

THE EFFECTIVENESS OF COMMUNITY MEDIATING ROLE AT RURAL LEVEL DISPUTES: A STUDY OF ADDALAICHENAI MEDIATION BOARD COASTAL AREA IN AMPARA DISTRICT IN SRI LANKA

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Introduction

The disputes are unavoidable in human life and it is considered to produce destructive consequences. Hence, there are number of mechanisms used to settle the rural level disputes (Fisher and Keashly, 1991). Among those mechanisms the community mediation is to be a successful tool for dispute management among rural level disputing parties. The community mediation is a process of devolving the judicial power from the state to the people for meaningful response to the rural level disputes.

The settlement of disputes through application of community mediatory role in the local context has been a long tradition of the Sri Lankan society. The over-burden of the present judiciary and immense backlog of the cases running for several years has been seriously tarnishing the image of the judiciary. Hence, the community mediation can be considered as the most reliable and trusted solution to the local disputes. The government of Sri Lanka has been introduced the community mediation board system in all over the country and it has been planned to generate several different outcomes and impacts including the effective resolution of disputes, a reduction case backlogs in the court system, improvements in social harmony and improved access to justice (Ministry of Justice, 2011).

The prime objective of this study is to analysis the practices of the Addalaichenai Mediation Board and to identify the challenges which are blocking the smooth functioning of community mediation board in Addalaichenai. Further, the study attempts to evaluate the effectiveness of the community mediatory role of Addalaichenai Mediation Board.

Methodology

This study is based on interpretative analysis owing to their practical merits with using quantitative and qualitative data. Above stated objectives has been achieved by studying both primary and secondary data. In the collection of primary data, the tools and techniques of qualitative research, such as Observation, Interviews and Focus Group Discussion have been employed. Interviews based on semi-structured interview guidelines have been conducted with 05 selected local elites in the study area. The next source of information is focus group discussion. The preliminary results have been discussed in focus groups with civil society representatives and key informants to get further ideas about the key issues of local governance. The five focus group discussions have been employed. Secondary sources

such as published and unpublished records, both from different levels of government have also been consulted.

Discussion and Conclusion

The community mediation system is considered as a best form for dispute settlement at the rural level. In Sri Lanka, this system has been implemented by means of Community Mediation Board. This board has been established in all part of country. However, the study focuses on Addalaichenai Mediation Board and attempts to assess its performance. The finding of the study reveals that although Addalaichenai Mediation Board has been functioning to settle and mitigate the rural disputes, it has been challenged due to number of reasons.

Since the community mediation has been considered as a successful mechanism for dispute management at rural level, the system has been adopted to settle and manage the rural level disputes in Addalaichenai. This board has a number of potential impacts at the area. Firstly it helped to resolve local disputes with low costs. A second potential impact is increased access to justice at rural level. Finally, it helped to improve social harmony among local people. However, the effectiveness of community mediatory role at this area has been questioned due to the arbitrary nature of community mediator, lack of motivation, lack of facilities, legal restrictions, lack of awareness among rural people and etc., and the smooth functioning of Addalaichenai Mediation Board has been challenged due to above barriers. Hence, the Mediation Board at the area has not been functioned more effectively and it has been fulfilled its goal in low level.

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