

*SOUTH ASIAN ASSOCIATION FOR REGIONAL  
COOPERATION IN LAW [SAARCLAW]*

**EIGHTH SAARCLAW CONFERENCE, 2000**

**KATHMANDU, NEPAL**

**The Kathmandu Declaration**

*8th SAARCLAW CONFERENCE*

**KATHMANDU DECLARATION WORKSHOP**

*Kathmandu, 15th to 16 Jan*

*Eight SAARCLAW Conferences*

*Conference Secretariat*

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**'We the members** of the south Asian association for regional cooperation in law [SAARCLAW]

**SOLEMNLY REAFFIRMING** our abiding friendship, unity and integrity and strong solidarity and cooperation;

**REALIZING** that we are united in our common social, economic, political, legal, and cultural goals;

**COMMITTED** to join hands to overcome and resolve these problems together;

**CONSCIOUS** that good governance is the fountainhead of the emerging new social, economic, political and legal order;

**RECOGNISING** that human rights are the core components of democracy and good governance and are necessary ingredients for social and economic development and fostering peace and progress in the region;

**REITERATING** our commitment and adherence to the basic human rights concepts commonly shared by our people and enshrined in our respective constitutional documents as also in the United Nations Declaration of Human Rights and the various Covenants and Conventions including, but not limited to, the Convention on Elimination of Racial Discrimination, the Convention on Elimination of all Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention against Torture, Inhuman or Degrading Punishment or Treatment, the Convention for the Prevention and Punishment of the Crime of Genocide and various other declarations on the rights of the Minorities, Migrant Workers, Refugees and Indigenous People.

**ACCEPTING** that despite the commitment of Member states to the cause of Gender justice and the implementation of the Convention on all Forms of Discrimination against Women, there has been an exponential rise in violations of Women's Rights in the region;

**AFFIRMING** our faith in the role of the judiciaries in protecting and enforcing the rights of the people in ensuing social justice and our deep commitment to the vital necessity for Judicial Independence including but not limited to Judicial Appointments and Accountability of the Judiciary;

**ACKNOWLEDGING** the declining state of the noble legal profession in the region;

**OBSERVING** the advances in Information Technology leading to the creation of global village;

**CONCERNED** at environmental degeneration posing a threat to human existence and intergenerational equity in the region;

**INSPIRED** by the numerous movements in the region for creating awareness, public opinion and developing collective commitment towards our common goals and problems and inspiring more active and meaningful initiatives through effective participation and empowerment of the people;

**CONFIDENT** that the collective voice and collective conscience of the Eighth SAARCLAW Conference shall be duly heard, considered, taken into account and acted upon by the Governments of all Member States.

**NOW THEREFORE SAARCLAW HEREBY  
UNDERTAKES THROUGH THE KATHMANDU  
DECLARATION:**

1. To work towards having a SAARC Convention on Human Rights to realize the shared ideals and aspirations for peace, prosperity, democracy and human rights while acknowledging pluralism and diversity in our approach towards social, political, economic, legal and cultural development and recognizing the distinct identity of communities, ethnic, linguistic, religious and other groups and of indigenous people within the national boundaries.
2. To work progressively towards the establishment of a South Asian Court of Human Rights and a South Asian Commission of Human Rights for the effective monitoring and implementation of human rights issues in the region.
3. To create regional and national institution and implementation mechanisms for guaranteeing uniform enjoyment of human rights generally as also in particular for disadvantaged groups, inter alia, incorporating all the international norms for protecting the rights of women and children, creating specific mechanisms and strategies for protecting and enhancing the rights of the economically and socially disadvantaged and of groups such as indigenous groups, refugees, migrant workers, minorities, special persons, slum dwellers, prisoners and political detainees and by promoting the study

and review of the laws and practices, social and political trends and economic policies in the region that adversely affect human rights and by suggesting appropriate amendments and remedial measures.

4. To work towards withdrawal of reservations on the Convention on the Elimination of all Forms of Discrimination against Women, if any, and ratify the optional protocol thereof.
5. To effectively implement and monitor the Convention on the Elimination of all Forms of Discrimination against Women, inter alia, by translating the rights reflected in the Convention into domestic law, eliminating barriers to women's access to justice through effective gender equality education for judges, lawyers, law enforcement agencies, legislators and policy makers so as to counter systemic discrimination; reviewing the draft SAARC Convention on Trafficking to ensure a gender equality standard pertaining specifically to repatriation, compensation, mobility, health care as well as to hold responsible individual clients, profiteers and recipient Nations; to observe minimum standards and non-coercive treatment to trafficked women as contained in the relevant International protocols and to establish a workable mechanism to ensure compliance with both Constitutional and International standards of gender equality.
6. To establish a workable mechanism to monitor and investigate corrupt practices at the National and Regional levels and to set up a task force to

study the impact of the OECD Convention upon the region.]

7. To inaugurate a comprehensive code of conduct for the private sector in conjunction with all constituents particularly involving the various chambers of commerce, industry and trade bodies.
8. To provide effective legal support to civil society organizations and institutions in curbing corruption.
9. To assist in the development of a feasible and transparent system for the Appointment of Judges ensuring judicial independence and Accountability of the Judiciary.
10. To take all necessary steps to restore to the legal profession its erstwhile grandeur and glory, to address specifically the crisis of declining values and ethics in the profession and to ensure effective implementation of the respective codes of conduct of the legal profession.
11. To consider granting rights of appearance to advocates of superior Courts in region on a reciprocal basis subject to compliance of local laws.
12. To introduce and develop good corporate governance, lending practices and monitoring procedures to reduce incidents of loan defaults and non-performing assets and to ensure expeditious and efficacious recovery.
13. To upgrade and expand existing sources of legal information by way of more vigorous exchange of publications, case law, research findings and other relevant material in the region and, for this purpose, to employ the latest advances in information technology.

14. To work collectively for the formulation of comprehensive means, controls and safeguards for ensuring the preservation of the environment, the consideration of intergenerational equity in all forms and at all levels of decision-making and the impartial implementation of the "Polluter Pays" principle.
15. To work towards the establishment of SAARC University of Legal Sciences as a premier institution of excellence in the field of undergraduate and postgraduate legal education for students from the entire region.
16. To progressively work towards the establishment of a SAARC Center for Arbitration, Mediation and Conciliation as a comprehensive and effective Alternate Dispute Resolution Mechanism in the region.
17. To review and amend existing laws and/or to generate consensus, draft and implement a comprehensive treaty for the enforcement and execution of foreign judgments and arbitral awards effectively and expeditiously in the region.
18. To work holistically towards the attainment of a comprehensive concept of good governance in our respective countries in general and to actualize and operationalise good governance in representation by way of electoral, parliamentary and legislative reforms.
19. To promote, enhance and operationalise reservation for women by direct election in all legislatures in our respective countries and to suitably empower women in this respect.

**ON THIS 24TH DAY OF SEPTEMBER  
2000, DO HEREBY ADOPT THIS  
DECLARATION**

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