

**COMMERCIAL MEDIATION CENTRE OF SRI LANKA**  
**TRAINING OF MEDIATORS TO BE ACCREDITED TO THE CENTRE**

**June 12<sup>th</sup> and 13<sup>th</sup>, and July 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup>, 2017**

The latest addition to the dispute resolution landscape in Sri Lanka is the Commercial Mediation Centre of Sri Lanka. The Centre is established in terms of the Commercial Mediation Centre of Sri Lanka Act, No. 44 of 2000 as amended by Act No. 35 of 2005 and was in existence for a brief period from 2001 but terminated its services thereafter. The Board of Management of the Centre has been re-appointed by the Minister of Justice with effect from January 2017 and mandated with the task of re-activating the Centre to provide mediation services.

**What is Mediation?**

**Mediation** is a dispute resolution process which is an alternative to litigation.

**Litigation** is a process where opposing parties to a dispute (the disputants) assume positions to enforce or defend a legal right in a court of law presided over by a Judge who gives a verdict on the rights and liabilities of the disputants.

**Alternative Dispute Resolution** processes, often referred to as "ADR" are dispute resolution processes that are alternatives to litigation and which provide for the resolution of disputes outside of courts of law. The most commonly known ADR methods are Arbitration, Mediation and Conciliation.

In Sri Lanka, the two ADR mechanisms which are recognized by law are **Arbitration** and **Mediation**. **Arbitration** is used largely for the resolution of commercial disputes and is governed by the Arbitration Act, No. 11 of 1995. There are Centres that have been established, which facilitate the conduct of Arbitrations in compliance with the Rules of those Centres.

**Mediation** is a non-adversarial process which is managed by a third Party (the Mediator) who facilitates the process and assists the disputing parties to reach a settlement which is acceptable to them. Mediators do not intervene proactively in the dispute resolution process to take sides, offer judgments or give directions to the parties. This is the essence of the difference between Mediation and other ADR processes.

The settlement of disputes through Mediation is conducted in compliance with certain principles. These principles are specific to the *Mediation* process, as opposed to other dispute resolution processes such as Arbitration and Conciliation. It is very important that Mediators are well trained in the Mediation principles and the process. Those who have the requisite training, the aptitude and skill to use the principles and processes effectively, can be successful Mediators.

**Accreditation of Mediators to the CMCSL**

The CMCSL wishes to empanel skilled Mediators who will be available to provide Mediation services to settle commercial disputes in terms of the Rules of the Centre. The attributes that the Centre looks for in a Mediator are the following - knowledge and skills to manage the Mediation process to settle commercial disputes, seniority in the chosen profession/field of work, integrity.

**Training**

Since the required skill is specific to commercial dispute resolution, the Centre has arranged for a five day training programme to be provided by the Singapore Mediation Centre on the dates set out above. The Board of Management of the Centre will select persons to undergo training from among applicants based on the above criteria. After the training, those who are certified by the Trainers to have satisfactorily completed the training programme, will be eligible to be accredited to the Centre.

While the cost of training per person is approximately Rs. 200,000, a subsidised course fee of Rs. 50,000 will be levied from persons who enter into an agreement with the Centre to serve exclusively as Mediators of the Centre. Interested persons may complete the annexed application form and forward same to reach the Centre by 31<sup>st</sup> May, 2017.

**COMMERCIAL MEDIATION CENTRE OF SRI LANKA**  
**Application for five (5) day training on Commercial Mediation**  
**by the Singapore Mediation Centre**  
**June 12,13 2017 and July 3, 4, 5, 2017, Colombo**

[Please complete and fax to 2449352 by 31<sup>st</sup> May , 2017]

**Name** : \_\_\_\_\_  
Last First Middle

**Postal Address** : \_\_\_\_\_  
\_\_\_\_\_

**Age** :      
40-50 50-60 60-70 Above 70

**Contact Information** : \_\_\_\_\_  
Home Telephone Mobile Telephone Email

**Highest Educational Qualification** : \_\_\_\_\_

**Name of Company (if employed)** : \_\_\_\_\_

**Current Designation** : \_\_\_\_\_

**Last position held (if retired)** : \_\_\_\_\_

**Previous Experiences in Dispute Resolution:** *(Please attach separate sheets)*

**Experience in the Commercial Field** : *(Please attach separate sheets)*

If selected for the training I will pay the fee of Rs. 25,000 and enter into an agreement to serve exclusively as an accredited Mediator at the Centre if I am certified as eligible for accreditation after the Training programme.

I confirm that I am available and will attend all five days of the programme.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date