



AN ANALYSIS OF PUBLIC PERCEPTIONS ON THE EFFECTIVENESS OF MEDIATION BOARDS IN SRI LANKA AS A MECHANISM FOR CONFLICT RESOLUTION

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ABSTRACT

This study investigates public perceptions regarding the effectiveness of Mediation Boards in resolving disputes within the Colombo District of Sri Lanka. Although these boards are intended to alleviate court congestion and provide a cost-effective alternative to formal litigation, significant doubts persist regarding their actual efficacy. Employing a mixed-methods approach, the research integrates quantitative data from 200 survey respondents with qualitative insights from 15 semi-structured interviews. The findings reveal a marked disparity between the institutional objectives of the mediation system and public experience: while participants reported high levels of "voice" or engagement, perceptions of neutrality and trust remained notably low. Furthermore, 88% of respondents engaged in mediation only due to mandatory referrals, suggesting a reliance on legal compulsion rather than voluntary trust in the process. With only 35% of disputes resolved within a six-month timeframe and the majority of cases eventually reverting to the court system, the study highlights a critical need for structural improvements to enhance the perceived impartiality and functional efficiency of these boards.

Keywords: Mediation Boards, Sri Lanka, Alternative Dispute Resolution, Procedural Justice, Public Perception, Conflict Resolution, Access to Justice

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1. Introduction

In the landscape of modern jurisprudence, the traditional adversarial legal system is increasingly being supplemented and, in some cases, bypassed by Alternative Dispute Resolution (ADR) mechanisms. (Gunawardene, 2012; Selvakumaran & Edrisinha, 1991) In Sri Lanka, the Mediation Board Commission, established under the Mediation Boards Act No. 72 of 1988, stands as a cornerstone of community-based justice (Ministry of Justice, 2026). Designed to alleviate the burden on a congested court system and provide a culturally resonant, amicable path to conflict resolution, Mediation Boards (or *Samatha Mandalaya*) have become an integral part of the socio-legal fabric (Wijayatilake, 2004; Asian Journal of Law and Society, 2016).

However, the transition from a formal courtroom to a community-led mediation table involves more than just a change in venue; it requires a profound shift in public trust and perception. This research explores the effectiveness of these boards through the lens of the citizenry they serve, examining whether they are viewed as a genuine gateway to justice or merely a bureaucratic hurdle.

Sri Lanka's history with mediation is not a modern invention but a revival of ancient traditions. Historically, village elders and the *Gamsabhawa* (Village Councils) settled disputes through consensus and restorative justice long before the imposition of the Roman-Dutch and English law systems (Gunawardana, 2012; Tambiah, 1977). The formalization of this practice in 1988 was a strategic response to the "laws's delays" a chronic issue where litigation in Sri Lankan courts could span decades (Marga Institute, 2004; SLJM, 2023).

Currently, there are over 329 Mediation Boards operating across the island (Ministry of Justice, 2026). These boards are empowered to handle civil disputes (such as land issues and debt recovery) and certain compoundable criminal offenses. The process is facilitated by mediators who are often respected community members, trained not to deliver a "verdict," but to guide parties toward a mutually acceptable settlement (Ministry of Justice, 2026; SMU, 2018).

The relevance of this study is underscored by the current economic and social climate of Sri Lanka. In the wake of civil unrest and economic volatility, the frequency of community-level disputes has risen (Supreme Court Observer, 2026). Understanding whether the public perceives Mediation Boards as fair, accessible, and effective is crucial for maintaining social harmony and ensuring the rule of law at the grassroots level.

A significant portion of the literature focuses on the legislative evolution of the system. Scholars like Dr. Mario Gomez have documented how the Mediation Boards Act No. 72

of 1988 transitioned from traditional, informal *Gamsabhawa* (Village Councils) to a formalized statutory mechanism (Gomez, 2002). Research in this area often analyzes the "hybrid" nature of the boards where state-sanctioned authority meets community-based interest-based mediation (Millar, 2026). Discussions frequently center on the mandatory jurisdiction of the boards, where certain civil and minor criminal disputes must be referred to mediation before a court can hear the case, highlighting the state's intent to use mediation as a "gatekeeper" for the formal judiciary (Abeyratne, 2012; LawNet, 2001).

Another dominant theme in the literature is the quantitative evaluation of the boards' success, often referred to as "clearance rates." Studies indicate that between 1990 and 2024, the boards handled millions of disputes with an average settlement rate ranging between 60% and 70% (Millar, 2026; Wijayatilake, 2004). These studies emphasize that the system is significantly faster and more cost-effective than litigation, with the average case being wrapped up in just 37 days, compared to the years-long "law's delays" prevalent in the formal court system (Pathfinders, 2026). This body of work frames the effectiveness of the boards primarily through the lens of judicial decongestion and resource saving for the state. More recent critical scholarship has begun to explore the internal "power dynamics" of the mediation process. Researchers have questioned whether the composition of the boards often dominated by older, influential male community members inadvertently perpetuates existing social hierarchies (Jayasundere & Valters, 2014). For example, studies on gender dynamics suggest that women may face social barriers in mediation, where mediators may prioritize "social harmony" over individual rights, potentially pressuring marginalized parties into inequitable settlements (Jayasundere, 2016). This literature suggests that "neutrality" in a village context is often complicated by the mediators' own cultural interpretations of morality and social order.

While the "mechanics" and "efficiency" of Sri Lankan mediation are well-documented through institutional data, there remains a distinct lack of empirical research regarding public perception. Most existing studies rely on top-down data provided by the Mediation Board Commission or the Ministry of Justice, which focuses on settlement numbers rather than the subjective quality of justice experienced by the disputants (Millar, 2026). There is a documented "perception gap" where high official settlement rates do not always correlate with long-term public satisfaction or the perceived fairness of the outcome (JSRP, 2016). Furthermore, there is a lack of data on how voluntary usage differs from mandatory referral; current research suggests many citizens only use the boards because they are legally required to do so by the police or courts, rather than out of a genuine belief in the system's effectiveness (People's Perceptions Sociological Enquiry, 2016). This research aims to fill this void by analyzing how factors like mediator neutrality, procedural transparency, and the actual enforceability of settlements influence the public's trust in the system as a primary mechanism for conflict resolution.

1.2. Research Problem

The primary challenge facing the Sri Lankan legal landscape is a significant disconnect between the institutional goals of the state and the subjective expectations of the public. While the government promotes Mediation Boards (Samatha Mandalaya) as a strategic tool to reduce the massive backlog in formal courts, the citizenry often views these boards through a lens of skepticism. Because mediation is a mandatory legal prerequisite for many disputes, it is frequently perceived as a "second class" form of justice that lacks the authority and rigor of a traditional courtroom.

This perception leads to a critical breakdown in the conflict resolution process. When public trust is low, participants may enter into "superficial settlements" agreeing to terms simply to exit the mandatory process rather than to genuinely resolve the underlying conflict. This lack of faith creates a "revolving-door" effect, where disputes are temporarily silenced only to resurface months later, eventually returning to the formal judicial system. Consequently, if the public does not perceive the mediation process as reliable or fair, these boards cease to be a mechanism for justice and instead become a bureaucratic hurdle that delays, rather than provides, a final resolution.

1.3. Research Objectives

The primary aim of this study is to determine whether the public views Mediation Boards as a successful way to resolve conflicts or merely as a mandatory delay in the legal process. To achieve this, the study first focuses on measuring how much the average citizen actually knows about how these boards function. It then dives deeper into the issue of trust, specifically investigating whether people believe the mediators are truly fair and unbiased. A major part of this research is to understand why some settlements fail looking at the reasons why people might sign an agreement at the mediation table but ignore it later. By comparing the experiences of different users, the study seeks to find out if the "mandatory" nature of mediation is actually hurting its reputation. Ultimately, the goal is to use these findings to suggest ways the system can be improved so that Sri Lankans feel confident that they are receiving "real" justice without having to step into a formal courtroom.

This research is significant because it shifts the focus from output (number of cases) to outcome (social peace and justice). By amplifying the voice of the public, the findings will provide the Mediation Board Commission and the Ministry of Justice with actionable insights to refine mediator training and public outreach strategies. Ultimately, this study contributes to the broader discourse on how developing nations can

successfully integrate traditional values with modern legal requirements to create a more equitable justice system.

2. Literature Review

The literature on the effectiveness of Mediation Boards in Sri Lanka highlights a transition from indigenous traditions to a robust, state-sanctioned framework designed to democratize access to justice. According to Millar (2026) and Jayasundere (2025), the establishment of the Mediation Boards Act No. 72 of 1988 was a pivotal response to the gridlock of the formal court system, creating a "pro-poor" mechanism where mediation is mandatory for minor civil and criminal disputes.

This statutory foundation has fostered a unique hybrid identity for the boards; they are perceived not merely as legal entities but as community-centric spaces where language accessibility offering services in both Sinhala and Tamil removes significant barriers for the average citizen ("Community Mediation Boards," n.d.).

The effectiveness of these boards is further underscored by high levels of public trust and impressive settlement statistics. Research by Millar (2025) indicates that the public largely views the system as efficient, with an average resolution time of just 37 days compared to years in the formal judiciary. This efficiency, coupled with near-zero costs, has resulted in an 83% satisfaction rate among users (Millar et al., 2026). Furthermore, Jayasundere (2025) notes that the "interest-based" nature of these boards allows for more sustainable social harmony than the adversarial "winner-takes-all" approach of the courts. By handling nearly 250,000 cases annually, the boards act as a vital pressure valve for the national justice system (Millar, 2025).

However, current literature also identifies evolving challenges that shape public perception. There is a growing concern regarding the "commercialization" of disputes, where boards are increasingly utilized for debt recovery rather than social conflict resolution, potentially altering the perceived spirit of the institution (Jayasundere, 2025). Additionally, scholars point to a persistent gender imbalance within the mediator pool and a lack of modern infrastructure as areas requiring urgent reform to maintain the system's long-term legitimacy (Millar et al., 2026). Despite these critiques, the prevailing consensus in recent studies is that the Community Mediation Board system remains the most accessible and culturally relevant mechanism for conflict resolution in contemporary Sri Lanka ("Publications," 2025).

The Mediation Boards is their ability to handle massive volumes of disputes that would otherwise paralyze the formal courts. Data indicates that since the 1988 Act, Mediation Boards have handled over several million disputes with an average settlement rate often

exceeding 65% to 70% (Ministry of Justice, 2011). Recent evaluations by organizations like Pathfinders highlight that mediation is not only faster but costs the state significantly less than a traditional trial (Millar, 2026). These "clearance rates" are often cited by the government as the primary metric of the system's effectiveness.

While settlement rates are high, empirical research indicates that the 'mandatory' aspect of these boards poses a special set of challenges. Research carried out by the Justice and Security Research Programme (JSRP) found that disputants are not engaging in mediation on account of their faith in the process, but on account of a lack of legal recourse to go to court in the absence of a 'Certificate of Non-Settlement' (JSRP, 2016). This creates a 'compliance but not commitment' situation. In rural areas, there are reports that these boards are merely a bureaucratic 'waiting room,' where disputants simply wait for the process to fail so that they can go to a higher court (Abeyratne, 2012).

Field studies often reveal non-neutrality with respect to social status. The empirical evidence, for example, indicates that mediators, who are often retired principals, government officers, or local elites, tend to show unintentional biases towards the party with better social connections (Jayasundere & Valters, 2014). To illustrate, with respect to gender-based disputes, it has been found that mediators often coerce female disputants to "forgive and forget" for the sake of village harmony, even if it involves compromising their legal rights (Jayasundere, 2016). This is an empirical refutation of the "Neutrality" component of Procedural Justice theory.

One area where a gap in the research was identified was the "lack of long-term follow-up." While a case might be marked as "Settled" in the official records, there was a lack of information on whether the case remained settled. Interviews with villagers indicated a high rate of "recidivism" - the same actors returning to the police or the court on the same case within a year (Peoples Perceptions Sociological Enquiry, 2016). This would indicate that while "Resolution" (of the case) was occurring, "Transformation" (of the relationship) was not.

2.1. Theoretical Foundation

Theoretical foundation aids in the researcher's clear comprehension and description of the research problem. In this regard, theories assist in developing an understanding of the research problem. For example, theories assist in going beyond the obvious and exploring the real cause of the research problem (Creswell, John W., 2014). As well as it assists in developing the research approach. In this case, the selection of a theoretical framework aids in the selection of the research approach. As noted by Saunders, Mark et al. (2019), theory provides a blueprint for ensuring consistency in the research questions, approach, and analysis. Furthermore, a theoretical base enhances the credibility and

academic rigor of research. Studies grounded in theory are more systematic and reliable, making them easier for other scholars to evaluate and replicate (Yin, Robert K., 2018). This connection to established knowledge strengthens the validity of the research.

Procedural Justice Theory is one of the most important theories in the fields of Criminology, Social Psychology, and Law. This theory focuses on how people view the fairness of decision-making processes. According to Procedural Justice Theory, people are more focused on the fairness of procedures used by authorities rather than the outcome of these procedures. This means that people are more inclined to follow and respect unfavorable decisions if they feel that the procedures used to make these decisions were fair. This theory provided a new perspective compared to traditional views on compliance based on deterrence and punishment.

The roots of Procedural Justice Theory can be traced back to the study done by John Thibaut and Laurens Walker, in which they attempted to study the concept of fairness in terms of resolving disputes. Later, the theory was advanced and popularized by Tom R. Tyler, in which it was found that the perception of fairness has a significant impact on the authority and legitimacy of the authorities in the country. It was found that when people view authorities as legitimate, they are more likely to comply with the laws voluntarily instead of being forced by fear of punishment. This concept of legitimacy is an important part of the theory.

At its core, Procedural Justice Theory is built upon four key principles: voice, neutrality, respect, and trustworthiness. The theory is also supported by some important psychological concepts that help in understanding the importance of procedural fairness. For example, the group value model of procedural fairness was advanced by Tom R. Tyler and E. Allan Lind. According to the model, fair treatment is seen as a sign of inclusion in the social group in which one is involved. The importance of inclusion in the social group is seen as being very significant by individuals. Fairness, heuristic theory argues that fairness is used as a cognitive shortcut in determining the extent to which one can trust the authority in situations where there is uncertainty.

Procedural Justice Theory has numerous applications in different fields. In the criminal justice system, procedural justice is important because the criminal justice process can build public trust by ensuring that the public is treated justly by the police and the criminal courts. In the organizational context, procedural justice is important because, in organizations, procedural justice is important in ensuring that employees accept decisions regarding promotions, evaluations, or disciplinary actions. In governance, procedural justice is important because, in governance, procedural justice is important in enhancing democratic legitimacy. In the context of conflict resolution and mediation, procedural

justice plays a critical role in ensuring that all the parties involved in the conflict feel heard, treated well, and treated justly.

However, there are limitations to the theory. Perceptions of fairness can be different across cultures. This means that while a particular situation may be seen as fair in one culture or society, it may be seen as unfair in another culture or society. Further, while fairness in procedures is important, outcome cannot be entirely ignored, especially in situations where there is significant inequality or injustice. There are limitations to the theory as well. Despite these limitations, the theory is highly significant.

When it comes to situations like the Sri Lankan Civil War and the period known as The Troubles in Northern Ireland, Procedural Justice Theory has a great deal to say about the success and failure of mediation processes. For instance, a lack of inclusive processes can lead to a worsening of conflict, while inclusive processes can help bring greater legitimacy to a conflict resolution. Procedural Justice Theory helps bring focus back to the fact that processes must always be fair for trust and social order to be achieved, making it an important tool for both study and application.

Developed primarily by Tom R. Tyler, this theory suggests that people's willingness to accept legal outcomes depends more on the fairness of the process than the actual result. Procedural Justice is the idea that the process used to reach a decision is just as important if not more important than the decision itself. This theory explains why a person might walk away from a "successful" settlement feeling angry and refusing to follow the agreement.

In traditional legal thinking assume that, people only care about winning. However, Tyler's research proved that even if people "lose" (e.g., they must pay a fine or give up land), they will still respect the system if they believe the process was handled correctly. If the process feels unfair, even a "win" can leave a person feeling cynical about the law. If the Mediation Boards focus too much on Efficiency (speed and numbers) and not enough on Procedural Justice (Voice and Respect), then the settlements will be "weak." People will sign the paper because they are forced to, but because they didn't feel "heard," they won't follow the agreement. This leads to the revolving-door dispute where the conflict never actually ends.

Procedural Justice Theory, as developed by Tom R. Tyler, shifts the focus of legal effectiveness from "distributive results" (who gets what) to "procedural fairness" (how people are treated). The theory suggests that the legitimacy of an institution like the Mediation Board is built on four pillars: voice, neutrality, respect, and trustworthy motives. For the Sri Lankan context, this theory is essential because it explains the gap between high settlement rates and low public satisfaction. If the mediation process denies

participants a meaningful "voice" or is perceived as biased toward local elites, the resulting settlements will lack moral authority, regardless of their legal standing.

Social Exchange Theory is an essential theory in both Social Sciences and Social Psychology, as it helps to understand social relationships through cost-benefit analysis. Social Exchange Theory states that humans participate in social relationships and interactions based on an evaluation of the potential costs and rewards. The main idea is to seek maximum rewards and minimum costs. Thus, it is clear from Social Exchange Theory that human interactions are based on exchange, where humans seek to attain something of value.

The history of Social Exchange Theory can be traced back to George C. Homans, who was the first to suggest that social behavior can be explained in terms of reward and reinforcement. The theory was further developed by Peter Blau, who extended it to include complex social structures. Richard Emerson also contributed to the theory, focusing on dependence and power in social exchange. The theory was further extended to include an even broader approach to social interactions, how they are created, how they are sustained, and how they are terminated.

At its core, Social Exchange Theory is based on several key concepts. Such as Rewards, Costs, Comparison and Rewards refer to the benefits individuals receive from a relationship, such as support, recognition, or resources, Costs include effort, time, emotional strain, or conflict. Individuals assess relationships through a comparison of these rewards and costs, often guided by a "profit" principle, where they seek to ensure that rewards outweigh costs and Comparison level, which reflects an individual's expectations based on past experiences and social norms, and the comparison level for alternatives, which evaluates whether better options exist outside the current relationship accordingly. (Myers & Twenge, 2019; Turner, 2017).

Social Exchange Theory has been used in many different contexts. In relationships between two or more people, it can be used to understand friendship development, romantic relationships, and social connections. In organizational relationships, it can be used to understand employee motivation and commitment. In governance relationships, it can be used to understand cooperation between people when they feel that their contributions are appreciated. Finally, in conflict resolution or mediation relationships, the theory is highly relevant as people will often assess whether or not the benefits received are worth the cost in terms of reaching a resolution or cooperating.

Despite its wide applicability, there have been a number of criticisms leveled against Social Exchange Theory and for instance, there have been suggestions that the theory may be oversimplifying human behavior as a whole since it focuses on rational self-

interest alone. There have also been suggestions that all social interactions cannot be quantified in terms of cost and reward. There are also suggestions that power can play a role in distorting equality in social exchanges. However, the theory is still a significant one for understanding social relationships as a whole.

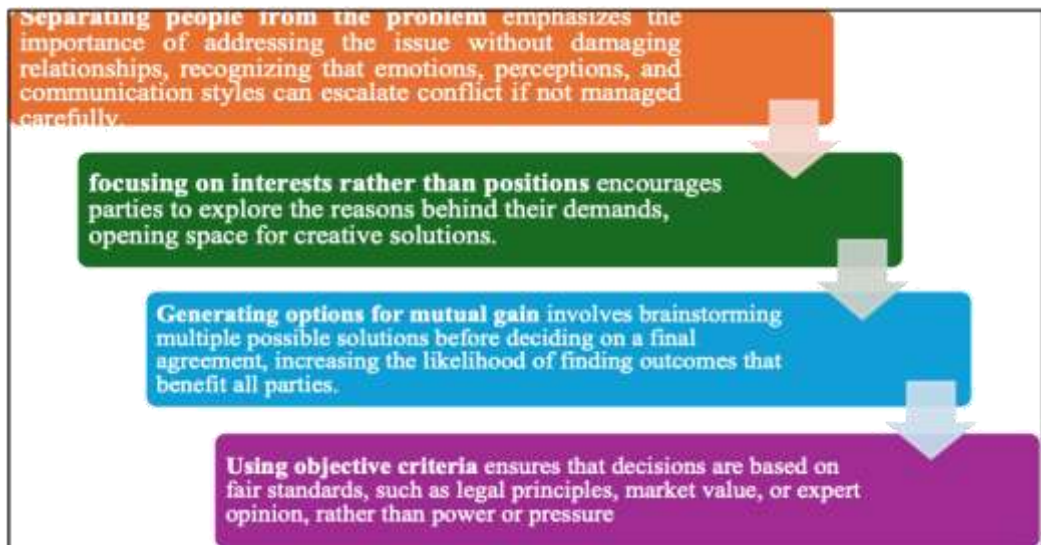
Social Exchange Theory emphasizes that social life is shaped by ongoing exchanges in which individuals continuously evaluate fairness, reciprocity, and value. By highlighting the importance of perceived benefits and mutual obligations, the theory offers a useful lens for understanding human behavior in everyday interactions as well as in complex social and conflict environments. Social Exchange Theory will be used as a framework for examining the "revolving door" problem in Sri Lankan mediation. This theory implies that for a mediated agreement to be effective, both parties will have to feel as though there is a balance between the "cost" and "reward" for compromising on their position. However, as the general public views mediation as a "second class" system, the overall sense of reward will be diminished, resulting in superficial agreements that are not stable. This research will attempt to go beyond a statistical analysis of the data and delve into the psychological and sociological aspects of public perceptions of the Samatha Mandalaya.

Interest-Based Negotiation Theory, also known as Principled Negotiation, is one of the most widely practiced theories in the field of Conflict Resolution and Negotiation. The theory emphasizes conflict resolution through the identification and satisfaction of interests, as opposed to positions. The theory was developed by the Harvard Negotiation Project and was popularized by authors Roger Fisher and William Ury through their book "Getting to Yes" The theory represents a shift from adversarial, win-lose conflict resolution to collaborative, win-win conflict resolution.

At its heart, the theory posits the existence of positions and interests. Positions refer to the actual demands put forward by the conflicting parties. Interests refer to the underlying reasons or motivations for the positions. The theory posits that conflicts tend to be intractable because the conflicting parties tend to focus rigidly on the positions. The theory then posits that if the focus shifts from the positions to the underlying interests, it becomes possible to arrive at mutually agreeable positions. The theory has proven useful in the context of mediation because the focus in such a situation is not just on the outcome but on the sustainability of the outcome.

Interest-Based Negotiation Theory is structured around four key principles.

Figure 1: Four Key Principles



Source: Fisher, R., & Ury, W. (1981). *Getting to yes: Negotiating agreement without giving in*. Houghton Mifflin

The theory also introduces the concept of BATNA (Best Alternative to a Negotiated Agreement), which is defined as the best alternative for a party in case the negotiation fails. This helps the parties in making informed decisions, thus avoiding unfavorable negotiation agreements. This aspect of the theory makes it strategic while still being cooperative.

Despite its advantages, the theory has its limitations. The theory operates on the assumption that the opposing sides in the conflict are willing to cooperate and communicate openly. This may not be the case in highly adversarial or unbalanced conflicts. The theory may not be applicable in conflicts in which the opposing sides have deeply ingrained emotional or identity-based conflicts. However, the theory remains one of the most powerful and applicable in the field of mediation because it encourages cooperation. The theory shows that the key to resolving conflicts lies not in beating the opposing party in the conflict but in understanding the underlying interests of the conflicting parties and seeking to address them in such a manner that the solution is sustainable.

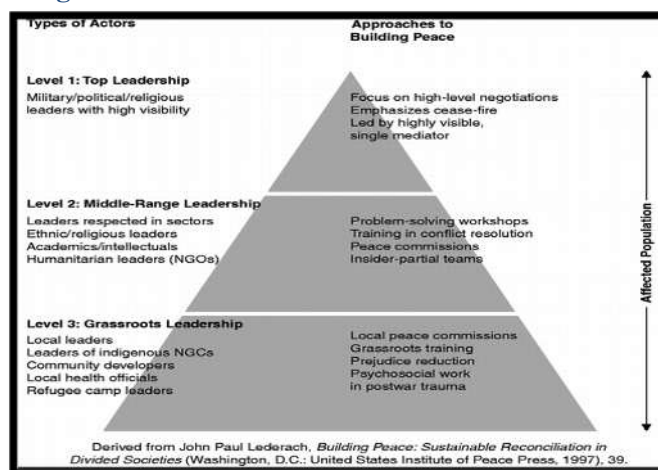
Interest-Based Negotiation Theory, popularized by the Harvard Negotiation Project, posits that effective conflict resolution requires shifting from rigid "positions" to underlying "interests." By focusing on the needs, fears, and desires of the disputants, mediators can facilitate "win-win" outcomes that are more sustainable than simple compromises. In the study of Sri Lankan Mediation Boards, this theory is used to

evaluate the quality of the settlements produced. If mediators merely focus on the legal demands (positions) without addressing the social and emotional roots of the conflict (interests), the resulting agreements are likely to be superficial and prone to failure, contributing to the "revolving-door" phenomenon in the judicial system.

Conflict Transformation Theory is a holistic approach to understanding and resolving conflicts. This theory seeks to address conflicts in a manner that surpasses the resolution and management of conflicts. Conflict Transformation Theory was developed by a renowned peace scholar named John Paul Lederach in the field of Peace and Conflict Studies. Conflict Transformation understands conflict not as a problem to be overcome or eliminated, but as a process in its own right that is natural and can be constructive in its effects, allowing for positive social change. Rather than focusing on the immediate problems or finding short-term solutions, conflict transformation theory focuses on transforming the underlying relationships, structures, or patterns that produce the conflict.

The theory holds the view that conflicts have deep roots in social, cultural, economic, and political systems. Thus, for change to occur, the underlying causes of the conflict, like inequality, injustice, or power relations, must be addressed rather than just the surface-level issues. Conflict Transformation focuses on the relationship between individuals, working towards rebuilding trust and enhancing communication for reconciliation between the conflicting parties. An important feature of this approach is that it is multi-level. This means that Conflict Transformation works at various levels of society, including the grassroots level, the middle-level leadership, and the top-level political leadership. All these levels are engaged by Conflict Transformation with the aim of building sustainable peace and not temporary peace.

Figure 2: Three Levels in Conflict Transformation



Source: Derived from John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided societies* (Washington, D.C: United States Institute of peace press, 1997)39

Another significant aspect is its focus on long-term processes. This is different from conflict resolution, which seeks quick fixes. In Conflict Transformation, there is always something going on, always something being done.

The application of Conflict Transformation involves various strategies, including dialogue facilitation, mediation, restorative justice practices, and engaging communities. This approach does not only focus on resolving the issues at hand but also seeks to bring a transformation in the attitudes and perceptions of the conflicting parties.

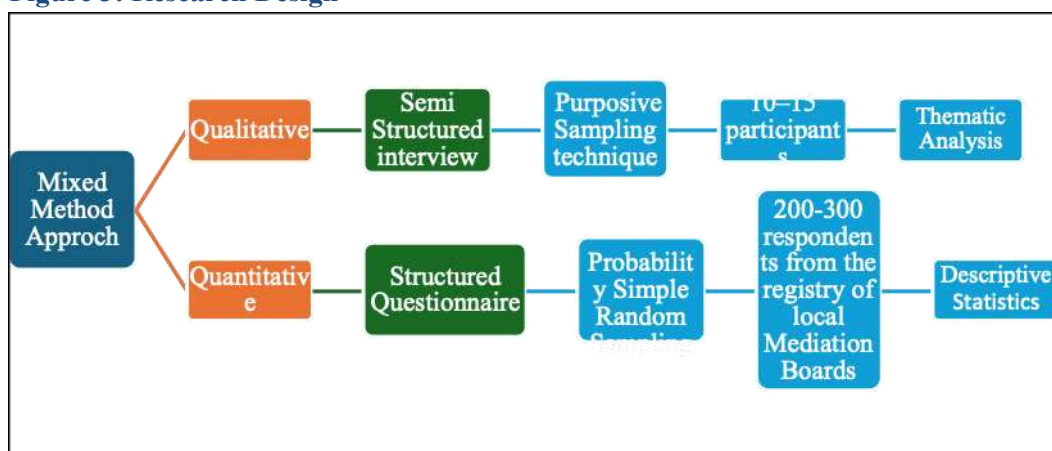
Generally, Conflict Transformation Theory views conflict as an opportunity for growth and change. It has transformed the focus from “ending conflict” to “transforming relationships and systems.”

Conflict Transformation Theory, developed by John Paul Lederach, goes beyond the mere resolution of the conflict towards finding ways to resolve the underlying relationship patterns that led to the conflict. Unlike traditional resolution, which focuses on the quick resolution of the case, Conflict Transformation Theory focuses on the use of the conflict as a tool for social change. In the research, Conflict Transformation Theory is used to assess whether Sri Lankan Mediation Boards provide "deep" justice. This is because, unless the Mediation Boards provide justice at the deeper relationship level, the peace is superficial. This is why so many conflicts that have been resolved by the Mediation Boards seem to emerge again as new conflicts; the Mediation Boards have simply resolved the case, but have yet to transform the conflict.

3. Methodology

This study is based on Mixed-Methods Design. In this approach, both quantitative and qualitative data are collected simultaneously but analyzed separately, then merged during the interpretation phase. This allows the researcher to compare statistical trends with individual human experiences to provide a comprehensive validation of the effectiveness of Mediation Boards.

Figure 3: Research Design



Source: Author Originated

3.1. Research Area and sampling

The target population consists of citizens in Colombo District of Sri Lanka who have utilized Mediation Board services within the last three years. The Colombo District as the primary location for conducting the research is motivated by several factors. First, the Colombo District is a demographically and legally miniature version of Sri Lanka, where the number of cases involving mediation is high. It is noted that because of urbanization processes, the Colombo District contains the largest number of different social strata of people. Therefore, the selected site will allow the researcher to conduct an analysis of the influence of procedural justice theory on the behavior of representatives of different social layers both high and low-income. Moreover, unlike other districts of Sri Lanka, which mainly encounter rural problems, such as land distribution, disputes related to agriculture, Colombo District witnesses more complicated disputes between the members of its society, including financial disagreements, business disagreements, etc. Finally, the location of the formal courts near the Mediation Boards allows one to observe the effect of the “revolving door” effect.

A Probability Simple Random Sampling technique used to selected 200 respondents from the registry of local Mediation Boards. This ensures the results can be generalized to the wider public. A Purposive Sampling technique used to select 15 participants for in-depth interviews. These individuals based on specific criteria (e.g., gender, age, and whether their case was "settled" or "unsettled") to capture a diverse range of perceptions.

As data collection instrument, Semi Structured interview is used as Qualitative data collection tool. As well as Structured Questionnaire used as quantitative data collection tool. Data from the questionnaires analyzed using Descriptive Statistics. Qualitative Analysis, Interview transcripts analyzed using Thematic Analysis.

3.2. Ethical consideration

The research adhered to strict ethical guidelines. Participants briefed on the study's purpose and can withdraw at any time. No names or specific details published to protect the privacy of the disputants in small communities. Data stored securely and used solely for academic purposes.

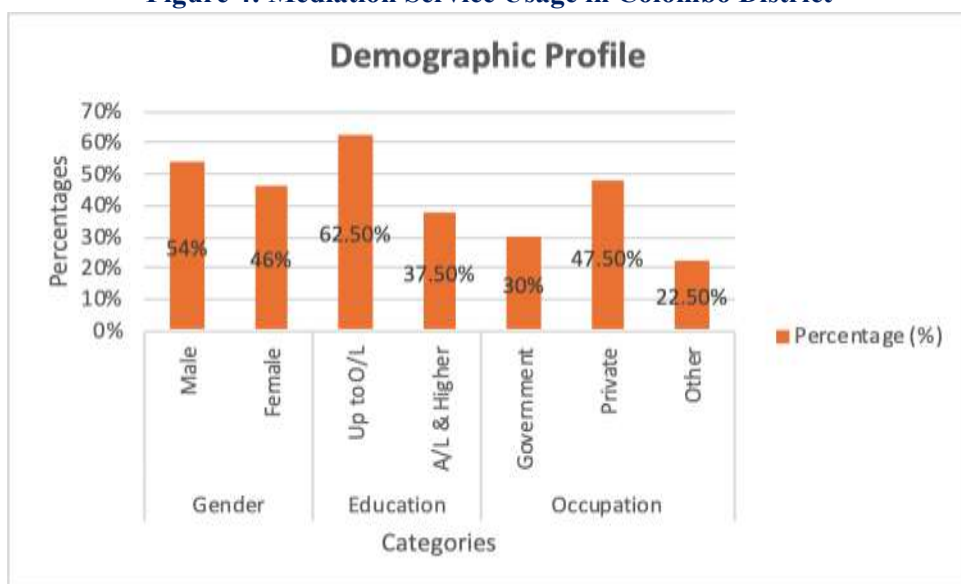
4. Results

4.1. Quantitative Results Overview (Statistical Data)

4.1.1. Demographic Profile

This table and chart show who is using the mediation services in Colombo.

Figure 4: Mediation Service Usage in Colombo District



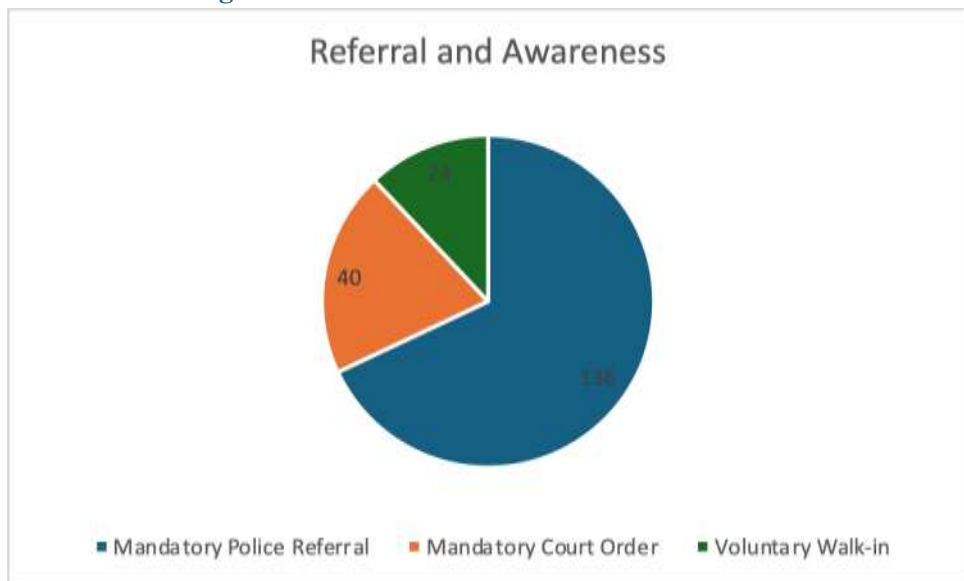
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The sample ($n = 200$) shows a relatively balanced gender distribution, with 54% male (108) and 46% female (92) respondents. In terms of education, most participants (62.5%) have education up to Ordinary Level (O/L), while 37.5% possess Advanced Level (A/L) or higher qualifications. Occupationally, most respondents are employed in the private sector (47.5%), followed by government employment (30%) and other forms of employment (22.5%). This indicates that the sample largely represents moderately educated, economically active individuals, with a stronger representation from the private sector.

4.1.2. Referral and Awareness

This section determines whether people go to mediation voluntarily or because the law forces them.

Figure 5: Referral and Awareness of Mediation



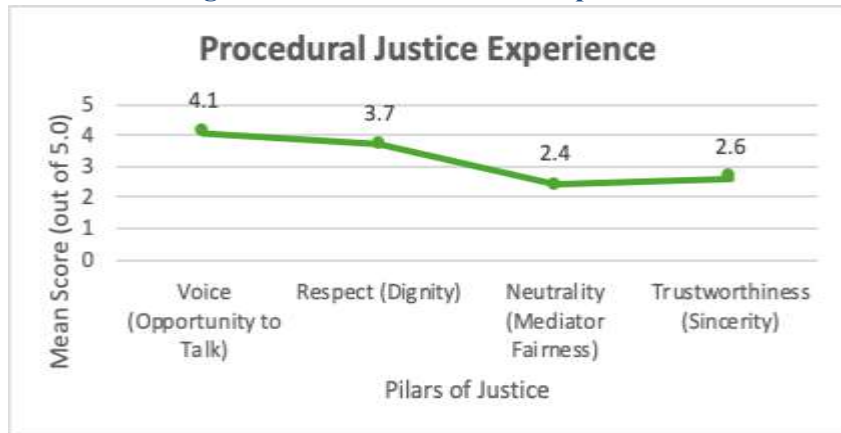
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The data reveals that mediation is predominantly accessed through mandatory mechanisms rather than voluntary participation. A significant majority (68%) of cases are referred by the police, while 20% are directed through court orders. Only 12% of respondents voluntarily approached mediation services. This suggests a low level of public awareness or trust in mediation as an independent conflict resolution mechanism, with most users engaging due to institutional compulsion.

4.1.3. Procedural Justice Experience

Based on a Likert Scale (1-5), this table measures how "fair" the process felt.

Figure 6: Procedural Justice Experience



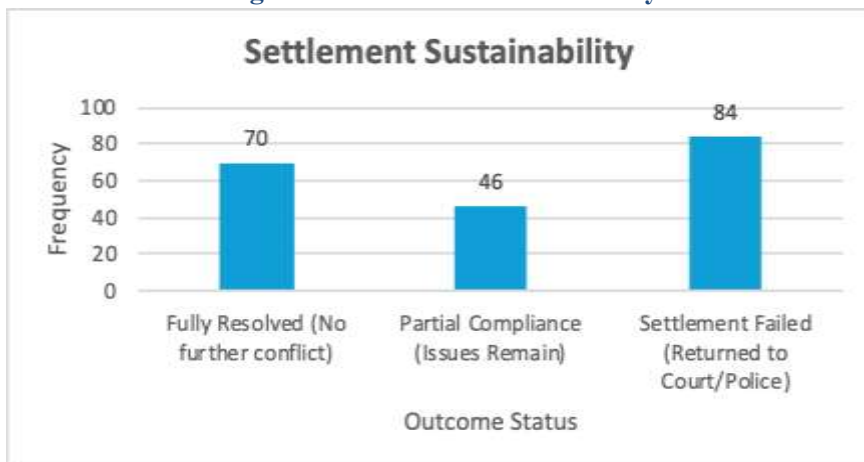
Author Originated Figure

The mean scores indicate mixed perceptions of fairness within the mediation process. “Voice” received a high mean score of 4.1, suggesting that participants generally felt they had adequate opportunities to express their views. “Respect” also scored relatively high (3.7), indicating moderate to high satisfaction with interpersonal treatment. However, “Neutrality” (2.4) and “Trustworthiness” (2.6) recorded low mean scores, highlighting concerns regarding mediator impartiality and sincerity. This disparity suggests that while procedural inclusion is strong, perceived fairness and credibility of mediators remain problematic.

4.1.4. Settlement Sustainability

This table tracks if the "resolution" lasted after 6 months.

Figure 7: Settlement Sustainability

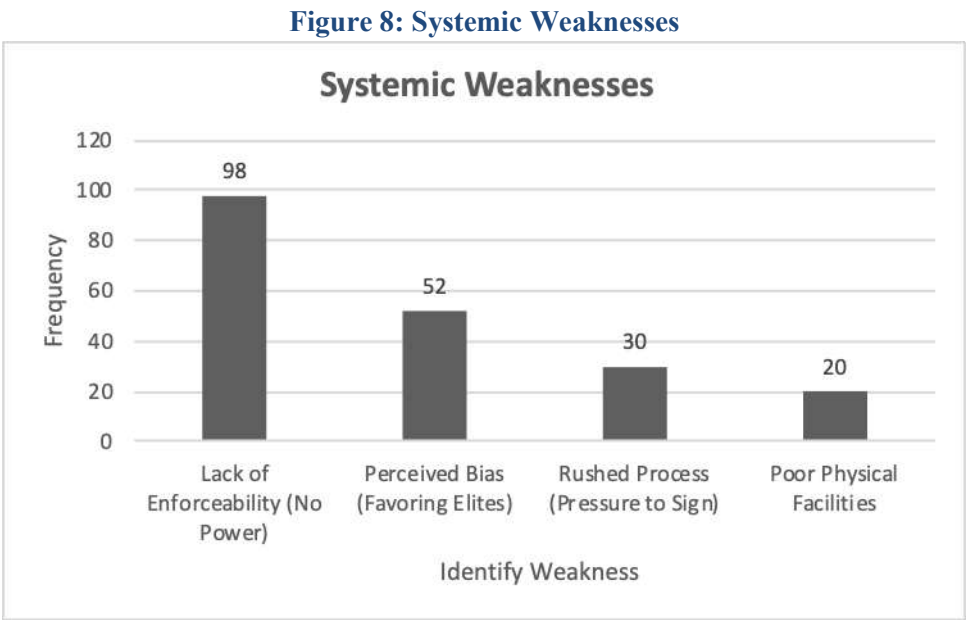


Author Originated Figure

The outcome data demonstrates that only 35% of disputes were fully resolved after six months, indicating limited long-term effectiveness. A notable 23% showed partial compliance, suggesting incomplete resolution. Most critically, 42% of cases failed entirely and returned to formal legal mechanisms such as courts or police. These findings reflect a relatively low sustainability rate of mediated agreements and raise concerns about the durability and effectiveness of mediation outcomes.

4.1.5. Systemic Weaknesses

Participants ranked what they disliked most about the Colombo Mediation Boards.



Author Originated Figure

Participants identified “lack of enforceability” as the most significant weakness, with the highest frequency (98) and rank (1), indicating strong dissatisfaction with the non-binding nature of mediation outcomes. “Perceived bias,” ranked second (52), aligns with the low neutrality scores observed earlier, reinforcing concerns about fairness. “Rushed processes” (30) and “poor physical facilities” (20) were also noted but with comparatively lower frequencies. Overall, these findings suggest that structural and procedural limitations significantly affect user confidence in the system.

4.2. Qualitative Results Overview

The qualitative process entailed conducting an in-depth interview with 15 respondents to gain insight into the reasons underlying the observed statistics. Six key themes were unearthed by means of Thematic Analysis and include the following:

Theme 1: Elite Capture and Disparity in Social Power

It was evident from responses that there was a perception that the “impartiality” of the mediation process could be affected by the social status of the individuals involved. It appeared that in the context of Colombo, the mediator, who is normally an elderly civil servant or headmaster of a school, usually managed to create a good relationship with well-educated or wealthy disputers. Due to this and the use of particular language, body language of the mediator, and level of respect he showed towards influential individuals, poor individuals found themselves socially disadvantaged rather than discussing their legal and ethical cases. Respondent #04: *"The mediator nodded at the landlord more times than listening to my opinion. I felt like a school student talking with a headmaster."*

Theme 2: Sign to Escape (Coerced Consent)

One major difference between a voluntary and a coerced settlement was noted. In view of the fact that most individuals were forcibly brought to the settlement due to lack of a “Certificate of Non-Settlement” by the police, they saw the settlement program as nothing more than a procedural necessity. The fatigue from undergoing several sessions as well as the pressure exerted by the mediator to simply settle created signatures from participants without any real commitment. This creates a situation where there is a “fake settlement” that people do not adhere to as soon as they step out. Respondent #12: *"I signed only because I had no other choice. The police officer made me sign the agreement even if I didn't agree on its conditions. Once I stepped out of that building, I stopped complying."*

Theme 3: Perception of "Weak" or "Second Class" Justice

One of the themes identified by the respondents was the perception that the board is relatively weak compared to the formal judicial process. In an important and expensive city like Colombo, where land and debts are valuable, the citizens are concerned about the coercive power of the law. As mediation cannot compel the disputants or take any punitive measures against them, the board is considered a second-rate institution that will only work when the participants are themselves moral individuals. Respondent #09: *"If my neighbor ignores the board, there is nothing else that can be done. If he does not listen to the judge, he will get arrested. This is why I think courts are better."*

Theme 4: Discrepancy in Culture and Functionality in Urban Tiffs

The interviews also pointed out the mismatch between the mediational approach rooted in "the way of the village elder," where the disputing parties are encouraged to be "bigger people" and strive for "community harmony," and the actual urban disputes. In the case of disputes related to commercial transactions, house rental, or debt, the mediators' efforts to manipulate the disputants' emotions appeared meaningless since those who sought justice did not want their "neighborhood sentiments" managed. Interviewee #07: "This is not a village fight over a coconut tree but a case of lending money for business purposes. *They kept mentioning the 'harmony,' but I just wanted my money back in accordance with the law.*"

Theme 5: Distrust in Institutions and "Police Shadow"

A number of disputants did not consider the Mediation Board as an independent institution but rather an agency linked to the Police Department. Due to the fact that a dispute is referred from the Police Department, the intimidating environment of the Police Department spills into the mediation room. Disputants feared that if they showed any sign of difficulty during the mediation session or declined to settle their disputes, the officer sending them would have some kind of bias towards them. Respondent #11: "*The police officer that referred me here is waiting at the police station. If I do not settle the dispute, I am afraid he will cause problems for me in the future. I had no other option than to agree.*"

Theme 6: Mediation as a Strategy to Buy Time

Sometimes, the concept of effectiveness was reversed: the process was deemed "effective" not for problem-solving purposes but for postponing problems. Some interviewees even reported employing the compulsory mediation stage as a way to prevent legal actions against them. Given that the law stipulates that the case should go through at least three mediation sessions before entering the judicial process, respondents who knew they were guilty of something (for instance, they refused to repay their debt) would use the board to give themselves a few months' grace period. The board, however, lacked the capacity to enforce immediate payment. Respondent #02: "*I knew there was no way we were going to reach an agreement. But I thought it was a good way to buy some more time because the lawyers would have to wait until all the three mediation sessions were over.*"

5. Discussion

This section interprets the findings of the study, exploring the "Perception-Reality Gap" within the Mediation Board system in the Colombo District. By synthesizing quantitative survey data with qualitative interview themes, the study reveals that while the structural framework for mediation exists, its functional effectiveness is undermined by socio-cultural dynamics and institutional limitations.

5.1. The Paradox of Procedural Justice: Voice vs. Neutrality

A primary finding of this study is the stark contrast between the high rating for "Voice" (4.1/5.0) and the critically low score for "Neutrality" (2.4/5.0). While participants feel they have the time to express themselves, the qualitative evidence of "Elite Capture" (Theme 1) explains why this does not translate into a sense of fairness.

This finding supports and extends Procedural Justice Theory (Lind & Tyler, 1988), which posits that "voice" leads to perceived fairness only when paired with impartiality. In this study, however, the results contradict the traditional assumption that simply giving a party the floor increases satisfaction. Instead, the results align with Habermas's Theory of Communicative Action, where "distorted communication" occurs because mediators (often retired officials) subconsciously align with the "more influential" side.

Theoretically, this suggests that in post-colonial legal settings, social hierarchy can "neutralize" procedural safeguards. Practically, it highlights the need for mediator training that focuses on de-biasing and power-balancing techniques.

5.2. Legal Coercion and the "Sign-to-Escape" Phenomenon

The study found that 88% of participants entered mediation due to mandatory referrals, correlating with a 44% failure rate of agreements.

These results support the critiques of "Mandatory Mediation" (Genn, 1999), which argue that compulsion often leads to "settlement at any cost" rather than "resolution." The finding extends existing research by identifying the specific "Sign-to-Escape" (Theme 2) behavior, where the mediation table is viewed not as a forum for peace, but as a bureaucratic hurdle to be cleared to return to the formal legal track.

This suggests a "legal sieve" effect. Practically, the system may be failing its primary goal of court decongestion if 44% of cases eventually revert to the judiciary after wasting months in mediation.

5.3. Urban Dynamics and the Enforceability Gap

The data indicates a significant preference for Rights-Based Justice (RBJ) over the Interest-Based Negotiation (IBN) model currently used by the boards.

This finding contradicts the "Community Harmony" model often cited in Sri Lankan ADR literature (e.g., Gunawardene, 2001), which emphasizes the restorative nature of the *Gamsabhawa* tradition. Instead, it supports the "Urbanization of Dispute" theory, suggesting that in metropolitan areas like Colombo, social pressure the engine of traditional mediation is non-existent. Theoretically, this indicates that ADR models are not "one size fits all" and must be adapted for urban vs. rural settings. Practically, it suggests that without a formal enforcement mechanism, urban mediation will continue to be viewed as "second-class justice."

5.4. Institutional Independence and the "Police Shadow"

The perception of Mediation Boards as "sub-offices of the Police" creates a climate of intimidation. This extends the "Shadow of the Law" theory (Mnookin & Kornhauser, 1979) by demonstrating how the "Shadow of the Police" can negatively influence bargaining behavior. When participants feel they are in a quasi-police environment, their "voice" becomes performative rather than honest. This underscores a critical need for institutional separation. To foster trust, Mediation Boards must be physically and symbolically decoupled from law enforcement agencies.

5.5. Strategic Exploitation and Law Delays

The study reveals that the system is being "weaponized" by parties seeking Strategic Delays. This finding directly contradicts the legislative intent of the Mediation Boards Act No. 72 of 1988, which was designed to mitigate "law's delays." Instead, it provides empirical evidence for what some scholars call "Adversarial Legalism" within ADR, where the process is used tactically to exhaust the opponent. Theoretically, this identifies a "bad faith" loophole in universal mandatory ADR. Practically, it calls for a screening mechanism to identify and fast-track malicious or non-amenable cases back to court immediately.

6. Limitation of the study

This study provides necessary transparency and context for the findings. Primarily, the scope of this research was confined to the Colombo District, a highly urbanized

metropolitan center; therefore, the results may not be generalizable to rural regions of Sri Lanka where traditional social structures and communal ties might facilitate higher rates of voluntary compliance. Furthermore, while the sample size of 200 survey participants and 15 interviewees provided deep insights, a larger and more geographically diverse sample would be required to capture the full socio-economic complexity of the national mediation landscape. Methodologically, the reliance on self-reported perceptions may introduce response bias, particularly given the identified "Police Shadow" effect, which may have tempered the candor of some respondents regarding state-affiliated institutions.

7. Future Research

Building upon these findings, future research should adopt a comparative approach, evaluating the differences in mediation efficacy between urban and rural boards to determine if social pressure effectively substitutes for formal enforcement in village settings. Additionally, longitudinal studies are needed to track the long-term sustainability of mediated settlements, identifying whether agreements reached through "superficial compliance" eventually result in re-litigation. Further investigation into the impact of diversifying the mediator pool moving beyond reliance on retired government officials could also reveal whether a more representative demographic reduces the perceived "Power Gap" and "Elite Capture."

In conclusion, this study underscores a critical "Perception-Reality Gap" within the Colombo Mediation Board system. While the framework successfully provides a "voice" to the citizenry, the systemic issues of institutional intimidation, lack of enforceability, and strategic exploitation by malicious parties prevent it from being viewed as a genuine gateway to justice. Ultimately, for Mediation Boards to fulfill their mandate of decongesting the courts and fostering social harmony, they must evolve from a mechanism of mandatory compliance into an independent, impartial, and empowered institution that commands the authentic trust of a modern urban population.

8. Conclusion

As this study indicates, the effectiveness of Mediation Boards in the Colombo District currently remains split between institutional efficiency and citizen distrust. Administratively, the boards function as an effective "judicial filter," successfully diverting thousands of minor disputes from an over-burdened court system. However, this systemic efficiency fails to translate into a sense of substantive justice for the citizenry. A profound "Perception-Reality Gap" persists, fueled by a perceived lack of impartiality among mediators—where retired officials are seen to favor high-status disputants and a critical "Enforcement Deficit." Because Colombo's urban population prioritizes the power of formal law, the existing interest-based approach is often

dismissed as a "second class" method lacking sufficient "teeth." Furthermore, the mandatory nature of the process has created a "revolving door" syndrome, where parties enter into superficial agreements merely to obtain the certification required to proceed to court. Consequently, while the *Samatha Mandalaya* remains an essential instrument for state judicial management, it has yet to establish itself as a reliable or preferred choice for the people it serves.

9. Recommendations

To enhance the legitimacy and operational success of the Mediation Board system, the following strategic reforms are recommended:

- The Ministry of Justice should launch an initiative to diversify the mediator pool. Replacing or supplementing the current reliance on retired officials with young professionals and social workers would allow the boards to better adapt to Colombo's evolving social environment.
- To provide the boards with necessary "teeth," a mechanism for expedited enforcement should be implemented. Settlements reached during mediation should be recognized as legally binding court decisions, ensuring immediate legal consequences if a breach occurs.
- The system should shift from a purely mandatory model to a voluntary one that incentivizes participation. This could be achieved by offering tangible benefits, such as significantly lower court fees or expedited case processing for those who choose mediation in good faith.
- It is vital to decouple the mediation process from the "Police Shadow." Relocating mediation sessions from police-affiliated premises to neutral community centers will help reframe the procedure as a professional judicial service rather than an extension of law enforcement.

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