

Afghanistan Commercial Arbitration law has been enacted to facilitate and encourage prompt, fair, and neutral resolution of commercial and economic disputes through arbitration, with respect to the agreements signed between Afghanistan and other states on commercial and economic arbitration and to regulate the relevant affairs. This law also define arbitrator, process of arbitration, arbitration agreement, arbitration award, business transaction and others.

The Arbitration Act, 2001 of Bangladesh is a law relating to international commercial arbitration, recognition and enforcement of foreign arbitral award and other arbitrations. This law define “International Commercial Arbitration” means an Arbitration relating to disputes arising out of legal ‘relationships, whether contractual or not, considered as commercial under the law in force in Bangladesh and where at least one of the parties is “an individual who is a national of or habitually resident in, any country other than Bangladesh; or a body corporate which is incorporated in any country other than Bangladesh; or a company or an association or a body of individuals whose central management and control is exercised in any country other than Bangladesh, or the Government of a foreign country.

The Alternative Dispute Resolution Act of Bhutan came into existence in 2013. This Act shall apply to Domestic arbitration and international commercial arbitration and negotiated settlements conducted within the Kingdom of Bhutan, recognition and enforcement of arbitral awards including foreign arbitral award; and any other matter connected with or incidental to arbitration and negotiated settlements.

The recent amendment in **“The Arbitration and Conciliation Act, 1996”** makes arbitration a more effective option in India. The restriction of the Indian court’s jurisdiction over foreign-seated arbitrations is one of the key feature to it.

[http://moci.gov.af/Content/files/Commercial%20Arbitration%20Law\(1\).pdf](http://moci.gov.af/Content/files/Commercial%20Arbitration%20Law(1).pdf)
<http://oag.gov.bt/wp-content/uploads/2010/05/Alternative%20Dispute%20Resolution%20Act%202013.pdf>
<http://www.locate-a-arbitrator.com/BhutanArbitrators.html>
<http://biac.org.bd/wp-content/uploads/2013/04/The-Arbitration-Act-2001.pdf>



Source: <http://giaoducthoidai.vn/thoi-su/thach-thuc-nhu-cau-nhan-luc-quan-ly-chuoi-cung-2778104.html>

The Arbitration Act of Maldives, 2013 lays out the principles for the settlement of commercial disputes arising out of legal relations between two or more parties, in accordance with internationally recognized standards on arbitration. It has also set out a local legal framework for arbitration in accordance with the United Nations Commission on International Trade Law (UNCITRAL) model rules.

Nepal Arbitration Act came into existence in 1999 and the act defines agreement, Party, District Court, Appellate Court, dispute, counter-claim, rejoinder and arbitrator. The appointment and role, functions, qualification, duties, place of arbitrator also been specified in the law.

<http://www.indiacode.nic.in/acts-in-pdf/2016/201603.pdf>
<http://www.nortonrosefulbright.com/knowledge/publications/135194/reform-of-the-indian-arbitration-and-conciliation-act>
<http://suoodanwar.blogspot.com/2015/03/arbitration-act.html>

Pakistan law has the provision of domestic arbitration and arbitration conducted outside Pakistan and their resulting awards. **The Arbitration Act 1940 (Arbitration Act), Pakistan** governs and regulates arbitration proceedings conducted in Pakistan and the enforcement of domestic arbitral awards. The Arbitration (International Investment Disputes) Act 2011 (AIID Act) was enacted by the parliament of Pakistan and it entitles a person seeking recognition or enforcement of an arbitral award issued by the International Centre for Settlement of Investment Disputes (ICSID) to have the arbitral award registered in a local high court. The AIID Act bars local courts from applying the provisions of the Arbitration Act.

Sri Lanka ratified the New York Convention without any reservations and in 1995 an Act was passed, which is called **“Arbitration Act No. 11 of 1995”**. Any international contractor could resolve his disputes by arbitration and enforce its award in Sri Lanka, irrespective of the seat of arbitration, which could be a country of convenience for all contracting parties.

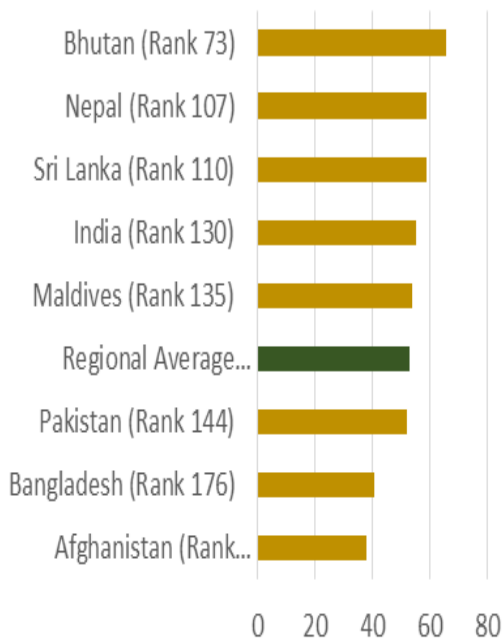
In one of the latest report of World Bank group, **Doing Business, 2017**, it has been observed that South Asian economies

have an average ranking on the ease of doing business of 132. As Bhutan is the highest in the ease of doing business ranking followed by Nepal and Sri Lanka. India ranks in the top 13 in Protecting Minority Investors, as its law grants minority shareholders strong protection from conflicts of interest and provides extensive rights for shareholders in major corporate governance. Pakistan, with a global ranking of 144, is among the best performers in South Asia in Protecting Minority Investors. As far as the reforms are concerned in South Asia, Pakistan improved the quality of land administration by digitizing ownership and land records and also made exporting and importing easier by enhancing its electronic "Web Based One Customs Platform". Pakistan also improved access to credit information guaranteeing by law borrowers' rights to inspect their own data and credit bureau also expanded its borrower coverage. Sri Lanka made starting a business easier by removing the stamp duty on newly issued

shares and Sri Lanka strengthened minority investor protections by requiring board and in some cases shareholder approval of related-party transactions and by requiring that such transactions undergo external review. India made exporting and importing easier by launching Customs Electronic Commerce Interchange Gateway portal and simplifying border and documentary compliance procedures. It made getting electricity faster and cheaper by streamlining the process of getting a new commercial electricity connection. Likely, India made paying taxes easier by introducing an electronic system for paying employee state insurance contributions and made getting electricity faster and cheaper by streamlining the process of getting a new commercial electricity connection. Nepal made exporting and importing easier by implementing ASYCUDA World data management system.

Source: <http://www.doingbusiness.org/reports/~media/WBG/DoingBusiness/Documents/Profiles/Regional/DB2017/SA.pdf>

Distance to frontier score



Rankings Data for South Asia

Economy	Rank (1–189)		Distance to frontier score (0–100)		Reforms	
	DB2017	DB2016	DB2017	DB2016	DB2017	DB2016
	Afghanistan	183	177	38.10	40.58	2
Bangladesh	176	174	40.84	43.10	1	1
Bhutan	73	71	65.37	65.21	0	2
India	130	130	55.27	54.68	4	2
Maldives	135	128	53.94	55.04	0	1
Nepal	107	99	58.88	60.41	2	0
Pakistan	144	138	51.77	51.69	3	0
Sri Lanka	110	107	58.79	58.96	2	2

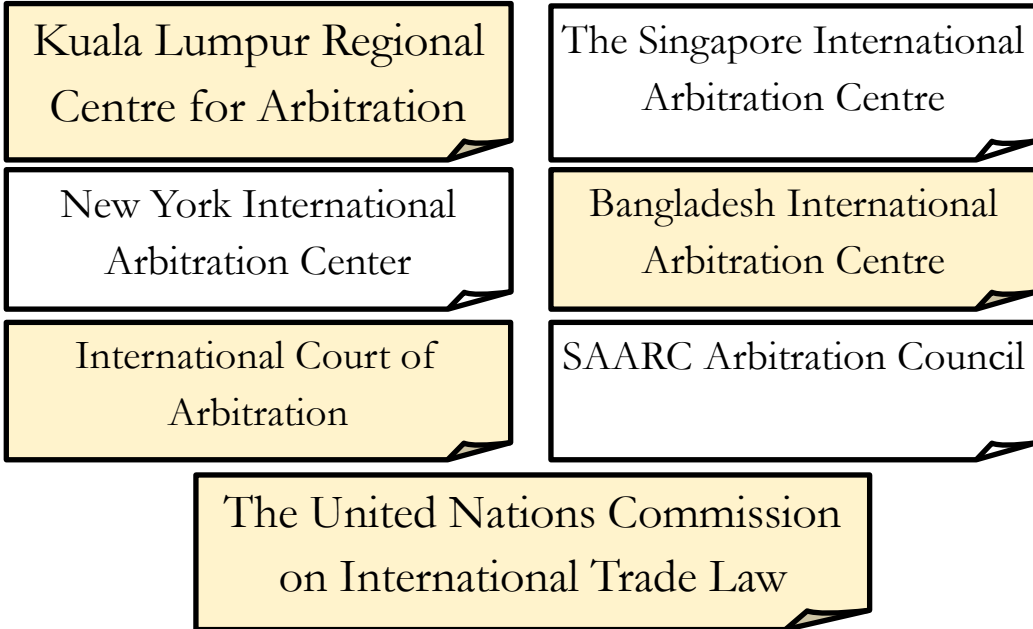
Compiled by SAARCLAW Regional Secretariat

Note: The rankings are based on the average of each economy's distance to frontier scores for the 10 topics included in this year's aggregate ranking. This measure shows how close each economy is to global best practices in business regulation. A higher score indicates a more efficient business environment and stronger legal institutions. The scores for both *Doing Business 2015* and *Doing Business 2016* are based on the new methodology.

INTERNATIONAL ARBITRATION CENTERS IN THE WORLD



South Asian Association for Regional
Cooperation in Law
SAARC Apex Body



Methods of Arbitration Agreement

Arbitration Clause

Usually these are standard clauses provided by the institution which the parties have agreed to use to administer the future dispute. Such clauses should contain, as minimum, details of (a) the arbitration rules that will govern the proceedings and the institution, if any, which is to administer the process; the seat, or legal place of the arbitration, the number of arbitrators, and the language of the arbitration.

Submission Agreements / Arbitration Deeds

Submission agreements however are agreements to arbitrate made after the dispute has arisen. It is therefore always recommended that, even though there may be an arbitration clause, that a submission agreement be signed in any arbitration proceedings whether there is an arbitration clause in the disputed contract or not.

Arbitration Agreement incorporated by reference

It is common to find this type of arbitration agreement in construction contracts, where the contract may make reference to standard FIDIC conditions which contain a standard arbitration agreement.



UPCOMING EVENTS AND CONFERENCES



South Asian Association for Regional
Cooperation in Law
SAARC Apex Body




Date	Theme	Organized By	Venue	Contact Details
September 25, 2017	3rd IPBA Asia– Pac Arbitration Day 2017	Singapore International Arbitration Centre (SIAC) and Kuala Lumpur Regional Centre for Arbitration (KLRCA)	Kuala Lumpur	Tel: +603 2271 1000 Email: paul@klrca.org
November 21, 2017	5th International Arbitration Conference	Co-presented by the Australian Centre for the International Arbitration (ACICA)	Perth, Australia	Email: carol.osullivan@lawcouncil.asn.au
December 7 & 8, 2017	CIARB (Chartered Institute of Arbitrators) International Arbitration Conference 2017	CIARB (Chartered Institute of Arbitrators)	Paris	Tel: +44 (0)207 421 7427 Email: events@ciarb.org
June 26, 2018	4th ICC Asia Conference on International Arbitration	International Chamber of Commerce	China	Tel: +33 (0) 1 49 53 28 28 Email: icc@iccwbo.org

Source:
<https://ipba.org/events-calendar/ipba-local-regional-events/74/333/3rd-ipba-asia-pac-arbitration-day.html>
<http://www.siac.org.sg/component/registrationpro/event/185/5th-International-Arbitration-Conference?Itemid=552>
<http://www.ciarb.org/news/ciarb-news/news-detail/news/2016/12/23/international-arbitration-conferences-2017>
<https://iccwbo.org/dispute-resolution-services/icc-arbitration-conferences/icc-asia-conference-international-arbitration/>

Landmark Judgments on Arbitration in South Asia

Country	Parties	Links
India	Bharat Aluminum Company Limited vs. Kaiser Aluminum	http://almtlegal.com/articles-pdf/ALMT%20Newsflash%20-%20BALCO%20Judgement.pdf
Sri Lanka	Kiran Atapattu Vs. Janashakthi General Insurance Company	http://www.thesundayleader.lk/2013/03/17/landmark-insurance-case-decided-in-supreme-court/

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