

TRAINING NEEDS OF MEDIATION TRAINING OFFICERS - AN ASSESSMENT -

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Abbreviations:

EU	-	European Union
MBC	-	Mediation Board Commission
MoJ	-	Ministry of Justice
MTOs	-	Mediation Training Officers
SEDR	-	Supporting Effective Dispute Resolution
SMB(L)	-	Special Mediation Board (Land)
TNA	-	Training Needs Assessment

Acknowledgements

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Background

The Asia Foundation (the Foundation), Sri Lanka Office has been contracted by the British Council to facilitate the “Supporting Effective Dispute Resolution” (SEDR) project, which is funded by the European Union (EU). The project commenced its first phase on 1 February 2020 and is to operate until 31 January 2024. This project is focused on, facilitating the training of mediators with innovative mediation skills and techniques, assisting in the establishment of Special Land Mediation Boards (SMB (L)) for the settlement of land disputes, recommended by the Mediation Boards Commission (MBC), facilitating the awareness for all relevant stakeholders as well as the overall strengthening local mediation processes by enhancing the effectiveness of community mediation boards through addressing issues of personal dispute at the community level etc.

The intervention of the Foundation in community dispute resolution started in 1988 when Mediation Boards were first introduced with the intention of minimizing delays in the formal courts systems through the establishment of an informal, efficient, easily accessible, and affordable dispute resolution mechanism.

Community mediation is now widely accepted, and the mechanism is being used throughout the island, while the Foundation has continued to work closely with the MoJ and the MBC to strengthen the mediation process in Sri Lanka.

The commitment of the Foundation over thirty years in enabling Mediation Boards as an alternative mechanism for dispute resolution Sri Lanka, through providing technical expertise relevant to the project, offering insights into the mediation service progress of Sri Lanka, enabling access to mediation services, increasing credibility among key government stakeholders, and ensuring a deep understanding of the country's context has increased the Foundation's contribution to the “Supporting Effective Dispute Resolution (SEDR)” project in Sri Lanka.

The basic training tools provided by the Foundation for Mediation Training Officers (MTOs) of the MoJ provide a vast awareness and insights on the strengths and weaknesses of the training they have experienced, the work that has been done so far and the areas that need to be further enhanced, as well as the planning and implementation of future SEDR project activities on a continuous and effective basis. The crucial fact for providing effective mediation services through community mediation boards is the mediation skills of the mediators.

The process of capacity building, knowledge and skills development of mediators working at the regional levels island-wide is carried out by the MTOs, through systematic and continuous training mode. MTOs are placed at the district level and their primary duty is to train mediators and monitor their performance. The project ensures proper training of mediators by providing training, innovative and enhanced skills for MTOs, from time to time. Every local level Community Mediation Board throughout the country is reconstituted every three years and the necessary trainings for mediators in each board are conducted by MTOs. This means that the MTOs are conducting the trainings for various mediators throughout the year, and these trainings are funded by the Government of Sri Lanka.

The Foundation assists in providing advanced and specialized training programs for MTOs. The Foundation has provided training on basic mediation skills throughout the past decades and has provided training several times for specific skills needed to resolve disputes such as domestic violence disputes, land disputes

and financial disputes using external funds raised by the Foundation. Assisting in the training of MTOs is one of the key activities planned under the three-year SEDR project action plan.

In accordance, the Foundation has decided to conduct a Training Needs Assessment to design and develop various training programs expected for the MTOs, as well as for the mediators who are trained through the trained MTOs. The objective of the Training Needs Assessment is to gather information on the training needs of MTOs and mediators, and to match the needs with new information and knowledge of mediation skills and technical know-how prior to plan future training programs.

The analysis of this assessment will provide information on community mediation training and capacity building needs identified by MTOs, mediators, MBC and the MoJ, within the overall objective of refining skills to offer better mediation services.

Objective of the Training Needs Assessment

To assess the areas of technical knowledge, skills requirement and capacity development needs of MTOs and mediators to provide an effective mediation service to the community.

Importance of the Training Needs Assessment

It is very important to know in advance, the training, skills, and other capacity development needs for the effective and efficient contribution of the relevant actors towards achieving the ultimate goal of an organization, development process or project, before planning such training. This will provide an opportunity to design relevant training programmes with a better understanding of the gap between the existing training and the training methods and the future training requirements. Planning and conducting of training programs without a proper assessment of training needs may create adverse conditions and risks such as repetitive training of the same type or content, as well as designing and conducting of training that is inadequate or with little relevance or connectivity to expected performance targets.

As such, three main reasons for undertaking a proper formative analysis through a timely Training Needs Assessment in the community mediation process can be stated as follows.

1. To understand the gap between existing and future training needs in the mediation process and specific issues related to these needs.

It is very important that training designers and facilitators as well as the parties providing financial and technical support have a fair understanding of the practical training needs to achieve the objectives and desired outcomes. For example, if MTOs make a general request for training in communications skills, they may receive the best possible training, including information technology skills, training in social media use, and modern communication technologies, but without any assessment of exactly what is needed. Some may praise those who organized and facilitated the training, say that the training provided extremely valuable knowledge, and maybe those trained MTOs will then share their training experience with the Mediation Board Chairpersons and members. However, there is a high chance of those efforts being futile because the

members of Mediation Boards may follow their same usual course of action in carrying out their duties. The reason for such failure being that, as the training did not address the real training needs of the Mediation Board member), none of the training content was useful in the mediation process and therefore had no direct or even indirect benefit flow to the client community. Hence, the proper response to such a request should be, *“Yes, but let us find out more about this training need. Let us look for the problems we can solve through this process. Let us also seek the issues and ideas of few representatives of other parties, including members of the Mediation Board, on this. Based on those reflections, let us try to include the necessary elements to cover the relevant situations in some future training. Isn't it better than organizing something randomly without having any understanding of the issues?”*

2. Getting the support of senior management and other stakeholders.

The evidence-based issues understood through this Training Needs Assessment create the vital background for obtaining the proper guidance and support of various parties such as the MoJ, MBC, public officers and various departments and agencies that provide financial and technical support in making the mediation process more sustainable while achieving its proper results and desired objectives. The Training Needs Assessment provides the opportunity to understand the justification of relevant training needs, the direct and indirect benefits to the client community through such training, as well as the contribution each party can provide. This will be extremely important as the strategy of many support agencies, government programs, as well as the private sector, is to achieve the desired objectives through designing and conducting results-based training with an understanding of the existing training gaps, evaluations, and feedback.

3. Collecting data and information required for evaluation.

It is challenging to evaluate the progress of any development process or project without the data and information used as the foundation for the development of training plans. The data may include information such as the selected target groups, criteria used to select them, training themes and justifications for prioritizing such themes, consulted parties and resource persons, training objectives, and expected outcomes.

Methodology of the Training Needs Assessment

This Training Needs Assessment is a process of appraising the status of knowledge, skills, strengths, weaknesses, gaps in the opportunities and resources of the mediators and the challenges faced in the mediation process for providing an effective and efficient mediation service to the community. As such, three basic steps have been followed in this Training Needs Assessment.

The first step is to identify existing levels of skills, capabilities, and knowledge among mediators. For this, mediators have analysed the resources they have as well as their strengths, weaknesses, opportunities, and challenges in identifying their existing knowledge and skills. The second step is to recognize the expected capacity levels required to provide effective mediation services. Finally, in the third step attention is on

assessing training requirements by identifying the gap between the above two steps and recognizing the gap between the expected and existing capacity levels.

This Training Needs Assessment was commenced to gain a holistic understanding of the training, skills and capacity development needed for all actors mediation process, including MTOs with several rounds of preliminary discussions. Following subsequent discussions with the Foundation's Project Team and its advisors, the following actions were agreed upon and fulfilled.

1. A suitable assessment survey plan to assess the training needs
2. Development of tools such as questionnaires to be used for data collection and identifying samples
3. Agreement on the coordination and facilitation responsibilities for obtaining support and necessary approvals of the MoJ, the MBC and selected Mediation Boards, as well as public officers in carryout the Training Needs Assessment.
4. Preparation of a time frame and agreeing on the assessment methodology, data collection, data analysis and preparation of a detailed Training Needs Assessment report, translation and submission of the report.

A meeting was held subsequently with the learned members including the Hon. Chairman of the MBC to explain the practical importance of this Training Needs Assessment and how it emerged, the proposed methodology and survey tools. Then an interview was conducted with the MBC to gather insights, advice, and guidance to implement this assessment.

For each selected sample based on these discussions and instructions, questionnaires prepared separately were presented, and the samples are as follows:

1. 22 MTOs (This sample consists of all the MTOs (11 male officers and 08 female officers) currently serving island-wide at the district level.
2. 323 Mediation Boards consisting of 280 Chairmen and 43 Chairwomen of (260 Mediation Boards providing services in Sinhala and 63 Mediation Boards providing services in Tamil) covering every district (the primary target of this sample was a total of 969 mediators, consisting of three members from each Mediation Board; Chairperson, Vice-Chairperson and a member).
3. Chairmen of 07 Special Mediation Boards on Land Disputes representing the Northern, Eastern Provinces and Anuradhapura Districts. (Although the total number of Special Mediation Boards (Lands) established is 09, only the fully functional 07 Special Mediation Boards at present were used for this purpose. All the Chairpersons are men).
4. Commissioners of the Mediation Board Commission (5 male and one female) and the Secretary of the MBC.
5. Six selected Divisional Secretaries (Male) (Anuradhapura - Nuwaragam Palatha East and Nuwaragam Palatha Central, Muthur, Trincomalee, Moneragala and Hambantota), 3 male Development Officers (Galle, Thihagoda, Tangalle) and 3 female Development Officers (Thihagoda, Deiyandara, Niyagama), 3 male Counselling officers (Hambantota, Sooriyawewa, Lunugamvehera), 2 female Counselling officers (Hambantota, Sooriyawewa) a female Community

Correction Officer (Tangalle), and 2 male administrative Grama Niladhari (Lunugamvehera and Sooriyawewa).

6. A random sample of 05 females and 04 males (09 community members), 04 local government officers (2 females and 2 males), 2 civil society representatives (Weeraketiya, Thalawa) and 3 civil society representatives (Hambantota, Thalawa, Tangalle) and other regional stakeholders.

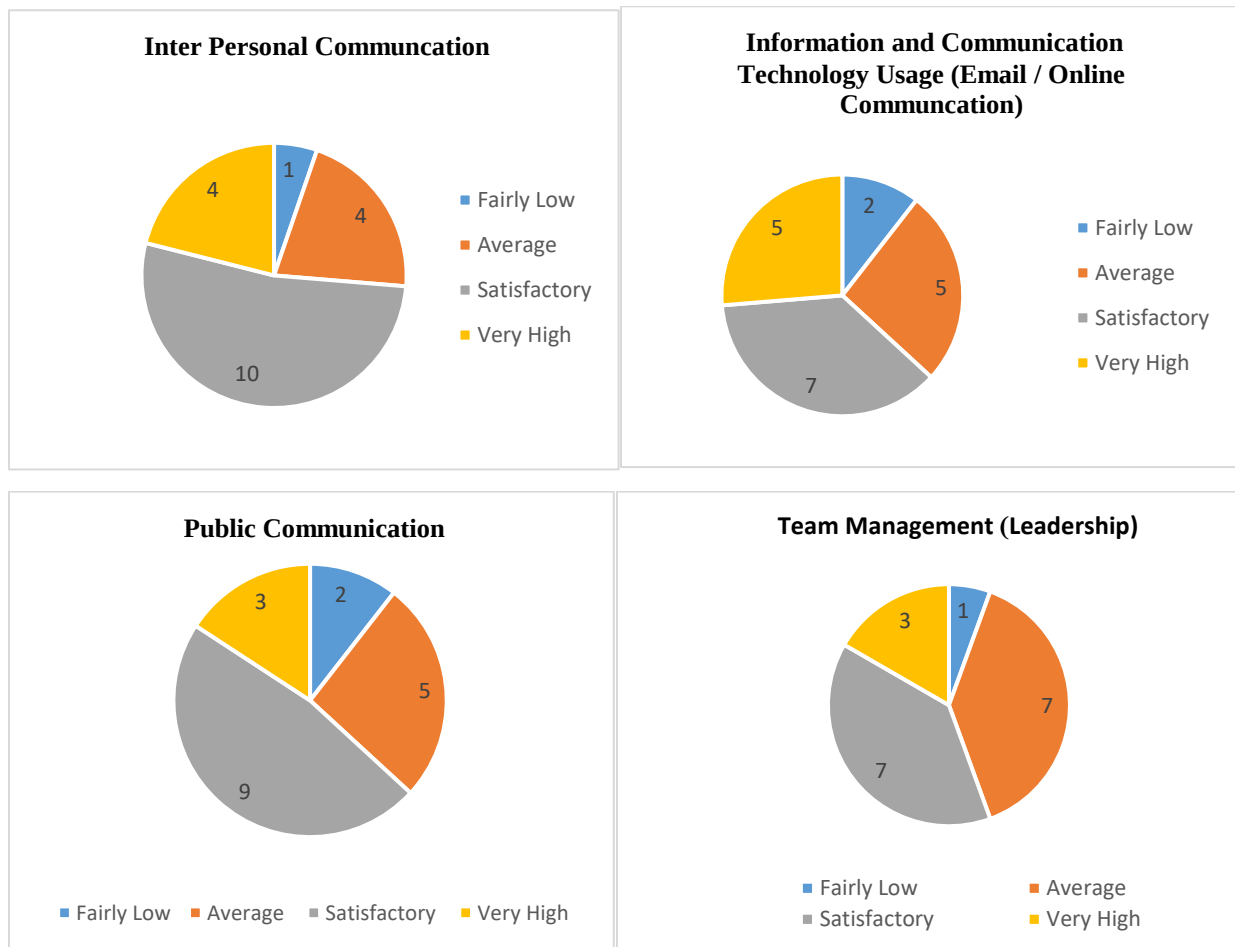
The methodology used included a survey through a formal questionnaire with direct and open ended questions and a focus group discussions with MTOs at a one-day. The consultant conducted this Training Needs Assessment following all the health guidelines, strategies as well as rules and regulations applicable to the COVID-19 context in Sri Lanka.

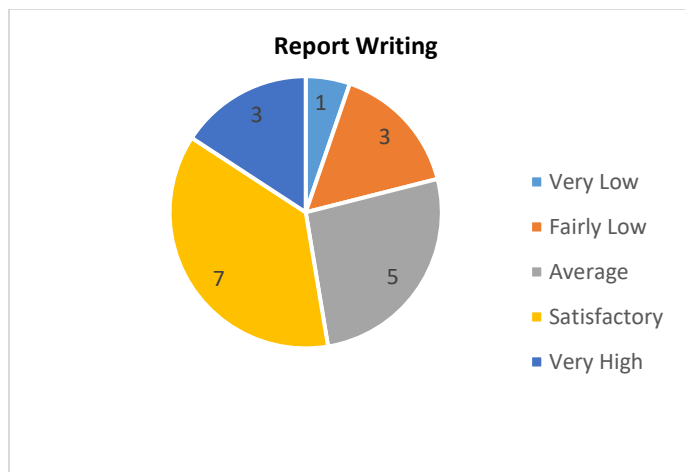
Data Analysis

Views of Mediation Training Officers on Training Needs

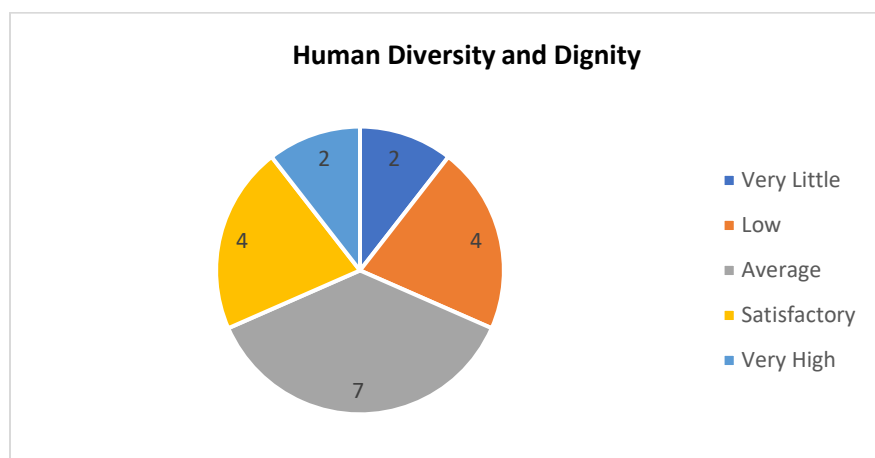
Nineteen (19) MTOs who responded to the questionnaire (6 Sinhala speaking - 08 males and 08 females and 3 Tamil speaking males).

The following diagrams depict how the MTOs have responded for the questions on training needs.



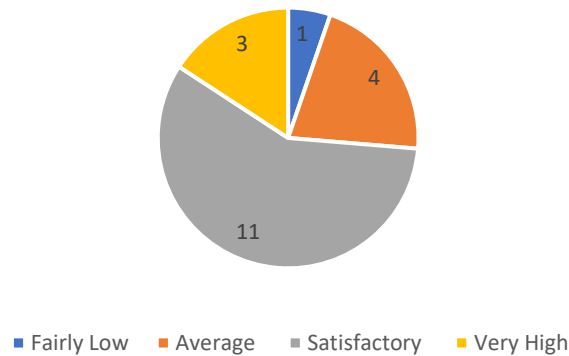


Twelve (12) MTOs believed that their interpersonal communication skills are at a satisfactory level and 9 stated that their ability to address the public is satisfactory. Only 7 said they were satisfied with their use of information and communication technology (email / online communication), team management (leadership) and report writing skills, while 4 participants said that their interpersonal communication skills, team management (leadership) and report writing skills are low. When taking the overall picture, 3-5 people believe that all the above skills are at a very high level, while 4 - 7 people say that they have an average level of all the above skills. Thus, there is a need for further training on all these aspects for a number of between 5-8 MTOs.



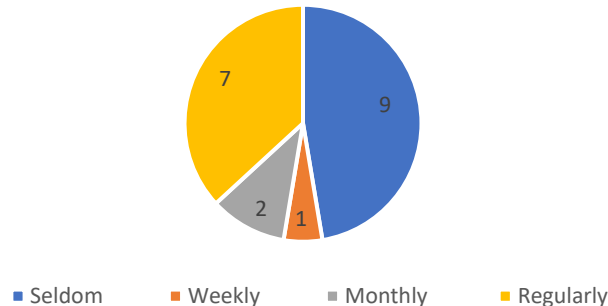
Seven MTOs said that their knowledge of human diversity and dignity was average, while four stated that their knowledge of the same was inadequate and two said they had very little understanding of the subjects. This indicates that a total of 13 are looking forward to new knowledge of human diversity and dignity.

Have Meditation Training Officers received enough advice, coaching and mentoring on their current job description



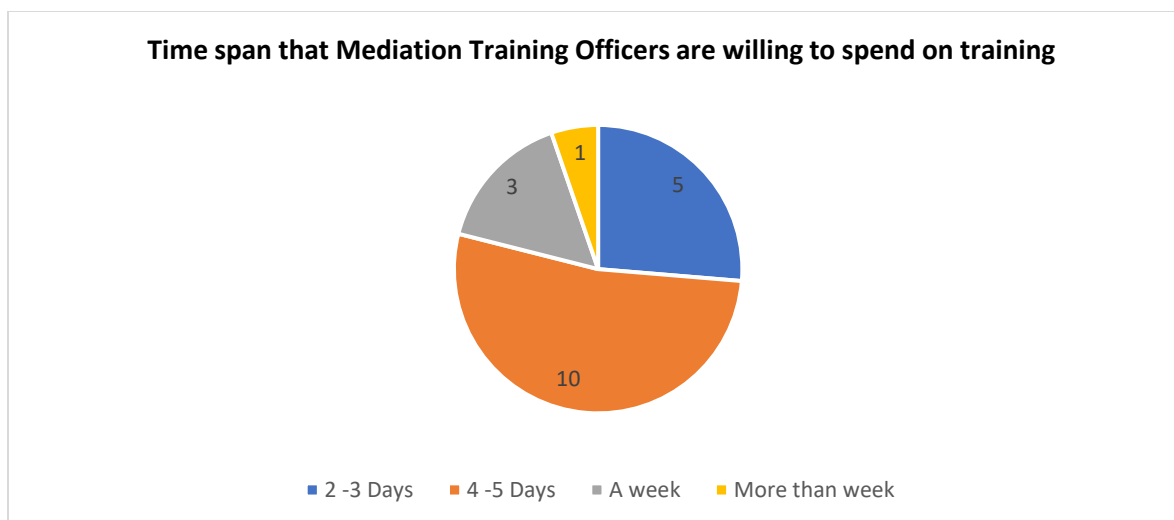
It is observed that 11 MTOs are seeking advice and guidance to some extent on the current scope of duty and 3 are seeking advice at a very high level and 4 at a moderate level.

How often do Mediation Training Officers' seek advice and knowledge from external sources (community, other experts, internet) to get support for their work



As per the above data analysis, 9 MTOs said they very seldom seek external advice and knowledge from the public, other experts, or the Internet for their work, while one person does so weekly and 2 participants, monthly, but 7 participants said they sought external advice and knowledge regularly.

Fifteen (15) MTOs believe that more training is needed to meet the expectations of their professional role, and the majority of MTOs (18) is willing to participate in residential training. Only one person is reluctant to attend residential training programs due to family problems, health issues and economic issues.



When analysing the time durations MTOs are willing to dedicate to training, 10 prefer the training to be 4-5 days and 5 say that 2-3 days are better. Another 3-4 people prefer to participate in training of a week or more.

Additional skills to be developed with the intervention of the MBC or other external organizations

Ali MTOs stated that there are additional skills they need to learn with the intervention of the MBC or other external organizations. The desired skills are as follows.

Expected Skill Development	Responded Number of MTOs (out of 19)
Leadership training	09
Computer Literacy	05
Other Languages	05
Mediation	05
Personality Development and Attitude Development	04
Communication skills	03
Land Law	03
Disciplinary Inquiries	03
Mediation of Financial Disputes	03
Stress Management	03
Information Technology	02
Domestic Violence and Gender	02
Training of Trainer Skills	02

It is important to note that 15 MTOs who responded to the respective questionnaire in this Training Needs Assessment are updating a calendar on their training workshops and other learning. As per the above prioritization, nine MTOs expect training in leadership skills, while 05 expect skills development in computer literacy, other languages, and mediation. Four are looking for personality development and attitude development, three are looking for skills in communication, land law, disciplinary inquiries,

financial disputes and stress management while two are looking for skills in information technology, domestic violence and gender skills and trainer skills.

Views of MTOs on the needs in each discipline for better performance of their duties

Job-related skills	1. Knowledge of new mediation strategies 2. Communication skills 3. Training skills 4. Preparation of training aids 5. Report preparation 6. Training Workshop Organization
Job-related knowledge	1. Computer knowledge 2. Leadership knowledge 3. Mediation Board Act 4. Legal background, the legal status of land and financial disputes 5. Practical activities
Employment-related strengths	1. Knowledge of law 2. Personality development 3. Team leadership 4. Leadership development 5. A good mediation process should be established in the district
Job-related opportunities proposed	1. Other training opportunities 2. Overseas training and observation opportunities 3. Field experience sharing opportunities
Job-Related Resources	1. Mediation related reference material 2. An FM microphone with a multimedia device 3. Computer technology equipment

Challenges and/or threats that MTOs face as they develop their knowledge, skills, and other abilities professionally

Challenges	1. Language problems in training 2. Organizing training in Divisions with no Mediation Development Officers to obtain support from 3. Time management problem in training programs 4. Providing manuals and leaflets to trainees 5. Lack of physical resources (computer and technical equipment) 6. Some older mediators not following the concept of mediation 7. To continue a healthy work-life balance 8. Telephone and communication difficulties 9. Travel difficulties
Threats	1. Lack of social recognition for mediation 2. Lack of public awareness on mediation (e.g., media advertisements) 3. Attitudes of officers/Bureaucracy 4. Backward attitudes in society regarding topics such as gender 5. Personalized training content

	6. Lack of any incentive scheme for such a long time as 16 years
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When analysing the knowledge and skills that MTOs have acquired through mediation training programs so far, the majority stated that they have gained knowledge and developed their skills by attending the workshops, courses and obtaining the professional experience.

Training / Workshop / Course / Professional Experience and Number Obtained	Description
1. Gender	Dr Ramani Jayasundere – The Foundation
2. 2-5 day training on mediation skills including conflict cycle/analysis	Dr Christopher Moore
3. School Mediation Workshop	Ms. Sudee & Ms. Riff - British Council
4. Disciplinary inquiries	One says that the knowledge gained is not enough
5. Conducting a training workshop successfully	Ms. Florida
6. Mediation Board Oversight	Practical situation
7. Communication training	Dr Harsha Fernando
8. Knowledge gained in financial dispute mediation	Singapore Mediation Center
9. Updating monthly data records	Basic knowledge of data storage
10. Knowledge of land disputed mediation in government lands (land ownership)	Special training on land dispute settlement
11. Training skills	Special training

The proposed training themes were graded by the responding MTOs according to the level they think is important for their duty/role;

	Responses			
	I do not have sufficient enough idea on this theme to respond	Not Important	Somewhat Important	Very Important
Leadership and team building			3	16
New mediation strategies (Investigation, Communication Technology, Control and Support, Problem-Solving)			3	16

- Leadership and team building:

	Responses
I do not have an idea sufficient enough on this theme to respond	
Not Important	
Somewhat Important	3
Very Important	16

- New mediation strategies (Investigation, Communication Technology, Control and Support, Problem Solving):

	Responses
I do not have an idea sufficient enough on this theme to respond	
Not Important	
Somewhat Important	3
Very Important	16

- Gender and Gender Equality:

	Responses
I do not have an idea sufficient enough on this theme to respond	
Not Important	
Somewhat Important	2
Very Important	17

- Human diversity and dignity:

	Responses
I do not have an idea sufficient enough on this theme to respond	1
Not Important	
Somewhat Important	2
Very Important	16

- Pluralism (cultural, religious and political):

	Responses
I do not have an idea sufficient enough on this theme to respond	1
Not Important	
Somewhat Important	3
Very Important	15

- Preparation of training aids:

	Responses
I do not have an idea sufficient enough on this theme to respond	
Not Important	

Somewhat Important	1
Very Important	18

- Report writing:

	Responses
I do not have an idea sufficient enough on this theme to respond	1
Not Important	
Somewhat Important	5
Very Important	13

According to this ranking by MTOs, they have confirmed that the leadership and team building (16), new mediation strategies (investigative methods, communication techniques, control and support methods, problem solving methods (16), gender and gender equality (17), Human diversity and dignity (16), pluralism (cultural, religious and political) (15), training tools and support design (18) and report writing (13) are very important.

Target group discussion with mediation training officers and brainstorming activity and its outcomes

The needs as well as the practical issues identified through the brain-storming activity conducted with MTOs in groups:

Group Number 1:

The team consisted of 3 female and 3 male senior MTOs and the group emphasized that they have experienced instances of mediators being biased on various issues, especially in the settlement of financial disputes over informal credit transactions, and the need to develop attitudes of older groups, to update mediation knowledge. They also mentioned soft skills such as sensitivity to human diversity and pluralism as training needs of the people of different ages, races, and religious communities to work in equality and harmony, to overcome these situations.

These senior MTOs said that to resolve land and financial disputes effectively, it is important to identify and respond to disputes appropriately, adopting reconciliation measures to address issues between co-mediators with different views and to introduce common mediation techniques, and changing exercises and role-plays used over a long period of time, to give a novel approach, as well. The need for training on the evaluation of sustainable mediation process for an effective and efficient outcome was also highlighted and it was emphasized that, as 90% marks in the written test and 10% marks in the practical exams were given in the examinations for mediators, the experienced adults will have lesser opportunities as mediators, which will have a severe impact on mediation.

Group Number 2:

The team consisted of 2 female MTOs and 4 male MTOs, of which the majority was apprentice recruits. The MTOs appointed after 2016 said they expect further formal training in mediation, which should include themes such as financial dispute resolution, land law, disciplinary inquiries, stress management, gender as well as school mediation. It was stated that data reporting methods should be updated and the modern communication methods, including computer knowledge, should be given priority, thereby providing opportunities to learn advanced mediation strategies adopted in foreign countries.

Group Number 3:

This group consisted of 3 female Mediation Trainers and 4 male Mediation Trainers, and the group noted that the training skills of all trainers should go beyond the lecture/classroom format and that there should be a greater focus on adult training methods, believing that the existing five-day training should include communication skills (including computer technology), formal knowledge of the Mediation Board Act and related schedules, as well as new dimensions of gender and domestic violence. They also stressed the need for changing the attitudes of mediators as well as to give more priority for leadership training, and it was further emphasized that it is very important for mediators to be given the necessary knowledge relevant to the post of Justice of the Peace.

The following is a summary of the training needs highlighted during these sessions.

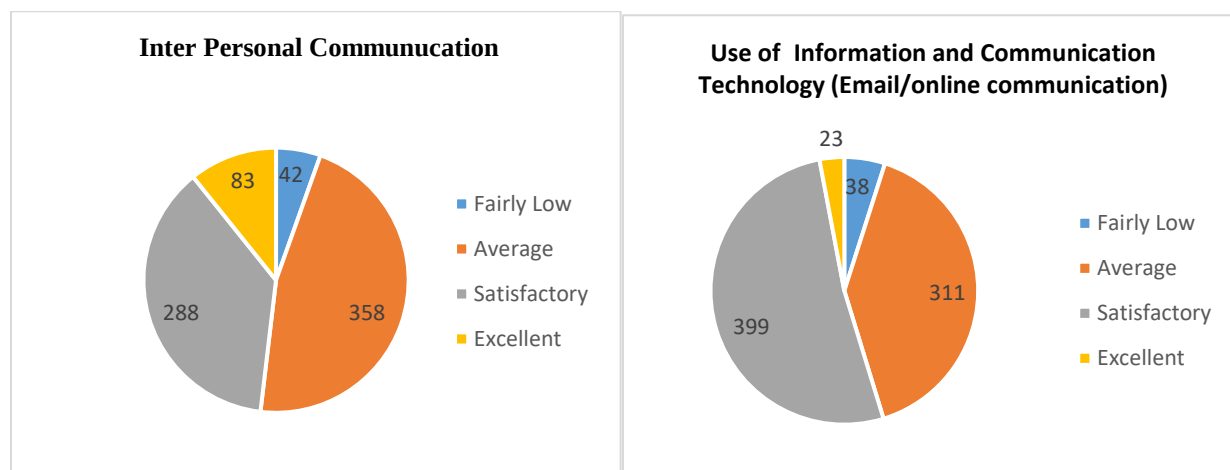
Group Number 1	• Development of attitudes in adults • Updating knowledge in mediation • Human diversity and pluralism (teaching to handle people of different ages, races, and religious communities) • To mediate land and financial disputes effectively by training to identify and respond to such disputes properly • Adoption of mediation process and steps as well as the introduction of common mediation techniques for co-mediators those who hold different opinions - to resolve the internal difference of opinions. • Support to change exercises and role-plays used over a long period of time, to give a novel approach • Training on evaluating sustainable mediation approaches for establishing an effective and efficient mediation process
Group Number 2	• Further formal training on mediation • Training on Financial Dispute Resolution • Knowledge of Land law • Knowledge on Disciplinary Inquiries • Tolls on Stress management • Knowledge on Gender • Knowledge on School Mediation • Updating data reporting methods • Modern communication methods including computer knowledge

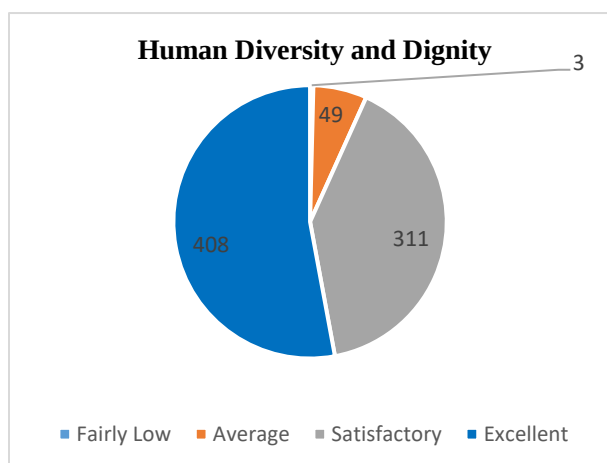
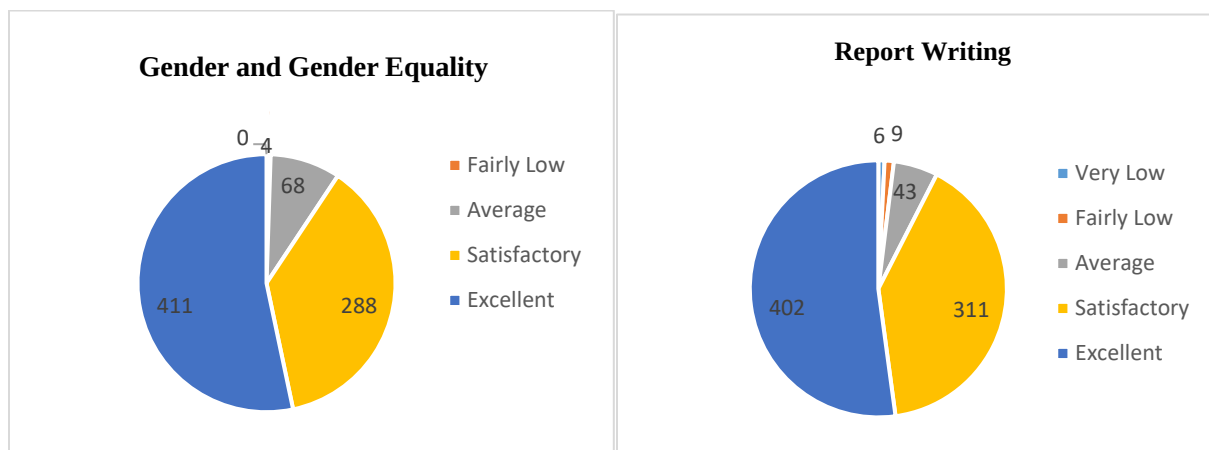
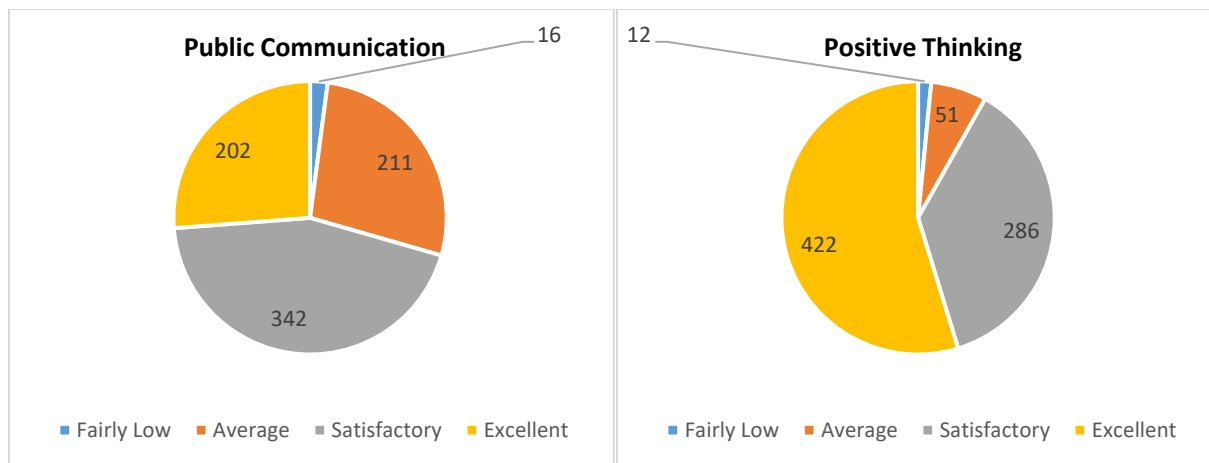
	• Knowledge on advanced Mediation Strategies
Group Number 3	• Taking mediation training skills beyond the lecture format • A good understanding of adult training methods • Formal knowledge of communication skills including computer technology, Mediation Act and related schedules (inclusion in existing five-day training) • Adding new dimensions to gender and domestic violence • Attitudinal change of mediators as well as leadership training • Provide the mediators with the necessary knowledge for the post of Justice of the Peace

Opinions of Mediators on Training Needs

Representing this category, the questionnaire was presented to 263 Mediation Boards working in Sinhala language and 60 Mediation Boards conducting their duties in Tamil language, as per the list provided by the MBC which included a total of 323 Mediation Boards. A total of 969 mediators, consisting of the Chairperson, the vice-Chairperson, and a member from each of the Mediation Boards, were invited to participate in the study. Consequently, of these, a total of 651 from 217 (83%) Sinhala mediation boards, consisting of 578 male mediators and 73 female mediators and a total of 120 mediators in 40 (67%) Tamil Mediation boards, consisting of 108 male mediators and 12 female mediators had submitted their responses by April 20, 2021. Of the total responses of 771, 224 male chairpersons and 33 female chairpersons responded to the questionnaire, and of the remaining 514, 462 were males and 52 were females, and except for a few, others have not clearly stated whether they hold the position of vice-chairperson or a member.

Accordingly, the overall responses on their skills were categorized according to their position as follows.





According to the Pie charts, 46% of the Mediation Board members have stated that they have a general knowledge of interpersonal communication. 37% of respondents stated that they have a satisfactory knowledge and only 11% of respondents have said that they had a very high level of understanding

52% of the respondents have said that they have satisfactory knowledge of information and communication technology including email and online communication, while 40% of participants have said that they have a general knowledge of the subject. 5% of the total officers have said that they had poor knowledge of ICT while a number as low as less than 3% of respondents have said that they had a very high level on the subject.

Mediators have rated their knowledge of public addressing as 26% of the respondents having very high knowledge, 27% stating that their knowledge was average, whereas 44% having a satisfactory level of knowledge and only a 2% having a low level of knowledge.

As per the views on Positive Thinking, 55% of all mediation officers have stated that they possess a high knowledge on it and 37% of respondents have said that their knowledge is satisfactory. 7% of respondents believe that they have fairly level of knowledge and less than 2% of respondents have said that their knowledge is insufficient.

Depicting that the knowledge of gender is at an optimum level, 53% of mediators have stated that they have a very high level of understanding and 37% have stated that their knowledge is at a satisfactory level, while only a number as low as less than 9% have responded saying that their knowledge of the subject is average.

Regarding report writing, 52% of participants have stated that they are very knowledgeable on the task and 40% of them have said that they are at a satisfactory level. Only a percentage of less than 1% -2% of respondents have reported that their knowledge of report writing was poor or average.

53% of respondents believe that their knowledge of human diversity and dignity is very high while 40% of them have mentioned that their knowledge is satisfactory. 6% of the participants have said their knowledge was average while 0.5% of them have reported that their knowledge is low on the subject.

In response to the question of whether the MTOs have provided adequate counselling and guidance to the mediators for their mediation activities, the response was as follows:

Not at all	0
A little support	0
Average	29
Satisfactory	411
Excellent	331

In response to the question of whether they follow a self-performance evaluation system, the response was as follows:

Yes	670
No	53

* At this point, 48 members have avoided answering this question.

The advice they get from MTOs, in general, was responded as:

- Develop mutual understanding between parties and mediators

- A mediator is not a decision-maker, but one who facilitates the parties in making decisions and assists in enforcing their decisions.
- The necessity and importance of acting in accordance with the Mediation Boards Act
- Advice on the principles of mediation
- Steps of mediation and correction
- Personality development of mediators
- Providing equal opportunity to the parties
- Absence of prejudices and judgments
- Identifying the problems and disputes properly and listening
- Understanding human diversity and specific issues
- Mediation ethics
- Instructions and announcements issued by the Ministry of Justice and the Mediation Boards Commission
- Responsibilities of mediators
- Maintaining records accurately
- Provide amenable settlement to the parties by raising alternative ideas and suggestions
- Regarding new circulars, amended ordinances
- On the unbiased role of the mediator as a third party in interviews during the mediation process
- Convincing parties that they can help resolve the dispute
- Provide adequate time and amenities for communication between the parties
- Concerned about the sustainability of the mediation outcomes, and not on temporary settlements
- Preparedness for dispute settlement
- Maintaining the dignity of and trust on the Mediation Boards
- Updating knowledge on mediation
- Proper coordination with other departments and institutions of which assistance is needed for mediation
- Adherence to social distancing and health guidelines, rules and regulations, and procedures on the current Covid-19 epidemic.

The number of instances the Members of the Mediation Boards seek advice and assistance from MTOs:

Not at all	04
Randomly	251
Weekly	0
Monthly	308
Regularly- often	208

The responses on whether they seek guidance and advice from other outside experts:

Yes	184
No	587

If yes, who and how, what types of guidance?

External Consultant/ Institute	Type of Guidance/ advice
Respective police stations	• To avoid any ambiguities that may arise during mediation • To obtain necessary advice and assistance in dealing with situations such as intimidation and threats
Mediation Boards Commission	• Completion of forms, records of attendance
District / Divisional Secretariat	• Necessary institutional guidance (e.g., on cutting down of trees, land disputes, environmental damages) • Assistance in settlements of family disputes
Family / Psychological Counselors (DS)	• Assistance for family dispute mediation • Advice on resolving issues regarding children • Counselling assistance in mediation when necessary • Assistance in personal dispute mediation
NGO / Civil Society Organizations	• Knowledge of peace, reconciliation and human diversity • Knowledge of pluralism • Community Management
Communicators	• Improving the quality of communication
Probation and Child Protection Authority	• Support on mediation in child protection

Grama Niladhari	• Proof of land, addresses, residence, home ownership and family members etc.
Legal Aid Commission	• Understanding the general laws that apply to mediation
Environmental Conservation Divisions	• Clarifications related to environmental disputes
Former and other Mediation Board Chairpersons	• Experiences and advice • Clarifications on the Act
Justices of the Peace	• Ideas and advice for mediation

The training/knowledge the members of the Mediation Board expect from the MTOs, to meet the expectations of mediation activities:

- Proper knowledge of the Mediation Boards Act
- Knowledge of the 5 steps of mediation
- Mediation strategies
- Development of attitudes in parties
- Proper knowledge for the settlement of special disputes/issues (e.g., disputes related to financial institutions)
- General knowledge in land deeds and rules and regulations
- Mediation methods
- Practical situations of mediation principles
- Knowledge of modern technology
- Survey Plans, new and amended laws, rules and regulations
- Effective and efficient communication skills
- Knowledge in preparation of monthly reports and record-keeping
- Strategies for maintaining ethics and discipline among the parties
- Conflict resolution
- Personality development
- Psychological methods related to mediation
- Developing confidence among the parties in the mediation process

Mediation Board Members have expressed their willingness to participate in residential training workshops conducted by their Institutions/MTOs/Mediation Boards Commission as follows:

Yes	727	94 %
No	44	6%

The reasons given by the 44 members of the Mediation Boards who do not wish to participate in such residential training are as follows.

Personal - Family issues, health issues, economic issues	20	44.5%
Professional - workload, lack of time	13	29.5%
Structural - Lack of means of transportation,	04	9.5%
Other: Being unmarried/single, time issues, existing knowledge is adequate, health problems and old age	07	16.5%

Responses on the preferred duration of time of the training workshops.

One Day	54	7 %
2 - 3 Days	272	35 %
4 - 5 Days	224	29.3 %
A week	192	25 %
More than a week	29	3.7 %

Thus, more respondents (35%) prefer training periods of 2-3 days and 25% prefer to participate in a week-long training and - 29% for 4-5 days, respectively.

Mediators have suggested the following specific areas that need to be improved in each of the following themes, to perform their duties better.

Job-related skills	1. Skills on following the 5 steps of Mediation 2. Communication skills 3. Leadership skills 4. Ability to analyze problems 5. Solving problems between ethnic groups 6. Interpersonal/Community Relations
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	7. Gaining trust with the parties 8. Personality development 9. Time Management 10. Use of email and online communication 11. Information Technology 12. Positive Thinking 13. Community Management 14. Addressing the public / community 15. Project planning
Job-related knowledge	1. Mediation Boards Act 2. Knowledge of Circulars and Ordinances 3. Knowledge for land dispute settlement (Knowledge on middle-class lands, leased hold lands, freehold lands as well as limitations on transferring of land) 4. Various laws including marriage laws (Thesavalamai law, Muslim marriage law, Kandyan law) 5. Environmental Laws 6. Child rights 7. Women's rights 8. Eliminating all kinds of violence against women 9. Document review and analysis 10. Personnel management 11. Knowledge of emotion/stress management 12. Simple knowledge of common law 13. Computer knowledge 14. Knowledge of land and financial dispute resolution 15. Conflict management 16. Gender

	17. Knowledge of Tamil language 18. Knowledge of the English language 19. Knowledge of human diversity 20. National Integration and Reconciliation 21. Knowledge through case studies 22. Legal knowledge required to deal with financial institutions 23. Knowledge published through the Establishment Code and Gazettes 24. Submitting disputes to the police and the judiciary
Job-related strengths	1. External institutional sponsorships 2. Inter-district mediation evaluations 3. Appropriate and continuous monitoring 4. State sponsorships 5. Guidance of the MBC 6. Public support 7. New trends in mediation 8. Media use (promotion of mediation) 9. Strengthen the mechanism of summoning parties to a case 10. Develop an understanding of mediation in other institutions and departments 11. Service appreciation
Job-related opportunities	1. Opportunity for knowledge of psycho-social/counselling 2. Opportunity for language knowledge 3. Establishment of special mediation boards for land disputes 4. Observation of the activities of other mediation boards 5. Opportunity for the external and foreign experience
Job-Related Resources	1. Resolving local issues that arise during the use of school buildings and other corporate buildings for mediation activities such as examinations and ceremonies. 2. A proper premise for mediation activities

	3. Proper measures to protect documents 4. When writing mediation reports, providing space in the back of the page of the relevant document, to write the mediation terms and conditions and sign 5. Internet facilities 6. Technical equipment 7. Books and publications related to the subject 8. Posters and banners on mediation 9. A uniform for mediators 10. Adequate stationery allowances/stationery 11. Office Equipment
Other	1. Motivation of mediators 2. Introducing an App (Application) for Mediators to exchange knowledge, skills and ideas island wide 3. Paying attention to education and social acceptance when recruiting mediators 4. A work environment conducive to serve ethically, impartially and without influence

Challenges and/or threats the mediators face in developing their skills and other capabilities professionally are listed as follows.

Challenges	1. Full-time commitment 2. Lack of training opportunities 3. Training sessions are conducted as lectures (non-conversational) 4. Training modules are not updated 5. Economic challenges 6. Lack of knowledge in English/other languages 7. Low computer literacy
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	8. Lack of proper recognition from support services (Police and Grama Niladhari) for mediation officers 9. Communication difficulties 10. Lack of unity among mediators 11. Lack of awareness on mediation in the public 12. Failure of the parties to attend mediation process regularly 13. Transportation difficulties 14. Failure to translate the published material on subject matter into other languages 15. Lack of communication tools 16. Difficulties arising out of the geographic location 17. Lack of technical knowledge 18. Lack of knowledge of land dispute and financial dispute resolution 19. Lack of following up activities by MBC 20. Minimal sources to obtain accurate information 21. Less opportunity for field observations
Threats	1. COVID 19 pandemic 2. Natural disasters 3. Lack of a proper /permanent place for mediation 4. Bargaining done by parties holding onto different positions 5. Recording of mediation discussions secretly by parties with the use of mobile phones 6. Having to deal with parties with hardline attitudes 7. Low acceptance of the mediation process by external parties 8. Lack of resources

The perceptions of mediators on the knowledge acquired and the skills developed from the work they have done so far on community mediation (through workshops, courses, professional experience where they could develop knowledge and skills).

Training/Workshop/Course/Professional Experience	Received from
5-day mediation workshop Problem solving Communication Reporting Knowledge of circulars Community awareness	District MTO
Land law Environmental mediation programs	District MTO/The Ministry of Justice
Leadership training	Vocational Training Institute
Conflict resolution	The Ministry of Education
Disaster Management	The Ministry of Disaster Management, JICA

In addition to the above-mentioned training, workshops, courses and professional experience, some of the mediators have received some training at the personal level; it has been mentioned that among them, training in civil law, human rights, child abuse, interpersonal relations, communication/technology, language training and leadership, were indicated.

To the question of whether they have participated in any training in foreign countries related to mediation so far, the response was that no one had been given such a training opportunity yet.

The most pivotal events/grievances that the mediators have ever been involved in are listed as follows.

- Marriage/ Family disputes/Extra marital relationships
- Domestic violence
- Sexual harassment
- Thefts
- Unauthorized constructions
- Underage sex
- Animal cruelty
- Housing/shop lease disputes
- Death threats
- Taking/attempting forcible transfer of parental property by children
- Negligence of parents after the acquisition of property from them

- Parents assaulted by children
- Land/property disputes
- Disputes between mother-in-law and daughter-in-law
- Domestic violence perpetrated by husbands
- Teacher-student disputes
- Financial disputes
- Physical attacks
- Child abuse
- Conditions in which children are neglected by their parents
- Access road disputes
- Attempted suicide
- Debt / jewelry transactions
- Property mortgage or pledge/ property forfeitures

When asked whether the mediators frustrated/disappointed after intervening in any dispute / grievance, 139 people have said that they were frustrated or disappointed in various ways. The percentage of that was 18% of the total mediators who responded to this questionnaire. The reasons they have given for their frustration or disappointment were as follows:

- Most disputes are based on trivial matters and the problems are prolonged and likely to be inherited.
- Certain disputes when children complain against parents and being reluctant to come to a settlement, and going to courts.
- Many disputes are caused by the deterioration of social values.
- Experiencing the fact that some people in financial disputes appear to be in dire financial straits and that they have no option but to settle, facing more economic losses.
- Huge family divisions over land disputes.
- Since some of the parties are pontifical, both parties must spend their money and time to go to courts unnecessarily.
- Because of the attitudinal weaknesses of some parties, violent disputes are considered normal and committed repetitively.
- Witnessing the deteriorating of humanity.

- Parents are made helpless and neglected ruthlessly.
- Witnessing selfishness, greed and coercion among people.
- Some suffer severe economic losses due to their ignorance.
- Violation of mediation agreements by the parties.
- Inability to participate in in-situ investigations into disputes.
- Disagreeing to the settlements despite how well all the facts and consequences are explained.
- Using ignorance, power, economic and political power to embarrass another helpless party.
- Use of external influences to prevent the settlement in certain disputes.
- Initially agreeing to a settlement and later disagreeing.
- Banks and informal money lenders using the Mediation Board to recover loans, which they have given at very unreasonable and unfair interest rates.
- Abandoning children who need parental care and making them extremely helpless.
- Concealed (and not directly revealing) adulterous sexual abuse in certain family disputes that surface while attempting to settle (such situations should not be mediated).
- Although the appropriate solutions are apparent, some people go to courts misled by others with selfish motives and wanting to punish the other party.
- Lack of community (bystander) attention when children and wives are subjected to extreme stress and abuse.
- Conflicts due to impatience and excessive anger.
- Going for settlement making a payment to the other party due to fear and reluctance to go to courts (under the influence of external parties too).
- Certain financial institutions causing severe inconvenience to helpless parties.
- Political interference.
- Children assaulting their father/mother.
- Parties who do not reach a settlement at the Mediation Board going to the police and withdrawing their complaints.
- Loss of opportunity for mediation due to undue interference by unrelated third parties.

Perceptions of the Chairpersons of the Special Mediation Boards (Lands) on Training Needs

Following issues were taken in to consideration by the evaluator in preparation of the questionnaire to Chairpersons of the Special Mediation Boards (Lands): Issues relating to the concept of paying compensation to the house holders, unsatisfactory land allocation in housing projects, upon transferring the property-parents being neglected and evicted from their home by their children, , disputes on resettlement projects, forced land acquisition, acquisition and possession of properties by money lenders (informal financial institutions) for a trivial amount of money/fraudulent land acquisition, deforestation, illegal sand mining, illegal gem mining, land and water sources related disputes etc.

In view of that, the Chairman of the Jaffna Land Mediation Board expressed the following views: *“Of the lands in Jaffna, 82% are private lands and 18% are state lands. There are about 800 disputes so far and 104 of them have been settled. Unresolvable dispute certificates have been issued for 165 disputes and referred to the courts. The remaining disputes should be settled. We use strategies such as bargaining and reviewing legal documents, explaining the cost of the judicial process and the benefits of mediation. Another strategy used is to conduct negotiations separately by three mediators. Both parties in certain disputes do not have deeds or legal documents. The use of forged documents by some, disputes between siblings over posthumous parental rights, disputes arising of non-payment of loans and interests due on land mortgage agreements to informal lenders/interest earners are the most common disputes. Many of these disputes are due to borrowing at very high (10% - 12%) interest rates to go abroad. Land disputes in the Jaffna District have been exacerbated by the fact that in some families the elders on their own have to protect the several houses built by their children, who are abroad, from those who try to seize those houses by force, but as those elders are reluctant to go to courts as well. Under this situation, we have experienced instances where there were several forged deeds for one land, including Deeds of Declaration In that case, we face a situation where the real landowner cannot be identified also.”*

The Chairman of the Batticaloa Special Mediation Board (Lands) said, *“Once, we had to settle a dispute over the transfer of Jayabhumis deed, by giving a widow, who was 82-year-old, in marriage to a 74-year-old widower. In that case, the husband of her daughter had threatened to divorce her if the old woman did not hand over the land owned by her to the daughter. Under the current law, that woman had only two options: death or remarrying. At another time a sports club tried to forcibly develop and acquire a plot of land. It was settled by handing over another piece of land owned by that sports club to the oppressed party. Yet another instance, the LTTE handed over 4 acres of land owned by Muslims to Tamil Mahavira families at Rs. 10,000 per acre. Subsequently, we settled it under the Prescription (Special Provisions) Act No. 05 of 2016. According to this Act, from 1 May 1983 to 18 May 2009, no one can acquire or fraudulently purchase land. If anyone has faced such a situation during this period, it is possible to get justice served if the incident was reported before 18 May 2002. Our Mediation Board was established on 1 May 2018. However, as we had studied these laws, we could do a good job.”*

Some lawyers mislead their clients (advising them not to resort to mediation). In those situations, two or three reminder letters are being handed over to the relevant parties through the Grama Sevaka, but some still avoid the Mediation Board, and some say they do not seek mediation on the advice given by their lawyers. There were two fatalities last year over private land disputes, one of which was a young woman.

“We need further training on land dispute settlement. Because these land disputes are very sensitive and sometimes violent. For instance, even during mediation negotiations, they often become violent. Therefore, we have several times emphasized the need for psycho-social counselling training. The primary objective is to direct the community to engage in listening, collaborative discussion, and mediation. Training on

access to persons with various mental conditions as well as further training on Thesavalami Law is needed to protect women's land rights.”

As another special Land Mediation Board Chairman said, there was a need for re-training on land law as well as the Mediation Board Act as there are old and new mediators. For example, in the Trincomalee district, where there were 48 land mediation members, there are now 46 on duty, serving all communities, Sinhalese, Tamils and Muslims. Their levels of knowledge are different from each other. As such, there may be shortcomings in the service or advice received by certain communities or groups. The Chairman said the lack of an authorized officer at the ministry level to monitor the performance of land disputes was also a major shortcoming.

It was mentioned that sometimes Community Mediation Boards are also trying to resolve some of the most crucial land disputes. However, it is important to seek mediation of such disputes through a land settlement board, especially as the Special Land Mediation Boards are made up of a panel of experts, especially lawyers, retired land officers and survey experts. Thus, this problem will be exacerbated in areas where there are no Special Land Mediation Boards. Several persons highlighted the importance of giving training that addresses the prevailing attitudes among Mediation Board officials when considering training needs. It was also emphasized that after proper observation it is necessary to provide a simple understanding of attitude development training and psycho-social counselling. It was stated that, it is important to have a practical understanding of land deeds and survey plans, and it is essential to bring together the officers at the Divisional Secretariats, departmental officers of the departments of Irrigation, Archaeology and Survey as well as the administrative officers and make them aware of the Mediation Board and its functions as well, especially as it facilitates the co-relationship and coordination between those parties and the Mediation Boards. It was explained that the acceptance of the community seeking their services depends on the facilities available in the Mediation Boards and the sustainability of the mediation process is based on that acceptance. For example, especially for women, there is a strong need to provide safe toilet facilities as well as services to protect their self-esteem and confidentiality, and the need to conduct the mediation processes in a proper place that ensures the security of documents as well.

“Even some officials have very little knowledge and understanding of the community mediation process and its importance. Not only the officers in community level but also certain officers at Divisional Secretariates, Governments Departments such as Irrigation Department, Survey Department and other administrative officials are un-aware of the existence of such a mechanism” said another Land Mediation Board Chairman.

Revealing that there are often financial disputes related to land disputes, one Land Mediator said that those are disputes over lending money from informal lenders on land securities and attempts to plunder the land for a very small amount of money by the latter. She said there is a need for training in communication skills, bargaining skills, IT as well as computer literacy and Sinhala-Tamil language.

As per the views of the Chairman of the Anuradhapura Land Mediation Board, a large number of unresolved disputes are due to the limited knowledge of the maximum land limits that can be assigned under the law, regarding boundary disputes and issues related to the issuance of licenses, and because of this ignorance on these restrictions, there are instances where complaints are lodged even against the Divisional Secretary seeking permits for lands that are being occupied or cultivated by certain individuals. As such, the importance of building awareness on government procedures, on the limits on the transfer of residential, agricultural (dry-land/wet-land), irrigated and rain-fed lands, as well as when those limits are exceeded (to be paid within 10 years under the estimated purchase price of the Valuation Department), was emphasized.

There are also land disputes for which licenses cannot be issued at all and most of them are reserved lands belonging to the Wildlife Department, the Forest Department, the Irrigation Department, and the Road

Development Authority. It was pointed out that there are also unresolved disputes over the inability to allot as requested by some people, due to the limitations on the minimum amount of land that can be subdivided as per the Act (e.g. 2 acres can only be divided among a maximum of four people with 1/2 acre each, but more than four people request), and that such vain requests would not have been raised if they were aware of those limits. When lands are being allotted, having to identify the relevant farming category as low-income and high-income categories, and having to recognize the limits for each of those categories, to determine the boundaries of those allotments, is a challenge faced by new mediators. That is why they should be furnished with knowledge of those matters.

Another challenge among land disputes is when there is no mention of inheritance when the licenses / grant papers are being prepared. Therefore, mediators believe that it will be important for MTOs to organize training on the above situations. It was also suggested that funeral societies and rural community societies where there is high participation, could be used for this purpose.

It was also stated that it is very important to have good coordination and cooperation between the MTOs, the Divisional Secretaries, the Inter-Provincial and Provincial Land Commissioners and the Land Officers as well as the Grama Niladharis, in these land dispute mediation efforts.

Comments made by the Divisional Secretaries regarding the training needs

During these discussions, it was stated that despite the training, awareness, and even consensus on the principles and ethics of mediation were made, there are instances where some mediators do not follow these principles. It was also mentioned that communities seek such services out of fear of going to courts as well as the hope of saving their money and time, and that the attitudinal development should be a primary goal to do so with the utmost respect.

One Divisional Secretary said, “Many land disputes also create long-standing family disputes, and mediation boards should work in such a way that one dispute resolved would not create several disputes. Therefore, it is necessary to develop mediation strategies, a sense of impartiality as well as to increase the representation of women in mediation boards. The knowledge appropriate for resolving issues related to women and children is very minimal. Such disputes must be settled very sensitively. At times, caste differences among the parties have created more issues in its efforts to mediate certain cases. There have also been instances where the dispute was between different ethnicities such as Sinhalese, Tamils, and Muslim communities. Therefore, it is very important to offer knowledge on human diversity and pluralism. Lack of protection and lack of shelter homes for children and women to take refuge during a dispute is major issue. Therefore, disputes in relation to women and children should be dealt within a short period. It would be best if there are training programs organized to increase the awareness, knowledge, sensitivity, and commitment of mediators on the above topics. That is why the problems of women and children need to be resolved in a very short period. It would be good if there was a training organized that would increase the proper knowledge, sensitivity and commitment of mediators on those topics.”

It was stated that claiming the ownership of lands without deeds, licenses or any other documents saying they were cultivated or lived for a long time is a serious matter, and difficulty of finding a solution was emphasized as some lands, which had been abandoned for more than 30 years especially during the war despite having deeds, grant papers, Agrarian Service documents, have now become large forests, covered with weeds.

One Divisional Secretary said that the coming forward of those who do not have birth certificates, marriage certificates and identity cards in the land dispute settlements is another problem and that mobile services are being conducted for this purpose as much as possible, to solve those issues. It was also said that the main reason for them to be without birth certificates and marriage certificates was the concealing of and inability to disclose the true facts under legal circumstances due to underage marriages.

Mediators should have at least a simple understanding of Muslim marriage law, common marriage law as well as Kandyan marriage law. There are instances where reaching a proper settlement for the community is hindered due to Sinhala mediators not knowing Tamil or Muslim customary laws, and Muslim and Tamil mediators not knowing Sinhala customary laws.

Most participants in the discussions said that mediators need knowledge in psycho-social counselling as well as information technology and that their family background and qualifications should be considered when recruiting.

Comments from community members, including women and men, local government and civil society representatives, and other regional stakeholders
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The general opinion of many people who contributed to these discussions was that there is very little understanding within the community about mediation, its aims and role and as a result, community confidence in the mediation process is challenging. It was stated that repeated referrals of the same dispute (especially in cases of domestic violence) to the Mediation Board have eroded the acceptance and trust of the mediation process, especially among women, that there are many experiences where there are gender insensitive and biased statements, hints, and behaviours, and that the most common reason for this being one concluding that a certain individual is the victim of the dispute at the first glance, but forgetting that in principle there should not be presumptions or judgments. Many believed this situation would have a direct bearing on the recurrence of the same dispute in mediation boards. One of the options they proposed as a solution to this situation was to further increase the representation of women in mediation boards. Meanwhile, as there are many mediation boards that facilitate mediation at a highly commendable level, some highlighted the need to create opportunities for those negotiators to share their policies and strategies with others.

It was revealed that some strongly believe seeking support from a mediation board is detrimental to their privacy and that it is a challenge to their honour and dignity as well as the reputation of the family, the reasons being certain situations such as the mediators living in the same village as they are or in the neighbouring village, seeking information from people like the Grama Niladhari and doing such things informally, certain people secretly recording the discussions of mediation process using the mobile phones and later on allowing outsiders to listen to them, and also the negative mentality among the community on the privacy of the places where the mediation boards take place (eg. when there are mediation boards are held, many other activities such as Samurdhi, funeral-aid societies, community programmes etc. taking place at the same time), lack of safety as well as sanitation facilities (especially for women).

When asked about training needs, the general opinion of the majority was that there is a strong need for attitudinal development among mediators, including respect for human diversity (men and women, young and old, poor and rich, educated and uneducated, etc.) and empathy. Some said that the community should be made aware of mediation, its aims and functions, and thereby to develop their confidence in and acceptance of the mediation process. It was emphasized that it is extremely important to conduct training that promotes cooperation of local government bodies, other development officers as well as civil society

organizations with mediation boards. There were also mentions of an urgent need for new strategies and methods for providing remote mediation services in the context of the prevailing Covid-19 pandemic.

Recommendations

- One of the key issues that arise regarding future training needs is the importance of regular follow-up/review sessions on the training provided to MTOs (including 5 days training).
- To resolve community, family and financial disputes effectively, it is important to identify properly and respond to conflicts by following the common mediation procedures and using common mediation methods and principles as essential elements.
- Many MTOs have raised the need for knowledge of other languages (Sinhala and Tamil), adult attitude development and planning for solutions.
- MTOs should be made more aware of the Mediation Board Act, domestic violence and gender equality and disciplinary actions.
- A significant number of MTOs expect training and capacity building on new mediation techniques (investigative techniques, communication technology, problem-solving strategies), gender equality, sensitivity to human diversity, pluralism, training and training support planning and reporting.
- Training/community awareness should be planned to strengthen community recognition and trust in the community mediation process.
- Many mediators involved in settling land disputes, and MTOs, seek knowledge of new and amended laws, rules and regulations, leasehold lands, freehold lands as well as the limits of government land transfer.
- Training on Land Law, Land Dispute Resolution and Prescription Act (Special Provisions) is needed to resolve land disputes effectively and efficiently.
- Raising awareness on land dispute mediation and increasing the acceptance of the mediation process among other relevant officials and the community through building awareness on the mediation process, the actions to be taken there as well as strategies to be followed, among Irrigation, Survey, Wildlife, Forest Conservation, and Archaeological departments, Road Development Authority as well as Civil Society Organizations and Community is necessary. It is very important to include it in future training plans.

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Annex-1

Needs Assessment Questionnaire - 1 – Mediator Training Officers

My name is Indika Dayarathna and with the technical guidance of The Asia Foundation (TAF) I am conducting a Training Needs Assessment for the Project of Supporting Effective Dispute Resolution in Sri Lanka (SEDR) on technical skills and capacity building needed for an effective mediation process in Sri Lanka. We would appreciate if you could please spend some of your valuable time to answer a few questions on this.

I hereby assure you that your views expressed will be treated with utmost confidentiality

Questionnaire Serial No:	
Date:	
Start Time:	
Name of the Respondent:	
District:	

1. Please rate following factors according to how you feel about your skill to job level.
(Highly unprepared) 1 - - 2 - - 3 - - 4 - - 5 (Highly prepared)

1.1 Interpersonal communication

1	2	3	4	5
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1.2 Usage of Information and Communication Technology (e-mail/online communication)

1	2	3	4	5
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1.3 Public speaking

1	2	3	4	5
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1.4 Team management (Leadership)

1	2	3	4	5
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1.5 Report writing

1	2	3	4	5
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2. How do you rate about your knowledge on human diversity and dignity?

1	2	3	4	5
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3. Do you feel that you have good enough knowledge to handle your current scope of work?

Not at all	
Slightly	
Moderately	
Very	
Extremely	

4. Are you given enough mentoring and guidance for your current work?

Not at all	
Slightly	
Moderately	
Very	
Extremely	

5. Do you have a self-performance evaluation methodology?

Yes	
No	

6. How often do you consult an external source (community, other experts, Internet) to help with your work?

Never	
Very randomly	
Weekly	
Monthly	
Frequently	

7. Do you feel that more training is needed for you to fulfill the expectation of your job task?

Not at all	
Slightly	
Moderately	
Very	
Extremely	

8. Would you like to attend outside residential training workshops held by the institution or any other organization?

Yes	
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No	
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. If your answer is “No”, Please explain the reason

Personal – Family issues, Health concerns, Economy related matters	
Professional – Work load, Lack of time	
Structural – lack of transport,	
Other: (describe:)	

9. How long would you like training workshops to last?

A day	
2 - 3 days	
4 - 5 days	
A week	
More than a week	

10. Are there skills that you feel need to be taught by your institution or any other organization?

Yes	
No	

If “Yes”, What are those skills? Please explain

.....

.....

.....

.....

11. Do you update a calendar on training workshops and other learning events?

Yes	
No	

12. Please! write down two things that you hope to improve in each of the following areas to do your job better

Work/job related skills	1.
	2.
	1.

Work/job related knowledge	2.
Work/job related strengths	1.
	2.
Work/job related opportunities	1.
	2.
Work/job related resources	1.
	2.
Other	

13. Please! write down two things that you face as challenges and / or threats that affect the development of your knowledge, skills and other abilities professionally?

Challenges	1.
	2.
Threats	1.
	2.

14. What skills have you developed and knowledge gained in the course of your work in community mediation up to now? (Please! provide information of the workshops, courses, professional experience that enable you to develop your knowledge and skills)

Training/Workshop/Course/ Professional experience	Description
1.	
2.	
3.	
4.	

5.	
6.	

15. Have you been attended any job related overseas training during your work up to now?

Yes	
No	

If “Yes”, Please mention the theme of training/workshop/course/professional experience

.....

.....

.....

.....

16. Please! rate following training themes according to how you think they are important for your job/task

- Leadership and team building

I have no idea on this theme to answer	
Not important	
Somewhat important	
Very important	

- Innovative mediation techniques (Investigation techniques, Communication techniques, Control and support techniques, Problem-solving techniques)

I have no idea on this theme to answer	
Not important	
Somewhat important	
Very important	

- Gender and gender equality

I have no idea on this theme to answer	
Not important	
Somewhat important	
Very important	

- Human diversity and dignity

I have no idea on this theme to answer	
Not important	
Somewhat important	
Very important	

- Pluralism (Cultural, Religious and Political)

I have no idea on this theme to answer	
Not important	
Somewhat important	
Very important	

- Proposal writing

I have no idea on this theme to answer	
Not important	
Somewhat important	
Very important	

- Report writing

I have no idea on this theme to answer	
Not important	
Somewhat important	
Very important	

Needs Assessment Questionnaire - 2 – Mediation Board Members

My name is Indika Dayarathna and with the technical guidance of The Asia Foundation (TAF) I am conducting a Training Needs Assessment for the Project of Supporting Effective Dispute Resolution in Sri Lanka (SEDR) on technical skills and capacity building needed for an effective mediation process in Sri Lanka. We would appreciate if you could please spend some of your valuable time to answer a few questions on this.

I hereby assure you that your views expressed will be treated with utmost confidentiality

Questionnaire Serial No:	
Date:	
Start Time:	
Name of the Respondent:	
District:	
Mediation board:	

1. Please! rate following factors according to how you feel about level of your knowledge, skills and capacities (Highly unprepared) 1 - 2 - 3 - 4 - 5 (Highly prepared)

1.1 Interpersonal communication

1	2	3	4	5
---	---	---	---	---

1.2 Usage of Information and Communication Technology (e-mail/online communication)

1	2	3	4	5
---	---	---	---	---

1.3 Public speaking

1	2	3	4	5
---	---	---	---	---

1.4 Positive thinking

1	2	3	4	5
---	---	---	---	---

1.5 Gender and equality

1	2	3	4	5
---	---	---	---	---

1.6 Report writing

1	2	3	4	5
---	---	---	---	---

1.7 How do you rate about your knowledge on human diversity and dignity?

1	2	3	4	5
---	---	---	---	---

2. Are you given enough mentoring and guidance by Mediator Training Officers for your mediation work?

Not at all	
Slightly	
Moderately	
Very	
Extremely	

3. Do you have a self-performance evaluation methodology?

Yes	
No	

4. What types of guidance you receive from Mediator Training Officers? Please! Explain

.....

.....

.....

.....

.....

5. How often do you consult Mediator Training Officers?

Never	
Very randomly	
Weekly	
Monthly	
Frequently	

6. Do you consult any other external experts for your guidance?

Yes	
No	

7. If “Yes” from whom and what types of guidance?

External expert	Type of guidance

8. What type training/knowledge you expect from Mediation Training Officers for you to fulfill the expectation of your mediation work? Please! Explain

.....
.....
.....

9. Would you like to attend outside residential training workshops held by the institution/MTOs/MCB?

Yes	
No	

10. If your answer is “No”, Please explain the reason

Personal – Family issues, Health concerns, Economy related matters	
Professional – Workload, Lack of time	
Structural – lack of transport,	
Other: (describe:)	

11. How long would you like training workshops to last?

A day	
2 - 3 days	
4 - 5 days	
A week	
More than a week	

12. Please write down two things that you hope to improve in each of the following areas to do your job better

Work/job related skills	1.
	2.
Work/job related knowledge	1.
	2.
Work/job related strengths	1.
	2.
Work/job related opportunities	1.
	2.
Work/job related resources	1.
	2.
Other	

13. Please write down two things that you face as challenges and / or threats that affect the development of your knowledge, skills and other abilities professionally?

Challenges	1.
	2.
Threats	1.
	2.

14. What skills have you developed and knowledge gained in the course of your work in community mediation up to now? (Please! provide information of the workshops, courses, professional experience that enable you to develop your knowledge and skills)

Theme of Training/Workshop/Course/ Professional experience	By whom/Institution
7.	
8.	
9.	
10.	

15. Have you been attended any job related overseas training during your work up to now?

Yes	
No	

16. If “Yes”, Please mention the theme of training/workshop/course/professional experience

.....

.....

.....

17. Please Mention 3 most critical incidences/grievances you mediated so far (Please mention only the nature of the dispute/issue in one sentence)

.....

.....

18. Have you been frustrated after mediating any dispute/grievance? if yes, Why? Please explain

.....

.....

.....

Needs Assessment Questionnaire - 3 – Land Specific Mediation Board Members

Questionnaire Serial No:	
Date:	
Start Time:	
Name of the Respondent:	
District:	
Land Specific Mediation board:	

1. What are the major land disputes that you have mediated/heard during your work period?

(The Assessor will raise this question with land / compensation issues related to the head of household concept, unsatisfactory land allocation and housing projects, neglect and eviction of parents by children after transferring their lands, resettlement projects, forceful land possession, taking into account the very low cost / fraudulent acquisition of land by informal moneylenders, deforestation, illegal sand mining, illegal gem mining, land disputes associate with water sources, etc.)

.....

2. What type of training you have had on mediating land specific issues?

.....

3. What are the training needs that you expect to mediate land specific disputes in your respective area?

.....

4. Do you think that you have good enough knowledge on legal aspects of land issues?

5. If “Yes”, what type of laws?

6. Assessor’s observations;

Guiding Questions for Training Needs Assessment – 4

Professionals of Ministry of Justice

To be completed by assessor:

Name:	
Title:	
Department/Division:	
Date:	

Section 1

How do you think of the importance of a training needs assessment for an effective mediation process in Sri Lanka?

1. Ministry Level
2. Mediation Board Commission Level
3. Mediation Board Level

Section 2

What skills do you suggest to enhance effectiveness and efficiency of mediation process?

Section 3

What training you suppose MTOs/MBMs need to take to develop and/or acquire the required skills set out in Section 2?

Section 4

What is the future plan of MOJ to provide special training/capacity building of MTOs/MBMs

Any other suggestions/recommendations?

Guiding Questions for Training Needs Assessment – 5

Professionals of Mediation Board Commission

To be completed by assessor:

Name:	
Title:	
Department/Division:	
Date:	

Section 1

How do you think of the importance of a training needs assessment for an effective mediation process in Sri Lanka?

1. Mediation Board Commission Level
2. Mediation Board Level

Section 2

Do you see any knowledge/skill or capacity gap of MTOs/MBMs? Please explain

What skills do you suggest to enhance effectiveness and efficiency of mediation process?

Section 3

What training you suppose MTOs/MBMs need to take to develop and/or acquire the required skills set out in Section 2?

Section 4

What is the future plan of MBC to provide special training/capacity building of MTOs/MBMs

Any other suggestions/recommendations?

A Brief Introduction to the Consultant

Indika Dayaratne - Independent Adviser (Gender Equality and the Prevention of Sexual and Gender-Based Violence)

Indika Dayaratne is an experienced trainer, project evaluator with experience in developing training modules dedicated on raising awareness on gender equality, prevention of gender-based violence and encouraging male participation in such prevention efforts. He has developed training modules, gender-related manuals and guidelines for “Women in Need” (WIN), Mediation Trainers, the Sri Lanka Police as well as the Child and Women Bureau of Sri Lanka Police, and has worked as a consultant for the efforts of Sri Lankan Office of the Foundation on land dispute resolution process (women's land disputes) and gender mainstreaming, as well as to the Asian Development Bank on a project on increasing women's participation in tertiary and vocational training in Sri Lanka. He has carried out a gender evaluation for a project of 'SANASA International', on the establishment of an entrepreneurial financial centre in Sri Lanka funded by the Global Affairs Canada and has facilitated the initial survey in the Western Province for formulating the sub-national governance policy initiated by the Foundation and also was a direct contributor and facilitator for the Western Provincial component of the community survey launched by the Foundation under the theme of 'Access to Justice'.

The expertise of Mr. Dayaratne, who provided technical support to the pilot project for the establishment of the multi-sectoral coordinating mechanism for addressing sexual and gender violence launched under the United Nations Population Fund, is in ensuring access to gender equality and justice through the development of institutional values and sensitizing people for such. He excels in making attitudinal changes in community groups who are otherwise difficult to be persuaded and sensitized and have a stereo-typed mentality. He acts as a role model for leadership skills with his background as an independent consultant, a trainer and project evaluator for various local and international non-governmental organizations. He works for community-based organizations for gender and social equality policy development, local and international non-governmental organizations, and institutions in the private sector as well as for individuals, encouraging communities and institutions in sensitizing gender and in creating a violence-free environment at every level, with utmost commitment.