



# NEWSLETTER

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# Message from the Director General

Dear readers,

Welcome to the 12<sup>th</sup> edition of the Annual Newsletter of the SAARC Arbitration Council (SARCO). As part of our ongoing commitment to promoting alternative dispute resolution (ADR) as a cornerstone of effective dispute resolution in the SAARC region, we are pleased to share the latest updates, insights, and initiatives undertaken by SARCO.

Looking ahead, SARCO will continue to focus on two strategic priorities: enhancing the quality and effectiveness of our ADR services, and implementing tailored capacity development programs. To strengthen our ADR performance, we will adopt stakeholder-focused promotional strategies aimed at increasing case referrals and improving our institutional performance record. Our long-term objective remains achieving financial sustainability for SARCO, thereby reducing the financial burden on member states.

With regard to capacity development, SARCO will continue to design and deliver targeted programs in line with its legal mandate to promote ADR institutions within member states. This marks a deliberate shift away from a generalized approach toward more customized and needs-based program delivery.

In this edition, we provide key updates on our recent initiatives, as well as information on forthcoming programs and collaborative efforts. These activities are aimed at strengthening arbitral institutions in member states and further enhancing SARCO's ADR services. Unlike previous issues, this edition does not include feature articles. Instead, our focus is on keeping member states and stakeholders informed of our progress in fulfilling our mandate, while deepening their understanding of ADR.

We sincerely value your continued support and engagement. As we move forward on this progressive path, we welcome your thoughts and feedback to further strengthen our initiatives—reinforcing the role of ADR not only as an effective dispute resolution mechanism, but also as a catalyst for sustainable economic development and regional cooperation within the SAARC region.

Warm regards,

**Choining Dorji**

Director General



***“Looking ahead, we will focus on two key areas: improving our performance in ADR services and rolling out tailored capacity development programs.”***

# Mapping Out Future Paths: SARCO's 14<sup>th</sup> Governing Board Meeting

The 14<sup>th</sup> Annual Governing Board Meeting of the SAARC Arbitration Council (SARCO) was held over two days in Islamabad, Islamic Republic of Pakistan. In setting SARCO's strategic direction, the Governing Board prioritized a range of promotional initiatives for 2026 to advance its 2025 decision to increase arbitration and mediation case referrals, in line with SARCO's core mandate. This long-term objective is aimed at strengthening SARCO's financial sustainability and reducing the financial burden on its member states.



The Board also outlined a series of tailored capacity development programs to support the growth and efficient functioning of arbitral institutions—another key mandate of SARCO. These initiatives reflect SARCO's 2025 strategic shift from a general program delivery model to targeted, needs-based capacity development efforts.



## Change in Leadership

Mr. Karma Yeshey, a member of the Governing Board from the Kingdom of Bhutan, assumed the Chairmanship of SARCO, succeeding Mr. S. M. Saiful Islam of the People's Republic of Bangladesh, whose two-year tenure concluded in 2025. Having served on the Board for over a decade, Mr. Karma Yeshey brings extensive experience, strong leadership, and a long-standing commitment to SARCO to this role.



The year 2025 also marked several changes in Board membership. Mr. Ruhul Amin was appointed as a new member from the People's Republic of Bangladesh, replacing Mr. S. M. Saiful Islam.



Dr. Luther Raj Rangreji succeeded Ms. Uma Sekhar from the Republic of India, while Mr. Udaya Raj Sapkota of the Federal Democratic Republic of Nepal completed his term.



SARCO further welcomed Mr. Mohammad Adeel Pervaiz, Director (In-Charge) of SAARC at the Ministry of



Foreign Affairs, Islamic Republic of Pakistan, who succeeded Ms. Saadia Awan as the host government's representative on the Board.

The SARCO Secretariat extends its sincere appreciation to the outgoing members for their dedicated service and valuable guidance and warmly welcomes the newly appointed members to the Governing Board.

## Commemorating the 40<sup>th</sup> Anniversary of SAARC Charter Day

SARCO commemorated the 40<sup>th</sup> Anniversary of SAARC Charter Day at its Secretariat in Islamabad, Pakistan. The South Asian Association for Regional Cooperation was established on 8 December 1985.

On this occasion, the Secretary General of

SAARC, H.E. Ambassador Md. Golam Sarwar, congratulated SARCO's leadership and staff and underscored SAARC's strong potential to enhance regional trade, investment, and cooperation, thereby fostering shared economic growth and stability.

He further emphasized that strengthened institutions and improved coordination would enable SAARC to address common challenges more effectively, reinforce regional stability, and unlock the region's collective economic and developmental potential.



## Establishing a Panel of Expert Witness

SARCO is in the process of establishing a Panel of Expert Witnesses to support arbitration and mediation proceedings by providing independent and professional opinions on technical and specialized issues. This initiative is expected to enhance both the credibility and effectiveness of dispute resolution processes administered by SARCO.

In line with established procedures, SARCO is currently seeking concurrence from its member states on the approved nomination criteria, and the process remains ongoing.

# Promotional Initiatives

## Research Study

SARCO has initiated a research study to develop actionable, evidence-based recommendations for establishing a sustainable model to increase arbitration and mediation case referrals, in line with its objective of strengthening the performance of its dispute resolution services. Implementation of the study's recommendations is expected to commence in 2026 through a series of targeted promotional initiatives. This long-term effort aims to enhance SARCO's financial sustainability while reducing the financial burden on its member states.

## Formation of Young SARCO

The Young Arbitration Group of SARCO (Young SARCO) serves as the youth wing of the SAARC Arbitration Council and is dedicated to empowering emerging arbitration and mediation professionals across the SAARC region. The initiative promotes understanding and use of ADR laws and practices through knowledge-sharing, professional development, and active engagement.

Membership is currently open to applicants from SAARC member states, with plans for future expansion. Practitioners, students, and emerging ADR professionals under the age of 40 are eligible to apply. Applications

may be submitted online, allowing applicants to track their status directly.

Young SARCO provides a platform for young arbitrators and mediators to connect, learn, and lead. By fostering a cross-border community grounded in dialogue, innovation, and inclusivity, it creates a dynamic space for skill development, collaboration, and active participation in the evolving field of arbitration and mediation.

## Launch of SARCO's New Website

Coinciding with the 40<sup>th</sup> Anniversary of SAARC Charter Day, the Secretary General of SAARC, H.E. Ambassador Md. Golam Sarwar, officially launched SARCO's modern, streamlined, and significantly enhanced website. The website serves as SARCO's primary interface with its users, including the general public.



In highlighting SARCO's regional role, the Secretary General emphasized that the Council can facilitate trade, investment, and cooperation across South Asia, supporting SAARC's efforts to address common challenges, strengthen regional stability, and unlock collective economic and developmental



potential.

### Social Media Presence

Social media continues to play an increasingly important role for arbitration institutions, enhancing credibility, visibility, and stakeholder engagement in a competitive global dispute resolution landscape. SARCO now maintains active accounts on X, Facebook, Instagram, and LinkedIn, significantly strengthening its digital presence and referral networks.



A vertical list of social media icons and handles on a yellow background. From top to bottom: X icon with handle @Sarco\_Scc\_; Facebook icon with handle SAARC Arbitration Council; LinkedIn icon with handle SAARC Arbitration Council (SARCO); Instagram icon with handle saarc\_arbitration\_council; and YouTube icon with handle SAARC Arbitration Council-SARCO.

Through these platforms, SARCO shares real-time news and updates, ensuring stakeholders remain informed of key developments.

### Other Promotional Activities

As part of its promotional outreach, SARCO presented its objectives, functions, and services to mediation trainees during the closing session of their training program.



SARCO also engaged with the International Mediation and Arbitration Center in Islamabad, Pakistan, to explore mutually beneficial collaboration in areas of shared interest.

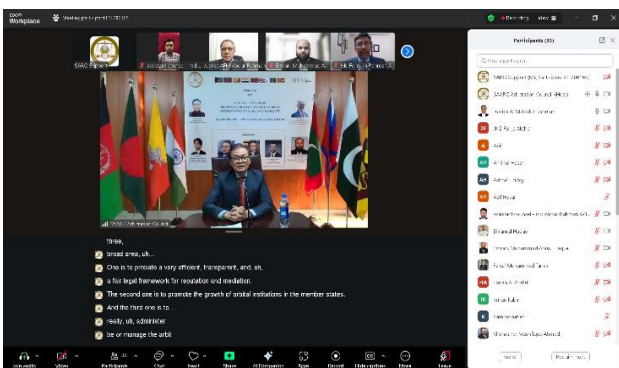


# Capacity Development Programs

In line with its mandate to strengthen the development and efficient functioning of arbitral institutions, SARCO conducted a series of capacity development webinars across several member states. Originally planned as in-person programs, these activities were delivered in webinar format due to financial and logistical considerations. Key highlights are outlined below.

## SARCO's Webinar in Bangladesh

On 20 September 2025, SARCO, in collaboration with the Bangladesh International Arbitration Centre (BIAC), hosted a webinar titled “*ADR and Bangladesh: Addressing Challenges and Exploring Opportunities in Trade and Commerce.*” The webinar was opened and moderated by Barrister Saquib Mangrio, Assistant Director (Law), SARCO, with a welcome address by Mr. Choining Dorji, Director General, SARCO.



The chief guest, Justice (retd.) Muhammad

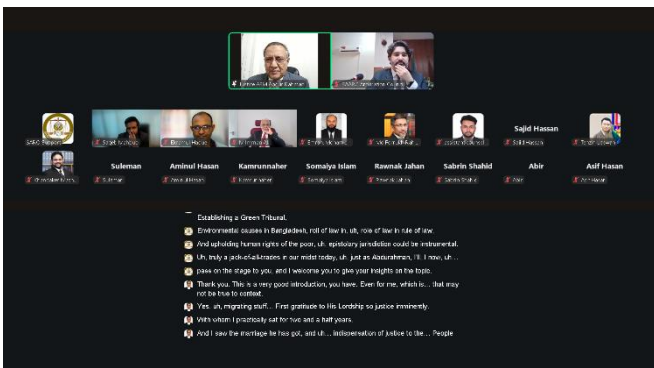
Imman Ali of the Supreme Court of Bangladesh, highlighted mediation as a faster, more cost-effective, and relationship-preserving alternative to arbitration. He observed that despite the growth of ADR following the 2003 reforms, arbitration has increasingly become lengthy and expensive. He emphasized the need for mandatory mediation, enhanced judicial training, procedural discipline, and stronger institutional support to further strengthen ADR in Bangladesh.



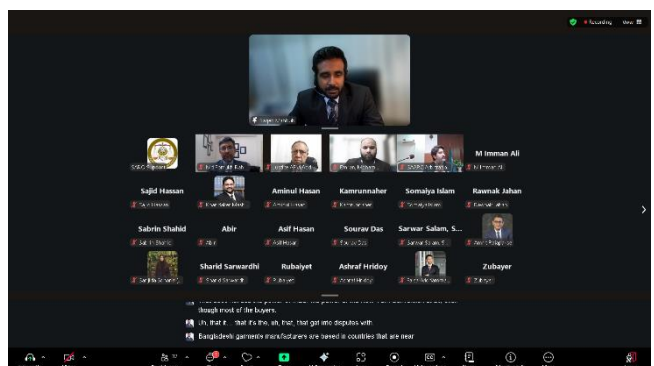
The webinar featured three thematic sessions. Justice (retd.) A.F.M. Abdur Rahman, Senior Advocate of the Supreme Court of Bangladesh, discussed the expanding statutory incorporation of ADR, notable judicial decisions, and public perceptions of the judiciary and legislature. While recent developments are encouraging, he noted ongoing challenges stemming from judicial conservatism and institutional constraints.

The second session focused on the institutionalization of ADR in Bangladesh. Barrister Mohammed Forruk Rahman, Head of Chambers at Raman's Chambers,

emphasized that no single institution can address all types of disputes. He highlighted SARCO's role in providing a cost-effective, regionally responsive forum and its potential in addressing cross-border disputes within the SAARC region.



The final session, delivered by Mr. Mohammed Forruk, Partner at Mahbub & Company, examined cross-border ADR. He highlighted the New York Convention as the cornerstone of international arbitration, enabling enforcement of arbitral awards in approximately 172 countries. Through practical case studies, he illustrated how the absence of arbitration clauses and legal gaps—particularly the lack of interim relief for foreign-seated arbitrations—can limit effective remedies and deter foreign investment.



The webinar concluded with an open discussion, a Q&A session, and closing remarks by Barrister Saquib Mangrio.

### SARCO's Webinar in Bhutan

On 14 August 2025, SARCO, in partnership with the Bhutan Alternative Dispute Resolution Centre, organized a webinar titled “Modernizing ADR in Bhutan: Bhutan’s Approach Towards Updating its ADR Framework in Light of Global Best Practices.” The session was opened and was moderated by Mr. Saquib Mangrio, followed by a welcome address delivered by Mr. Choining Dorji.



Dr. Matthew Secomb, Partner and Head of International Arbitration (Asia-Pacific) at White & Case LLP, and Ms. Anne Secomb, Independent Arbitrator at Secomb Arbitration, joined as guest speakers to discuss construction disputes and arbitration, reflecting Bhutan’s prevalent disputes. Their presentation focused on four areas: the claims arising under construction contracts, the role of arbitral institutions, construction-specific arbitration rules, and the characteristics of a typical construction arbitration.



Dr. Matthew Secomb, addressing claims and arbitration rules, explained that multi-tiered dispute resolution in construction contracts typically involves negotiation, mediation, and arbitration. He noted that Dispute Adjudication Boards provide quick, binding decisions for large projects, and that standard form contracts such as FIDIC incorporate these mechanisms. Construction disputes constitute a significant portion of arbitration cases, particularly in regions like Dubai, while specialized rules ensure expedited processes and strict timelines for smaller disputes under major international regulations.

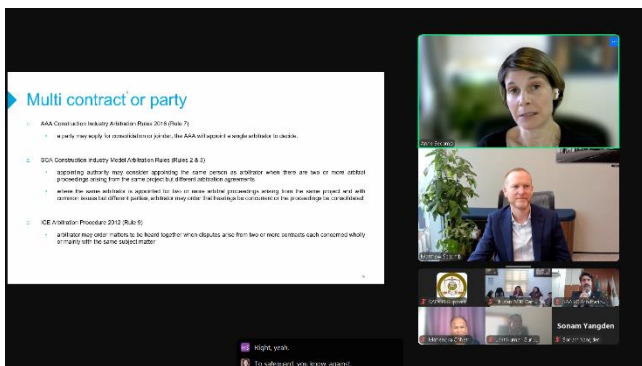
inspections and granting interim relief.



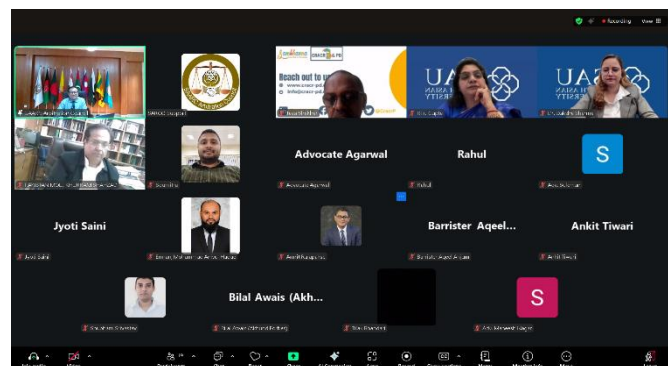
The webinar concluded with an engaging discussion, followed by a Q&A session, and ended with a vote of thanks delivered by Mr. Saquib Mangrio.

### SARCO's Webinar in India

On 17 October 2025, SARCO partnered with South Asian University (SAU) to host a webinar titled *“Digital Innovation in ADR: India’s Role and SARCO’s Collaborative Vision for South Asia.”* The session was moderated by Mr. Saquib Mangrio and opened with a welcome address by Mr. Choining Dorji.



Ms. Anne Secomb, covering the role of arbitral institutions and typical arbitration procedures, discussed challenges in multi-party construction arbitration, including joinder and consolidation to prevent conflicting decisions. She highlighted key arbitration rules, such as the AAA’s Rule 7, which allows a single arbitrator to decide on consolidation, and SCA rules that encourage the same arbitrator for related claims. She also emphasized the powers of arbitral tribunals, including conducting site



The webinar featured Professor Dr. Ritu Gupta and Professor Dr. Daksha Sharma from SAU, who highlighted the transformative role of technology in ADR, including online



platforms, virtual hearings, AI-assisted case management, and digital filings, to enhance efficiency, transparency, and access to justice across South Asia.

Dr. Sharma provided an overview of ADR in India, emphasizing its importance in delivering time-bound, cost-effective dispute resolution, tracing the evolution of arbitration, and noting key international treaties. Dr. Gupta focused on online dispute resolution (ODR), highlighting its potential to improve convenience, reduce costs, minimize human bias, and support dispute avoidance. She discussed India’s Mediation Act of 2023, which promotes online mediation, and the readiness of institutions, including the judiciary, to adopt digital solutions.



The speakers also explored the integration of AI and interoperable ODR platforms for cross-border disputes. Dr. Gupta addressed data privacy concerns, referencing platforms such as SAMA and IDRC, and emphasized the need for SARCO to establish minimum standards for digital ADR, while Dr. Sharma highlighted ongoing research to optimize

regional IT capabilities.

Global best practices were discussed, including identity verification, encryption, and trust-building measures, alongside region-specific design considerations, such as language, geography, climate, and private sector collaboration. Both speakers underscored the role of digital tools, including AI and interactive chatbots, in improving efficiency, accessibility, and reliability in ADR systems.

The session concluded by positioning SARCO as a regional hub for digital innovation and cross-border dispute resolution, promoting technology adoption to build a trusted, connected, and transparent ADR ecosystem across South Asia. The webinar ended with an engaging Q&A session and closing remarks from Professor Dr. Ritu Gupta and Mr. Saquib Mangrio.

### SARCO’s Webinar in Maldives

On 24 November 2025, SARCO organized a webinar titled “Tailoring ADR Solutions: Adapting Frameworks to Meet Industry-



Specific Needs in the Maldives” in partnership



with the Maldives International Arbitration Centre (MIAC). The session began with opening remarks, moderated by Mr. Saquib Mangrio, followed by a welcome speech delivered by Mr. Choining Dorji.

Ms. Ma-asha Luthfee, Senior Partner at Alif Law Chambers and Board Member of MIAC,



presented an overview of sector-focused ADR, highlighting its growing relevance in Maldives, particularly in tourism, fisheries, maritime logistics, and construction. She emphasized that tailored ADR mechanisms can resolve disputes efficiently while preserving commercial relationships and reputations.

Ms. Luthfee discussed the advantages of ADR in the Maldivian context, including cost efficiency, time savings, confidentiality, and relationship preservation, and reviewed existing mechanisms such as mediation, conciliation, and arbitration. While mediation is not yet formally codified, judicial mediation has proven effective, and she highlighted the role of the Labour Relations Authority and sector-specific tribunals, underscoring the need for a

dedicated mediation law.

She examined tribunal effectiveness in expediting dispute resolution while noting legal and procedural delays, particularly in the tourism sector where disputes involve complex commercial and logistical issues. Ms. Luthfee stressed the need for sector-specific ADR pathways, including proposals for mandatory mediation in tourism and a regulatory framework to enforce outcomes.

Finally, she called for reforms to the Maldivian ADR framework through stronger legislation, institutional development, capacity building, awareness-raising, and the adoption of online dispute resolution (ODR) and technology to enhance efficiency and accessibility.



The webinar concluded with engaging discussions on practical challenges and solutions across different industries, followed by closing remarks from Mr. Saquib Mangrio.

## SARCO's Webinar in Nepal

On November 20, 2025, SARCO partnered with the Nepal Council of Arbitration (NEPCA) to host a webinar titled "Capacity Building for Legal Professionals and

Arbitrators on Emerging ADR Laws and Practices in South Asia.” The session began with introductory remarks and moderation by Mr. Saquib Mangrio, followed by a welcome address delivered by Mr. Choining Dorji.

The guest speaker, Dr. Rajendra Prasad Adhikari, Chairperson of NEPCA, highlighted Nepal’s arbitration framework, tracing its evolution from ancient practices to modern international arbitration, including the 1956 recognition of arbitration, the 1999 Arbitration Act, the 2011 Mediation Act, and the 2015 Constitution. He emphasized the growing importance of ADR in Nepal due to court backlogs, delays, and rising cross-border trade and investment disputes, while highlighting NEPCA’s role in administering ADR and providing training programs.



He discussed NEPCA’s role since its establishment in 1991, administering ADR through rules, an ethics code, publications like *NEPCA Insights*, and training programs for its 400 members, including 74 enrolled arbitrators. Dr. Adhikari emphasized ADR’s growing importance in Nepal due to court

backlogs, delays, and rising cross-border trade and investment disputes.

Dr. Adhikari highlighted challenges in



modernizing Nepal’s arbitration institutions, including delays and the need for technological adaptation, and stressed the importance of robust legal frameworks, court support, and capacity building at both individual and institutional levels. He underscored the role of the 1958 New York Convention in cross-border enforcement and the contribution of regional institutions to dispute resolution. He called for enhanced training, capacity building, and collaboration among ADR institutions, while emphasizing the need for Nepal to position itself as a neutral arbitration venue in the region.

The webinar concluded with a Q&A session addressing emerging trends such as AI in arbitration and mechanisms to ensure timely proceedings, followed by closing remarks from Mr. Saquib Mangrio.

## SARCO's Webinar in Pakistan

On October 15, 2025, SARCO hosted a webinar titled *“Mediation as a Precursor to Arbitration: Fostering a Sustainable Culture of Alternative Dispute Resolution in Pakistan.”* The webinar was opened and moderated by Mr. Saquib Mangrio, followed by a welcome address delivered by Mr. Choining Dorji. Barrister Zopash Khan—Co-Chair of the Society of Mediators, Founder of SRLS, and Partner at Pasha’s Associates & Consultant; participated as the guest speaker.



Barrister Khan underscored the importance of mediation as a cost-efficient and expeditious, party-driven tool that helps preserve business relationships. With 2.3 million cases pending in Pakistan’s courts, mediation has emerged as an effective solution, achieving a 63% success rate and expanding from family disputes to commercial matters, while maintaining confidentiality under the Civil Procedure Code.

In spite of these positive developments, Barrister Khan highlighted various

challenges facing mediation in Pakistan today, such as limited stakeholder awareness; a lack of qualified mediators despite an extensive pool of legal experts; legislative backlog; cultural opposition; discrepancies between current laws and actual enforcement; and the lack of compulsory mediation requirements.



Barrister Khan outlined key reforms to strengthen Pakistan’s ADR framework, including the adoption of a national ADR policy, greater stakeholder awareness, and the integration of ADR into legal education and court systems. He also emphasized the need for rigorous training and certification of judges and mediators, effective enforcement of existing legislation, and mandatory mediation through incentives for compliance

and disincentives for refusal, aligning with international best practices such as those followed in the UK and reflected in recent judgments and those starting to do so under Civil Procedure Code.

The webinar concluded with an interactive Q&A segment, followed by concluding remarks from Mr. Saquib Mangrio.

## SARCO's Webinar in Sri Lanka

On 15 October 2025, SARCO hosted a webinar titled “Navigating Practical Challenges: Strengthening Arbitration Institutions and Enforcing Arbitral Awards in Sri Lanka.” The session was opened and moderated by Mr. Saquib Mangrio, with a welcome speech from Mr. Choining Dorji.



Independent Arbitrator and Counsel Mr. Amrit Rajapakse presented an overview of Sri Lanka's arbitration landscape, highlighting key challenges in Sri Lanka's arbitration system, including irregular hearings, low uptake of institutional rules, enforcement delays, and inconsistent case management. He called for coordinated reforms across legal, institutional, attitudinal, and incentive frameworks, emphasizing the need to replace the outdated 1995 Arbitration Act and pass the draft Mediation Bill to streamline procedures and reduce post-award friction.

Mr. Rajapakse advocated for stronger institutional arbitration through clear rules, early case management, realistic timetables, and proportionate sanctions, alongside

greater collaboration among institutions,



transparent publication of case data, and engagement with commercial users to enhance credibility. He highlighted the importance of cultural shifts, disciplined hearings, and incentives that reward efficiency and timely enforcement.

He also stressed consistent data collection, targeted education for in-house counsel and drafting lawyers, and alignment with international best practices to enhance Sri Lanka's attractiveness as an arbitration seat.



Finally, he underscored SARCO's role in promoting regional collaboration, peer learning, and professional training to modernize arbitration across the SAARC region and position Sri Lanka as a credible regional arbitration hub.


The webinar concluded with an engaging discussion, an interactive Q&A segment, and concluding remarks from Mr. Rajapakse and Mr. Saquib Mangrio.





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