

Effectiveness of International Dispute Settlement Mechanisms in Bangladesh

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ABSTRACT

Purpose: This study investigated the effectiveness of international dispute settlement mechanisms in Bangladesh. It focused on how legal awareness, accessibility to ADR institutions and government engagement influence outcomes. The study's aim was to identify the strengths and weaknesses in Bangladesh's approach to international dispute resolution.

Methodology: The research used a quantitative method based on survey responses from 100 participants. Respondents came from legal, governmental, academic, business and civil society sectors. The data were collected using a five-point Likert scale and analyzed through SPSS regression models.

Results: The analysis found strong positive relationships between the dependent variable and all three independent variables. Government engagement, accessibility and trust in ADR institutions and legal awareness significantly influence the effectiveness of dispute settlement mechanisms. The model explained 68.4% of the variance in effectiveness.

Findings: Government involvement is essential for ensuring credibility and compliance with international obligations. Accessibility to ADR institutions makes dispute settlement faster and more inclusive. Legal awareness helps stakeholders engage effectively with legal procedures. The study also confirms that public trust and state commitment are vital for improving the outcomes of dispute resolution.

Conclusion: The study shows that international dispute mechanisms can be more effective in Bangladesh when supported by informed citizens, trusted institutions and proactive government actions. The findings match with previous studies and highlight the need for education, reform and coordination. A strong legal culture combined with institutional support can strengthen Bangladesh's ability to resolve disputes fairly and efficiently.

Keywords: International Dispute Settlement, ADR, Legal Awareness, Government Engagement, Institutional Trust; Arbitration Effectiveness, Bangladesh.

INTRODUCTION

The international dispute settlement system plays a crucial role in maintaining global peace and security by providing mechanisms for resolving conflicts between states and other international actors. In recent years, the significance of understanding the knowledge, attitudes and practices related to this system has gained prominence, particularly in developing countries like Bangladesh. As globalization intensifies, the interactions among states and non-state actors have been increased and creating higher likelihood of disputes that require effective resolution mechanisms (Smith, 2022).

Bangladesh, as a member of the international community, is subject to various international agreements and treaties that necessitate an understanding of the dispute settlement mechanisms available. However, the level of awareness and comprehension of these systems among the legal practitioners, policymakers and the general public in Bangladesh remains underexplored.

Historical Context & Overview

The international dispute settlement system has been evolved significantly over the past century, particularly in response to the increasing complexity of global interactions among states and non-state actors. The establishment of international organizations, such as the United Nations (UN) in 1945, marked a pivotal moment in the development of mechanisms designed to resolve conflicts peacefully. The UN Charter emphasizes the importance of international law and the peaceful resolution of disputes, which is being found under the groundwork for various legal frameworks and institutions that followed (Smith, 2022).

In the decades that followed, a series of treaties and agreements were established to address specific types of disputes, including trade, human rights and environmental issues. The creation of the World Trade Organization (WTO) in 1995, for instance, introduced a formalized dispute settlement mechanism that has been instrumental in resolving trade-related conflicts among member states. Similarly, the International Court of Justice (ICJ), established in 1945, serves as the principal judicial organ of the UN by adjudicating disputes between states and offering advisory opinions on international legal questions (Rahman, 2023).

Despite these advancements, the effectiveness of the international dispute settlement system varies significantly across different regions, particularly in developing countries like Bangladesh. The historical context of Bangladesh, which gained independence in 1971, has been shaped by its geopolitical position and the challenges it faces in engaging with international legal frameworks. The country has ratified numerous international treaties; however, the level of awareness and understanding of these systems among legal practitioners, policymakers and the general public is still very limited (Rahman, 2023).

Problem Statement

Despite Bangladesh's increasing integration into global economic and legal systems, the country has been facing a persistent lack of knowledge, awareness and effective utilization of international dispute settlement mechanisms among key stakeholders—particularly legal professionals, entrepreneurs and the general public. Although institutions such as the Bangladesh International Arbitration Center (BIAC) have been established to facilitate alternative dispute resolution (ADR), their working scope is very limited.

Table 1: Summary of drawbacks

Indicator	Data Point	Source
Public Preference for Dispute Resolution Mechanisms	87% prefer informal justice systems or ADR facilitated by local leaders; only 9% prefer formal courts.	The Asia Foundation, 2024
Judicial Backlog in Bangladesh	Over 4.2 million cases pending; some cases have been unresolved for over two decades.	The Asia Foundation, 2024
Judge-to-Population Ratio	One judge per 94,444 citizens in Bangladesh.	The Asia Foundation, 2024
Awareness and Utilization of BIAC	Limited awareness and utilization among entrepreneurs and legal professionals.	Hossain, 2018
Effectiveness of ADR in Women's Empowerment	ADR effective in reducing domestic violence but limited in enhancing women's decision-making power.	Evans & Hasan, 2010
Cost and Accessibility of ADR vs. Formal Courts	ADR services often free or low-cost; formal courts involve high expenses and complex procedures.	Bhuiyan, 2021

Empirical data show that 87% of the population are still preferring informal or community-based mechanisms over formal or international forums. Furthermore, a severely overburdened judiciary—with over 4.2 million pending cases and only one judge per 94,444 citizens—underscores the urgency of expanding ADR and international mechanisms. However, limited awareness, cost concerns and inconsistent practices have hampered the growth and trust in these systems.

Rationale of the study

This survey-based analysis can assess the current state of effectiveness regarding the international dispute settlement system in Bangladesh. By identifying gaps in understanding and areas for improvement, the study can contribute to the development of more effective legal education and policy frameworks to enhance the country's participation in international dispute resolution processes.

Objectives

1. To evaluate the current level of legal awareness and knowledge related to international dispute resolution among stakeholders in Bangladesh.
2. To analyze the role of accessibility and public trust in the effectiveness of ADR and formal mechanisms.
3. To examine the extent of government involvement and alignment with international dispute resolution frameworks.
4. To assess the combined impact of these factors on the effectiveness of international dispute settlement mechanisms in Bangladesh.

LITERATURE REVIEW

The global architecture of international dispute settlement is developed by various legal instruments and institutional mechanisms that aim to harmonize legal practices across jurisdictions. Srivastava (2020) highlighted the complexity and interconnectivity of international commercial transactions, particularly in relation to jurisdiction, choice of law and enforcement of foreign judgments. The study emphasizes on key legal instruments like the 2001 Brussels I Regulation, Rome Convention and Hague Choice of Court Agreement by illustrating how legal harmonization supports effective dispute resolution through both litigation and arbitration mechanisms. This framework sets the context for understanding how Bangladesh engages with international standards.

Focusing on Bangladesh, Islam and Haque (2022) noted that the country's current position in international commercial arbitration is underdeveloped compared to its regional peers. Their study emphasized for updating national arbitration laws to align more closely with global norms, thereby enhancing legal predictability and investor confidence. This concern is echoed by Rashid (2022), who identifies procedural drawbacks within the Arbitration Act, 2001, such as inefficiencies and limited access to justice. These shortcomings are constraining the arbitration's ability to serve as a viable alternative to litigation in commercial disputes.

Similarly, Maniruzzaman (2004) provided a historical perspective on the modernization of arbitration law in Bangladesh. He emphasized on the need for coherence between domestic legal systems and international practices. Khan (2017) further underscored this point by analyzing jurisdictional issues, the choice of law and enforcement under international arbitration conventions such as the New York Convention. These studies collectively demonstrated that the necessity for Bangladesh is to not only based on updating its arbitration laws but also be engaged actively with multilateral instruments that are facilitating the cross-border legal cooperation.

In the context of foreign direct investment (FDI), Hossain et al. (2021) examined how Bilateral Investment Treaties (BITs) and arbitration forums like ICSID are used to resolve disputes involving the Bangladeshi government. Their findings indicated that while mechanisms exist, they are often ineffective or inconsistently applied so concerns can be raised about fairness and transparency. Islam (n.d.) expands on this by evaluating the Investor-State Dispute Settlement (ISDS) regime in Bangladesh, noting how current BITs limit regulatory autonomy and expose the state to potentially costly arbitral awards. Both studies highlighted the pressing need for legal and policy reforms to safeguard national interests while remaining open to foreign investment.

Beyond investment disputes, Taslim (2010) and Bahri and Ali (2019) showed how Bangladesh has leveraged international mechanisms like the WTO Dispute Settlement Understanding (DSU) to protect its trade interests. Notably, Bangladesh's success in its complaint against India over battery imports is illustrating how legal capacity and strategic partnerships can enable developing countries to navigate complex multilateral systems effectively.

The domestic landscape of dispute resolution also plays a crucial role. Malek et al. (2025), Iqbal (2024), and Mian and Hossain (2013) all focused on the Alternative Dispute Resolution (ADR) system in Bangladesh. These studies pointed to ADR's effectiveness in resolving family, civil and minor criminal disputes, particularly in rural areas where access to formal courts is limited. The legal framework for ADR, including the Money Loan Court Act 2003, mandates impartial facilitators and underscores ADR's potential to relieve pressure on formal judicial institutions. However, gaps in implementation and legal inconsistencies have been continuing to hamper its full adoption.

In the domain of land disputes, Ahmed and Khatun (2024) highlighted the importance of a modern and accurate land survey system to reduce conflicts over land ownership. Their proposal for a Zonal Settlement System (ZSS) and digitization of land records reflected the broader concerns about administrative efficiency and legal clarity. This is particularly relevant in a country like Bangladesh, where land disputes constitute a significant portion of civil litigation.

Broader issues of international law integration are examined by Mia and Islam (2022), who argued that while Bangladesh has ratified several international treaties, their domestic implementation remains inconsistent. Constitutional provisions and court decisions have occasionally acknowledged international norms, but a comprehensive strategy for harmonization is still lacking there. This inconsistency can hinder the application of international dispute settlement mechanisms within the country's legal framework.

Finally, the geopolitical dimension of dispute settlement is explored by Ali (2020), who analyzed Bangladesh's options for seeking reparation from Myanmar over the Rohingya crisis. His study exemplified on how international legal principles, such as state responsibility and reparations, can be invoked in non-commercial contexts to address cross-border humanitarian issues.

Research Gap

- Despite the presence of arbitration centers, treaty obligations and previous international litigation (e.g., WTO success), Bangladesh is continuously facing low engagement, underutilization and inconsistent application of dispute settlement mechanisms.
- There is a lack of empirical evidence analyzing how awareness, accessibility and government engagement contribute to or hinder the effectiveness of international dispute resolution systems.

Hypotheses

- **H1:** Higher legal awareness and knowledge among stakeholders significantly improve the effectiveness of international dispute settlement mechanisms in Bangladesh.
- **H2:** Greater accessibility and trust in ADR institutions positively correlate with the effectiveness of international dispute settlement.
- **H3:** Enhanced government engagement with international legal frameworks facilitates the application and success of international dispute settlement mechanisms.

CONCEPTUAL FRAMEWORK

The following diagram is showing the conceptual framework of the study.

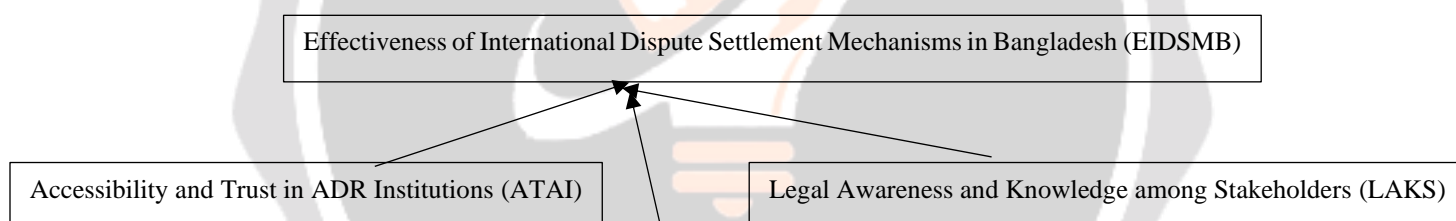


Figure 1: Conceptual Framework

Research Variables

The dependent variable of this study is the *Effectiveness of International Dispute Settlement Mechanisms in Bangladesh*. This includes the functionality, reliability and outcomes of international legal mechanisms and their perceived effectiveness in the Bangladeshi context. It reflects on how well international dispute mechanisms such as arbitration, adjudication and diplomatic channels serve Bangladeshi stakeholders in resolving transnational issues. This variable is informed by the findings of Islam and Haque (2022), Rashid (2022), Rahman (2023) and Smith (2022), who examined the practical outcomes and structural limitations of these mechanisms in Bangladesh.

The first independent variable is *Legal Awareness and Knowledge among Stakeholders*, which denotes the extent to which legal professionals, policymakers and the general public in Bangladesh understand international legal procedures and mechanisms. It encompasses legal literacy, education and familiarity with arbitration, treaties and dispute settlement systems. This variable is supported by Rahman (2023), Islam (n.d.), Mia and Islam (2022) and Malek et al. (2025), who emphasized the role of legal knowledge in effective dispute resolution.

The second independent variable is *Accessibility and Trust in ADR Institutions*, which refers to the availability, affordability and credibility of alternative dispute resolution mechanisms such as the Bangladesh International Arbitration Center (BIAC). It includes the population's reliance on informal systems and their perceptions of fairness and neutrality. This variable is grounded in the works of Bhuiyan (2021), Hossain (2018), Reza and Mia (2024) and Mian and Hossain (2013), who examined public preferences and institutional challenges in ADR adoption.

The third independent variable is *Government Engagement with International Legal Frameworks*, which addresses how actively and consistently the Bangladeshi government participates in international legal forums and applies multilateral agreements in domestic policy. It includes the ratification of treaties, representation in dispute settlement bodies and responses to international claims. This variable draws from Hossain et al. (2021), Islam (n.d.), Ali (2020), Srivastava (2020), Taslim (2010) and Bahri and Ali (2019), who explored the intersection of policy, diplomacy and

international law in Bangladesh.

METHODOLOGY

The research employed a quantitative approach so 5 Likert questions pattern was used to conduct the survey. The data collection method was collecting survey data from the 100 respondents through google form and face to face interview. There were 5 Likert scaled questions were constructed for each of the variables. The respondent's category along with the number of respondents for each of the category can found in appendix section. The regression model from SPSS was used to analyze the data and Microsoft excel was to arranging the data.

DATA ANALYSIS & FINDINGS

Table 2: Occupation		Frequency
Valid	Legal Professionals	15
	Government Officials	10
	Academics and Researchers	15
	ADR Practitioners	10
	Business Community	20
	NGO Representatives and Civil Society Actors	20
	International Organization Staff	10
	Total	100

Table 3: Descriptive Statistics			
	Mean	Std. Deviation	N
EIDSMB	3.7000	.80428	100
GEILF	3.7260	.77676	100
ATAI	3.7500	.79817	100
LAKS	3.7480	.81085	100

The mean score for the **Effectiveness of International Dispute Settlement Mechanisms in Bangladesh (EIDSMB)** is 3.70. This shows that participants generally agree that the mechanisms are effective. The mean score for **Government Engagement with International Legal Frameworks (GEILF)** is 3.73, **Accessibility and Trust in ADR Institutions (ATAI)** is 3.75, **Legal Awareness and Knowledge among Stakeholders (LAKS)** is 3.75. So, all values are close to each other and indicates the similar levels of agreement across all four variables. Again, the standard deviations are also low, which means not a variety of responses.

Table 4: Correlations					
		EIDSMB	GEILF	ATAI	LAKS
Pearson Correlation	EIDSMB	1.000	.756	.778	.727
	GEILF	.756	1.000	.769	.707
	ATAI	.778	.769	1.000	.773

	LAKS	.727	.707	.773	1.000
Sig. (1-tailed)	EIDSMB	.	.000	.000	.000
	GEILF	.000	.	.000	.000
	ATAI	.000	.000	.	.000
	LAKS	.000	.000	.000	.

There is a strong positive correlation between **EIDSMB** and each independent variable as **EIDSMB and GEILF** have a correlation of 0.756, **EIDSMB and ATAI** have a correlation of 0.778 and **EIDSMB and LAKS** have a correlation of 0.727.

Besides that, all values are significant at the 0.01 level so all three independent variables are strongly related to the dependent variable.

Table 5: Model Summary ^b										
Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Change Statistics					Durbin-Watson
					R Square Change	F Change	df1	df2	Sig. Change	
1	.827 ^a	.684	.675	.45876	.684	69.426	3	96	.000	2.008
a. Predictors: (Constant), LAKS, GEILF, ATAI										
b. Dependent Variable: EIDSMB										

The R value 0.827 means a strong overall relationship between the independent variables and **EIDSMB**. The R Square value is 0.684 so 68.4% of the variation in effectiveness can be explained by the three independent variables. The Durbin-Watson value 2.008 is suggesting no major autocorrelation problem.

Table 6: ANOVA ^a						
Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	43.835	3	14.612	69.426	.000 ^b
	Residual	20.205	96	.210		
	Total	64.040	99			
a. Dependent Variable: EIDSMB						
b. Predictors: (Constant), LAKS, GEILF, ATAI						

The regression model is significant with a p-value of 0.000 so, the combination of **GEILF, ATAI and LAKS** can significantly predict the effectiveness of dispute settlement mechanisms.

Table 7: Coefficients ^a								
Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.	95.0% Confidence Interval for B	
		B	Std. Error	Beta			Lower Bound	Upper Bound
1	(Constant)	.274	.243		1.129	.262	-.208	.756
	GEILF	.335	.097	.323	3.462	.001	.143	.527
	ATAI	.360	.105	.357	3.431	.001	.152	.568

	LAKS	.221	.093	.223	2.373	.020	.036	.406
a. Dependent Variable: EIDSMB								

Here, **GEILF** has a coefficient of 0.335 and a p-value of 0.001, **ATAI** has a coefficient of 0.360 and a p-value of 0.001 and **LAKS** has a coefficient of 0.221 and a p-value of 0.020.

So, each independent variable has a positive and significant effect on **EIDSMB**. Again, all p-values are below 0.05, which is confirming that all three variables significantly contribute to the model.

Table 8: Residuals Statistics ^a					
	Minimum	Maximum	Mean	Std. Deviation	N
Predicted Value	1.7066	4.4478	3.7000	.66542	100
Residual	-.86006	1.41244	.00000	.45176	100
Std. Predicted Value	-2.996	1.124	.000	1.000	100
Std. Residual	-1.875	3.079	.000	.985	100
a. Dependent Variable: EIDSMB					

The residuals are small and evenly distributed so it is suggesting the model fits the data well and does not have major errors.

Decision: The model shows that **Legal Awareness, Accessibility and Trust** and **Government Engagement** all play a strong and meaningful role in developing the effectiveness of international dispute settlement mechanisms in Bangladesh.

Scholarly Insights

The findings are aligned with existing literature like Islam (2014) emphasized that alternative dispute resolution (ADR) mechanisms promote access to justice by reducing costs and delays to support the importance of ATAI in the model. Similarly, Rahman et al. (2022) discussed the challenges and prospects of ADR in Bangladesh by highlighting the need for increased legal awareness and institutional support, which correlates with the significance of LAKS. Furthermore, the role of government engagement in international legal frameworks is underscored by the necessity for policy reforms and active participation in international legal forums (Reza & Mia, 2023).

DISCUSSION

The study explores the effectiveness of international dispute settlement mechanisms in Bangladesh. The responses came from a diverse group of participants such as legal professionals, government officials, academics, ADR practitioners, business representatives and members of civil society. This diversity helped to ensure that multiple sectors are sharing their views on how these mechanisms are being functioned in the country.

The results showed that stakeholders generally agree on the usefulness and efficiency of these mechanisms and highlighted three key areas that influence effectiveness: government engagement with international legal frameworks, accessibility and trust in ADR institutions and legal awareness among stakeholders.

Government engagement is playing a vital role because it reflects the state's commitment to international obligations. When the government takes part in international legal processes, it encourages transparency and cooperation. This also shows political will to resolve disputes without delay or bias. Scholars such as Reza and Mia (2023) supported this view and stressed that government action must be consistent with global legal standards and treaty obligations. Trust in ADR institutions is also important because it helps citizens and organizations relying on alternative methods instead of going through lengthy court proceedings. Accessibility in ADR services ensures that users feel safe and fairly treated. According to Islam (2014), ADR in Bangladesh reduces both the cost and time involved in solving disputes.

Legal awareness also develops the stakeholder's interaction with these mechanisms. When people understand legal procedures, they are more likely to use formal methods for dispute resolution. Awareness also helps prevent misuse of the system and strengthens accountability. Rahman et al. (2022) noted that limited knowledge often becomes a barrier to access, so public education and institutional efforts are necessary to make dispute mechanisms more inclusive.

Overall, the findings show that the effectiveness of international dispute settlement mechanisms in Bangladesh depends on strong government involvement, public trust in ADR and increased legal knowledge among citizens. These areas are supporting and helping to each other to strengthen the dispute resolution system. The study is agreeing with recent literature and confirms that these three factors are closely linked to the successful use of international legal frameworks.

MANAGERIAL IMPLICATIONS

This study provides valuable insights for policymakers, legal practitioners and institutional leaders. First, the government should improve participation in international legal forums including ratifying treaties, attending global meetings and aligning national laws with international standards.

Second, ministries should coordinate with courts, ADR centers and civil society to reduce delays and promote better case handling.

Third, ADR institutions such as the Bangladesh International Arbitration Center (BIAC) need stronger outreach. They must expand their services to rural areas and offer low-cost or free options. Doing so will help to bridge the gap between formal systems and informal community practices. Trust in ADR also depends on transparency. So, institutions must publish clear rules, decisions and procedures. They should also collect user feedback to improve services.

Fourth, awareness campaigns are necessary so legal education should be introduced in schools and universities. Workshops, training and media programs can help professionals and the also public can learn about arbitration, treaties and dispute forums. Higher awareness will make legal processes more inclusive and accessible.

Finally, businesses should build trained internal legal teams in international dispute settlement. They can avoid costly litigation if they know how to use arbitration or mediation. These steps will reduce pressure on courts, lower costs and build trust in the legal system. Together, coordinated actions by government, institutions and professionals will make dispute settlement more effective and fairer.

CONCLUSION

The study confirms that legal awareness, accessibility of ADR institutions and government engagement are key factors for the success of international dispute settlement mechanisms in Bangladesh. When these elements are strong, stakeholders trust the system and participate more effectively so the improvement on dispute outcome and reduction of legal uncertainty will be visible.

Government engagement reflects the country's commitment to international law to ensure enforcement and credibility. When the government aligns its laws with global standards, it strengthens institutional trust. So, ADR institutions must be inclusive and transparent. When users feel respected and treated fairly, they can rely on the system more and reduces the load on courts and improves legal efficiency.

Legal awareness among stakeholders improves participation in legal processes. When citizens understand the rules and rights, they avoid informal or biased systems so a culture of accountability and respect for the law can be built. The study also shows that reforms must be holistic. Education, training and coordination among institutions are all required to make the system working.

The results support earlier research and confirm the importance of coordinated legal development. Policymakers, legal educators and civil society must work together. If the country invests in legal infrastructure, public awareness and institutional trust, it will gain better outcomes in international dispute resolution. The study offers a roadmap for improving the justice system and strengthening global legal integration.

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APPENDIX

Table 9: Stakeholder Categories and Respondent Distribution

Stakeholder Category	Number of Respondents
Legal Professionals (Lawyers, Judges, Legal Advisors)	15
Government Officials (Ministry of Law, Foreign Affairs, Commerce)	10
Academics and Researchers	15
ADR Practitioners (Arbitrators, Mediators, Conciliators)	10
Business Community (Exporters, Importers, Trade Associations)	20
NGO Representatives and Civil Society Actors	20
International Organization Staff (UN, WTO, ICSID, etc.)	10
Total	100

Table 10: Survey Questions (Likert Scale: 1-Strongly Disagree to 5-Strongly Agree)

Dependent Variable: Effectiveness of International Dispute Settlement Mechanisms

No.	Statement
1	International dispute settlement mechanisms are effective in resolving cross-border legal issues involving Bangladesh.
2	Bangladesh's participation in global dispute forums (e.g., WTO, ICJ) has strengthened its international standing.
3	International arbitration outcomes involving Bangladesh are fair and enforceable.
4	International legal systems offer a timely resolution of commercial and political disputes.
5	The international dispute settlement process enhances trust in foreign investment and trade partnerships.

Independent Variable 1: Legal Awareness and Knowledge

No.	Statement
1	I am aware of international treaties or conventions signed by Bangladesh that involve dispute resolution.
2	Legal practitioners in Bangladesh are well-informed about international arbitration procedures.

3	Training on international law is readily available to lawyers and judges in Bangladesh.
4	Law schools in Bangladesh effectively teach global dispute settlement frameworks.
5	Public awareness campaigns have improved understanding of international legal mechanisms.

Independent Variable 2: Accessibility and Trust in ADR Institutions

No.	Statement
1	ADR services in Bangladesh are more accessible than formal courts.
2	I trust ADR institutions such as BIAC to provide impartial and fair resolutions.
3	Community-based ADR processes are effective for resolving disputes.
4	ADR outcomes are respected and implemented in my local or professional context.
5	ADR institutions are transparent in their procedures and decisions.

Independent Variable 3: Government Engagement with International Legal Frameworks

No.	Statement
1	The Bangladeshi government actively participates in international legal forums and conventions.
2	There are clear government policies to enforce international arbitral awards.
3	The government supports legal reforms to align domestic laws with global standards.
4	Ministries and regulatory bodies coordinate on matters of international dispute resolution.
5	Bangladesh's foreign policy includes dispute settlement as a key strategic component.

