

Quarterly Bulletin

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BIAC

Bangladesh International Arbitration Centre
The Institution for Alternative Dispute Resolution

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Encouraged by Bangladesh public policy and growing requirement of businesses to settle disputes outside court system, International Chamber of Commerce Bangladesh (ICC-B), the world business organization and two prominent business chambers of Bangladesh namely, Metropolitan Chamber of Commerce & Industry (MCCI), Dhaka and Dhaka Chamber of Commerce & Industry (DCCI) obtained a license from the Government in 2004 to establish the Bangladesh International Arbitration Centre (BIAC) as a not-for-profit organization.

BIAC formally started its operation on 9th April 2011. It is an ADR service-provider organization, facilitating resolution of domestic and international commercial disputes in an expeditious and amicable manner, through Arbitration and Mediation. BIAC has its own Arbitration and Mediation Rules. BIAC's Panel of Arbitrators consists of 12 eminent jurists among them 5 are former Chief Justices of Bangladesh and Justices of the Supreme Court. 38 experts and trained Mediators are in BIAC's list of Mediators. BIAC has developed all the facilities required for systematic and comfortable Arbitration and Mediation. Till date, BIAC has handled 248 ADR hearings, among which 20 are mediation cases.

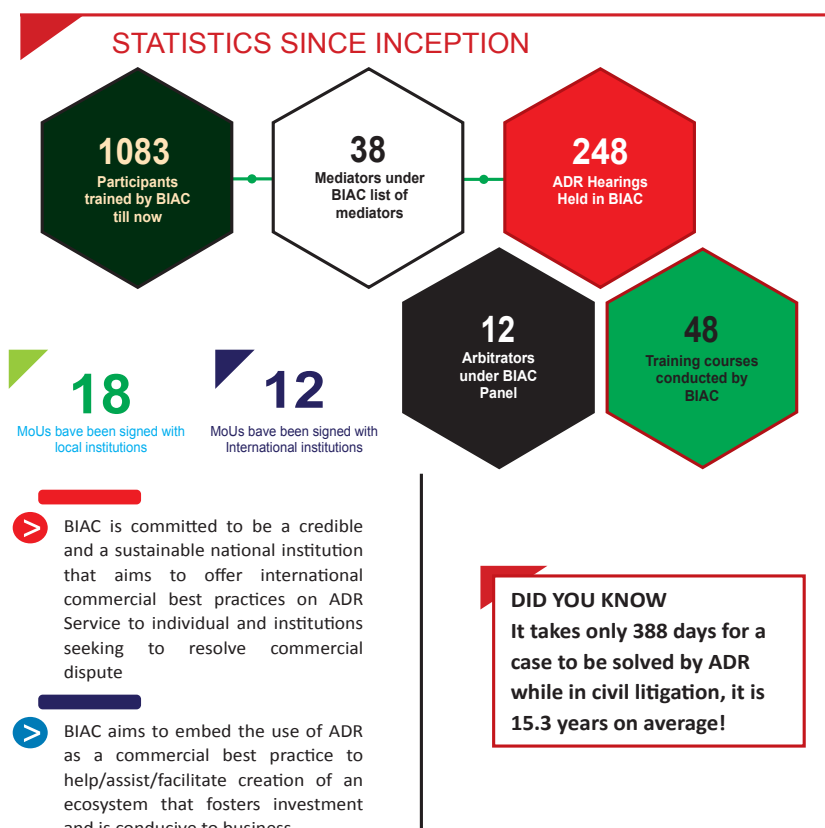
BIAC offers excellent facilities for Arbitration hearings and Mediation meetings, including two state-of-the-art meeting rooms with audio-aids and recording facilities, arbitrator's chambers, private consultation rooms, transcription and interpreter services. BIAC provides all necessary business facilities like video conferencing, powerful multimedia projection, computer and internet access, printing, photocopying. Full-fledged secretarial services and catering service are also available on request.

As the only ADR institution in the country, apart from facilitating Arbitration and Mediation, BIAC also provides training courses on ADR, especially Arbitration, Mediation and Negotiation. This year BIAC has taken an initiative of providing specialized ADR training courses for different sectors. For instance, ADR in Artha Rin Adalat Ain, ADR in Procurement Disputes, ADR in Human Resource Management and others. BIAC is now planning to organize training programmes abroad jointly with those ADR centres which BIAC has already signed collaboration agreements with. Till date, BIAC has organised twenty four (24) arbitration training courses, fifteen (15) mediation

training courses and eight (8) negotiation training courses.

From the very beginning, BIAC has been working hard to create awareness about ADR facilities by conducting several outreach programmes, seminars, workshop and dialogues. BIAC has arranged about 100 workshop/seminar/dialogues as of 30th September 2017.

BIAC has received recognition by signing cooperation agreement with 12 International ADR Centres, namely, The Permanent Court of Arbitration (PCA), SAARC Arbitration Council (SARCO), Kuala Lumpur Regional Centre for Arbitration (KLRC), Vietnam International Arbitration Centre (VIAC), Malaysia Arbitration



Tribunal Establishment (MATE), Thailand Arbitration Center (THAC), Singapore International Arbitration Centre (SIAC), Indian Institute of Arbitration and Mediation (IIAM), Hong Kong Mediation Center (HKMC), Mainland-Hong Kong Joint Mediation Center (MHJMC), Hong Kong International Arbitration Centre (HKIAC) and Institute for the Development of Commercial Law and Practice (ICLP) Sri Lanka. Moreover, 18 leading corporate companies, banks, real estate, NGO and financial institutions have signed Memorandum of Understanding (MoU) to seek BIAC's assistance in matters related to ADR and BIAC.



Bangladesh International Arbitration Centre

The Institution for Alternative Dispute Resolution

BIAC COUNCIL (BOARD) MEMBERS



Mr. Mahbubur Rahman
Chairman, BIAC Board



Mr. Latifur Rahman
Member, BIAC Board



Ms. Nihad Kabir
Member, BIAC Board



Mr. Abul Kasem Khan
Member, BIAC Board

BIAC MANAGEMENT

Muhammad A. (Rume) Ali
Chief Executive Officer

M A Akmal Hossain Azad
Director

Mahbuba Rahman Runa
Senior Counsel

Ashiqur Rahman
Manager (Accounts & Finance)

Rubaiya Ehsan Karishma
Assistant Counsel

Shahida Parvin
Office Executive

Syed Shahidul Alam
Administrative Officer

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BIAC signed Collaboration Agreement with Hong Kong International Arbitration Centre (HKIAC)

6 July, 2017



Chief Executive Officer of Bangladesh International Arbitration Centre (BIAC) Mr. Muhammad A. (Rumee) Ali and Secretary General of Hong Kong International Arbitration Centre (HKIAC) Ms. Sarah Grimmer, signed a Collaboration Agreement on behalf of their respective organizations. This Collaboration Agreement is intended to explore areas for co-operation in respect of the use of facilities and services of both parties. Both the organizations hope that such initiative of signing this agreement will help both countries to work together for resolving commercial disputes.

The Hong Kong International Arbitration Centre (HKIAC) is a company limited by guarantee and a non-profit organisation established under Hong Kong law. It is one of the world's leading dispute



Bangladesh International Arbitration Centre

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resolution organisations, specialising in arbitration, mediation, adjudication and domain name disputes resolution. HKIAC also offers state-of-the-art hearing facilities, which have been ranked first worldwide for location, value for money, IT services and helpfulness of staff.

HKIAC was established in 1985 by a group of leading businesspeople and professionals in an effort to meet the growing need for dispute resolution services in Asia. So that the HKIAC could be set up initially, the Hong Kong business community and the Hong Kong Government provided funding to the HKIAC. Today, the HKIAC is financially self-sufficient, and completely free and independent from any type of influence or control.

Bangladesh International Arbitration Centre (BIAC) and Thailand Arbitration Center (THAC) jointly organized Professional Mediator Training Certificate Course in Thailand

23-29 July, 2017



A seven day-long training programme on "Professional Mediator Training Certificate Course" was organized jointly by Bangladesh International Arbitration Centre (BIAC) and Thailand Arbitration Center (THAC) from 23-29 July, 2017 in Bangkok, Thailand. It was supported by the Mainland Hong Kong Joint Mediation Center (MHJMC), China.

The training programme was inaugurated by Mr. Muhammad A. (Rumee) Ali, Chief Executive Officer of BIAC. Mr. Francis Law, Founder Chairman MHJMC along with other trainers and coaches were present at the inauguration ceremony of the training programme. In his

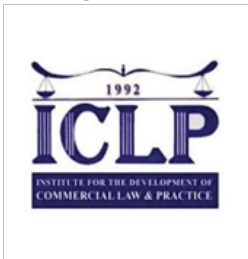
speech, Mr. Ali expressed his gratitude towards THAC for organizing such a training programme exclusively for Bangladeshi participants. He added that this capacity building initiative will contribute in creating a pool of ADR professionals in Bangladesh. He also hoped that BIAC and THAC will maintain mutual efforts to progress the ADR scenario in this region. After inauguration, Mr. Ali jointed a lunch meeting hosted by Mr. Pasit Asawawattanaporn, Managing Director, THAC where Mr. Pawien Sakunee, Deputy Managing Director, THAC, Mr Nicky Balani, Arbitration Fellow, THAC and Ms. Mahbuba Rahman, Senior Counsel, BIAC were present.

This course leads to receiving accreditation, provided by MHJMC, which is recognized worldwide. A total number of 31 participants from different sectors including commercial & government banks, defence, corporate offices, financial institutes attended this training.

Mr. Pawien Sakunee, Deputy Managing Director THAC handed over certificates to the participants after successful completion of the training.

BIAC signed MoU with ICLP (The Institute for the Development of Commercial Law & Practice)

2 August, 2017



Chief Executive Officer of Bangladesh International Arbitration Centre (BIAC) Mr. Muhammad A. (Rumee) Ali and Chief Executive Officer of The Institute for the Development of Commercial Law & Practice (ICLP) Ms. Hemamali Amarasinghe signed a Memorandum of Understanding (MoU) on behalf of their respective organizations. This Collaboration Agreement is intended to explore areas for co-operation in respect of the use of facilities and services of both parties. Both the organizations hope that such initiative of signing this agreement will help both countries to work together for resolving commercial disputes.

The ICLP Arbitration Centre which was set up on 15th March 1996, is a separate body of the Institute for the Development of Commercial Law and Practice (ICLP) which is a corporate body established in 1992, under the Companies Act of 1982 of Sri Lanka and it is the only institutional arbitration centre in Sri Lanka.

The ICLP is a non-profit organization funded by some of the leading private sector Companies in Sri Lanka and was incorporated inter alia to assist the Government of Sri Lanka to create and develop the infrastructure necessary for Sri Lanka through a market economy. Among its primary objectives are the advancement of Commercial Law, its administration and practice, imparting knowledge and diffusion of information thereon, and establishing and operating an arbitration centre of international standards to resolve commercial disputes.

The ICLP assisted the Government of Sri Lanka to enact a modern arbitration law (Arbitration Act No.11 of 1995) with the assistance of the SWEDECORP (Swedish International Enterprise Development Corporation) and the SILD (Swedish Institute for Legal Development) and thereafter set up the Centre in Colombo with their assistance.

Day-long Training on “Application and Process of Arbitration” held at BIAC

16 August, 2017



A day-long training programme on “Application and Process of Arbitration” was organized by Bangladesh International Arbitration Centre (BIAC) on 16 August 2017.

The training highlighted the concept of ADR Methods, Elements, Importance and Effects of

Arbitration Clause; Composition of Arbitration Tribunal; Appointment of Arbitrator; Difference between ad-hoc and institutional arbitration; Role of national Courts in Arbitration; Commencement and conduct of arbitration proceedings, Arbitral Award and its enforcement.

This training programme will help a long way in creating a pool of ADR professionals in the country and will popularize ADR methods which will also encourage foreign direct investors to do business in Bangladesh.

Barrister Imtiaz Farooq was the trainer, while a total number of 16 participants from different sectors including commercial & government banks, Insurance, corporate offices, financial institutions attended this training. Certificates were distributed among the trainees after successful completion of the programme.

Bangladesh International Arbitration Centre (BIAC) signed MoU with Friendship Bangladesh.

30 August , 2017



Chief Executive Officer of Bangladesh International Arbitration Centre (BIAC) Mr. Muhammad A. (Rume) Ali and Founder, Secretary & Executive Director of Friendship Bangladesh Mrs. Runa Khan signed a Memorandum of Understanding (MoU) on behalf of their respective organizations. This is the first Non Government Organisation (NGO) with which BIAC has signed an MoU. By virtue of this MoU, Friendship Bangladesh will incorporate BIAC's clauses for Arbitration, Mediation or both as appropriate in its future contracts as a dispute resolution mechanism. BIAC is delighted to



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collaborate with this organisation, given the commendable responsibility that it has undertaken.

Friendship Bangladesh aims to help poor people in remote and unaddressed communities in Bangladesh. Their work began by making healthcare more accessible to the residents in these areas. In 1994, a river barge was sailed from France to Bangladesh and donated for use by the people of Bangladesh. The barge was converted into Friendship's first floating hospital and began its work in 2002 under the direction of Mrs. Runa Khan.

New Director has joined Bangladesh International Arbitration Centre.



Mr. M A Akmal Hossain Azad joined Bangladesh International Arbitration Centre as Director on 5 September 2017. He was Additional Secretary to the

Government of Bangladesh, worked in the Ministry of Agriculture and served as Chairman of Bangladesh Forest Industries Development Corporation (BFIDC). He also served the Government of Bangladesh for over 30 years as a BCS (Administration) Officer in many key positions including Director General of Family Planning and achieved diversified experience with national and international organizations at home and abroad, including Social Reforms Management for Bangladesh Civil Servants under MATT-2 Studies in the University of Manchester (UK) and Civil Service College

(Singapore), supported by UK-DFID and Government of Bangladesh.

As a senior BCS Official he served in both field and secretariat levels and shared policy planning and implementation of development activities and dispensation of criminal justice of District Administration and worked under Health & Family Welfare, Jute, Civil Aviation, Land and Law, Justice & Parliamentary Affairs Ministries, Rural Development & Cooperatives Division and the Cabinet Division in various capacities. He holds an Honors and a Master's degree in Law from the University of Dhaka and has obtained among others, national and international trainings on Social Policy Development and Management (UK), Public Administration (Singapore), Local Level Governance and International HRD (India), Policy Planning and Management for Senior BCS Officials (Bangladesh).

Bangladesh International Arbitration Centre (BIAC) signed MoU with Islami Bank Bangladesh Limited.

13 September 2017



Bangladesh International Arbitration Centre (BIAC) has signed a Memorandum of Understanding (MoU) with Islami Bank Bangladesh Limited on 13 September 2017 to

assist resolution of commercial, contractual and money loan disputes through Alternative Dispute Resolution (ADR) at the Head Office of Islami Bank Bangladesh Limited in Dhaka.

Mr. Muhammad A. (Rume) Ali, Chief Executive Officer of BIAC and Mr. Md. Abdul Hamid Miah, Managing Director & CEO of Islami Bank Bangladesh Limited signed the agreement on behalf of their respective organizations. Senior officials from both the organizations were present during the signing ceremony.

This MOU will provide a framework to facilitate resolution of commercial, contractual and money loan disputes of Islami Bank Ltd. using ADR methods such as Arbitration and Mediation through ADR expert services of BIAC.

Bangladesh International Arbitration Centre (BIAC) is Going to celebrate its 6th Anniversary on Saturday, 7 October 2017 at Surma Room, Pan Pacific Sonargaon Hotel, Dhaka

Bangladesh International Arbitration Centre (BIAC) - the country's first and only Alternative Dispute Resolution (ADR) institution is going to celebrate its 6th Founding Anniversary on Saturday, 7 October, 2017. Its core activity is to resolve commercial disputes through ADR methods namely, Arbitration and Mediation.

BIAC has developed international standard ADR facilities, trained professionals in ADR techniques and endeavored to raise awareness about ADR benefits with the objective to facilitate settlement of commercial disputes out of Courts and thereby lessen burden on our Judiciary. With recognition from both international and national institutions, BIAC has already signed cooperation agreements with 12 International ADR Centres and 18 leading corporate companies and financial institutions have signed Memorandum of Understanding (MoU) to seek BIAC's assistance in matters related to ADR.

A seminar on the occasion of BIAC's 6th Founding Anniversary will be organized at Pan Pacific Sonargaon Hotel, titled "Doing Business Index: ADR in Effective Enforcement of Contracts". Hon'ble Mr. Anisul Huq, MP, Minister for Law, Justice & Parliamentary Affairs has consented to

be the Chief Guest at the Seminar. Mr. Fazle Kabir, Governor of the Bangladesh Bank and Mr. Kazi M. Aminul Islam, Executive Chairman of Bangladesh Investment Development Authority (BIDA) will attend as Special Guests. Speakers of the event will be from international and national experts. Other luminaries are also expected to participate at the event including former Chief Justices and Justices, prominent lawyers, business leaders, representatives of corporate houses, government officials, senior officials of banks and insurance companies, representatives of diplomatic missions, international organizations and media.

BIAC will Publish a special publication on this occasion. It will be distributed among the guests in the event. More than two thousand copies will be circulated among BIAC stakeholders, such as, business chambers, corporate houses, multi-nationals, government offices, diplomatic missions and international organizations, universities, banks, insurance companies and financial institutions, other ADR Centres in the region. Moreover, it will reach numerous viewers through BIAC's official website and social media platforms which will give targeted publicity.

Signing of Host Country Agreement Between the Government of the Republic of Singapore and the Permanent Court of Arbitration.

25 July, 2017



Senior Minister of State for Law, Singapore Indranee Rajah and Permanent Court of Arbitration (PCA) Secretary-General Hugo Siblesz signed an agreement yesterday to set up the new office in Singapore, instead of holding dispute resolution hearings on an ad hoc basis without a staffed office. It will allow the PCA to administer the growing number of its cases being heard in the region, said the PCA and the Ministry of Law, Singapore in a statement.

A new office to serve the dispute- resolution needs of states and businesses in Asia will soon

be set up here - the latest in a series of recent developments in international arbitration.

To be housed at the Maxwell Chambers it will be the Permanent Court of Arbitration's (PCA) first office in Asia and second - after Mauritius - outside its Hague headquarters in the Netherlands.

The new case-management office - allowing international arbitration cases to be handled in Singapore, will start operation in the first quarter of next year at Maxwell Chambers. Earlier in the year, legislation was amended allowing third-party funding in international commercial arbitration in Singapore, offering businesses an additional financing and risk-management tool.

While there were four such cases in 2015, at least seven have been or will be heard in Singapore this year.

<http://www.straitstimes.com/singapore/global-arbitration-body-to-set-up-office-here>

The Permanent Court of Arbitration (PCA) is proud to be a supporting organization for the IV Pan-American Arbitration Congress, São Paulo, Brazil

10 August, 2017



Organized by the Arbitration and Mediation Center of the Brazil-Canada Chamber of Commerce ("CAM-CCBC"), the Congress will

be held this year in São Paulo, Brazil from 23 to 24 October 2017. During the two day event, speakers and participants will have the opportunity to discuss a range of topics including best practices and further development of the arbitration field in the Pan-American context. The theme of the conference focuses on trends of "Today and Tomorrow in Arbitration"

PCA Legal Counsel Túlio Di Giacomo Toledo will speak on a panel addressing "Trends and Best Practices in the administration of arbitration procedures in International Commercial Arbitration."

For further information visit the CAM-CCBC website.

The PCA and CAM-CCBC Cooperation Agreement was signed on 14 September 2014, and further information about PCA Cooperation Agreements is available here.

<https://pca-cpa.org/en/news/the-pca-is-proud-to-be-a-supporting-organization-for-the-iv-pan-american-arbitration-congress-sao-paulo/>

Singapore International Arbitration Centre (SIAC) Opens its Second Representative Office in India in Gujarat International Finance Tec-City (GIFT)

10 August , 2017



The Singapore International Arbitration Centre (SIAC) is pleased to announce that it has opened a second representative office in India (After its Mumbai representative office which was established in 2013), in the International Financial Services Centre in Gujarat International Finance Tec-City (GIFT IFSC), Gujarat. This is pursuant to the Memorandum of Agreement entered into last year between SIAC, the Gujarat International Finance Tec-City Company Limited (GIFTCL) and GIFT SEZ Limited (GIFT SEZ). Mr Ajay Pandey, MD and Group CEO of GIFTCL, said, "We are delighted that SIAC has opened an office in GIFT IFSC. We believe SIAC will provide a neutral and independent dispute resolution platform to parties, thereby enabling them to undertake large international financial transactions from GIFT IFSC. GIFT companies will also start adopting SIAC's model clause as their preferred dispute resolution clause for

international contracts exceeding a certain value. With increasing participation by international and domestic parties in GIFT IFSC, an international dispute resolution mechanism will be useful in making GIFT IFSC a global financial hub along the lines of London, Dubai, Hong Kong, Singapore and New York." Ms Lim Seok Hui, CEO of SIAC, commented that "SIAC greatly values its Indian users who have contributed significantly to the success of SIAC as one of the world's premier arbitral institutions. Opening a second SIAC office in India in GIFTIFSC will allow SIAC to participate in GIFT's economic development through the provision of a world-class dispute resolution mechanism to businesses and investors within GIFT IFSC, and will deepen SIAC's existing ties with the legal and business communities in India."

[http://www.siac.org.sg/images/stories/press_release/2017/\[Press%20Release\]%20SIAC%20Opens%20its%20Second%20Representative%20Office%20in%20India%20in%20GIFT.pdf](http://www.siac.org.sg/images/stories/press_release/2017/[Press%20Release]%20SIAC%20Opens%20its%20Second%20Representative%20Office%20in%20India%20in%20GIFT.pdf)

India may have Signaled its Arbitration Embrace

August 15, 2017



Recent actions undertaken by the Supreme Court of India could signal a sea change in India's approach to

international disputes. The Supreme Court recently instructed the Mumbai Centre for International Arbitration (MCIA) to appoint an arbitrator to decide a long-standing international dispute between top drug maker Sun Pharmaceutical Industries Ltd and Nigeria-based Falma Organics Limited. The Indian Supreme Court's action marks the very first time any Indian court—let alone the country's highest court—has invoked section 11 of the Arbitration and Conciliation Act of 2015 by asking an independent body, here the MCIA, to appoint an arbitrator in a dispute.

The case concerns a dispute regarding a 2004 distribution agreement. In 2014, Sun Pharmaceuticals asked the Court to appoint an arbitrator to decide the dispute. The Court denied the request and in August 2015, sent the parties to mediation. Although the parties reached a settlement in principle around February 2016, the parties failed to effect such settlement and on January 9, 2017, Sun Pharmaceuticals once again requested the Court for appointment of an arbitrator to resolve the dispute.

Under Section 11 of the Act, if a party fails to appoint an arbitrator within 30 days from the receipt of a request to do so from the other party, the appointment can be made, upon request of a party, by the Chief Justice or any person or institution designated thereby. Here, the parties were to report to the MCIA on July 10, 2017, to have MCIA appoint their arbitrator.

Prior to the MCIA's involvement, the majority of Indian-related arbitrations in India took place on an ad hoc basis. This resulted in a lack of uniform standards and predictability with respect to the

cost-effectiveness, efficiency and outcome of many arbitral proceedings. Additionally, based on these circumstances, India began to face criticism from arbitral practitioners for its lack of credible arbitral institutions, muddled notions of public policy, needless judicial intervention, and lack of a dedicated arbitration bar. In spite of these issues, the number of India-related arbitrations continued to increase steadily in recent years, calling for a solution.

The MCIA, which launched less than one year ago, in October 2016, was India's first arbitration tribunal and was specifically set up to provide investors with a stable, cost-effective manner to handle this increasing number of India-related arbitrations. Additionally, Prime Minister Narendra Modi appears to be promoting a culture of institutional arbitration through his "Make in India" Campaign.

Although there appears to be a concerted effort to move forward to both keep Indian-related arbitrations in India and to build the MCIA as a global platform for the resolution of international disputes, practitioners remain skeptical. Some practitioners note that a large number of the MCIA arbitrator pool consists of retired High Court and Supreme Court Judges. This may affect the arbitral proceedings before them. However, section 29A of the 2015 Act stresses fast-track arbitrations, providing only 12 months for arbitrators to render an award. Accordingly, it remains unclear whether Mumbai will be the next hotbed of international dispute resolution.

<https://globalarbitrationnews.com/india-may-signaled-arbitration-embrace/>

The Seoul International Dispute Resolution Center (IDRC) will continue to provide educational events, lectures, and seminars for future generation.

August 21, 2017



On August 21st, 2017, students from Department of Economics and Trade at Kyungpook National University visited the Seoul IDRC. The Seoul

IDRC provided education to students about the basic concept of arbitration, the understanding of arbitration seats and institutions, the strengths of Seoul as an arbitration hub and the role and guidance of the Seoul IDRC. We also educated the precautions during arbitration. Students preparing trial arbitration contest had an opportunity to understand more about the basic principle of arbitration.

http://www.sidrc.org/events/03.php?admin_mode=read&no=872&s_url=

Arbitrating business-related human rights disputes

23 August, 2017 (The Arbitration Institute of the Stockholm Chamber of Commerce, Brunnsgatan)

International experts propose the use of international arbitration to resolve disputes arising from human rights abuse involving business. A newly-published paper explains the proposal further.

The proposal came from the Working Group on International Arbitration of Business and Human Rights. It notes that existing judicial systems in many parts of the world are often seen as inadequate to deal with business and human rights abuse. In their view, arbitration can be used by victims to obtain remedies.

After the proposal was published, the Working Group has further engaged in a three-year

consultation period involving a wide range of stakeholders. The paper addresses principal questions during this consultation period, among others:

1. How could the victims of business-related human rights abuses become involved in arbitration?
2. Where would the arbitration take place?
3. Are revised arbitration rules needed to enable the arbitration?

<http://www.sccinstitute.com/about-the-scc/news/2017/arbitrating-business-related-human-rights-disputes/>

The Kuala Lumpur Regional Centre for Arbitration (KLRCA) Signs MoU with the Jamaica International Arbitration Centre (JAIAC)

28 August, 2017



The Kuala Lumpur Regional Centre for Arbitration (KLRCA) and the Jamaica International Arbitration Centre (JAIAC) have signed a Memorandum of Understanding (MoU).

The agreement, signed by Datuk Professor Sundra Rajoo (Director of the KLRCA) and Dr. Christopher Malcolm (Secretary General of the JAIAC), establishes a basis upon which both parties may explore areas for further co-operation in respect of the use of facilities and services on Alternative Dispute Resolution (ADR) provided by both institutions.

<https://www.klrca.org/announcements-announcements-details.php?id=164>

Arbitration in a podcast

30 August, 2017 (The Arbitration Institute of the Stockholm Chamber of Commerce, Brunnsgatan)

A new podcast about international arbitration, The Arbitration Station, was just launched. It covers both commercial arbitration and investment treaty arbitration.

The Arbitration Station is hosted by Brian Kotick, an American arbitration lawyer and Joel Dahlquist Cullborg, a Swedish arbitration academic. They told the SCC about inspiration behind the podcast:

"We have been discussing arbitration like this since the day we met four years ago at the SCC. This time we just decided to grab some equipment

and record it. People in the field are often busy and travel a lot - therefore the podcast format works very well as way to take in new developments and engage with the community."

The first episode tells stories about tribunal deliberations and administrative secretaries. SCC Secretary General Annette Magnusson will speak in the second episode on diversity in international arbitration.

<http://www.sccinstitute.com/about-the-scc/news/2017/arbitration-in-a-podcast/>

Permanent Court of Arbitration (PCA) signed Cooperation Agreement with Nairobi Centre for International Arbitration (NCIA)

September 11, 2017



On 11 September 2017, a Cooperation Agreement

was concluded between the PCA and the Nairobi Centre for International Arbitration (NCIA).

The Cooperation Agreement establishes a framework for the two organizations to work together towards the promotion of arbitration as a means for the peaceful settlement of international disputes. In addition, it formally recognizes the benefits of cooperation among international arbitral institutions.

On a practical level, under this Agreement, each institution will be able to hold hearings and meetings at the other's premises, and will assist with the arrangement of local support services for such events. The institutions also endeavour to cooperate in organization of conferences, lectures, and seminars on arbitration and other means of dispute resolution.

The PCA has also signed cooperation agreements with other arbitration institutions and international organizations worldwide.

<https://pca-cpa.org/en/news/pca-signed-cooperation-agreement-with-ncia/>

Tehran Regional Arbitration Centre (TRAC) & Stockholm Chamber of Commerce (SCC) Second Joint Event in Stockholm

21 August, 2017



On September 13, 2017, the Tehran Regional Arbitration Centre (TRAC) together with the Arbitration Institute of the Stockholm Chamber of Commerce (SCC), the Stockholm Chamber of Commerce, and International Chamber of

Commerce Sweden (ICC Sweden) hosted their second joint international seminar in Stockholm, on doing business in Iran. The seminar was composed of two panels.

The event started with the welcome speech of Dr. Oveis Rezvanian, Director of TRAC and Ms. Annette Magnusson, Secretary General of the SCC. In the opening remark, Dr. Oveis Rezvanian provided a brief introduction to salient features of arbitration under TRAC Rules and explained why TRAC is the most favorable forum in the region for conducting of international arbitrations.

<http://www.trac.ir/News/NewsListPage.aspx?checktype=1>

Arbitrating for Peace in New York Dispute Resolution Lawyer

13 September, 2017 (The Arbitration Institute of the Stockholm Chamber of Commerce, Brunnsgatan)

A review of the book *Arbitrating for Peace* is published in the latest edition of *New York Dispute Resolution Lawyer*. The review highlights that the book brings history of international arbitration to life.

Arbitrating for Peace is a Stockholm Chamber of Commerce (SCC) initiative and published as part of SCC's centennial celebration. Each chapter is devoted to different international landmark arbitration cases – primarily state-to-state but also including commercial disputes with geopolitical dimensions – and showcases how arbitration has resolved disputes in cases regarding, for example, potential escalation of armed conflict.

Edna Sussman, mediator and arbitrator, wrote a review of the book in *New York Dispute Resolution*

Lawyer, which is published by the New York State Bar Association. Ms Sussman wrote:

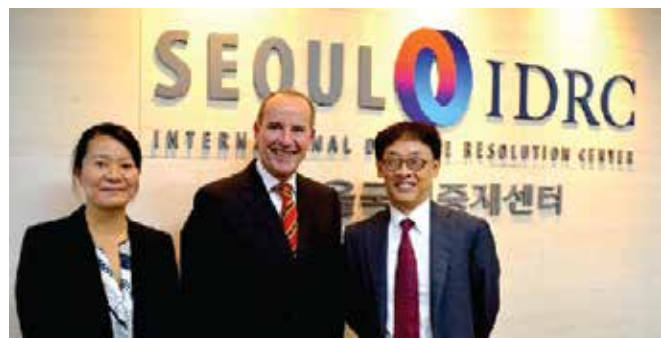
"The book should be of interest not only to those fascinated by historical events, but also those interested in arbitration and the important role it has played over the decades in promoting peace."

"It can only be hoped that world leaders will seize upon opportunities to engage in arbitration and other amicable dispute resolution processes, as have those in the conflicts featured in the book, to resolve even seemingly intractable conflicts."

<http://www.sccinstitute.com/about-the-scc/news/2017/arbitrating-for-peace-in-new-york-dispute-resolution-lawyer/>

Seoul International Dispute Resolution Center (IDRC) welcomed Martin Abend, the Vice-President of the German Federal Bar and Kei-Lin Ting-Winarto, the Director of the International Department.

22 September, 2017



Secretary-General Young Seok Lee delivered a presentation to the delegation explaining the

purpose of the Seoul IDRC and introducing the center's major roles and events. At the end of his speech, the Secretary-General took a few questions from the delegation. The delegation also had a tour around the center equipped with cutting-edge facilities designed to assist efficient and cost-effective hearings.

Seoul IDRC looks forward to having further cooperation with the German Federal Bar in the foreseeable future.

http://www.sidrc.org/events/03.php?admin_mode=read&no=899

China Arbitration Summit held in Beijing

22 September, 2017



The 2017 China Arbitration Summit, jointly hosted by the Supreme People's Court of China, China Council for the Promotion of International Trade (CCPIT) and China International Economic and Trade Arbitration Commission (CIETAC), was held in Beijing from September 19 to 20, 2017. CCPIT Vice Chairman Lu Pengqi addressed the opening ceremony. Also in attendance were Liu Guixiang, member of the Judicial Committee of the Supreme People's Court of China, Li Chenggang, Assistant Minister of Commerce of China, and Wang Junfeng, President of All China Lawyers Association.

21 guest speakers were invited to address the summit. The major topics for discussion include the judicial and arbitration environment, opportunities and challenges in the "Belt and Road" construction, "Belt and Road" construction and international investment arbitration, new tendency and new hot topic about commercial and legal arbitration, legal risks and its prevention for Chinese companies when going global, etc.

The Summit also invited Dr. Michael Hwang SC, Chief Justice of the Dubai International Financial Centre Courts, Joao Ribeiro-Bidaoui, United Nations Commission on International Trade Law (UNCITRAL) Regional Head for Asia and the Pacific, Alexis Mourre, the International Chamber of Commerce (ICC) Executive Board, among others. More than 400 guests from arbitration agencies at home and abroad, as well as judges, arbitrators, legal experts, lawyers and people from business community participated in the Summit.

http://en.ccpit.org/info/info_402881175e71937a015ea763251c001f.html

International Forum on Commercial Arbitration and Diversified Dispute Settlement Mechanism Held in Changsha, Hunan, China.

22 September, 2017

On September 22, 2017, the International Forum on Commercial Arbitration and Diversified Dispute Settlement Mechanism was held in Changsha, Hunan as part of the China Arbitration Week /Hunan Event.

The Forum was directed by CCPIT, hosted by CIETAC and co-organized by the CCPIT Hunan Sub-council and the Hunan Lawyers Association. The Forum was also supported by the Hunan High People's Court, the Hunan Intellectual Property Office and the Central South University.

Vice-Chairman of CCPIT Lu Pengqi and Secretary-General of CIETAC Wang Chengjie attended the Forum.

More than 300 delegates from legal and commercial circles, government departments and colleges and universities attended the Forum. The Forum was focused on several topics for discussion, including people's courts' reforming practices of deepening the diversified dispute settlement mechanism and the future development of it, the Belt and Road construction and the new trend of the development of



international investment arbitration and commercial arbitration, the settlement of intellectual property disputes, etc.

Deputy Director of the Multiple Dispute Resolution Division of CIETAC Cui Xinmin spoke at the session of "Thematic Dialogue on Diversified Settlement Mechanism of Intellectual Property Disputes," and introduced to the participants CIETAC's acceptance of intellectual property cases, service of domain name disputes resolution and online arbitration. He also communicated and interacted with attendees and audiences.



Law & Our Rights

Md. Sameer Sattar

Recently, he has been ranked in Band 1 by Chambers & Partners: Asia Pacific and also recommended by The Legal 500. Moreover, he has been recognised as one of 33 worldwide thought leaders in arbitration, by a London-based international legal publication, Who's Who Legal. Law Desk talks to him on the following issues:

Law Desk (LD): You have appeared as an advocate before numerous international arbitral tribunals and the courts in Bangladesh as well. In light of your practical experience, what are the challenges and prospects for Bangladesh in terms of arbitration?

Sameer Sattar (SS): I am optimistic about the Bangladeshi legal environment in terms of commercial dispute resolution. As Bangladeshi courts are over-loaded, I think more and more parties are now opting for alternative methods of dispute resolution like mediation and arbitration. The Government of Bangladesh has also taken proactive steps in this regard. For example, the Government has amended certain laws for making mediation mandatory in certain cases. This shows the Government's commitment to take Bangladesh forward in the right direction in so far as dispute resolution is concerned.

However, enforcement of awards is a key challenge in Bangladesh and adequate steps should be taken by the legislature to amend the

Arbitration Act 2001 in order to make enforcement of awards easier and quicker in Bangladesh.

LD: Recently, you have been designated to the World Bank's ICSID Panel of Arbitrators and Conciliators by the Government of Bangladesh. Legal luminaries such as the Late Syed Ishtiaque Ahmed and Dr. Kamal Hossain were on this Panel previously. What are your core responsibilities in the Panel?

SS: After returning to Bangladesh from the UK, I think that this has been a significant achievement and recognition for me. There are no responsibilities per se once you are selected to the Panel. When a country selects and designates you onto the ICSID Panel of Arbitrators, your name will appear on this prestigious list on behalf of Bangladesh and when appointing an arbitrator, foreign investors and States will have the option to choose an arbitrator for their dispute from this Panel. Once chosen, you will have to fulfill the role of an arbitrator and arbitrate the dispute between the State and the foreign investor.

LD: Would you like to inspire young lawyers of Bangladesh who wish to work as counsels in international arbitration sector?

SS: International arbitration is not only intellectually stimulating but it is also great fun as it allows one to travel around the world and learn

more about different legal systems and culture. You need to be conversant not only with the laws of Bangladesh but also with the procedural laws of other countries like Singapore, England etc. For me, I also see this as an opportunity to grow one's professional network worldwide. Hence, I would highly encourage our youngsters to start early and develop a practice in international arbitration.

LD: You have also worked on investment treaty disputes concerning States and State entities. How challenging were those transnational investment disputes involving two States?

SS: As mentioned earlier, I think these arbitrations are very intellectually stimulating and there is a great deal of adrenaline rush when working on such matters. For example, you are advising Governments of different countries and dealing with senior Government officers, understanding national policies balanced against the interests of foreign investors. On one occasion, I remember that I came back from a Middle Eastern State into the UK around 6am and was required to conduct a hearing starting from 10am. Since the ICSID arbitration was before a world class arbitral tribunal, I remember not sleeping for more than 30 hours

only in anticipation of the hearing. This experience was both challenging and enjoyable.

LD: Commercial arbitration, as a career path, is yet to get the appraisal in our country. As a successful lawyer and arbitrator, how do you assess the situation?

SS: It is true that commercial arbitration, as a career path in Bangladesh, is yet to get the due recognition and appreciation that it deserves. But, I think that it is changing. Huge foreign investments are being made into Bangladesh by investors (especially in infrastructure projects) and most of these investment contracts have arbitration as their mode of dispute settlement. Since the Arbitration Act 2001 also strongly recognizes arbitration and foreign awards, I am confident that this field will pick up very soon – and I have placed myself accordingly for the action.

LD: Thanks for your time.

SS: You are welcome

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Advocate, Supreme Court of Bangladesh

Head of Chamber

Sattar & Co Bangladesh

GOB's Designee of the World Bank ICSID's Panel of Arbitrators



Institutional Arbitration: First Choice for Foreign Investors

Aiman R. Khan

Trainee Lawyer, Dhaka Judge Court, Bangladesh

As a part of the global village, Bangladesh has always favoured free flow of trade. With foreign investors gathering, Bangladesh becomes the fourth fastest growing economy globally. As the interest in Bangladesh as an investment destination is increasing, the likelihood of commercial disputes is inevitable. Resorting to Arbitration as a form of settling such disputes has mostly been preferred by foreign investors, thus making it an imperative concern for Bangladesh. To make the investment atmosphere best suited, the demand for an institutionalized procedure is rising.

As a member of the 1958 Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention), and the UNCITRAL Model Law on International Commercial Arbitration 1985 (amended 2006), Arbitration has been in practice in Bangladesh. It is a form of Alternative Dispute Resolution (ADR) which allows disagreements between two parties to be resolved outside of the traditional court system. As an alternative to litigation in court, businessmen and merchants often prefer to refer disputes to Arbitration.¹ Between the two types of Arbitration, the Ad- Hoc Arbitration and Institutional Arbitration, foreign investors are more inclined towards the latter one.

An institutional arbitration is one in which a specialised institution intervenes and takes on the role of administering the arbitration process. There are approximately 1200 institutions worldwide which offer arbitration services, and some will deal with a particular trade or industry. Study shows, most foreign Investors in countries like UK or Canada favoured institutionalized Arbitration procedure to prevent inconvenience. The growing trend suggests they will prefer to take similar steps in Bangladesh to resolve their disputes.

It has been observed in investment related disputes, that investors try to avoid litigation in Bangladesh. This is mostly because of a backlog

of cases in the courts, the length of disposal of such cases and the costs that follow. Time consumed for the final disposal of cases from the date of its institution is too long. 10-15 years in many instances.² Due to this, the Investors even avoid Judicial Arbitration in fear of the same problems.

In the absence of other arrangements, a dispute between a host State and a foreign investor will normally be settled by a host State's domestic courts. From the Investor's perspective, this is not an attractive option. The regular courts will often lack the technical expertise required to resolve International Investment disputes.³ Under an institutional arbitration, arbitrators can seek assistance and advice from institutional staff. Under domestic arrangement (Ad Hoc Arbitration), parties to the arbitration would have to approach the court in order to take the arbitration forward and this would inevitably incur further expenditure.⁴

Each institution has its own set of rules which provides a framework for the arbitration, and its own form of administration to assist in the process. Some common institutions are the London Court of International Arbitration (LCIA), the International Chamber of Commerce (ICC), the Dubai International Finance Centre (DIFC) and the Dubai International Arbitration Centre (DIAC).⁵ In Bangladesh, there is the Bangladesh International Arbitration Centre (BIAC).

BIAC provides a safe haven for Investors in Bangladesh due to its institutionalized Arbitration proceedings. It introduced its own Arbitration Rules in April 2012 and Mediation Rules in 2014 which conform to the Bangladesh Arbitration Act 2001. The availability of its pre-established Rules and procedures which ensure the arbitration proceedings begin and conclude in a timely manner. Under these Rules, the parties will get a list of arbitrators to choose from and runs in an established format with a proven record. Understanding the patterns of foreign preference,

BIAC has its own tailor-made rules which help to facilitate Investment related disputes through effective ADR methods in Bangladesh.

Bangladesh is gradually becoming a hub of foreign investment. It has concluded a number of Bilateral Investment Treaties (BIT) with several countries in order to promote foreign investments in its territory. At present, Bangladesh has concluded 29 BITs -- 24 of which have come into force. The Foreign Private Investment (Promotion and Protection) Act 1980 is an investment protection statute in Bangladesh.⁶ The Prime Minister of Bangladesh HE Sheikh Hasina has encouraged Foreign Direct Investment by saying "I can assure you that doing Business with Bangladesh would be a much attractive choice for you" to US conglomerates at a roundtable discussion in New York, last year.⁷

The BITs have added to the confidence of foreign investors coming to Bangladesh. A country's investment opportunities depend mainly on the relevant legal framework. The stability of the legal conditions and the transparency of the system is what boosts the confidence of a foreign Investor to take the first step. Since disputes are unpreventable regarding foreign investment, these guests demand legal protection. However, due to the indefinite period of court procedures, they seek Alternative Dispute Resolution (ADR) which has proven to be more fruitful. This is where BIAC can play a very important role in attracting foreign investment.

Institutional arbitration saves parties and their lawyers in the effort of determining the drafting an arbitration clause and the arbitration procedure

which is provided by the institution. With a view to making Bangladesh a better choice for foreign investors, BIAC aims to instil the idea of a straightforward dispute settlement procedure. It has also encouraged domestic corporate institutions to incorporate BIAC's draft clause into their contract. This way, the companies which regularly engage in International trade will gain the mentioned protection. The commencement of Institutional Arbitration made foreign investors gain reliability in investing into financial schemes, shares and property in the country. Hence, the emergence of an institutionalized procedure for foreign investment is unparalleled in this country.

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BIAC Med-Arb clause

“Any dispute or difference arising out of or in connection with this contract shall first be referred to the Bangladesh International Arbitration Centre (BIAC) for settlement through mediation in accordance with BIAC Mediation Rules. If a settlement cannot be reached within sixty (60) days following the appointment of the Mediator(s), then such dispute or difference shall be referred to BIAC to be finally settled under the rules of arbitration of the Bangladesh International Arbitration Centre, by one or more arbitrators appointed in accordance with the said Rules.”

How can you engage BIAC?

- Register cases under BIAC Arbitration Rules 2011 and Mediation Rules 2014
- Parties can use BIAC facilities to conduct any ADR case which is not under BIAC Rules
- Pursue BIACs sector based training on arbitration, mediation and negotiation
- Signing of Memorandum of Understanding
- Signing of Co-operation Agreement
- Advisory Services on ADR

Benefits of adding BIAC Med-Arb clause in the contract

- Parties know beforehand how to solve their conflicts (if any)
- The panel of Mediators / Arbitrators know BIAC Rules
- The timeline is predetermined
- Number and procedures of choosing Arbitrator/Mediator are fixed
- The costs to resolve the whole dispute are predictable

BIAC Med-Arb clause can be included in:

- Procurement contract
- Sale contract
- Loan Agreement
- Lease Agreement
- Joint-venture agreement
- Employment agreement
- Any other contracts

EVENTS NEWS

BIAC's Upcoming Events

Organization	Events	Date	Venue
Bangladesh International Arbitration Centre (BIAC)	BIAC 6 th Anniversary	7 th October, 2017	Pan Pacific Sonargaon Hotel
Bangladesh International Arbitration Centre (BIAC)	Art of Negotiation	31 st October, 2017	BIAC
Bangladesh International Arbitration Centre (BIAC)	Community Mediation	25 th November, 2017	BIAC
BIAC & Chartered Institute of Arbitrators (CI Arb)	Introduction to International Arbitration	6 th to 9 th December, 2017	Singapore
Bangladesh International Arbitration Centre (BIAC)	Round Table on Doing Business Index: ADR in Effective Enforcement of Contracts	Coming Soon November, 2017	BIAC
Bangladesh International Arbitration Centre (BIAC)	Procurement Negotiation	Coming Soon December, 2017	BIAC
Bangladesh International Arbitration Centre (BIAC)	HR & Labor Law	Coming Soon January, 2018	BIAC
Bangladesh International Arbitration Centre (BIAC)	Workshop on Mediation	Coming Soon February, 2018	Colombo Sri Lanka

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Green Delta Insurance is being honored with numerous awards and accolades in the year 2016 and achieved a unique height in the Industry. For such we express our sincere gratitude to all our Shareholders, Board of Directors, Clients, Regulators, International Finance Corporation (IFC), United Nations Global Compact, Policy makers, Local and International support partners, Credit Rating Agency of Bangladesh, Business Associations and all the Green Delta Family Members for their unimpeded support and cooperation.



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AAA CREDIT RATING



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ICAB AWARD
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IFM AWARD
Best Non-Life Insurance Company



ICMAB AWARD
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Our Subsidiaries

