

Kluwer Mediation Blog

The Moot Court Bench: Mediation in Sri Lanka

Greg Bond (Bond & Bond Mediation / University of Wildau) · Saturday, April 24th, 2021

For me, one of the benefits of our new online world has been an increase in opportunities to get to work with people over distance, without having to travel that distance. While I have not physically left an area within a radius of some 60 kilometres since early 2020, I feel connected around the world, and have continued to be able to get to know some wonderful people and projects. I count this among the things to be grateful for.

Recently I got to know an organization in Sri Lanka called the [Moot Court Bench](#) (MCB). The MCB sees itself as a “legal advocacy training platform dedicated to delivering education of global standards to Sri Lankan law students in the fields of international commercial arbitration, mediation, negotiation, and international trade law.” It was set up in 2020, is operated by students and young alumni, and it aims to promote and train skills not generally covered in university law degrees in Sri Lanka. These include mediation advocacy and mediation.

For this blogpost, I asked several participants and organizers about mediation in Sri Lanka and the MCB’s work.

Ashani Perera, the MCB’s Head of Mediation, told me that “commercial mediation is still picking up in Sri Lanka compared to other Asian countries. Community mediation has taken the lead and is used in most parts of the island, with proper legislation in place, such as the Mediation Boards Act of 1988. Therefore, the MCB wishes to raise more awareness of commercial mediation and its benefits.”

The MCB held a successful arbitration training programme in 2020, training 80 students and conducting a national competition whose winner participated in the Willem C. Vis Moot in March and April of this year. Following this, MCB instituted their Mediation Wing with commercial mediation training and competitions. A total of 38 students took part in the first online training program and eight teams from seven different universities had the opportunity to participate in the first competition. International mediators Tom Valenti and Pascal Comvalius provided the training.

This competition was a remarkable achievement and a great success. The aim, Ashani Perera said, was to “provide local students with in-depth knowledge in international commercial mediation, and with the opportunities to learn, network, and represent Sri Lanka at international competitions, and to give back to the local mediation

community.” Tom Valenti said: “I was especially pleased to be involved with MCB as they took giant steps forward to bring dispute resolution skills to students across all levels of background and opportunity. The MCB’s commitment to building awareness of and a structure to consensual dispute resolution is highly commendable.”

Sadiyah Reyal, a member of the winning team from the [Asia Pacific Institute of Information Technology \(APIIT\)](#), said: “Going into this competition, I knew next to nothing about mediation. Although our initial training lasted a mere twenty-four hours and the competition itself unfolded over the course of three days, my team and I have emerged with what feels like years of indispensable knowledge as well as a deep appreciation for mediation and the field of ADR as a whole. Inevitably, there were times of doubt and hesitation, and feelings of being overwhelmed due to the incredible standards of the competition, but this only drove us to present the best versions of ourselves.” I am sure that many other participating students would express similar sentiments.

The MCB has plans to expand its activities, with an initiative to introduce peer mediation to high school students. This would align well with efforts in Sri Lanka to promote mediation within the country. The Asia Foundation has been supporting community mediation for several years, and a [new four-year initiative](#) was established in cooperation with the EU Commission and the British Council in 2020, which focuses on improving the functioning of Community Mediation Boards and Land Special Mediation Boards.

Beyond its aim to provide skills training to law students that their curricula do not include, there are thus two additional prongs to the MCB’s mission – the first being to support mediation at a local and community level, and the second to promote the use of commercial mediation at national and international levels. As this blogpost is published, the [Ceylon Chamber of Commerce and the Institute for the Development of Commercial Law and Practice](#) have just launched commercial mediation rules.

The MCB team sees the opportunities for mediation in Sri Lanka to promote a cost-effective dispute resolution method and a potential revenue earner. Sri Lanka is a “business hub located at the heart of the Indian Ocean. This opens new avenues in cross border dispute resolution,” said Ashani Perera.

With thanks to the MCB team, in particular Ashani Perera, Yalinda De Almeida and Dylan Wijesuriya, and to Sadiyah Reyal from APIIT.

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The image shows a promotional graphic for Kluwer Arbitration Practice Plus. It features a blue background with a white checkmark icon and the text "Explore Practice Plus". Below this, there are two overlapping screenshots of the software interface. The top screenshot shows a profile for "Gary B. Barr" with a photo, name, and various statistics. The bottom screenshot shows a "Relationship Indicator" section with three circular charts and a list of related practitioners. At the bottom of the graphic, there is a dark blue bar with the text "Kluwer Arbitration" on the left and the "Wolters Kluwer" logo on the right.

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