

Nangkha Nangdrik

Foundation of Mindful and Sustainable Civil Justice System

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Introduction

Nangkha Nangdrik, Bhutan's traditional dispute resolution system, represents a distinctive model of people-centered justice and mindful governance.

Inspired and shaped by Buddhist principles of compassion, interdependence and harmony, it provides an alternative to adversarial legal systems that often comes at the cost of peace, harmony and relationships. It focuses on the parties, dialogue and mutual understanding.

Nangkha Nangdrik not only facilitates the resolution of disputes but also preserves dignity, nurtures trust, and promotes long-term social harmony.

As Bhutan continues to modernise, this practice has retained its relevance as a cornerstone of the civil justice system, adapting ancient wisdom to contemporary contexts.

Beyond serving as a mechanism for conflict resolution, Nangkha Nangdrik reinforces the social fabric and reflects Bhutan's broader national commitment to Gross National Happiness. In doing so, it offers a sustainable and culturally rooted approach to justice that resonates with global discourses on alternative dispute resolution and mindful governance.

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A Personal Reflection

In many western jurisdictions, civil justice unfolds like a contest of champions. Lawyers marshal evidence, arguments clash, and a judge or jury pronounces a winner. Rights may be protected, but relationships often fray. The imposed decisions leave lingering discord.

Bhutan offers a different vision. While constantly evolving, Bhutan's civil justice system is deeply rooted in the traditional mediation (*nangkha nangdrik*) system, nurtured by ancient wisdom that fosters reconciliation and empowers parties to preserve relationships.

As we align with global standards, we must preserve these traditions. Bhutan's approach, centred on enduring peace and harmony, aspires to model sustainable conflict resolution in an increasingly litigious world.

I once presided over a contractual dispute between a carpenter and his client over the final bill for a house construction. As is common practice, I encouraged mediation. They tried, but after a few hours of discussion, the parties returned without a settlement. The deadlock? Nu. 2,500.

Clearly, it was no longer about money, but about pride and principle. At that point, I offered to cover the difference if it would help them settle. I did not have to. The client offered to make the entire payment, and peace was restored right there in the courtroom.

This moment revealed the truth. Justice transcends legal technicalities. It often hinges on compassion, creating space for parties to understand each other's underlying interests. Mediation, I realised, is about fostering dignity and empathy, where a neutral presence transforms conflict into consensus.

This experience reflects the timeless Bhutanese wisdom that continues to guide and shape my approach to resolving disputes, both within and beyond the courtroom.

"Dzoong Na Gyel Wa, Yue Kha Pham Dra" ("It is better to lose in a village, than to win in court") reminds me that a legal victory means little if community peace is lost, and highlights the impact of court litigation.

“Barmi Sergi Nyashing, Ser Dre gi Jel Ru Mithob” (“Mediators are like a golden yoke, so precious to find even if we pay a mountain of gold”) highlights the mediator’s golden role as a neutral bridge for reconciliation.

Similarly, *“Kha-na gi Ma Dhi Che gi Cho”* (“The best way to treat a wound in the mouth is with your own tongue”) underscores the importance of confidentiality, and verses like *“Tha Ring Gi Nyen Wa, Dangri Bugi Chimtsa Gha”* (“A close neighbour is better than a distant relative”) affirm that relationships, once cared for, endure far longer than any fleeting quarrel.

Rooted in Bhutan’s Buddhist philosophy, which emphasises compassion and interconnectedness, these principles inspire mindfulness in mediation, encouraging parties to craft amicable solutions that heal rather than divide.

Bhutan’s approach reframes conflict itself. Disputes, whether within families, communities or nations, often arise from turbulent emotions out of ignorance. Sustainable resolutions emerge, not through force or competition, but through self-awareness and empathy.

This approach, grounded in mindfulness, fosters lasting peace by dissolving the illusions that fuel conflict. Building on these foundational ideas, it becomes clear that our commitment to such principles has deep historical roots, extending far beyond recent developments.

Our commitment to mediation predates modern institutions. Long before formal courts emerged in the 1950s, alongside the Thrimzhung Chhenmo (Bhutan’s Supreme Laws) codifying mediation, village elders facilitated dialogues rooted in Buddhist values of peace and harmony.

This legacy makes our system unique. Conflict is inevitable, but its resolution need not be destructive. By viewing disputes as opportunities to strengthen community ties, we honour our heritage while embracing modern systems.

Today, even as Bhutan embraces modern institutions, we honour our traditional wisdom and legacy. Our civil justice framework does more than settle cases; it safeguards dignity, fosters mindfulness, facilitates sustainable solutions, and ensures peace and harmony for generations.

By making mediation the foundation of the civil justice system, we demonstrate that a sustainable model for civil justice is not only possible but practical. It is a progressive system where deep reflection and empathy guide parties toward equitable and sustainable solutions.

Bhutan's approach offers an alternative model to resolve conflicts that prioritises compassion over confrontation, proving that peace is both ideal and achievable in an increasingly litigious society.

Understanding the Ancient Wisdom

The roots of *nangkha nangdrik* are deeply entwined with the teachings of Gautama Buddha, whose compassionate approach to conflict resolution set a timeless precedent.

Buddha himself mediated a dispute between the Sakya and Koliya clans over the Rohini River's scarce waters, asking, "What is more valuable, the water of this river or the blood of your people?" Through reflective dialogue, Buddha guided them to share the river equitably, transforming hostility into harmony.

Buddha's profound practices of compassion, interdependence and peace, carried forward through centuries, inspired Bhutan's mediation practices. In the 8th century, Guru Padmasambhava brought this legacy to Bhutan during his second visit to Bumthang. At the time, King Sindhu Raja, the fourth son of King Singala of Kapilavastu in India, had been forced to move and settle in Bumthang after he clashed with Naochey - who is described as an Indian King. Choosing peace over war, the Guru brought the two Kings together forging reconciliation.

A stone pillar was erected as a symbol of peace, which still stands today as the sacred relic of Nabji Lhakhang in Trongsa. This enduring symbol reminds us that Bhutan's approach to resolving disputes has always been guided by Buddhist principles of compassion, interdependence and the search for harmony.

This emphasis on reconciliation was further institutionalised centuries later, as Zhabdrung Ngawang Namgyal carried this legacy forward through the dual system of governance and the Tsa Yig (the Great Legal Code). He

established the dual system as a means to realise his profound vision of a government devoted to the happiness of its people.

Rooted in reconciliation, compassion and restorative justice, Zhabdrung's legal order placed peace and harmony above punishment and division. It was a vision of justice deeply interwoven with Bhutan's spiritual and cultural fabric.

Leaders of subsequent generations continued this tradition, inspiring Bhutanese society to embrace mediation as a means for maintaining peace and social harmony.

Gongsar Ugyen Wangchuck, then the Trongsa Penlop and later the first Druk Gyalpo, exemplifies this approach. Acting as a mediator during delicate negotiations between British India and Tibet, his wisdom, diplomacy and impartiality transformed potential conflict into constructive dialogue.

This culminated in the signing of the Anglo-Tibetan Convention of 1904. His example demonstrated that mediation, grounded in neutrality and compassion, could serve not only a village or kingdom but also the wider region.

Back home, mediation found formal recognition in the Thrimzhung Chhenmo, which contains comprehensive provisions relating to mediation, which made mediation the cornerstone of our civil justice system even as the court system was still taking shape.

These provisions were later replicated in the Civil and Criminal Procedure Code of Bhutan 2001. The adoption of the Constitution in 2008, together with the establishment of the Supreme Court, marked the completion of Bhutan's modern legal framework.

Transition to democracy brought great change, both positive and negative. Democracy introduced partisan divides, and the explosion of legislation created new legal rights and duties.

The record shows that, while 70 plus laws were enacted between 1953 and 2008, more than 60 new statutes were passed in the short span between 2008 and 2024. Inevitably, the court has seen a steady increase in litigation.

At the same time, *nangkha nangdrik*, the age-old practice of resolving conflicts within families and communities, began to slowly fade away. For a small society that had always thrived on peace, harmony and coexistence, this erosion of community mediation was a serious concern. As modernisation accelerated, these traditions faced new challenges, prompting innovative responses in contemporary Bhutan to revitalise and preserve them.

It was in this context that the Bhutan National Legal Institute (BNLI), under the visionary guidance of Her Royal Highness Princess Sonam Dechan Wangchuck, stepped forward with a renewed mission in 2012.

Mediation was to be revitalised and institutionalised through engagement of local government leaders, not merely as a legal tool, but as a living tradition, something to be practiced, valued and nurtured by every Bhutanese; to be practiced as a way of fostering unity, strengthening communities, and sustaining the social harmony that has always been at the heart of Bhutan's story.

Nangkha Nangdrik in Modern Bhutan

Building on Bhutan's ancient tradition of mediation, revitalised and institutionalised under the visionary leadership of Her Royal Highness, BNLI has taken a national initiative to revitalise *nangkha nangdrik* as a cornerstone of modern justice, enhancing access to justice and bringing justice to the doorsteps of our people.

In 2012, as part of the team driving BNLI's efforts, I had the opportunity to be part of the team working on this project to counter the challenges of rising litigation and the erosion of *nangkha nangdrik*.

BNLI's first step was training local leaders as mediators, a logical extension of Bhutan's tradition of community-based dispute resolution framework. Litigation is costly and time-consuming, often fraying relationships that Bhutanese culture seeks to preserve.

Nangkha nangdrik, on the other hand, is efficient and fosters peace and harmony. Training local leaders, who hold a deep understanding of community dynamics, makes them ideally suited to mediate disputes. BNLI trains new leaders every election cycle to ensure continuity, while former leaders remain active advocates, promoting mediation at the grassroots level.

To extend the reach of mediation, BNLI, in partnership with the Royal Court of Justice, established Court-Annexed Mediation (CAM) in all courts across Bhutan in 2017.

I witnessed this firsthand as a judge, encouraging parties to seek resolution even after legal proceedings had commenced. This initiative ensures that anyone engaged in the formal legal process can access mediation at any stage, reducing the burden of time and cost on the parties, preserving relationships and social harmony, and minimising judicial strain. The impact has been tangible and significant.

Between 2021 and 2024, a total of 21,788 dispute cases were resolved through *nangkha nangdrik*, nearly matching the 28,944 litigation handled by courts. Such outcomes demonstrate its effectiveness and reduced judicial burden. These figures reflect not only a lighter caseload for the courts but also a reaffirmation of Bhutan's commitment to compassionate, mindful and sustainable justice.

In parallel, Bhutan's Parliament enacted the Bhutan Alternative Dispute Resolution Act of 2013, modelled on United Nations Commission on International Trade Law (UNCITRAL) Model Laws that align with international standards while preserving Bhutanese values of mindfulness, compassion and interdependence. The Act led to the establishment of the Bhutan Alternative Dispute Resolution Centre in 2018.

Today, the Bhutan Alternative Dispute Resolution Centre continues to advance the mission of making justice truly accessible through a strong and vibrant Alternative Dispute Resolution system. It is a framework that embodies Bhutan's core values of compassion, mindfulness and sustainable conflict resolution.

BNLI's initiatives to revitalise and institutionalise mediation have been embedded at the very heart of grassroots governance, nurturing harmony and fostering lasting peace in communities across the nation.

Building on this foundation, the Centre is now pioneering a commercial mediation unit. The unit, set to launch by early 2026, is aimed to support Bhutan's growing business sector and to assist the courts to offload civil cases to facilitate social progress and economic growth. This initiative aligns with His Majesty's profound vision for the future.

Promoting *Nangkha Nangdrik* for Justice, Peace and Harmony and therefore, Mindful Governance

In Buddhism, mindfulness is the practice of being fully present, non-judgmental, and guided by compassion and empathy. It serves as a powerful tool to overcome suffering, which often stems from illusion, ignorance and uncontrolled emotions.

Through mindfulness, practitioners aim for nirvana (enlightenment), the ultimate goal of Buddhist practice. Such profound principles underpin our age-old *nangkha nangdrik* system.

These principles manifest in the core elements of *nangkha nangdrik*, an ancient practice adapted for modern contexts, built on voluntary participation, impartiality, confidentiality and self-determination.

Central to its process is the communication and exploration phase, where parties reflect deeply on each other's positions, interests and values. Success in this party-driven process hinges on mindfulness, self-awareness and the willingness to transcend ego, enabling authentic dialogue and sustainable resolution. Mediation, therefore, is the most appropriate dispute resolution framework for any civil disputes.

Mediation's strength lies in its flexibility and autonomy. It enables parties to craft their own solutions, making it a compelling choice for dispute resolution. Opting for mediation over litigation helps to alleviate the burden on our public justice system, allowing our courts to focus on critical aspects of justice administration.

Far from competing with the court system, mediation serves as a complementary process, enhancing efficiency and access to justice. Mediation is a party-driven process, and a form of private justice mechanism.

Its success, therefore, relies on robust support from public institutions. Courts must not only encourage mediation but also rigorously enforce settlement agreements to ensure compliance, even when parties fail to honour their commitments voluntarily.

A pro-mediation or ADR courts system should not be viewed as favouring alternative systems but as strengthening the judicial system itself. By reducing court congestion, mediation promotes timely justice, ultimately benefitting the entire justice ecosystem.

By reducing the burden on our courts, Bhutan saves valuable resources while fostering lasting relationships, social harmony and enduring peace among its people. This approach transcends mere justice administration. It crafts a model justice system, shaped by the mindful leadership of our successive Kings and inspired by His Majesty the King's profound vision for the future.

Bhutan's strength lies in its unique national ethos, anchored in spiritual values, guided by the philosophy of Gross National Happiness, and committed to sustainable development, environmental stewardship, and principled neutrality in global affairs.

This perfect combination positions Bhutan not only as a peaceful nation but also as a hotspot of international mediation, demonstrating that justice, wisdom and vision can illuminate pathways to peace for the world.

Conclusion

If the government, as a human institution, is created by the people and for the people, then truly understanding their feelings and aspirations must lie at the heart of governance. Among the many functions of the State, the administration of justice is what most distinctly sets it apart from other forms of human association, making it an essential pillar of governance.

In this light, *nangkha nangdrik* represents the highest form of mindful governance. It embodies people-centric justice by placing the dignity, relationships and needs of individuals at its core. It empowers parties to resolve disputes through dialogue and understanding, rather than through adversarial rulings.

This approach resonates deeply with the principles of mindful governance, where leaders and institutions, guided by compassion and awareness, cultivate harmony and collective wellbeing.

By integrating these values, *nangkha nangdrik* ensures that justice is not merely the delivery of a legal outcome, but a transformative process that strengthens communities, nurtures social harmony, and reflects Bhutan's enduring commitment to the philosophy of Gross National Happiness.