



City Bank-BIAC International Inter-University Arbitration Contest 2022

INSPIRING CHANGE FOR TOMORROW: OUR YOUNG ARBITRATORS OF TODAY



Bangladesh International Arbitration Centre
The Institution for Alternative Dispute Resolution

Heartiest

Congratulations

to

BIAC

on the occasion of organising

City Bank-BIAC

International Inter-University Arbitration Contest 2022



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City Bank-BIAC International Inter-University Arbitration Contest 2022

INSPIRING CHANGE FOR TOMORROW: OUR YOUNG ARBITRATORS OF TODAY

Young students of Law, if shown the right direction, have the potential to take the practice of arbitration in the manner where they can build their career and make substantial contribution in this field. Eventually the Alternative Dispute Resolution (ADR) for resolving commercial disputes can flourish. Over the decades throughout the globe, arbitration has been offered as an ideal alternative to the costly system of civil litigation. The legal market appears now to have arrived at the threshold of technological advances which presents a unique opportunity to radically change its approach to arbitration.

Arbitration contests promote greater knowledge in arbitration by simulating a realistic arbitration hearing. Participants prepare and present an arbitration case including opening statements, witness examination, arguments and summation. These practical skills offer students joining a contest, an opportunity to direct the prowess that they will use as practitioners through intra-institution, national and international contests.

BIAC is hosting the City Bank-BIAC International Inter-University Arbitration Contest 2022 for the third consecutive time for university level students with an aim to acclimatise the participants with the theoretical and practical knowledge of the arbitration process. This year 8 leading universities from Bangladesh and abroad are taking part in this Contest. The City Bank Limited is the sponsor of the event.

The COVID-19 pandemic had created a chaotic situation concerning timelines and schedules in arbitration matters across the world. There had been an entire paradigm shift depending on various exigencies including introduction of concepts like emergency arbitration, fixed time period, Med-Arb., etc., with a view to making arbitration mechanism more effective and user friendly to the adversaries. Therefore, virtual hearing is now considered as a development in the New Normal to which Law students should be attuned in order to become efficient arbitration practitioners in the future.

BIAC's initiative to host this International Arbitration Contest for students is expected to inspire young learners to bring about the cherished change in the global platform of arbitration aiming at speedy and cost effective resolution of commercial disputes. We are optimistic and we have high hopes reposed in our young arbitrators.

Bangladesh International Arbitration Centre
The Institution for Alternative Dispute Resolution

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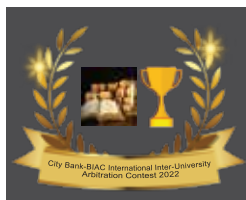


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Bangladesh International Arbitration Centre
The Institution for Alternative Dispute Resolution

From the Desk of the Chairman

I am happy to learn that the Bangladesh International Arbitration Center (BIAC) has organised the City Bank-BIAC International Inter-University Arbitration Contest 2022, which is the only Contest of its kind in South Asia. I wish all success to the eight participating universities from home and abroad, members of the teams' faculties, student coordinators and participants for their competitive spirit to keep the psyche of arbitration high in resolving commercial disputes in the region.

I consider the theme of the Arbitration Contest: "Inspiring Change for Tomorrow: Our Young Arbitrators of Today", to be most relevant for the promising learners - the graduate students of Law- who are the future legal professionals, judges, bankers, business leaders, administrators and academicians of their respective countries.

In essence, the objective of the contest is to provide the students with an opportunity to be assessed by the professional international Arbitrators of high eminence and receive constructive feedbacks. This would enable the students of Law to learn from the feedbacks and in future embark on their career with appropriate knowledge, in particular, when exploring the avenues of ADR for their clients and when acting as an Arbitrator.

Furthermore, BIAC, with its own Rules of ADR, is dedicated to offer a unique tool for arbitration players and equip them with updated information and developments in the area of arbitration from an international perspective.

I would like to express my gratitude to the distinguished Panel of Arbitrators from home and abroad who not only enlightened us by their articulation and expertise in conducting arbitration tribunals, but also by disseminating their knowledge and insight on arbitral proceedings.

To each and every team that has participated in the Contest at every level, I wish them all the best. We wish the young students their very best for the future and appreciate their efforts in making this significant event a success.

Allah Hafez.

Mahbubur Rahman
Chairman, BIAC



Government of the
People's Republic of Bangladesh

**Message from the Secretary
Legislative and Parliamentary Affairs Division
Ministry of Law, Justice and Parliamentary Affairs**

I am delighted to know that Bangladesh International Arbitration Centre (BIAC) is hosting the “City Bank-BIAC International Inter-University Arbitration Contest 2022” for the third consecutive year for university level Law students.

Bangladesh International Arbitration Centre (BIAC) is the first and only international arbitration institution of the country. BIAC caters a neutral, efficient and reliable dispute resolution service in this emerging hub of Asia's industrial and commercial activities. BIAC has been offering excellent facilities for arbitration and mediation. BIAC has recently amended BIAC Arbitration and Mediation Rules to make these more user-friendly. Apart from facilitating Arbitration and Mediation, BIAC also provides training courses on ADR.

I hope, the contest will acclimatise the participants with the theoretical and practical knowledge of the arbitration process and groom them to be better equipped legal professionals in the future. In course of the Contest, students get the opportunity to be introduced to the Alternative Dispute Resolution (ADR) landscape, develop rhetorical skills and benefit from the advice received from top regional and global professionals.

I greatly appreciate BIAC's efforts to create the right atmosphere and charter a new path of ADR for future generations. I am confident that by participating in this contest, the BIAC's activities will become more credible and flourishing, making this institution sustainable for Alternative Dispute Resolution both locally and globally.

On this auspicious occasion, I wish a grand success of “The City Bank-BIAC International Inter-University Arbitration Contest 2022.”

Md. Moinul Kabir

Secretary

Legislative and Parliamentary Affairs Division

Ministry of Law, Justice and Parliamentary Affairs



Message from the Chairman (Additional Charge) of University Grants Commission of Bangladesh

I am delighted to know that the Bangladesh International Arbitration Centre (BIAC) is going to organise “The City Bank-BIAC International Inter-University Arbitration Contest 2022” which is the only International Arbitration Contest of its kind in South Asia. The BIAC authority deserves special appreciation for taking this excellent initiative and I believe this type of competition will encourage both the law students and arbitration practitioners domestically and internationally.

We are in the era of Globalisation and the volume of business transactions between various countries has increased manifolds more than ever before. This trend leads to an increase in the number of disputes. I feel, arbitration is a better option for resolving business disputes than litigation as the significant numbers of pending cases are in the court of law worldwide. When used appropriately, ADR can save a lot of time by allowing resolution in weeks or months, compared to court, which can take years. It can also save a lot of money, including fees for lawyers and experts and works time lost. The use of ADR as a means of dispute resolution needs to be popularised.

The University Grants Commission of Bangladesh (UGC) facilitates and guides universities to achieve excellence in higher education. UGC has been working jointly with the education institutions to ensure that students can transit into their academic set-up in person while maintaining recommended health and safety measures.

We appreciate BIAC's innovative approach to generate awareness about ADR mechanisms among the new generation of legal practitioners and wish BIAC all the best in its future endeavours.

Professor Dr. Dil Afroza Begum

Chairman (Additional Charge)

Member

University Grants Commission of Bangladesh



Message from the Managing Director & CEO The City Bank Limited

The world perceives transformation as undeniable in its regular progression. In the field of dispute resolution in our country, Bangladesh International Arbitration Centre (BIAC) is proving this axiom to be true. The "City Bank-BIAC International Inter-University Arbitration Contest 2022" is a commendable initiative of BIAC to encourage and nurture the talents of university students in the field of arbitration. City Bank greatly appreciates the opportunity to facilitate such impactful endeavors. We believe that this contest shall equip participating students with the vital skills of advocacy, communication, and dispute resolution who will subsequently be the champions of alternative dispute resolutions in the future.

As an emerging economy, we look forward to encouraging more foreign and domestic investments in Bangladesh where the potential investors will find more encouragement in investing when they feel that this country has a fair and effective ADR framework in place. As a Bank, we regularly enter into commercial agreements with foreign and domestic parties and we rely heavily on the arbitration clause in anticipation of any potential disputes. Hence, we fervently want to see the concept of ADR realising its full potential in this country.

Since its inception in 2011, BIAC has played an instrumental role in making the ADR flourish. They have maintained state-of-the-art facilities and logistics for organising arbitrations. It is very impressive that BIAC is looking to the future and as part of that vision, they are organising this event where new leaders and champions of ADR will be created.

City Bank is honored to be part of this unique occasion and wishes all the participating students, institutions, and organisers the very best.

A handwritten signature in black ink, appearing to read "M. Arefin".

Mashrur Arefin
Managing Director & CEO
The City Bank Limited



Message from the President Center for International Investment and Commercial Arbitration (CIICA), Pakistan

BIAC's excellent initiative of organising the international arbitration contest in Bangladesh for the third year in a row is laudable. Since international arbitration is a specialised and competitive area of law, I believe this contest will give a unique opportunity to law students to gain knowledge about international arbitration and acquire and hone the practical skills involved in the field of international arbitration.

I had the pleasure of participating in this contest in the capacity of an arbitrator last year and I look forward to participating once again in this year's contest. I am pleased to see the enthusiasm of all the law students who are participating in this contest and I congratulate the entire team at BIAC on successfully organising another international arbitration contest this year.

A handwritten signature in black ink, appearing to read 'R. S. A.' with a stylized flourish.

Rana Sajjad Ahmad, FCI Arb

Arbitrator

City Bank-BIAC International Inter-University Arbitration Contest 2022

President

Center for International Investment and Commercial Arbitration (CIICA), Pakistan



Message from the Director The International ADR Center, Sri Lanka

I greatly appreciate BIAC's efforts in organising the City Bank-BIAC International Inter-University Arbitration Contest 2022, for the third consecutive year. As this is an International Arbitration Contest, the students inevitably have been given a unique opportunity to obtain hands-on experience to the ADR procedure.

I had the pleasure of participating in this contest as the Chairperson in the Semi-final Round of the Contest. The students have delivered high quality advocacy and I am pleased to witness the talent of these future lawyers.

I appreciate BIAC's efforts in setting up the competition and the opportunity to participate in it.

The International ADR Center Sri Lanka (IADRC) is pleased to cooperate with BIAC in such events as these. We deeply appreciate BIAC's participation at the regional conference held by IADRC in the recent past and look forward to our continued cooperation and training opportunities with BIAC.

I wish BIAC the best of luck with upcoming competitions.

Shehara Varia, FCI Arb

Chairman Arbitrator

City Bank-BIAC International Inter-University Arbitration Contest 2022

Director, The International ADR Center, Sri Lanka



Message from the President Nepal International ADR Centre (NIAC)

Congratulations for BIAC's plan to arrange an international arbitration contest where students from universities are scheduled to take part. The use of virtual platforms in such events eases the participation of the interested universities and students and thus makes the reach possible out to different jurisdictions in the country and beyond.

Bangladesh International Arbitration Centre (BIAC) is thus poised to play its due role to promote ADR and secure a distinctive place as a centre for resolving domestic and cross-border commercial disputes in the region. Nepal International ADR Centre (NIAC) is also effortful to promote ADR especially arbitration and mediation and has been engaged with state and non-state sectors to this end.

I wish for the success of the event. Taking this opportunity I request BIAC leadership to contemplate organising such events of bilateral interests to make our collaboration and partnership a fruitful undertaking.

Regards

Dr. Mukti Rijal

President, Nepal International ADR Centre (NIAC)
Kathmandu, Nepal



Message from the Managing Director Nepal International ADR Centre (NIAC)

First of all, I would like to congratulate the entire team of BIAC for organising a wonderful event to promote and enhance the ADR skills among young law aspirants. The City Bank-BIAC International Inter-University Arbitration Contest 2022 is indeed a worthwhile opportunity for the students who are willing to foster their career in ADR sector.

We are aware of the fact that increasing globalisation in trade and cross-border investment has resulted in more complex relationships between businesses, investors, and government to government. As a consequence, today, arbitration and mediation lead the world of dispute resolution.

The event is an applaudable idea to flourish the concept of the dispute resolution among younger generations, which will eventually help them to gather practical and rhetorical experiences. I am confident that the event between different regions will not only provide them with an opportunity to explore and exchange their vision, skill and knowledge about various national and international commercial practices but also enhance the friendly and cordial relationship. BIAC has always set an example by organising several capacity development programs. I do believe that City Bank-BIAC International Inter-University Arbitration Contest is one of them.

Being the member of SAARC and several other sub-regional forums like BIMSTEC, BBIN and others, Nepal and Bangladesh are poised to enhance mutual cooperation and enhancing development. In addition, the collaborative work between NIAC and BIAC has always served as a strong foundation for working together in enhancing our capabilities and strengthening our friendly relationship.

The consistency of the organisation to provide effective dispute resolution services, academic and collaborative work with different institutions across the world is an inspiration to us. We anticipate that BIAC will continue to organise such incredible programs in upcoming days.

Lastly, I would like to felicitate the entire team of BIAC and express my sincere gratitude for providing me an opportunity to get involved in such a special publication.

All the best for the successful event.

Matrika Niraula

Senior Advocate and Managing Director
Nepal International ADR Centre (NIAC)
Kathmandu, Nepal



Message from the Principal Bhuiyan Academy

If looked back, the legal arena of Bangladesh was not familiar with the concept of Alternative Dispute Resolution ('ADR') within its jurisdiction. Bangladesh International Arbitration Centre (BIAC) has changed that perspective by the evolution of ADR at different levels. The evolution of a newer concept into an already settled system was a magnanimous task. However, BIAC, the country's first and only ADR institution, has made this daunting task an easier one. With the objective of providing the Law students with practical knowledge about the procedure of ADR, especially Arbitration, BIAC has been conducting day-long seminars, organising competitions at university level. The goal was not only to turn BIAC into a reliable and efficient institution for ADR but also to inculcate the concept into the legal minds of our country, irrespective of sectors and levels they were in.

Since its inception, BIAC has also been looking for developing the scopes as well as opportunities to reach their goal. In doing so, it has also been in a close affiliation with Bhuiyan Academy Ltd ever since. As part of their initiatives, BIAC conducted a day-long seminar at the campus premise of Bhuiyan Academy in 2018. The students were highly interested to learn about the several methods of ADR methods. They showed particular interests in learning about the outside-court settlement procedures and their effectiveness at law.

More recently, they have organised an 'International Inter-University Arbitration Contest' for the law students from home and abroad in 2022. BIAC has done a commendable job by arranging such an event successfully. Students of Bhuiyan Academy Ltd are the finalists this year. The interest and inquisitiveness among the participants is worth mentionable.

Accolade to BIAC as they have arranged an even larger stage for the law students. Despite the adverse circumstances of our country due to COVID-19, this year's competition is an international one. Students, especially the participants, are privileged to get the opportunity to learn from veteran Sub-continent Arbitrators/Mediators. They are also keen to learn while competing with the reputed law schools of several other jurisdictions.

I wish BIAC every success in their future endeavours.

Rabia Bhuiyan

Dr. Rabia Bhuiyan

Principal

Bhuiyan Academy



Message from the Dean Faculty of Law of the University of Barishal

Greetings from the Faculty of Law, University of Barishal.

I highly appreciate the innovative and tremendous effort of Bangladesh International Arbitration Centre (BIAC) as it is involving young legal minds into such events like International Arbitration Contest and helping them learn more about arbitration directly from an international competition. Alternative Dispute Resolution (ADR) can be considered as the future of the legal arena. With tons of cases in the courts, we could actually focus on solving the legal disputes in cooperative, amicable and efficient ways rather than just contesting in a suit. The best way to learn advocacy is definitely doing it practically, and I can see how students are enjoying to utilise their legal knowledge into solving disputes in the current City Bank-BIAC International Inter-University Arbitration Contest 2022. BIAC did a great job organising a platform where students could get experience of how to submit a legal document and argue in its favor. Students are learning the art of submitting evidences and using them to back up their argument in this platform. This kind of competition enriches the students' analytical ability and teaches them how to instantly manage a situation when it is not under their control. Anything could happen in courtroom, a witness can say something divulged, an argument could go in favor of opponent counsels but BIAC is giving them an opportunity to experience that kind of situation and how to handle it. I thank again BIAC for arranging such opportunity where students are getting to learn about the law, dispute settlement and different aspects of a legal issue.

I wish a very successful completion of this year's arbitration competition organized by BIAC and its future endeavors.

Supravat Halder

Dean, Faculty of Law
&
Chairman
Department of Law
University of Barishal



Message from the Chairman Department of Law of the North South University

I am glad to know that Bangladesh International Arbitration Centre (BIAC) has organised City Bank-BIAC International Inter-University Arbitration Contest 2022 for tertiary level students in Bangladesh. I hope that by taking part in it, the participants will hone their skills in some of the practical skills of arbitration. I would also hope that this would be a stepping stone for fostering more interaction between BIAC and the legal academy.

Dr. Md. Rizwanul Islam
Professor
Chairman, Department of Law
North South University



Message from Arbitrator

City Bank-BIAC International Inter-University Arbitration Contest 2022

I want to start by congratulating the entire BIAC team for arranging such a fantastic event to promote and improve ADR abilities among young law aspirants. The continued honing of advocacy skills for future ADR professionals on various concurrent topics, "City Bank-BIAC International Inter-University Arbitration Contest 2022" was one such sincere effort made in that direction. The organisers conducted this event in a highly professional manner which was and needs to be further appreciated by one and all. The participants, their coaches, various participating universities around the globe and the sponsors that is City Bank and BIAC deserve kudos for ensuring brilliance and excellence all throughout.

Such events have succeeded in achieving its aim of creating the Pro-ADR environment which will go a long way in developing the required advocacy skills.

I wish the event success.

A handwritten signature in black ink, appearing to read 'Dinesh Kumar Bishnoi', written in a cursive style.

Colonel Dinesh Kumar Bishnoi

FCI Arb, FACICA, FAMINZ (Arb), FPI Arb, FAIADR, FPD, FIDIC (Q), FICA,
Advocate, Arbitrator, Adjudicator, Accredited Mediator & Conciliator
Arbitrator, City Bank-BIAC International Inter-University Arbitration Contest 2022



Message from Arbitrator

City Bank-BIAC International Inter-University Arbitration Contest 2022

I congratulate Bangladesh International Arbitration Centre (BIAC) on having successfully held the City Bank-BIAC International Inter-University Arbitration Contest 2022. The unique format of the competition inevitably provides participants with an invaluable experience of arbitration.

As a part of the semi-finals, I witnessed the high standard set by the students. The quality of the advocacy reflected the talent of these future lawyers. Importantly, the interest in arbitration shown by the students is positive for the future of arbitration in Bangladesh and beyond.

I wish to congratulate the winning team. I also take this opportunity to applaud all the participants; for whom the competition would have provided a rewarding experience.

Finally, I thank BIAC for its efforts in organising the competition and the privilege of being part of it. I am confident the competition will inspire and prepare the next generation of arbitration lawyers. I wish BIAC all the success for future editions of this competition.

A stylized, handwritten signature in black ink, appearing to read 'Nicky Balani'.

Nicky Balani

Consultant, SCL Nishimura & Asahi

Arbitrator, City Bank-BIAC International Inter-University Arbitration Contest 2022



Message from the Principal London College of Legal Studies (South)

I greatly appreciate BIAC's efforts in organising the City Bank-BIAC International Inter-University Arbitration Contest 2022, the first of its kind in the South Asian Region.

The Contest definitely provides an opportunity to acquire practical knowledge of Alternative Dispute Resolution (ADR), and develop necessary rhetorical skills in the field of ADR.

As the Principal of the London College of Legal Studies (South), a pioneer institute in supporting the causes of ADR, we have always strongly encouraged our students to participate in such extracurricular activities.

I would like to congratulate all participating teams and the Organising Committee of BIAC for this wonderful event. May the success of this Contest continue in future.

A handwritten signature in black ink, which appears to read "Abdul Hamid Chowdhury".

Abdul Hamid Chowdhury

Principal

London College of Legal Studies (South)

Arbitrators' Profile



Mr. Mohammed Forrukh Rahman

Mr. Mohammed Forrukh Rahman is a Barrister-at-Law of the Hon'ble Society of Lincoln's Inn, London and Advocate, Supreme Court of Bangladesh. He is Head of Chambers, Rahman Chambers, Dhaka. He obtained Master of Laws from University of London. Mr. Rahman is a Fellow of Hong Kong Institute of Arbitrators (FHKI Arb) and Member of Singapore Institute of Arbitrators (MSI Arb). He is a Panel Arbitrator of SAARC Arbitration Council (SARCO) and also a CEDR (UK) Accredited Mediator. Mr. Rahman was a Legal Consultant of Power Cell, Power Division, Ministry of Power, Energy & Mineral Resources and also a member of Legal Counsel, Central Bank Strengthening Project of Bangladesh Bank.



Mr. Margub Kabir

Mr. Margub Kabir is a Barrister-at-Law of the Hon'ble Society of Lincoln's Inn and Advocate of the Supreme Court of Bangladesh. He is Attorney-at-Law in the State of New York, USA. He is the Head of Chambers, Margub Kabir & Associates. He worked at ICC International Court of Arbitration, Paris. Mr. Kabir was also the Legal Consultant of Bangladesh Investment Climate Fund of the International Finance Corporation. He was the local legal consultant for the World Bank Insolvency and Creditors/Debtors Rights ROSC project in Bangladesh. He has also assisted the World Bank in the preparation of a Contingency Plan for the Central Bank of Bangladesh.



Mr. Ahmad Naquib Karim

Mr. Ahmad Naquib Karim is a Barrister-at-Law of the Hon'ble Society of Lincoln's Inn and Advocate of the Supreme Court of Bangladesh. He is a Partner at Karim & Karim. He obtained his Bachelor of Laws from University of London. He has been associated with Arbitration in Bangladesh for many years, as Secretary to the Tribunals as well as Counsel representing parties in Arbitration. He is also an Associate at the Huq and Company.



Mr. Md. Monzur Rabbi

Mr. Md. Monzur Rabbi is a Barrister-at-Law and Advocate of the Supreme Court of Bangladesh. He is the Head of Chambers of Rahman & Rabbi Legal. His areas of expertise include International Arbitration Law and Practice, Dispute Resolution including Negotiation and Mediation on Commercial, Corporate, Telecommunications, Banking and finance, etc. He is an arbitration lawyer with specialisation in international commercial and investment arbitration. Barrister Rabbi holds law degrees from Bangladesh, UK and USA. He is a Fulbright Scholar and obtained LL.M. in International Arbitration from the University of Miami School of Law, Florida, USA.

Arbitrators' Profile



Mr. Colonel Dinesh Kumar Bishnoi

Colonel Dinesh Kumar Bishnoi is registered with Bar Council of Maharashtra and Goa and now practicing at Bombay High Court, Mumbai. His practice includes Litigation, Arbitration, Mediation, Adjudication and Conciliation in almost all areas and sectors including International Maritime Arbitration. He completed his Bachelor of Law in International Law and Labour Law apart from Diploma in Senior Level Defence Management, Retired as a Colonel from Indian Army.

Advocate Bishnoi has acted as a Sole Arbitrator/Co-Arbitrator in a number of Commercial and Contractual Arbitration cases during the Army Service that is before retirement and also after his retirement from Army, on being appointed by the parties and also by Hon'ble Bombay High Court, Mumbai, India. Beside these, he has also conducted Judicial Trials as Presiding Officer of various courts and has acted as Prosecuting Officer, Defending Officer and also as Judge Advocate at various Courts in India.

During his entire distinguished and illustrious career for 39 years, he has been awarded twice by The Hon'ble President of India.

Advocate Bishnoi has been empanelled as an Arbitrator in several International ADR Centres and also achieved accreditations from different ADR Institutions.



Mr. Rana Sajjad Ahmad

Mr. Rana Sajjad Ahmad is the Founder and President of the Center for International Investment and Commercial Arbitration (CIICA), Pakistan. He is a Partner of Rana Ijaz & Partners, Lahore. Mr. Ahmad is a practicing lawyer in Pakistan and the U.S.A. in areas including contracts, cross-border transactions, commercial litigation and domestic and international arbitration. He is a Fellow of the Chartered Institute of Arbitrators (CIArb), UK and an Accredited Mediator of the Singapore International Mediation Institute (SIMI).



Ms. Shehara Varia

Ms. Shehara Varia is an Attorney at Law of the Supreme Court of Sri Lanka and a Fellow of the Chartered Institute of Arbitrators (CIArb), UK. She is the Director of the CCC - ICLP Alternate Dispute Resolution Centre which is a joint venture between the Ceylon Chamber of Commerce and the Institute for the Development of Commercial Law and Practice (ICLP). ICLP is a partner institution of BIAC. Ms Varia is an Accredited Mediator of the London School of Mediation. She is a Partner with F.J & G. de Saram Attorneys at Law, Sri Lanka and also Director of The International ADR Center, Sri Lanka and Director of CIArb, Sri Lanka branch.



Mr. Nicky Balani

Mr. Nicky Balani is a consultant at SCL Nishimura & Asahi. He advises and represents clients on complex international disputes, specialising in public international law and international arbitration. He has acted as a counsel and assistant of the tribunal in arbitrations conducted under a variety of arbitral rules. Nicky has consulted states and advised on law reform concerning arbitration-related regulations. He also has institutional experience in having previously been counsel at the Thailand Arbitration Center. He has taught public international law and international investment arbitration.

Nicky holds an LLM from UCL, LLB from Exeter University and a business degree from Monash University.



Bahria University



Bahria University is a Federally Chartered Public Sector Non-Profitable institution established on 7th February 2000 through a Presidential Ordinance. Bahria University was established by the Pakistan Navy in 2000, and since then it has steadily grown into one of the leading higher education institutions in Pakistan. Being a multi-campus (Islamabad/Lahore/Karachi) University of higher education, aim to attain highest standards in teaching, learning and research that fall in accordance with global compatibility. The principal seat of Bahria University is at Islamabad and campuses are at Islamabad, Karachi and Lahore. It plays a major role in grooming future leaders who can make a positive difference to the world around them. Bahria is a comprehensive university having multidisciplinary programs that includes Health Sciences, Engineering Sciences, Computer Sciences, Management Sciences, Social Sciences, Law, Earth and Environmental Sciences, Psychology and Maritime Studies. Mission of Bahria University is to ensure academic excellence through deliverance of quality education and applied research in a collegiate environment having strong linkages with industry and

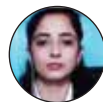
international community to meet the societal challenges. Admiral Muhammad Amjad Khan Niazi NI (M) S Bt is the Pro - Chancellor of Bahria University.

Bahria University has highly qualified and experienced faculty members and has strong industrial and 45 international academia linkages. The enrollment of students has crossed 19,000+ in the campuses located in Islamabad, Karachi and Lahore. Bahria University Islamabad Campus (BUIC) is one of the most renowned institutions of higher education in Islamabad. Hosting over 7,000 students, there are two campuses at Islamabad. The old campus is situated at Sector E-8 Islamabad, whereas, the new campus has recently been built and commissioned at Sector H-11/4 (behind HQ NESCOM) imparting education & training to over 1600 students from Fall 2021 semester. The old Islamabad campus houses three schools; Bahria Business School (BBS), Bahria Humanities & Social Sciences School (BH3S), Bahria University Law School (BULS) and Department of Professional Psychology. Internationalisation is functioning at the heart of BU. This University is one of the first few universities of the country that has a formal International Office setup to look after

academic linkages and ties with international universities. The journey of internationalisation of BU is now over a decade old with number academic partnerships in countries such as UK, USA, Australia, Canada, China, Turkey, Netherlands, Italy, Malaysia, Bangladesh, Iran & Thailand. There are several opportunities for the students of Bahria University to avail international experience through guest lectures by foreign speakers, short study tours to partner Universities, participation in international conferences, attending international internships programmes, exchange of students for a semester with universities in Turkey, Australia & UK, credit transfer opportunities,

international summer school programmes and many more.

Team Members:



Haleema Gohar



Sheza Khizar



Munimah Riaz



Muhammad Abdullah Malik



Habib Ullah



Muhammad Shahrukh Zafar

“There is no good in much of their private conversations, except for one who commands to (even a single) donation or to what is fair or to reconciliation between people. And whoever does that, seeking Allah’s pleasure, then We will bring him a great reward.”

— Al Quran, 4:114



Bhuiyan Academy



The Bhuiyan Academy is recognised as the pioneer as well as the prime centre in Bangladesh, providing tuition with all modern facilities to Certificate of Higher Education in Common Law (CertHE CommonLaw), LL.B (Honours) students of the University of London, UK, as well as BBA (National University) students. It was established by Late Barrister AKM Mozammel Hoque Bhuiyan in 1989, which opened the opportunity for obtaining foreign legal education and a pathway to Barrister-at-Law to an enormous number of Bangladeshi students.

The Academy is a privately-owned centre for quality teaching and skill-development for the students who are registered with the University of London (Distance Learning) and National University BBA Programme. This Academy operates as a Recognised Centre of the University of London, UK. Bhuiyan Academy is a forward-thinking quality education provider institution that has offered University of London programmes

since 1989. With a diverse faculty, many distinguished in their fields, the Academy ensures a supportive environment for students. Student progression is regularly monitored through classes and assessments while mock trials, debates and seminars are arranged to gain legal experience.

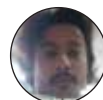
Team Members:



Sumaiya Binte Yousuf



Arian Fardin



Tamzid Tashfi



Maisha Fahmida Sarker



Sams Al Wahedi



Khondaker Sadik Naib



Kathmandu University School of Law



Kathmandu University School of Law (KUSOL) is the seventh school in the Kathmandu University System. It is based in Dhulikhel municipality of Kavre-Palanchok District of the Bagmati Province of Nepal. It was established in December 2013 following the decision of the Senate in July the same year and some preparatory works accomplished by the Offices of the Vice Chancellor and Registrar.

The University has trained confident, creative, and socially responsible professionals ever since it was established in 1991. The School of Law builds on this physical and knowledge infrastructure. Their goal is to prepare our students to be critical thinkers, problem solvers, and leaders, with the flexibility to respond to changes in the legal profession. Kathmandu University School of Law, Nepal emphasises in the practical skills training with legal theory throughout the curriculum and strive for excellence in both teaching and scholarship.

The mission of the KUSOL is to produce a diverse group of graduates with the skill, judgment, and moral compass to become exceptional lawyers and legal professionals and socially responsible members of the global community.

From its foundation, Kathmandu University has had an international perspective to its academic activities and its outlook. The School of Law has a diversity based teacher and student pool. It reflects diverse cultural, ethnic, and religious backgrounds. They come from across the country and from foreign nations and represent a wide spectrum of ethnic, economic, and cultural backgrounds.

The School of Law maintain close links with the Nepal Bar Council in its development and institutionalisation process. It tries to be conformed with the law school standards set by American Bar Association as far as applicable in the Nepalese context.

Graduates of our school qualify to take the bar exam in Nepal.

The School of Law runs three Programmes, namely, Bachelor of Business Management and Bachelor of Law, Bachelor of Economics and Bachelor of Law and Masters by Research in Energy and Infrastructure Law. Currently the total number of students of KUSOL is more than 300. Student Faculty ratio is 15:1.

Team Members:



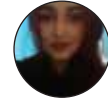
Archana Shrestha



Anushka Gautam



Parag Kafle



Shuvam Thapa

“There is no good in much of their private conversations, except for one who commands to (even a single) donation or to what is fair or to reconciliation between people. And whoever does that, seeking Allah’s pleasure, then We will bring him a great reward.”

— Al Quran, 4:114



London College of Legal Studies (South)

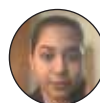


The London College of Legal Studies-LCLS (South) was established in August 2004 with an aim of providing highest quality education and tuition for students who are unable to afford studying in UK universities and also to qualify as Barristers of the English and Welsh Bar. The board of management is led by some eminent lawyers and dignitaries of the country comprising Mr. Abdul Hamid Chowdhury, the Principal, Barrister Dr. Khaled Hamid Chowdhury, the Head of Laws. LCLS (South) has opened up many opportunities for the students, practising advocates and professionals in Bangladesh to study law from UK Universities and become a Barrister. The Bar can offer one of the most prestigious, varied, challenging and exciting careers available.

LCLS (South) provides very extensive support for the students and deals with their concerns on an open door policy basis. Students are guided by an experienced team of Barristers to achieve the best possible results. The University of London has a framework through which it recognises teaching institutions that offer study support to students of the University of London

International Programmes. These are known as recognised centres and have been awarded either Affiliate Centre or Registered Centre status. LCLS (South), by demonstrating a sustained commitment to developing excellence in respect of teaching, support to students and administrative processes has achieved the Affiliate Centre status, which is the highest level of recognition awarded by the University of London.

Team Members:



Nafsun Hasan Unzira



Kazi Mehrab Subhan



Noor Ayesha Binta Aziz



Mahir Chowdhury Abir



Mohammad Ridwan Islam



Abdullah Al Mohaimin



North South University



North South University (NSU), the first private university in Bangladesh, was established in 1992 by the then Foundation for Promotion of Education and Research (FPER), a charitable, non-profit, non-commercial and non-political organisation. The FPER later was renamed as the NSU Foundation and is presently called The North South Foundation for Education and Research. The campus is situated at Bashundhara, Dhaka-1229, Bangladesh. Currently the number of students is more than 26000 including Undergraduate and Postgraduate education. NSU is organised into four schools (School of Business and Economics, School of Engineering and Physical Sciences, School of Humanities and Social Sciences, School of Health and Life Sciences); offering 23 undergraduate programs, and 16 graduate programs. Almost 1291 Faculty members are in NSU.

NSU is modeled on US universities and follows their academic features such as semester systems, credit hours, letter grades, etc. NSU has an International Advisory Board, comprised of scholars from all over the world to suggest improvements on academic matters of the university.

The mission of North South University is to produce competent graduates in their selected disciplines who will have productive careers or choose to engage in advanced studies.

The credits obtained at NSU are accepted in most of the reputable universities of USA,

Canada, Australia, UK and other countries. NSU graduates are accepted in the Graduate programmes of Harvard, Cornell, University of Pennsylvania, and other well-known universities.

NSU is fully accredited by the University Grants Commission, the only national accreditation authority in Bangladesh. The University is prepared to seek institutional and professional accreditation from the US. Currently, it is preparing self-study report for ABET accreditation for Engineering and Computer Science programs. The School of Business and Economics at NSU is accredited by ACBSP. In 2015, it became the first to receive American accreditation for its programmes in the entire country. Professor Atiqul Islam is the current Vice-Chancellor of NSU.

Team Members:



Imtrita Hossain Elma



Abdullah



Farjana Jarin Nira



Wasi Parver Tasin



Somaiya Tabassoom Faiza



Saad A Toki Khan



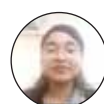
University of Barishal



University of Barishal is a public university located in Barisal Sadar Upazila beside Dhaka-Patuakhali Highway on the bank of Kirtankhola river. Barishal, a divisional city in southern Bangladesh. It is the country's 33rd public university. The university was established in 2011 and began academic activities at undergraduate level in six departments under four faculties on 24 January 2012. The university currently offers degrees at undergraduate and postgraduate levels. The university houses twenty-four academic departments under six faculties, where eighteen departments are currently providing postgraduate degrees. Currently 9000 students are studying in this university. There are four dormitories for students. According to the laws of University of Barishal, the university is mainly governed by two bodies; the Syndicate and the

Academic Council, both chaired by vice chancellor. The current vice chancellor is Prof. Dr. Md. Sadequul Arefin.

Team Members:



Maliha Mehnaj



Md. Momin U Ahmed



Asaduzzaman Idris



Jannatul Nawmi



Emadul Hasan



Anika Tabassum Zinia



University of Dhaka



The University of Dhaka is the oldest and largest university in Bangladesh and one of the oldest and most distinguished institutions for higher education and research in South Asia. The university was established in 1921 under the Dacca University Act 1920 of the Indian Legislative Council. It was established in the Ramna area of Dhaka City with approximately 600 acres of land. A large portion of its initial infrastructure comprised of the Dhaka College and its buildings, now Curzon Hall. It opened its doors to academic activities on 1 July 1921 as a residential university.

The university started its activities with 3 faculties, namely, Arts, Science and Law, 12 teaching departments, 60 teachers, 847 students and 3 residential halls. There were eight departments under the Arts faculty, three departments under the faculty of Science and the faculty of Law started with the Department of Law. Out of the total students enrolled in the three faculties 386 were admitted in the Dhaka, now

Shahidullah Hall, 313 in the Jagannath Hall and 178 in the Salimullah Muslim Hall as resident and non-resident students. Now it has 83 departments under 13 faculties, 13 institutes and 56 research centres. Now the number of student of this university is 37018.

Team Members:



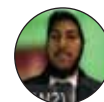
Tasnim Nazia



Abdul Awal



Rubaya Islam Ruhi



Mohammad Foyzal



Abdullah Bukhari



Zarin Tasnim Rahman



Newcastle Law Academy (West)



Newcastle Law Academy (West) is a unique and noble Law Academy driven by the guiding principle of providing good quality educational services. As a result, the institution has undergone outstanding transformations and enhancements since its inception.

With a team of dedicated and experienced administrative and academic staff, Newcastle Law Academy (West) continues to ensure that the goal of enhancing the educational value of their diverse students is achieved. They intend to ensure that the welfare and academic aspirations of their

student community are adequately addressed.

At Newcastle, they believe that Higher Education is not just about attaining personal wealth and reward. It is also about personal fulfillment and development as well as about becoming active citizens who make a positive impact on society. This is why they strive to provide every student with quality and affordable education that does not only provide knowledge, but also transform them with the positive skills that will empower them to obtain a career and make a meaningful contribution to society at large.



City Bank-BIAC International Inter-University Arbitration Contest 2022

Organised by
Bangladesh International Arbitration Centre
The Institution for Alternative Dispute Resolution

Preliminary Rounds



BIAC is hosting the City Bank-BIAC International Inter-University Arbitration Contest for the third consecutive time for university level students with an aim to acclimatise the participants with the theoretical and practical knowledge of the arbitration process to groom and shape them into better equipped legal professionals. In course of this contest, students will get an opportunity to acquire practical knowledge of Alternative Dispute Resolution (ADR), and develop necessary rhetorical skills and furthermore stand to benefit through the recent of advisory notes from top regional and global professionals in the field of ADR.

This year, 8 leading universities from Bangladesh and abroad are taking part in this Contest which are: last year's Champion University of Dhaka; Kathmandu University School of Law, Nepal; Bahria University, Islamabad; London College of Legal Studies

(LCLS) South; Bhuiyan Academy; North South University; University of Barishal and New Castle Law Academy (West).

All Preliminary Sessions of the Contest were held through online platform between November 12, 2012, and December 5, 2012. In the First Session of Preliminary Round, international arbitrator from India, Colonel Dinesh Kumar Bishnoi who is an Advocate of Bombay High Court, Mumbai, and Arbitrator, Adjudicator, Accredited Mediator and Conciliator was the Sole Arbitrator of the Session where Kathmandu University School of Law, Nepal won the Session against London College of Legal Studies (South).

Mr. Rana Sajjad Ahmad, President of the Center for International Investment and Commercial Arbitration, Pakistan was the Sole Arbitrator of the Second Session where Bhuiyan Academy, Bangladesh won against North South University. In the Third Session Colonel Dinesh Kumar Bishnoi was the Sole Arbitrator where University of Barishal won





against the team of University of Dhaka. In the last Preliminary Session, Ms. Shehara Varia, an Attorney at Law of the Supreme Court of Sri Lanka and Director of the CCC - ICLP Alternate Dispute Resolution Center was the Sole Arbitrator, where Bahria

University, Islamabad won against New Castle Law Academy (West).

Mr. Kaiser A Chowdhury, CEO of BIAC delivered his opening remarks in all Sessions of the Preliminary Round and welcomed all team members and the Arbitrators. He highlighted BIAC's activities including recent endeavours for University level students for popularising ADR in order to familiarise themselves with the norms, practices and benefits of ADR in resolving commercial disputes and getting benefits in their future career life.

The event was sponsored by the City Bank Ltd.

Semifinals:

Bhuiyan Academy, Bangladesh and Bahria University, Islamabad qualified for the Final Round of City Bank-BIAC International Inter-University International Arbitration Contest 2022

18 December, 2022, Dhaka



As a part of City Bank-BIAC International Inter-University Arbitration Contest 2022, the Semi-final Rounds of the Contest were held online on 18 December 2022. Bangladesh International Arbitration Centre (BIAC) conducted the Contest via Zoom virtual platform. In the First Session of the Semi-final Round, Ms. Shehara Varia, Attorney at Law of the Supreme Court of Sri Lanka and a Fellow

of the Chartered Institute of Arbitrators (CIArb), UK, Director of the CCC - ICLP Alternate Dispute Resolution Centre was the Tribunal Chairperson. Mr. Margub Kabir, Advocate, Supreme Court of Bangladesh and Head of Chambers, Margub Kabir & Associates and Mr. Ahmad Naquib Karim, Advocate, Supreme Court of Bangladesh and Partner, Karim & Karim were the Tribunal

Members. In the Second Session of the Semi-final Round, Mr. Muhammad Forrukh Rahman, Barrister at Law, Advocate, Supreme Court of Bangladesh and Head of Chambers, Rahman's Chambers was the Tribunal Chairman, Mr. Nicky Balani, consultant at SCL Nishimura & Asahi and Mr. Monzur Rabbi, Advocate, Supreme Court of Bangladesh and Head of Chambers, Rahman and Rabbi Legal were the Tribunal members.

In the First Session of the Semi-final Round, Bahria University, Islamabad qualified for the Final Round winning against Kathmandu University School of Law, Nepal. In the Second Session of the Semi-final Round, Bhuiyan Academy, Bangladesh qualified for Final Round winning against University of Barishal.

Bangladesh International Arbitration Centre (BIAC) is hosting this International Arbitration Contest to provide students practical knowledge of Alternative Dispute Resolution (ADR) and to give them the opportunity to

arbitrate a case acting as Claimant and Respondent in a real-life scenario. Moreover, one of the main objectives of the Contest is to involve Law students with BIAC's endeavours in the dispute resolution realm in the country and beyond towards easing doing business and accelerating overall economic development of Bangladesh.

Ms. Mahbuba Rahman, General Manager of BIAC delivered Welcome Address in both the Sessions of the Semi-final Rounds and hoped that this Contest will carry forward young learners' interest and expertise towards building a more ADR friendly business dispute resolution spectrum in the region.

Ms. Khushnuma Khan and Ms. Sal Sabil Chowdhury, Assistant Counsels of BIAC were the hosts for the Semifinals of the Contest. The Final Round of the Contest will be held soon.

The event was sponsored by the City Bank Ltd.

“There is no good in much of their private conversations, except for one who commands to (even a single) donation or to what is fair or to reconciliation between people. And whoever does that, seeking Allah's pleasure, then We will bring him a great reward.”

— *Al Quran, 4:114*



Improving Efficacy of Arbitration in Bangladesh

Justice Abdus Salam Mamun

One of the major problems the judiciary of Bangladesh is fraught with, is the massive case backlog that impedes and burdens the proper administration of justice. At the moment there's over 3.5 million cases pending before the courts, which are to be disposed of by a meager collection of 1900 judges. Against this backdrop and commercial consequence of delay in enforcing commercial contracts, following 1985 UNCITRAL model, the Arbitration Act 2001, repealing the previous Arbitration Act 1940, was enacted for that purpose of providing an alternative dispute resolution method.

However, the voluntary nature of the arbitration, lack of central authority and rules of proceedings, and mirroring of traditional litigation practices in the arbitration process have made the 2001 Act commercially ineffective and it failed to gain popularity in the country. This write-up provides some key recommendations in brief for improving the efficacy of arbitration in Bangladesh.

Recommendations:

1. **Formulating a central rule of procedure**, with each step not exceeding 14 days through practice or by the direction of the Court, to free arbitration from the lengthy processes of traditional procedure. An amendment of the statute can be brought to regulate adjournments and other steps taken with a view to expedite the process.

Sections 23, 24 and 25 of the Arbitration Act, 2001 state that the tribunal shall deal

with matters as quickly as possible without being bound by the Code of Civil Procedure or the Evidence Act following whatever procedural and evidentiary rules they deem fit and agree on. But in reality, both arbitrators and parties have fallen into our old habits of following Code of Civil Procedure and Evidence Act and ended up turning arbitration, which was to be swift and speedy, into yet another cumbersome judicial process. Therefore, formulation of central rules of procedure would be imperative for better process management.

2. **Introducing a 'service model' culture in arbitration.** It is noted with concern that there is a clear lack of service mentality in our style of arbitration. If we look abroad e.g., Singapore/Hong Kong International Arbitration Center, they have set down detailed expedited rules of procedure to ensure professional time bound service, causing the great extensive accolade and reliance they enjoy worldwide. There should be similar regulatory commitment for reliable service.
3. **Following an efficient time schedule to complete arbitration process should be introduced.** A directory of time table may be prescribed by the High Court Division. Though the time frame may vary to cater to different circumstances and nature of disputes, until and unless a committed time schedule is fixed and adhered to, alternative dispute resolution

will never gather the proper momentum in Bangladesh.

4. **The grounds for setting aside arbitral award under Section 43 should be limited and only setting aside under policy reasons should be allowed.**

Considering the need for finality of arbitral award, issues that can and should have been addressed during arbitration, e.g. incapacity, validity of agreement, inadequacy of notice, composition of the tribunal, and scope and jurisdiction of the tribunal or the award should not be allowed as grounds of setting aside the award. Rather it should be confined to the policy reasons referred under Section 43 (1)(b). Moreover, these applications on policy grounds should have priority to ensure expedited resolution.

5. **Removal of the District Judge's Jurisdiction in domestic arbitrations.**

For domestic arbitrations, instead of the District Judge, the jurisdiction should be given to the High Court Division, already given exclusive jurisdiction for setting aside relevant international commercial arbitral awards under Section 42(2) and appellate jurisdiction under Section 48. This will have the added benefit of resolving the practical challenge of redundancy of the process at District Judge's level, who are rather reluctant to interfere with findings of tribunal, often constituted with retired justices of the Supreme Court, having higher position in order of precedence.

The practical challenge of adding work pressure on the High Court Division can effectively be addressed through allocation of business under the High Court Division Rules, and honorable CJ can allocate business to different benches

6. **Introducing and implementing provision for cost sanctions and other control mechanisms.** The conduct of the

parties in an arbitration is hardly regulated and often large corporations try to strong arm the process and findings through non-cooperation or delaying due process. Parties should be held accountable and be subject to cost sanctions for their non-cooperation, attempted coercion, or trying to lengthen the process without reasonable cause.

7. **Further amendment of the section 7A, recognising the awardee's right even if the arbitration has taken place outside of Bangladesh** and the subject matter of the property resides within. According to the section 7A of the Act, the court can issue orders even before the commencement of arbitration process to protect the subject matter of dispute with necessary measures including taking interim custody, retraining transfer pending proceeding, appointment of receiver and other ad interim injunctions as required. While the attempt to protect the interest of the parties is laudable, it excludes arbitrations taken place outside Bangladesh as 3(1) of the Act stipulates that this provision is applicable only for domestic arbitrations. This should be extended to all types of arbitration.

8. **There should be a government regulated Arbitration Center** with adequate sitting and until then the only other arbitration entity present in Bangladesh, BIAC, should be strengthened enough with public-private partnership to discharge the function.

9. **Arbitration needs to extend to the rural area as an independent process from the gram Sarkar** to truly deliver justice and reduce case backlogs. Arbitration has failed to be relevant to the rural people. The salishkars in the rural area have often usurped the deposits entrusted by the justice seekers creating mistrust. Therefore, necessary statutory amendments will be imperative to

popularise arbitration as a reliable ADR mechanism for all.

It is submitted and contended that necessary amendments, including those

referred above, are going to be critical for attaining the objective in the coming days and to make arbitration a mainstream dispute resolution mechanism.

Justice Abdus Salam Mamun, is a former Justice of the High Court Division of the Supreme Court of Bangladesh and one of the Senior Advocates of the Supreme Court of Bangladesh. He is the Founder & the Head of the Chamber of Justice Abdus Salam & Associates, a leading law firm of the country, operating from Dhaka and Chittagong. In his highly decorated career spanning over 40 years from both the bar and the bench, in addition to his successful private practice as a leading lawyer, Mr. Justice Mamun has acted as a Special Public Prosecutor and an Assistant Attorney General.

“A liberty to follow my own will in all things where that rule prescribes not, not to be subject to the inconstant, uncertain, unknown, arbitrary will of another man, as freedom of nature is to be under no other restraint but the law of Nature.”

— John Locke



BIAC can help Dhaka aspire to be a leading Asian financial centre

Ho Meng Hee

In June 2019, I had the luck and privilege to be invited by the Bangladesh International Arbitration Centre (BIAC) and the World Bank International Finance Corporation to speak at its international workshop on resolving financial disputes through ADR means. It was my very first visit to Bangladesh, and what a fantastic experience it was for me! I left the country deeply impressed with Bangladeshis' great yearning for improvements to resolving their financial disputes. The participants enthusiastically posed questions, there was a lot of energy and robust discussions. The will to improve was clearly evident. When there's a will, there's a way. Now that the torch (of enlightenment) has been ignited at that workshop, let the games (committed action) begin!

May I humbly, as a friend of Bangladesh in general and of BIAC in particular, offer some thoughts on this subject. Firstly, there's a worldwide trend towards better protection for consumers, and Bangladesh is no exception. Like everywhere else, Bangladesh has its fair share of financial consumers who buy products that they do not understand, sometimes products that they have no use for, and often with money they have not got. The consumer could even be a well-qualified engineer or doctor, but he sorely lacks basic financial skills. So what happens? Sadly, they could end up suffering financial losses ultimately, when they turn entrepreneur and start their own business. One way perhaps to address this problem is to have some form of basic

financial literacy education in Bangladeshi colleges. This is already happening in Singapore, where a government initiative meant that since 2019, all polytechnic freshmen (ages 17-19) have to study a mandatory financial education module to boost their financial literacy and help them manage their money properly. The curriculum includes budgeting, goal-setting and financial basics such as the effect of compound interest on debt and savings. These youths should grow up more financially-literate than they otherwise would.

But borrowing need not necessarily be all doom and gloom. For there can be advantages if one is able to leverage in a smart way. Clever borrowing can help entrepreneurs to diversify their business, source for new markets, embark on research and development etc. For its part, the banks would do well to properly manage its non-performing loans. Proper risk management, the bank's governance and its overall culture can mitigate this. Then there are misdeeds that financial institutions are, often enough, alleged to have committed, such as misrepresentation and mis-selling of financial products. Financial institutions' employees do have to make a profit, of course. But they should not do so at the expense of their customers. For example, disclosures alone may not be good enough, there should be transparency too. When problems between financial institutions and customers arise, as they inevitably would, there should be effective and efficient mechanisms for dispute resolution.

I understand that presently, Bangladesh Bank (the financial authority) has a Financial Integrity & Customer Services Department (FICSD), to safeguard the interests of customers and ensure the standard of customer services of the financial institutions. The setting up of BIAC in 2011 is also a step in the right direction. I wish BIAC well as it enters its 11th year of existence and embarks on its quest to help financial institutions and their customers to resolve their disputes through effective ADR.

In Singapore, my organisation, the Financial Industry Disputes Resolution Centre (FIDReC) was set up in 2005 to handle financial disputes between financial institutions and their customers. Barely a few years after our formation, we were suddenly and severely tested during the Great Financial Crisis of 2008. By the time the dust settled, about 2,500 consumers had sought our assistance. Fortunately, we managed to help them, and the rest is, as they say, history. All these years, we have held steadfastly to our five principles of independence, accessibility, effectiveness, accountability and fairness. Needless to say, having competent, dedicated staff and good governance is also important. In particular, good leadership is critical. To quote from Singapore's founding Prime Minister Mr Lee Kuan Yew, "to be exasperated and, often to be frustrated, is the price to pay for not having able and committed people at the top of any organisation."

About mediation: just like BIAC, we at FIDReC are committed to resolving as many disputes as possible through mediation. FIDReC aims to consistently and expeditiously resolve 75% or more of its cases through mediation. Historically, both Bangladesh and Singapore inherited from the British the common law adversarial

system of court litigation. Increasingly, however, mediation is making great strides as an alternative means of dispute resolution. Having a say in the outcome of their own dispute, being able to continue their commercial relationship, and being less expensive and speedier are making many parties turn to mediation instead of litigation now-a-days.

As you know, mediation has recently gained great traction internationally too. The United Nations Convention on International Settlement Agreements Resulting from Mediation, also known as the Singapore Convention on Mediation, is here, finally. This Convention could do for mediation what the 1958 New York Convention currently has done for arbitration at the international level. Mr K. Shanmugam, Singapore's Minister for Home Affairs and Minister for Law, says that this Convention is the missing third piece in the international dispute resolution enforcement framework (which currently includes the Convention on the Recognition and Enforcement of Foreign Arbitral Awards and the Hague Convention on Choice of Court Agreements). He also said that It will help enhance the cross-border enforceability of mediated settlements, and businesses will benefit with greater certainty and assurance. I agree wholeheartedly with the Honourable Minister, for this Convention gives enforcement, i.e., the teeth, to cross-border settlement agreements arrived at through mediation, through a simplified and streamlined procedure.

BIAC can help Dhaka aspire to be a leading Asian financial centre. Bangladesh is famous for its great Royal Bengal Tiger. I'm sure all being well, Bangladesh will be the next world economic tiger. I wish all Bangladeshis and BIAC great and deserved success.

 Director, Alternative Dispute Resolution
 Financial Industry Disputes Resolution Centre (FIDReC), Singapore



Reminiscing the City Bank-BIAC International Inter-University Arbitration Contest 2021

The Tale of the Victorious

Sal Sabil Chowdhury

When I was asked to share the experience of our participation in the City Bank-BIAC International Inter-University Arbitration Contest 2021, I was quite unsure of what to write. What tale can I tell that has not already been told? Every competition has its winning team, a team comprising of dedicated, hard-working, brilliant minds but it is equally applicable for the other participating teams as well. So, what is a unique factor in the tale of the victorious that sets them apart?

To be honest, despite winning two national and one international championship against some of the most brilliant teams, I still do not know what is certainly unique in a winner's story. Nevertheless, one thing is for sure, each team has their unique journey from the very beginning till the very end. Therefore, I have decided just to share our journey in three segments: the competition, acknowledgement and impact.

Interestingly enough, unlike many other teams, the team members of the University of Dhaka team were not selected by the coach. Rather, following Bruce's Consensus Theory, the entire cohort of our Alternative Dispute Resolution (ADR) course in LL.M. voted to elect the members based on our presentation skills. According to the results of the vote, six members constituted the team of the University of Dhaka under the supervision of Professor Dr. Jamila A. Chowdhury Ma'am. They were: Ahmed Ragib Chowdhury, Labiba Fariha, Nowshin Noor, Raihan Ferdous, Sal Sabil Chowdhury and Tasnim Halim Mim. Most of us had plenty of moot experience; some were

rather new to this. Regardless, none of us lacked dedication or enthusiasm, both factors embedded in our spirits by our respected coach, Jamila Ma'am. We started rather early to familiarise ourselves with the details and structure of the competition. As the University of Dhaka was a champion in the BIAC Arbitration Contest 2020, we revisited the videos of their matchups, went through their memorials and sought insights from our predecessors.

The competition started with inspiring news: among the seven participating teams, the University of Dhaka qualified directly to the semifinals as the champion team from 2020. Despite this advantage, the competition was not easy for us at all. For the first time we were adding cogent fictional facts to the given facts, preparing witnesses and exhibits in addition to substantive research on legal issues. This is a unique factor that sets BIAC Arbitration Contest apart from other moot court competitions: firstly, the arbitration contest includes witness examinations as a key feature of the procedure and secondly, it also relies heavily on facts and equity compared to other moot competitions. The semifinal round was against Bhuiyan Academy before a three-arbitrator panel, and what a round we had! From their combative approach to their convoluted arguments, both our composure and competence were heavily tested. I remember stepping in even before the opening statement because the opponent counsel almost convinced the arbitrators to give them 10 minutes more than us. Despite

having such a strenuous battle, it was a landslide victory in the semifinals. The honorable arbitrators, Mr. Rana Sajjad Ahmad, Mr. Mohammed Forrukh Rahman and Mr. Ahmad Naquib Karim pointed out a number of areas of improvement which immensely helped us do better in the finals. Personally, the highlight for me in the semifinal round was President Sajjad Sir praising my cross-examination techniques. As an aspiring lawyer, those remarks were particularly encouraging to me.

Unfortunately, Raihan Ferdous could not continue in the final round with us due to other engagements, therefore, we had to proceed with five members in the finals. All of us worked even harder for the finals, and it finally paid off. We submitted against the University of Chittagong; a team that had already been praised highly in their previous rounds. We had some of the most highly qualified arbitrators as our adjudicators, Dr. Deepak Jindal, Mr. Anil Changaroth and Mr. Ho Meng Hee. It was an absolute honor to be praised and encouraged by such renowned professionals. After a neck-in-neck battle, we won the round by a two-mark margin and emerged victorious.

Finally, all our sleepless nights, rigorous research and endless efforts paid off. We were so nervous that we thought of backing off multiple times, I am so glad that we did not. I had the most co-operative team in my life, the most actively involved coach and some other brilliant minds constantly providing their support and assistance. Therefore, it is high time I officially acknowledged their invaluable contributions.

I will start with our team. All of the team members did their level best in terms of work and support. All of us had exams scheduled at different times during the competition. The others readily took on any role required when one of the members could not work due the collision between our exam's and the competition's schedule. Ragib did most of the substantive research, substantiating

every argument we came up with. I remember Ragib staying up all night with me when I was working on the memorial even though he finished his part way early. Raihan and Mim had previous experience of arbitration mooting from Vis Pre-Moot Competition, so they took care of the procedural part of our submission. However, with Raihan gone before the finals, Mim outdid her own performance in the semis and completed both their parts in due time. Nowshin collected some crucial information from RAJUK which helped to build our case stronger in the finals. Labiba, who did not have significant experience in mooting, worked so hard that her performance as a bold and knowledgeable witness superseded all our performances. Lastly about myself, as the co-coordinator of the team, Jamila Ma'am relied on me the most and I was elated when she gave me the recognition of duly performing my duties. Forming key arguments, writing the memorials, witness statements and preparing exhibits, I could not have done it without the kind and constant support from my team.

Now moving to the extended team members, we had our dear friends Syed Fardin Ahsan and Md. Arafat Hossain with us, who worked equally hard for the team despite knowing that they will not have any recognition or certificate. They showed up each and every time we needed their assistance and provided us the support we needed, especially Fardin accompanied us the entire time.

I think we had one unique factor that enhanced our chance to victory: our guardian angels. We had the good fortune to have different prominent professionals guiding us throughout the journey, providing those practical insights and information that a student cannot possibly have. Aminul Sir, Ifti Sir, Mubina Ma'am, Asad Sir, they did not know any of the team members personally. Yet they stayed up with us past midnight listening to our oral submissions and

suggesting improvements. They prioritised our preparation over their own work, family engagements and personal life just to improve our arguments and performance. I would specifically mention Aminul Sir, without whose help we could not achieve what we have achieved. We all are indebted to our guardian angels forever.

I must also acknowledge the contributions of our opponent teams. They kept us on our toes and in no way we had an easy victory in either of the rounds. The Bhuiyan Academy participants were not easy to deal with, especially during the witness examinations. The steadfast approach from both the witness and the counsels were difficult to deal with, and I could not be prouder of our team for how gracefully they handled it. From Bhuiyan's militant approach to Chittagong University's calm and composed style; we had to instantly modify our strategies within a week, adjusting our style suitable for the new opponents. In an applicant-favoring arbitration case, the Chittagong University team came up with strong arguments as the respondent. Even our compiled documents of 100 pages could not stop them.

Last but definitely not the least; I would humbly acknowledge the person for whom we won the competition. I can confidently say this on behalf of each and every one of my teammates; Dr. Jamila A. Chowdhury Ma'am is by far the best coach we have ever seen. She held our hand and lifted us, inspired us, worked with us, stayed up all night with us and panicked with us before the results. Whenever any one of us could not finish our work in time, Ma'am would jump in to provide assistance and necessary guidance. To make a record of 15 awards I had to participate in 10 different moots, not once did I have a coach like beloved Jamila Ma'am. She is not just a coach; she is a mother, a mentor, a co-warrior and the

banyan tree above our heads. She left no stone unturned to secure our victory and we wholeheartedly dedicate our victory to her and only to her.

The victory was more impactful on us than we could possibly imagine. The celebration lasted for quite some time. Our victory was published in renowned dailies and magazines, offering us the exposure that many students only dream about. We were heavily praised by our faculty members and predecessors. Even being students, we could promote ADR to a larger group of audience. Eventually, all of us completed our LL.M. acing the ADR course, with some of us submitting our thesis on ADR as well. On a personal note, winning the Contest was the cornerstone for the commencement of my future journey with ADR. While doing my dissertation on ADR afterwards, I reached out to the national and international arbitrators who adjudicated our sessions in the Contest, whose valuable input enriched my thesis to a great extent. I am fortunate that the relationship we built over the Contest continues till date. The Arbitration Contest heightened the enthusiasm I had for ADR, and as a result I ended up working as the Assistant Counsel of BIAC.

City Bank-BIAC International Inter-University Arbitration Contest 2021 was the last competition of my student life. Looking back, I cannot be happier to end my extra-curricular journey as a student on such a great note which was not only a grand ending but also the beginning of a new chapter. The contest is a great opportunity for students to strengthen their knowledge of arbitration, improve their advocacy style and build up a network with fellow ADR enthusiasts and renowned professionals. I wish BIAC and the upcoming Arbitration Contests every success.

The author completed her LL.B. and LL.M. from the University of Dhaka. She is currently working as an Assistant Counsel at Bangladesh International Arbitration Centre (BIAC).

Introducing BIAC

ABOUT US

Bangladesh International Arbitration Centre (BIAC) is the first arbitration institution of the country. It is registered as a not-for-profit organisation and commenced operations in April 2011 under a licence from the Government of Bangladesh. The International Chamber of Commerce-Bangladesh (ICC-B), the world business organisation, Dhaka Chamber of Commerce & Industry (DCCI) and Metropolitan Chamber of Commerce & Industry (MCCI), Dhaka are sponsors of BIAC. The International Finance Corporation (IFC), the private sector arm of the World Bank, with funds from UK Aid and European Union, had supported BIAC in the initial stages under a co-operation agreement. BIAC provides a neutral, efficient and reliable dispute resolution service in this emerging hub of South Asia's industrial and commercial activity. BIAC is governed by a Board comprising distinguished personalities including Presidents of the three prominent business Chambers of the country, thereby enriching the organisation with their vast experience and knowledge. An experienced, full-fledged secretariat runs the Centre on a day-to-day basis.

From the very beginning, BIAC has been offering excellent facilities for arbitration and mediation hearings including two state-of-the-art meeting rooms, audio-aides and recording facilities, private consultation rooms, transcription and interpreter service. BIAC provides all necessary business facilities, like video conferencing, powerful multimedia projection, computer and internet access, printing and photocopying. Full-fledged secretarial services and catering are also available on request. BIAC

offers specific services for non-institutional arbitration. Parties are free to choose individual elements of its services.

BIAC launched its own institutional rules for arbitration and mediation, namely, BIAC Arbitration Rules 2011 and BIAC Mediation

STATISTICS SINCE INCEPTION



MISSION

BIAC aims to embed the use of ADR as a commercial best practice to help/assist/facilitate creation of an ecosystem that fosters investment and is conducive to business

VISION

BIAC is committed to be a credible and a sustainable national institution that aims to offer international commercial best practices on ADR service to individual and institutions seeking to resolve commercial dispute

Rules 2014 both being critically analysed and reviewed by a number of eminent national and international jurists and legal experts. These Rules have been replaced by BIAC Arbitration Rules 2019 and BIAC Mediation Rules 2019 which have been made more user-friendly and expanded the scope of the Rules in conformity with the growing need of time. BIAC has its own

Panel of Arbitrators consisting of distinguished jurists and Judges including former Chief Justices of Bangladesh and a few former Justices of the Supreme Court. Eminent experts and trained Mediators are on the BIAC's List of Mediators. BIAC has developed all the facilities required for systematic and comfortable Arbitration and Mediation proceedings including virtual hearing considering the safety of clients, staff and patrons during the pandemic.

As the only Alternative Dispute Resolution (ADR) institution in the country, apart from facilitating Arbitration and Mediation, BIAC also provides training courses on ADR, especially Arbitration, Mediation and Negotiation. BIAC has taken initiatives of providing specialised ADR training courses for different sectors, for instance, ADR in Money Loan Court Act, ADR in Procurement Disputes, ADR in Human Resource Management and others. BIAC regularly arranges certificate training courses abroad, jointly with those ADR centres which BIAC has signed collaboration agreements with. BIAC has also taken initiatives of providing specialised, sector-based customised training programmes on ADR depending on the organisations' need. Under this initiative, for the first time, BIAC organised a day long training programme for 24 Senior Assistant Secretaries and Assistant Secretaries of the Legislative and Parliamentary Affairs Division under the Ministry of Law, Justice and Parliamentary Affairs who are actively involved in vetting laws from all Ministries and Divisions of the Government. Soon BIAC will arrange training for designated Deputy Secretaries.

During the ongoing COVID-19 Pandemic, BIAC organised the first online learning session through Zoom platform for the students of Law and Business. BIAC has since taken initiatives to conduct a series of online training programmes on Arbitration for professionals, the legal fraternity, Government officials, NGO representatives, corporate personnel, bankers and individuals.

From the very beginning, BIAC has been working hard to create awareness about ADR facilities by conducting several outreach programmes, seminars, webinars, workshops and dialogues. Although COVID-19 has frustrated many of its important activities, BIAC hosted a number of webinars jointly with its local and regional partners. These events gave us international exposure and we had the opportunity to highlight our endeavours towards making Bangladesh a regional hub of ADR practices.

BIAC is recognised by national and international institutions including the Permanent Court of Arbitration, the Hague, the Netherlands, many other International ADR centres and corporate companies, banks, real estate companies, NGOs, universities, law and business Chambers, and financial institutions in Bangladesh.

BIAC offers Membership to practitioners, stakeholders, students and interested individuals from home and abroad to create a knowledge and resource sharing platform. It will enable all interested parties to enhance individual knowledge and contribute towards enriching the ADR landscape of the country. It will also reach out internationally to individuals and institutions. All interested professionals including ADR facilitators, such as Arbitrators, Mediators, practicing lawyers, academics, bankers, representatives of commercial and business organisations and students can apply. BIAC Membership is intended to reflect professionalism and recognition in the region and throughout the globe.

For the first time in 2020, BIAC launched an Inter-University Arbitration Contest for students of Law of Bangladeshi universities, which took place online in the wake of COVID-19. BIAC has plans to organise Inter-University Arbitration Contest every year. In 2021, BIAC has arranged a more broad-based International Contest with online participation of leading national and international universities. It has been running with great enthusiasm and approaching a successful completion. The City Bank Ltd. is the sponsor of this event.

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The Institution for Alternative Dispute Resolution

From the Chief Executive Officer of BIAC

We are honored and privileged to host the only International Arbitration Contest of its kind in South Asia: "The City Bank- BIAC International Inter-University Arbitration Contest 2022". The aim of this Contest is to provide the students of Law an opportunity to acquire practical knowledge of Alternative Dispute Resolution (ADR), to develop rhetorical skills and to get advice from top regional and global professionals in this field. Through this event –arrangement, BIAC encourages promotion of knowledge in arbitration by simulating a realistic arbitration hearing for students who are interested to foster the study of international arbitration leading to resolution of international business and investment disputes.

BIAC is hosting The City Bank-BIAC International Inter-University Arbitration Contest for the third consecutive year. This year the Contest is being held online; however, the Final will witness the physical presence of the participants. Eight universities from home and abroad are taking part. I take this opportunity to warmly felicitate and thank The City Bank Ltd. for continuing to be generous towards sponsoring this important event. Further, I also express our deep appreciation for the keen enthusiasm demonstrated by the participating Universities as well as the participants, which has encouraged us to continue with our hosting of this annual gathering. It will be our sincere endeavour to broaden the participant-spectrum and build up a tradition for others to follow.

BIAC aims at acclimatising the future legal professionals with the knowledge of the arbitration process as an effective and efficient way to resolve disputes. As we progress towards being bracketed as a being a Developing Country within the next couple of years, we would expect an increase in the complexity of international agreements, necessitating the need for a strong, reliable, and effective dispute resolution procedure. BIAC and its stakeholders are committed to meet the challenges that are on the way and move forward with its efforts to promote the ADR culture in the country.

A handwritten signature in black ink, appearing to read "Kaiser A. Chowdhury".

Kaiser A. Chowdhury

Chief Executive Officer, BIAC



Benefits Include

1

- Inclusion and access to **BIAC Members Directory**
- Inclusion in **BIAC Directory of Mediators/Arbitrators**
- An **online profile** in the BIAC Website
- Invitation to exclusive **networking events/talks from experts**
- **Publish articles** in BIAC Quarterly Bulletin and any special publication
- **Priority registration** to BIAC organised events and courses
- **Complimentary Access** to BIAC Library
- **Discounts** on use of BIAC Facilities, Administrative Costs and selected courses
- Complimentary subscription to BIAC Publications

Membership Criteria

Proof of **Experience** in ADR practice; or
Completed an **introductory/ certificate course** on
Arbitration or Mediation or Negotiation; or
Completed a recognized **equivalent course**; or
Registered for **BIAC's training course**, or
Interested to be connected to **BIAC's ADR community**.

2

Application Process

3

- Applicants must submit an application form either **on-line** / by **email** to info@biac.org.bd and biac.org.bd@gmail.com / **hard copy** or / **fax**.
- All applicants must submit a copy of a **valid ID card** e.g. National ID or Passport (for students: valid student ID)
- Applications are reviewed and subject to **approval by the BIAC Management**.
- Memberships are **annual**, and renewal is on the enrollment date.

Subscription Fee

For National Members:

Admission Fee: BDT 5000 (including first year subscription)
Annual Subscription: BDT 2500

For National Students:

Admission Fee: BDT 2000 (including first year subscription)
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Admission Fee: USD 200 (including first year subscription)
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4



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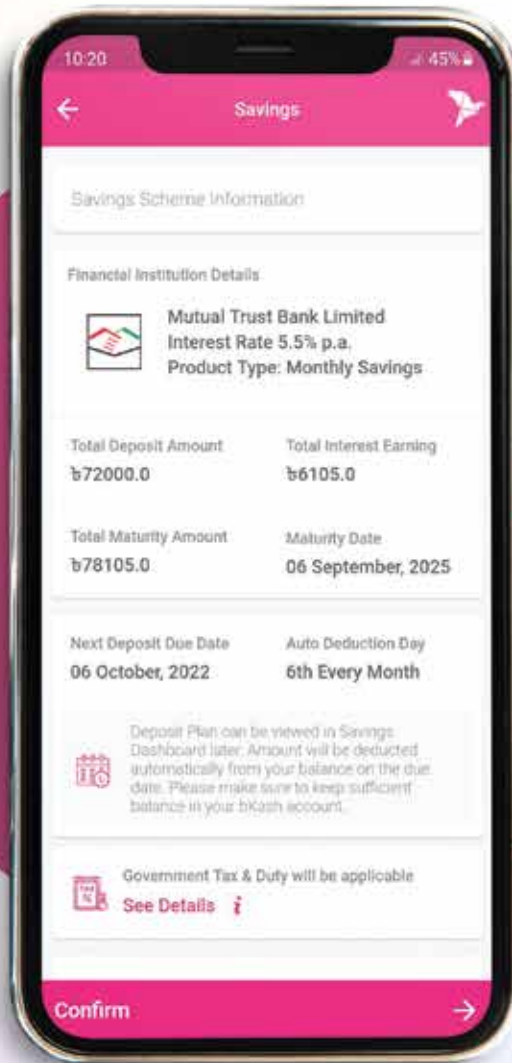


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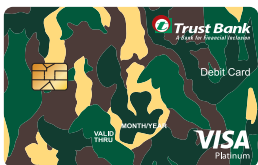
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