



**Nepal International ADR Center - NIAC**

## **Nepal ADR Week 2024,**

(From 12 to 15 December 2024)

International Conference on

### **“Modernising Dispute Resolution: The Role of ADR in Enhancing Access to Justice”**

#### **KATHMANDU DECLARATION 2024**

**Adopted on 15 December 2024**

*We* the ADR professionals, judges, lawyers, engineers, bankers, experts, users, students and other stakeholders from 17 Countries and 21 ADR Institutions from Asia Pacific, Europe, Australia, and SAARC Regions taking part in the International Conference on “**Modernising Dispute Resolution: The Role of ADR in Enhancing Access to Justice**” focusing on Arbitration, Mediation and Arb-Med, hosted by the Nepal International ADR Center (NIAC) affirm the importance of fostering efficient and modern justice delivery through Alternative Dispute Resolution (ADR).

*Whereas* the aim of the conference is to foster collaboration among nations to explore the opportunities and address the challenges in Alternative Dispute Resolution (ADR), with a goal of harmonizing practices, enhancing efficiency, and ensuring equitable access to justice across borders, thereby promoting global legal harmonisation and sustainable dispute resolution mechanisms;

*Recognizing* the critical and urgent impacts of climate change, underscoring the need to integrate Green Arbitration principles into ADR frameworks to address environmental disputes and actively contribute to the preservation of the Himalayas and global ecological balance;

*Emphasizing* the active and pivotal role of the judiciary in supporting and promoting ADR mechanisms, ensuring their integration into the justice delivery system and enhancing public confidence in alternative methods of dispute resolution;

*Advocating* for disability inclusion within ADR processes, ensuring that dispute resolution mechanisms are accessible to all, regardless of physical or cognitive challenges, thereby fostering equality and justice for every individual;

*Highlighting* the importance of community awareness and knowledge-sharing about the benefits of ADR to encourage its adoption at all levels, empowering individuals and institutions to resolve disputes efficiently and amicably.



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We hereby declare our commitment to advancing the following objectives and urge national governments, international institutions, and stakeholders to take these measures:

1. The International Forum applauds the Prime Minister of Nepal, Mr. K.P. Sharma Oli, and is grateful for his commitment to ratify the United Nations Convention on the International Settlement Agreement Resulting from Mediation (the Singapore Convention). We urge the Government to expedite the process of signing and ratifying the Singapore Convention at the earliest possible;
2. We also urge other States to prioritize sign and ratify the Singapore Convention as soon as possible;
3. We acknowledge the critical significance of the Himalayas to the global ecosystem and call upon the international community to join hands with the Government of Nepal in advancing climate justice initiatives and further advocate for the adoption of ADR mechanisms, particularly Green Arbitration, as a vital tool to address environmental disputes and promote sustainable development in the Himalayan region;
4. We encourage the Governments of Nepal, Bhutan and other mountain and landlocked countries as well as ADR communities from those countries actively engage in international rule-making processes that impact the unique interests and priorities of those countries;
5. We urge the Government of Nepal to take the lead in establishing an interest group comprising countries reliant on and situated near mountain ecosystems for the preservation of the Himalayas and other mountain ranges, addressing their critical role within the broader context of climate change;
6. We acknowledge the transformative role of technology in improving access to justice. We encourage the Governments of all the States to foster the development and implementation of Online Dispute Resolution systems, new technologies, including AI to make dispute resolution processes more inclusive, cost-effective, and efficient, especially for cross-border and remote disputes;
7. We invite all governments, ADR professionals, and stakeholders to build a disability and diversity inclusive, responsive and equitable ADR ecosystem for peace and prosperity;
8. We urge the Government of Nepal, along with other governments and ADR centres to prescribe Model Mediation, Model Arbitration and other ADR clauses to facilitate Mediation, Arbitration and other ADR processes to cater to the needs of resolving disputes relating to the banking, insurance, debt restructuring, debt recovery and other financial instruments;



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9. We emphasize the need for international collaboration to harmonize ADR-related laws, particularly UNCITRAL Model Laws, to establish a unified framework that supports seamless cross-border dispute resolution and reinforces global trust in ADR systems;

10. We encourage the Government of Nepal to assess the opportunities and challenges in the ADR landscape and work strategically towards positioning Nepal as a destination for resolving regional and international disputes, leveraging its unique geographical, cultural, and historically neutral aspects, along with this, we also strongly encourage the international community to recognise Nepal as an ideal venue/seat for ADR;

11. We urge the international community to provide greater clarity and consistency in defining the scope of "public policy" within the context of ADR, particularly in arbitration and mediation, in order to ensure predictability, fairness, and the enforceability of cross-border dispute resolution outcomes;

12. We encourage all States to uphold principles of mutual respect and reciprocity in the recognition and enforcement of foreign arbitral awards, as envisioned under the framework of the New York Convention;

13. We pledge to work collectively to strengthen ADR capacity building, foster knowledge sharing, and develop best practices to address emerging challenges in dispute resolution;

By endorsing these resolutions, we aspire to establish ADR as a cornerstone of modern justice systems and contribute meaningfully to a fairer, more sustainable future for all.

The international forum adopted and released the KATHMANDU DECLARATION 2024 for fair enforcement as recommended by the declaration drafting committee as under.

We hereby authenticate the KATHMANDU DECLARATION 2024.

Matrika Niraula,  
Senior Advocate, MD, NIAC

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#### **Draft Recommendation Committee**

1. Dr. Mukti Rijal, Expert Member, Mediation Council, Nepal
2. Dr. Rajesh Sharma, Professor, RMIT, India/Australia
3. Mr. Tenzin Leewan, Chief Administrator, Bhutan Alternative Dispute Resolution Centre, Bhutan
4. Ms. Snigdha Bhatta, Singapore International Arbitration Center, Singapore
5. Ms. Simran Napit, Section Officer, Supreme Court, Nepal
6. Assisted and Put Forward by: Ms. Kanchan Sharma, Officer, NIAC, Nepal