

Concept note

Bridging Research, Policy, and Practice: Advancing Community Mediation Dialogues for Dispute Resolution

(3rd December 2024)

A Conference on Community Mediation

Organized by the Centre for Poverty Analysis in Partnership with The Asia Foundation

Mediation, a cornerstone of Alternative dispute resolution worldwide, has a deep-rooted history in Sri Lanka. Evolving from its community-based origins, it has expanded into the realm of commercial mediation, with various mediation practices and research areas having emerged within the field, locally and globally. Community mediation has been identified as a means of access to justice, improving social relations and reducing conflicts primarily in Asian countries such as Sri Lanka, Nepal and the Philippines (Valters, 2016)¹. These countries, having experienced or continue to grapple with violent conflicts, have been striving to achieve positive peace by addressing structural violence which escalates into violence. Drawing on these global experiences, this conference will serve as a pivotal platform for local and international stakeholders to exchange knowledge, foster collaboration, and address the dynamic challenges and opportunities in community mediation. By facilitating networking, advocating for benefits of mediation, raising awareness, and enhancing capacity building, the conference would empower mediation practices and contribute to more effective dispute resolution.

The primary goal of the conference is to strengthen mediation Sri Lanka by informing and rendering policies and practices on community mediation more evidence-based and enable learning and dialogue between various actors involved in community mediation through a discussion of trends, differences, special cases and good practices. The aforementioned key stakeholders include Mediation Training Officers (MTOs), Mediators, the Ministry of Justice, researchers, academics, students, and civil society organizations working on mediation. Simultaneously, the conference aims to advance mediation research and practice through a comprehensive Community of Practice (MCoP) and Research Forum.

The conference is organised along three major streams,

1. Research
2. Mediation in action
3. Policy, future focus and legislative gaps

¹ Valters, C. (2017). *Building Justice and Peace from Below? Supporting Community Dispute Resolution in Asia*. The Asia Foundation.

Session 1: State of the Art in Mediation Research

This session will delve into the current state of mediation research locally and globally, exploring emerging trends and identifying areas for further investigation. Current mediation research in Sri Lanka focuses on enhancing the effectiveness of Community Mediation, to resolve disputes across various sectors, including family, land, and community conflicts and to address the challenges posed by socio-economic factors, post-civil war dynamics, and natural disasters. A key focus will be on uncovering and documenting gaps in mediation research. Globally, research explores restorative justice, the growth of Online Dispute Resolution, and using mediation to resolve environmental disputes, particularly in the context of climate change. The session also intends to discuss global best practices in mediation research, drawing parallels and contrasts with the Sri Lankan context. This session will take a comparative approach aimed at helping to identify innovative methodologies and technologies that could upgrade mediation research in Sri Lanka.

Session sub-theme: Interdisciplinary Approaches to Community Mediation Research

Drawing from disciplines such as law, psychology, peace studies, politics, and technology, this session will also focus on how community mediation research can be advanced through an interdisciplinary lens. The primary goal of this session will be to explore how contemporary developments in different fields can be incorporated into community mediation research to broaden its scope of application in different kinds of conflicts, to identify new strategies for conflict transformation, and to increase access to justice.

Session objectives:

- To provide participants with a deep understanding of current global trends and future way forward in mediation research.
- To identify and analyse key gaps in mediation research with a particular focus on informal dispute resolutions mechanisms.
- To propose overall strategies and suggestions to reduce the existing drawbacks in mediation research.

Target Audience:

MTOs, Mediators, academics, researchers and students engaging in mediation and Alternative Dispute Resolution at large.

Session 2: Mediation in Action

This session will offer in-depth practical insights from Mediation Training Officers (MTOs) and chairpersons of Mediation Boards, focusing on mediation practices across Sri Lanka. Through case studies, it will showcase the effectiveness of community mediation in resolving disputes, while providing a comprehensive view of the experiences and challenges Mediation Boards have

encountered, especially in contexts that has faced multiple crises over the years. The session aims to highlight the practical applications of mediation, supported by real-world examples, with the ultimate goal of using this knowledge to navigate conflicts constructively and sustainably through community mediation to foster social cohesion.

The session will feature two sub-panels:

1) Contemporary Challenges in Community Mediation and Addressing Them Through Knowledge and Experience Sharing

This session will explore the role of knowledge sharing networks such as ‘a community of practice’ in strengthening dispute resolution. It will discuss the challenges faced in implementing community mediation practices such as cultural sensitivities, power dynamics, or limited resources and how these can be resolved. By highlighting the role of knowledge sharing, understanding and working collectively on contemporary changes and challenges in community mediation, this session will focus on evaluating the effectiveness of various community mediation strategies and sharing good practices among peers and experts.

2) Role of Community Mediation in Facilitating Social Cohesion

This session will examine the role of community mediation in strengthening social cohesion. It will explore the role of community mediation in fostering trust, inclusivity, and resilience within communities by addressing disputes. It will highlight how community mediation contributes towards community-building and social harmony and ensuring that marginalized voices are included in mediation processes. Further, this session will raise critical questions regarding the practice of community mediation, explore key drawbacks, discuss good practices and strategies to successfully address them.

Objectives:

1. Understanding contemporary challenges in community mediation
2. Discuss mechanisms and processes used to address these challenges
3. Discuss role of sharing of knowledge and experiences in addressing challenges
4. Understand the role of community mediation in achieving social cohesion.

Target audience:

Mediation Training Officers (MTOs) and other researchers and practitioners from Asian and global community mediation mechanisms.

Session 3: Policy, Future Focus and Legislative Gaps

This session will explore the crucial role of the State in supporting and facilitating the mediation sector, with a focus on community mediation boards and special mediation boards. It will examine

the policies necessary to overcome the logistical barriers hindering the practice of community and land mediation in Sri Lanka. Additionally, it will identify gaps in current legislation related to mediation and discuss the future legislative needs required to strengthen and expand the effectiveness of mediation practices in the country.

Objectives:

- To provide a roadmap for enhancing state support and addressing legal deficiencies in the mediation sector.
- To investigate potential legislative changes, through the identified gaps.
- To develop recommendations for policy makers on how to better support and regulate mediation services

Target audience:

Mediation Boards Commission, public officials, government officers including Ministry of Justice and policy makers.

Note on Logistics

All the sessions will be held in a hybrid format, location and duration are indicated in the session plan.

Conference Session Plan

Bridging Research, Policy, and Practice: Advancing Community Mediation Dialogues for Dispute Resolution

Date: 3rd December 2024

Venue: Mihilaka Medura, BMICH

8:30 - 9:00 AM: Registration - By CEPA

9:00 - 9:10 AM: Welcome Address – By Dr. Herath Gunatilake

9:10 - 9:30 AM: Opening Remarks:

By The Asia Foundation - Dr. Ramani Jayasundere *“Importance of Community Mediation in the current context in Sri Lanka”*

By CEPA – Dr. Mohamed Munas: *“CEPA’s Engagement with Community Mediation, Rationale for the Community Mediation Conference and the Mediation Community of Practice”*

9:30 – 09:50 AM: Keynote Address

- **Title:** *“Sri Lanka within the Global Landscape of Mediation: Trends and Challenges”*
- **Speaker:** Ms. Dhara Wijayathilake
- **Description:** An exploration of current global trends in mediation, highlighting emerging areas and key challenges.

09:50 – 10:15 AM: Morning Tea Break

10:15 - 11:30 AM: Session 1 – State of the Art in Mediation Research

Session sub-theme: *“Interdisciplinary Approaches to Community Mediation Research”*

- **Moderator:** Ms. Cyrene Siriwardhana
- **Speakers:**
 - **Speaker 1:** Ms. Saranee Gunathilaka
 - **Speaker 2:** Dr. Krishna Kumar Saha
 - **Presenter 1:** Ms. Achini Dissanayake and Ms. Dinelka Dassanayake
 - **Speaker 3:** Prof. Rose Wijesekara
 - **Presenter 2:** Mr. Thisura Perera
 - **Speaker 4:** Prof. A. Sarwesvaran

Description: Presentations and discussions on global and local mediation research trends, identification of gaps, with a focus on Sri Lankan practices through an interdisciplinary approach.

Format: 7 minutes each per speaker

Q&A: 15 minutes

11:30 AM – 12.45 PM: Session 2 - Panel 1

Session sub-theme: *“Contemporary Challenges in Community Mediation and Addressing Them Through Knowledge and Experience Sharing”*

- **Moderator:** Ms. Anusha Munasinghe
- **Speakers:**
 - **Presenter 1:** Mrs. Champa Kumarasinghe
 - **Speaker 1:** Ms. Preeti Thapa
 - **Speaker 2:** Dr. Gayathri Lokuge
 - **Speaker 3:** Mr. Micheal James Warren

Description: Discussions on sharing best practices, exploring the role of knowledge sharing and collective action towards addressing challenges in implementing community mediation mechanisms.

Format: Two rounds of Question and Answers to the panellists (5 minutes each per panellist, per round)

Q & A: 40 minutes

12.45 PM -13.45 PM: Lunch Break

13.45 – 15.00 PM: Session 2 - Panel 2

Session sub-theme: *“Role of Community Mediation in Facilitating Social Cohesion”*

- **Moderator:** Ms. Marisa Fernando
- **Speaker 1:** Mr. M. Thirunavukarasu
- **Presenter 1:** Mr. Rajendra Sharma
- **Presenter 2:** Mr. Bholu Bhattarai and Mr. Hari Devkota
- **Speaker 2:** Mr. Jacques Carstens

- **Description:** This session will focus on practical experiences, case studies, and reflections on mediation practices in different contexts.
- **Format:** Two rounds of Question and Answers to the panellists (5 minutes each per panellist, per round)
- **Q&A:** 35 minutes

15.00 - 15.15 PM - Afternoon tea

15:15 – 16.45 PM: Session 3 – Policy, Future Focus and Legislative Gaps

- Moderator: Dr. Ramani Jayasundere
- **Speakers:**
 - **Speaker 1:** Ms. Krishanthi Meegahapola
 - **Speaker 2:** Ms. Thilini Ratnasuriya
 - **Speaker 3:** Ms. Irene de Torres Alogoc
 - **Speaker 4:** Mr. Siriram Panchu
- **Description:** Examination of the state's role, challenges in policy implementation and discussions on future legislative needs.
- **Format:** Two rounds of Question and Answers to the panellists (5 minutes each per panellist, per round)
- **Q&A:** 40 minutes

16.45 – 17.00 PM: Closing Remarks and Vote of Thanks – By Ms. Kalara Perera