corporate Governance areas. From January, 2007 Rume Ali served as Managing Director, Enterprises & Investments at BRAC. During this period he was Chairman of BRAC Bank Ltd. and Chairman of bKash Limited. He also served as a member of the Board of BRAC and BRAC International. He is a member of the Technical Advisory Committee of the Bangladesh Investment Climate Fund; Alliance for Bangladesh Workers Safety (USA). He served on the boards of Global Alliance for Banking on Values and Performance Based Funds Initiative of IFC/World Bank Washington.

He was made a Fellow of the Institute of Bankers, Bangladesh in 2001 and participated in many international forums as key- note speaker and panelist.



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