



South Asian Association for Regional Cooperation in Law

SAARC Apex Body

BI-ANNUAL ACTIVITY REPORT

January to June, 2016

1. Setting up a Regional Secretariat:

A Regional Secretariat has been established in Kathmandu, Nepal with the support of Asian Development Bank. An Executive Director has been appointed. A Finance/Administration Officer, an Administrative Assistant and an Office Support Staff has also been interviewed and selected. The address of the SAARCLAW Regional Secretariat is Flat no. 102A, Hilltake Heights, Apartments (LLP). Panipokhari. (Opposite Japanese Embassy). Kathmandu. Nepal. The Secretariat is operational.

2. 13th SAARCLAW Conference and 10th SAARC Chief Justices' Conference:



SAARCLAW Nepal Chapter hosted a well-organized, well attended and a successful 13th SAARCLAW and 10th SAARC Chief Justices' conference. The conference was inaugurated by the Hon'ble President and Prime Minister of Nepal:

SAARCLAW is striving to bring the Legal Fraternity in South Asia together. The member countries of SAARC and its legal community have often felt the need to be closer and work together for better life and effective understanding through shared learning in the field of law

reforms, enforcement, and justice administration, good governance with special advantages for regional cooperation, development and growth. There is a growing need amongst the member countries to focus on regional infrastructure as a means to facilitate meaningful connectivity for regional trade and free flow of ideas, goods, services, technology and resources as lack of connectivity will hinder regional development in all dimensions. The Legal Community of SAARC region has explored the possibility of enhancing connectivity in SAARC through law, justice, good governance and development. SAARCLAW Conference and Chief Justices Conference is one of the major steps of SAARCLAW to turn the vision and mission of the organization into reality. SAARCLAW organized 13th SAARCLAW Conference and 10th Chief Justices Conference on the 5th-6th March 2016 at Hyatt Regency, Kathmandu, Nepal. The conference was inspired by the theme of SAARC Conference of head of the states and government that was held in February, 2015 at Kathmandu. The theme of the conference was *“Connecting SAARC through Law, Justice, Good Governance and Development”*. The conference was attended by the Chief Justices or its representatives from and the legal fraternity from South Asia. **Kathmandu Declaration has been adopted by the Chief Justices or its representatives in 10th Chief Justices' Conference held in Kathmandu, Nepal, 5-6 March 2016.** (Please refer to Appendix - 1)

3. Regional Conferences attended by SAARCLAW:

3.1 SAIEVAC-SAARCLAW Conference on Review of Joint Research “Mapping of Legal Instruments” and “Legal Review on Strengthening Responses On Trafficked and Missing Children- in Bangladesh, India and Nepal” conducted in India on 19th- 20th April, 2016.

The Conference was attend by Mr. Mehmood Y. Mandviwalla, President, SAARCLAW, Mr. Muhammad Mohsen Rashid, Secretary General SAARCLAW, Ms. Sheeza Ahmed, Member, Executive Council SAARCLAW, M. K Rahman (Vice President, Mr. Saroj Shrestha (Member, Executive Council SAARCLAW), Prof. Amber Prasad Pant, Member, Executive Council SAARCLAW and Mr. Vipin Bhatt, Executive Director, SAARCLAW

3.2 “Accelerating Efforts to End Child Marriage in South Asia through Joint Action with Regional and National Human Rights Institutions and in Partnership with Key Regional Partners”, organized by SAIEVAC on 2nd – 3rd June, 2016. The conference was attended by Mr. Mehmood Y. Mandviwalla, President, SAARCLAW; Mr. Muhammad Mohsen Rashid, Secretary General, SAARCLAW; Ms. Sheeza Ahmed, Member, Executive Council SAARCLAW and Mr. Vipin Bhatt, Executive Director, SAARCLAW

4. SAARCLAW President, Secretary General, Executive Council Members on Courtesy Call

➤ In India

4.1 Courtesy Call on Hon'ble Minister Shri D. V. Sadananda Gowda, Minister of Law and Justice, India on 19th April, 2016



Mr. Mehmood Y. Mandviwalla, President, SAARCLAW, Mr. Muhammad Mohsen Rashid, Secretary General, SAARCLAW, Mr. Purna Man Shakya, Vice President, SAARCLAW, Mr. M. K. Rahman, Vice President, SAARCLAW, Mr. Amiya Ranjan Nayak, Treasurer, SAARCLAW India, Ms. Sheeza Ahmed, Members Executive Council SAARCLAW, and Mr. Vipin Bhatt, Executive Director, SAARCLAW paid a courtesy call on

Hon'ble Minister Shri D. V. Sadananda Gowda, Minister of Law and Justice, India on 19th April, 2016. During the meeting with the team, Hon'ble Law Minister discussed the importance of harmonization of laws and policies in South Asian Region and promised to assist in matters of Arbitration. The delegation was led by President Mehmood Mandviwalla.

➤ In Nepal:

4.2 Courtesy Call on H.E. Arjun Bahadur Thapa, Secretary General, SAARC on 2nd June, 2016.

Mr. Mehmood Y. Mandviwalla, President, SAARCLAW, Mr. Muhammad Mohsen Rashid, Secretary General SAARCLAW, Mr. Purna Man Shakya, Vice President, SAARCLAW, Mr. M. K. Rahman, Vice President, SAARCLAW, Ms. Sheeza Ahmed, Members Executive Council SAARCLAW, and Mr. Vipin Bhatt,



Executive Director, SAARCLAW met Hon'ble Secretary General SAARC H.E. Arjun Bahadur Thapa on 2nd June, 2016. During the meeting with the Secretary General SAARC matters of mutual interest and the formation of SAARC Bankers Association was discussed, which the Secretary General supported as a good and timely initiative.

4.3 Courtesy call on Mr. Hon'ble Mr. K. P. Sharma Oli. Hon'ble Prime Minister of Nepal on 2nd June, 2016.



Led by President Mehmood Y. Mandviwalla, Mr. Muhammad Mohsen Rashid, Secretary General SAARCLAW, Mr. Purna Man Shakya, Vice President, SAARCLAW, Mr. M. K. Rahman, Vice President, SAARCLAW, Ms. Sheeza Ahmed, Members Executive Council SAARCLAW and Mr. Vipin Bhatt, Executive Director, SAARCLAW paid a courtesy call on Rt. Hon'ble Mr. K. P. Sharma Oli, Prime Minister of Nepal on 2nd June, 2016. During the meeting President

Mehmood Mandviwalla briefed the Prime Minister of SAARCLAW activities, future programs and issues related with the constitutional building, democracy and governance, Human Rights and Development were discussed. President Mehmood thanked the Prime Minister for facilitating the opening of the SAARCLAW Secretariat in Kathmandu. The Prime Minister assured SAARCLAW of the Government of Nepal's continued support.

4.4 Courtesy call on Mr. Agni Prasad Kharel, Rt. Hon'ble. Minister, Ministry of Law, Justice and Parliamentary Affairs on 2nd June, 2016.

Led by Mr. Mehmood Y. Mandviwalla, President, SAARCLAW, a delegation comprising Mr. Muhammad Mohsen Rashid, Secretary General SAARCLAW, Mr. Purna Man Shakya, Vice President, SAARCLAW, Mr. M. K. Rahman, Vice President, SAARCLAW and Vipin Bhatt, Executive Director, SAARCLAW paid a courtesy call on the Minister for Law Nepal and brief him about the latest activities of SAARCLAW, expressing gratitude to the Government of



Nepal for facilitating establishment of SAARCLAW Secretariat in Kathmandu and assisting the Nepal Chapter in the holding of a successful conference.

➤ **In Sri Lanka:**

4.5 Courtesy call on Hon'ble Mr. Justice Mr. K. Sripavan, Chief Justice of Sri Lanka on 13th June, 2016.



Mr. Mehmood Y. Mandviwalla, President, SAARCLAW, Mr. Muhammad Mohsen Rashid, Secretary General SAARCLAW, Mr. M. K. Rahman, Vice President, SAARCLAW, Mr. Nihal Jayamanne, Executive Council Member, SAARCLAW, President, Bar Association of Sri Lanka and Mr. Vipin Bhatt, Executive Director, SAARCLAW paid a courtesy call on the Hon'ble Chief Justice Mr. K. Sripavan and discussed matters of mutual interest and thanked him for the interest that he takes in SAARCLAW activities. The Chief

Justice has extended full support to SAARCLAW.

4.6 Courtesy call on Mr. D.M. Swaminathan, Hon'ble Minister of Prison Reforms, Rehabilitation, Resettlement and Hindu Affairs, Sri Lanka on 14th June, 2016.

Mr. Mehmood Y. Mandviwalla, President, SAARCLAW, Mr. Muhammad Mohsen Rashid, Secretary General SAARCLAW, Mr. M. K. Rahman, Vice President, SAARCLAW and Mr. Vipin Bhatt, Executive Director, SAARCLAW paid a courtesy call on Hon'ble Minister of Prison Reforms, Rehabilitation, Resettlement and Hindu Affairs and discussed matters of mutual interest including the Prison Reforms undertaken by the Government of Sri Lanka. He informed the Saarc law



delegates that Sri Lanka has constructed a new prison as per international guidelines specially those of ICRC. The Minister has extended full support to the SAARCLAW and its programs.

5. SAARCLAW President, Secretary General, Executive Council Members meetings with various NGOs having Global reach.

➤ In Nepal

- 5.1 Meeting with Ms. Liz Satow, National Director, Mr. Rabindra Gautam, National Specialist – Advocacy, Ms. Arpana Marian Rongong, National Specialist – Child Protection of World Vision International on 1st June, 2016** was attended by Mr. Muhammad Mohsen Rashid, Secretary General SAARCLAW, Mr. M. K. Rahman, Vice President, SAARCLAW, and Mr. Vipin Bhatt, Executive Director, SAARCLAW. The meeting discussed was regarding the collaboration with World Vision International on Gender Based Violence and Child Protection Issues.
- 5.2 Meeting with Ms. Melissa Upreti, Regional Director for Asia and Ms. Sonali Regmi, Regional Manager for Asia of Centre for Reproductive Rights (CRR) on 2nd June, 2016** was attended by Mr. Mehmood Y. Mandviwalla, President, SAARCLAW, Mr. Muhammad Mohsen Rashid, Secretary General SAARCLAW, Mr. Purna Man Shakya, Vice President, SAARCLAW, Mr. M. K. Rahman, Vice President, SAARCLAW, Ms. Sheeza Ahmed, Members Executive Council SAARCLAW, and Mr. Vipin Bhatt, Executive Director, SAARCLAW. The meeting informally discussed regarding future collaboration with CRR on Gender Based Violence and child protection in South Asia.
- 5.3 Meeting with the UNHCR and UNDP Delegates: Ms. Cecile Fradot, Senior Protection Officer, UNHCR and Ms. Sophie Kemkhadze, Deputy Country Director (Programme), UNDP at Hotel Shangri-La, Kathmandu 3rd June, 2016** was attended by Mr. Mehmood Y. Mandviwalla, President, SAARCLAW, Ms. Sheeza Ahmed, Members Executive Council SAARCLAW, Mr. Muhammad Mohsen Rashid, Secretary General SAARCLAW, Mr. Purna Man Shakya, Vice President, SAARCLAW, Mr. M. K. Rahman, Vice President, SAARCLAW, Ms. Sapana Pradhan Malla, Members Executive Council SAARCLAW and Mr. Vipin Bhatt, Executive Director, SAARCLAW. The purpose of the meeting was to share the work of UNDP, UNHCR and SAARCLAW and how all three parties can collaborate on the issues such as Gender Based Violence, constitutional rights, and rights of the refugees.
- 5.4 Meeting with Ms. Kristy Welch (Regional Legal Advisor), Ms. Dragana Kojic (Head of Delegation) and Mr. Krishna ICRC (International Committee of the Red Cross) Office, New Baneshwor on 3rd June, 2016** was attended by Mr. Mehmood Y. Mandviwalla, President, SAARCLAW, Mr. Purna Man Shakya, Vice President, SAARCLAW and Mr. Vipin Bhatt, Executive Director, SAARCLAW. The future collaboration with the ICRC International on issues such as International Human Rights laws and policies in South Asia were discussed. An MoU between both the parties is all under process.

5.5 The Asia Foundation (TAF): A meeting with Ms. Nandita Baruah (Deputy Company Representative) along with Mr. Mehmood Y. Mandviwalla, President, SAARCLAW, Ms. Sheeza Ahmed, Members Executive Council SAARCLAW and Mr. Vipin Bhatt, Executive Director, SAARCLAW regarding the future collaboration with the Asia Foundation on issues such as restorative justice and trafficking issues were discussed.

➤ **In Sri Lanka**

5.6 Meeting with Ms. Renuka Weerakoon (Adv.), Executive Director. Investment Promotion (BOI) at Colombo on 13th June, 2016 was attended by Mr. Mehmood Y. Mandviwalla, President, SAARCLAW; Mr. Muhammad Mohsen Rashid, Secretary General, SAARCLAW; Mr. M. K. Rahman, Vice President, SAARCLAW; Mr. Hemant Batra, Vice President, SAARCLAW; Mr. Amir UL Islam, Permanent/ Life Member, SAARCLAW and Mr. Vipin Bhatt, Executive Director, SAARCLAW. The agenda of the meeting: President SAARCLAW shared the work done by SAARCLAW in SA and Ms. Renuka shared the work of BOI. The formation of South Asian Bankers Association and other issues of mutual interest were also discussed followed by lunch.

5.7 Meeting with Prof. Ravindra Fernando, Director of Centre of Human Rights and Prof. Sharya Scharenguivel, on 14th June, 2016 was attended by Mr. Mehmood Y. Mandviwalla, President, SAARCLAW, Mr. Muhammad Mohsen Rashid, Secretary General SAARCLAW, Mr. Hemant Batra Vice President, SAARCLAW, Mr. M. K. Rahman, Vice President, SAARCLAW, Mr. Amir UL Islam, Permanent/ Life Member, SAARCLAW, Ms. Mokshini Jayamanne, SAARCLAW Sri Lanka and Mr. Vipin Bhatt, Executive Director, SAARCLAW. The discussion was regarding collaboration with the Centre of Human Rights on Gender Based Violence and child protection. Mr. Fernando has also shared that his centre is planning to open a course in Child Rights.

5.8 Meeting with Mr. D M Gunasekera. General Manager (CEO), Bank of Ceylon; Ms. Priya Sivagananathan, SAARCLAW Sri Lanka; Mr. Arif M. Ali, Regional General Manager, Habib Bank and Ms. Nausheen Ahmad, Company Secretary & Head Legal, Habib Bank on 14th June, 2016 was attended by: Mr. Mehmood Y. Mandviwalla, President, SAARCLAW,, Mr. Muhammad Mohsen Rashid, Secretary General SAARCLAW, Mr. Amir UL Islam, Permanent/ Life Member, SAARCLAW, Mr. Hemant Batra Vice President, SAARCLAW, and Mr. Vipin Bhatt, Executive Director, SAARCLAW. The agenda of the meeting was discussing formation of South Asian Bankers Association in the region, development of South Asian Countries and other issues of mutual interest.

5.9 Meeting with Mr. G. L. Peiris, fFrmer Foreign Minister, former Minister of Justice and Constitutional Affairs and Former Deputy Minister of Finance Sri Lanka on 14th June, 2016 was attended by Mr. Mehmood Y. Mandviwalla, President, SAARCLAW, Mr. Amir UL Islam, Permanent/ Life Member, SAARCLAW, Mr. Vipin Bhatt, Executive Director,

SAARCLAW. The agenda of the meeting was to discuss the role of SAARCLAW in harmonization of law and policies, arbitration, etc in South Asia.

6. Networking and Coordination done by SAARCLAW Regional Secretariat:

- 6.1 US Embassy:** Mr. Russell L. Carlberg, Resident Legal Advisor/ Assistant U.S. Attorney Department of Justice, Criminal Division, Mr. Paul K. Kim, Resident Legal Officer and Mr. Krishna Pathak, Democracy & Governance Specialist and Mr. Sundeep Bista, Legal Specialist, Department of Justice, Criminal Division had a meeting with Executive Director SAARCLAW regarding future collaboration with the US Embassy on Gender Based Violence and child protection in South Asia.
- 6.2 International IDEA (International Institute for Democracy and Electoral Assistance):** A meeting was attended by Mrs. Leena Rikkila Tamang, Director, Asia and the Pacific and Ms. Sheri Meyerhoffer, Head of Mission regarding the future collaboration with International IDEA in areas like application of Right to information Act, Women Rights, Constitutional Reforms, mapping and implementation of constitution in South Asian nations. In furtherance an MOU for a period of five years has been entered into with the International IDEA on 14th June, 2016.
- 6.3 USAID (United States Agency for International Development):** A meeting was conducted with Ms. Maria E. Barron, Director, Democracy and Governance Office and Ms. Rachana, regarding the collaboration with the USAID on matters like Alternative Dispute Resolution, Status of Human Rights Laws and Child Protection etc.
- 6.4 World Vision International: (Regional and National Office).** A series of meetings were held with the World Vision International Regional Office and World Vision International Nepal Office regarding future collaboration. Gender Based Violence and Child Protection were the issues identified during the discussion on which World Vision and SAARCLAW agreed to work. The meetings were attended by Mr. Rabindra Gautam, National Specialist – Advocacy, Ms. Gabriela Olguin, Regional Advisor, Child Protection, Ms. Arpana Marian Rongong, National Specialist – Child Protection, Mr. Deepesh Paul Thakur, Advocacy & justice for Children Director, South Asia & Pacific. SAARCLAW and World Vision are also considering having tripartite MOU along with SAIEVAC for cross cutting issues of child protection such as child Marriage and Child Labour.
- 6.5 Solidarity Centre:** A meeting with Ms. Miyuru Gunasinghe, Program Officer, Solidarity Centre and Ms. Writu Bhatta Rai, Office Incharge, Swatantra Abhiyan held in SAARCLAW Secretariat regarding mutual collaboration on the issues like Public Interest Litigation, reforms in the Foreign Employment Acts, Recruitment Reforms, and action plan for migration issues and amendments of laws on trafficking. Solidarity Centre also showed interest in collaboration at the regional level and also at national level with SAARCLAW Nepal on the above mentioned issues.

- 6.6 JICA (Japan International Cooperation Agency):** A meeting was organized with Ms. Yuki Daizimoto (Assistant Representative) and Ms. Takako Nagao (JICA Legal Support Advisor-Nepal) regarding discussion with JICA on the issue of Community Mediation and also helping nations for peace building.
- 6.7 Centre for Reproductive Rights (CRR):** A meeting was organized with Ms. Sonali Regmi, Regional Manager for Asia and Mr. Vipin Bhatt, Executive Director SAARCLAW regarding future collaboration with CRR on Gender Based Violence and child protection in South Asia.
- 6.8 The Asia Foundation (TAF):** A meeting with Ms. Nandita Baruah (Deputy Company Representative) was conducted regarding collaboration with TAF for future collaboration and conducting a conference on Gender Based Violence along with Women Judges in South Asia.

APPENDIX - 1

Kathmandu Declaration - Adopted by the 10th Chief Justices' Conference held in Kathmandu, Nepal, 5-6 March 2016

Whereas, independence of judiciary is the foundation of democracy, rule of law, human rights and social justice; and

Whereas, the judiciary, as the custodian of the constitution, has a prominent role to play in promoting and nurturing its values; and

Whereas, there is a need to promote constitutional culture through collective consciousness among the SAARC nations; and

Whereas, judicial reform is a multi-dimensional and continuous process, which requires a holistic approach; and

Whereas, cooperation between the judiciaries in the Region, through the sharing of judgments on human rights, public interest litigation, environmental and commercial cases, also facilitates access to justice for all; and

Whereas, the establishment of a SAARCLAW arbitration center in the Region, would further facilitate economic and social development and justice;

Now, therefore, the 10th Chief Justices' Conference, attended by Hon'ble Chief Justice of Bangladesh Mr. Surendra Kumar Sinha, Hon'ble Chief Justice of Bhutan Mr. Tshering Wangchuk, Hon'ble Chief Justice of India Mr. T. S. Thakur, Hon'ble Chief Justice of Nepal Mr. Kalyan Shrestha, Hon'ble Justice Mr. Ezaj Afzal Khan representing Hon'ble Chief Justice of Pakistan, and Hon'ble Chief Justice of Sri Lanka Mr. K. Sripavan,

Do hereby resolve and declare the following through the Kathmandu Declaration to:

1. Take initiatives to disseminate judgments relating to human rights, public interest litigation, environmental and commercial law through the website of the SAARCLAW, along with an alert system while uploading new judgments.
2. Publish periodic SAARC Law Reports containing landmark judgments and decisions of the apex courts of the SAARC countries.
3. Foster regional cooperation for the establishment of a SAARCLAW Arbitration Centre in Kathmandu, Nepal.
4. Make further use of national judicial academies for mutual exchange of knowledge, skills and experiences of judges, judicial officials and law practitioners in the Region, through training and exchange of visits.
5. Share the best practices in court management among the judiciaries in the Region.

6. Further collaborate with the relevant stakeholders including civil society in order to enhance access to justice for all.
7. Urge the respective governments to provide adequate resources to the judiciary for strengthening its institutional capacity.

And, we do hereby further resolve to forward this Declaration to the SAARC Law for such action as may be considered necessary.

(Mr. Surendra Kumar Sinha)
Hon'ble Chief Justice of Bangladesh

(Mr. Tshering Wangchuk)
Hon'ble Chief Justice of Bhutan

(Mr. T. S. Thakur)
Hon'ble Chief Justice of India

(Mr. Kalyan Shrestha)
Hon'ble Chief Justice of Nepal

(Mr. Ezaj Afzal Khan)
Hon'ble Justice representing Hon'ble Chief Justice of Pakistan

(Mr. K. Sripavan)
Hon'ble Chief Justice of Sri Lanka

Given in Kathmandu on Sunday, the 6th of March 2016.