

National Mediation Programme in Sri Lanka

Frequently Asked Questions



Q. Since when has the National Mediation Programme been in existence in Sri Lanka?

A. The first Community Mediation Boards (CMBs) were established in Sri Lanka in 1990, as per the Mediation Boards Act (No. 72/1988). The Mediation Boards fall under the purview of an independent Mediation Boards Commission, with policy oversight and administrative support from the Ministry of Justice. Today across the entire island at community level, there are 329 Community Mediation Boards (CMBs), assisted and supported by more than 8,400 well-trained volunteer mediators (20% who are women), who on average deal with more than 200,000 disputes per year with a settlement rate exceeding 65%. In addition, there are several Special Mediation Boards (SMBs) to mediate specific social and economic issues (e.g., land and financial disputes), in dedicated geographical areas.

Q. What is interest-based mediation?

A. CMBs use an interest-based mediation approach which require mediators to facilitate a process for the disputants to understand the root causes of the conflict and, in so doing, create a better appreciation of their competing needs and interest. Mediators seek to understand power imbalances between disputing parties and focus on creating equal power between disputants, as a basis for an effective settlement of a dispute. Unlike in the adversarial formal court system, the role of the mediator is not to adjudicate the dispute, but rather to help disputants find a win-win solution acceptable to both parties, without deciding who is right or wrong.

Q. What types of disputes can be taken to a Mediation Board?

A. CMBs was established to settle a range of disputes between individuals which include minor criminal offences, civil disputes relating to movable or immovable properties and agreements such as land, domestic and debt issues. According to the Act (72/1988), as amended in 2016, it is mandatory for certain types of disputes (e.g., debt, damage or property claims less than LKR 500,000 and specific minor criminal offences such as hurt, trespass, intimidation and misappropriation) to be referred to mediation before they can be taken to court.

Q. Who can take a dispute to a Mediation Board?

A. The disputing parties may directly take their dispute for mediation, or disputes can be referred for mediation by the police or courts.

Q. What is the process at a Mediation Board?

A. Disputes are heard by a Mediation Board consisting of three mediators chosen from the local panel of mediators, based on the preference of the disputing parties. Disputants attend mediation on a voluntary basis and they cannot be compelled to attend. Mediation sessions are conducted once a week (usually on weekends) in an informal manner without strict procedures – typically using the premises of a local school or temple. The informal nature of the mediation process is underscored by the fact that lawyers or representatives are not allowed to be part of the process, while the state or its agencies cannot be one of the disputants. Although the settlements between disputants are not recognised by the formal court system (unless the disputes are referred to Mediation Boards by a civil court), Mediation Boards will issue a certificate of non-settlement when mediation fails, which then allows disputants to approach a court of law for a legal remedy.

Q. How much does it cost to take a dispute to a mediation board?

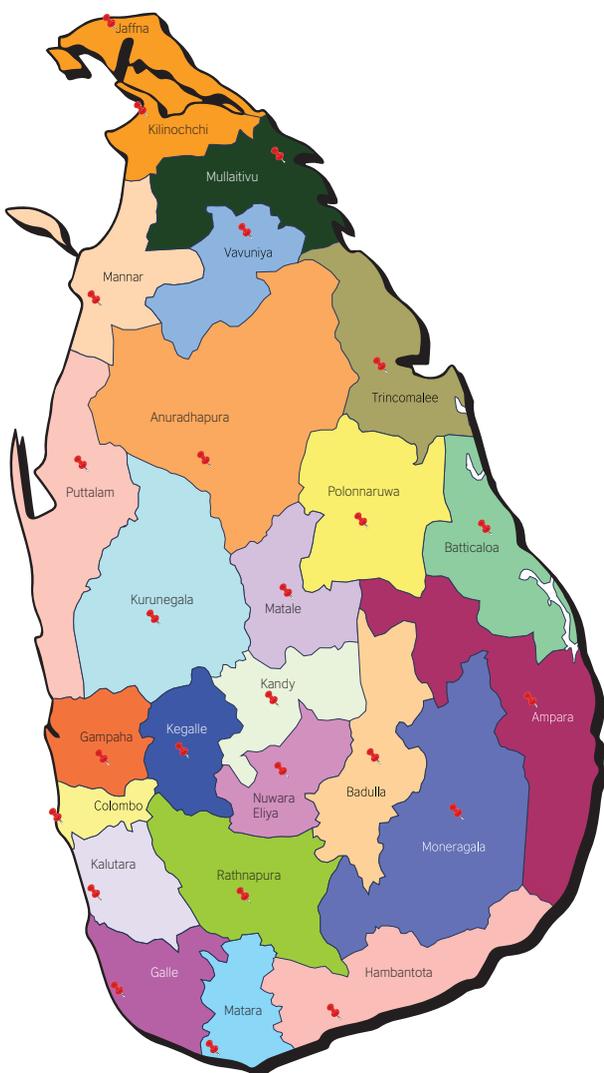
A. The only cost involved, is a five-rupee stamp on a letter sent by a disputant to the Chairperson of the local Community Mediation Board to register a dispute.

Q. How long does it usually take to resolve a dispute?

A. CMBs are required to resolve disputes within 60 days, or minor offences within 30 days, of the Board being constituted. Typically, two or three mediation sessions are required for parties to better understand each other and agree an amicable solution to their dispute.

Q. Where are Community Mediation Boards located?

A. 329 Community Mediation Boards are present and operate island-wide, with one in each Divisional Secretariat Division.



Q. Who in the community is part of a Mediation Board?

A. A panel of up to 40 mediators are appointed to each Mediation Board, which is responsible for a specific geographic locality. Access to the Board is limited to disputants from that specific local community and the Board itself comprises people from the same area.

Q. How can I become a mediator?

A. Mediators are typically nominated by the Divisional Secretary or Chairperson of the specific Mediation Board, or nominated by non-government or political organisations, religious leaders, school principals or government officials. The only criteria to be a mediator is that the nominee should be a permanent resident or involved in work in the Mediation Board Area and respected member of their community and possess the qualities to be a good mediator. With no educational prerequisites, mediators are selected through an interview process and undergo 40 hours of training in mediation techniques and skills. Official appointments are made by the independent Mediation Boards Commission (MBC), and a specialized group of Ministry of Justice (MoJ) Mediation Trainer Officers provide ongoing training and feedback over each mediator's three-year term.

Q. What is the role of the Mediation Boards Commission in Sri Lanka?

A. The Mediation Boards Commission is established under the Section 2 of the Mediation Boards Act No. 72 of 1988 and it comprises of 05 (five) Commissioners, including the Chairperson, appointed by the President of Sri Lanka. The functions of the MBC include the appointment, supervision and management of all mediators in Sri Lanka.

Q. Where is the Mediation Boards Commission in Sri Lanka located?

A. The Mediation Boards Commission has its Office at No. 150, Dawasa Building, Mihindu Mawatha, Colombo 12, Sri Lanka.

